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Governor



Morgan Rovetti, DC
Member

Xavier Martinez, DC
Member

Tracy DiFillippo, Esq.
Consumer Member

John Bertoldo, Esq.
Consumer Member

Julie Strandberg
Executive Director

Margaret Colucci, DC
President

Nicole Canada, DC
Vice President

James T. Overland Sr., DC
Secretary-Treasurer

CHIROPRACTIC PHYSICIAN'S BOARD OF NEVADA

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MEETING MINUTES

A meeting of the Chiropractic Physicians' Board was held on Thursday, April 16, 2020 by teleconference.

The following Board members were present at roll call:

Margaret Colucci, DC, President
Nicole Canada, DC, Vice President
James T. Overland Sr., DC, Secretary-Treasurer
Morgan Rovetti, DC, Member
Tracy DiFillippo, Esq., Consumer Member
John Bertoldo, Esq., Consumer Member

Also present were Board Counsel, Louis Ling, Esq. and Executive Director, Julie Strandberg.

President, Dr. Colucci determined a quorum was present at 8:34 a.m. and called the meeting to order.

Agenda Item 1 Public Interest Comments - No action.

Dr. Dave Rovetti was present and stated that the CA program in Nevada does not protect the public and is burdensome to the members of the NCA. Dr. Rovetti would like to request that the CA program be taken out of the law and replaced with language that requires chiropractic physicians who employ chiropractors' assistants to hold \$1 million dollars of malpractice insurance. Dr. Rovetti believes that this solution would protect the public better than what we have going on now. Dr. Rovetti would love to debate with anyone who has a different opinion.

Dr. Dave Rovetti, NCA, Legislative Chair, stated that for the last six or seven years the NCA has been working with the Physical Therapy Board to get them to stop performing spinal manipulation and referred them to the attorney general's opinion that indicates PT's cannot perform spinal manipulation. Dr. Rovetti said that he has attended several PT Board meetings. Dr. Rovetti sent the PT Board a letter asking that they make a statement indicating whether they can or cannot perform Grade IV manipulation on patients and they

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responded stating that they cannot answer that, since Dr. Rovetti did not refer to a specific person and referenced a Nevada Supreme Court decision that states that the question cannot be a broad question, but specific to a person or licensee. Dr. Rovetti replied back, asking if Brian Fernley, President of the PT Board could perform spinal manipulation and they responded again, indicating that he does not have any interest in performing a spinal manipulation. At the PT Board's, March 6, 2020 meeting their agenda included, whether a PT assistant can perform spinal manipulation, because they believe assistants can do pretty much anything the PT can do under direct supervision, however this agenda item was deferred to the next meeting.

Dr. Marcia Tinberg, NCA President thanked the Board for communicating that chiropractic was an essential service. Dr. Tinberg stated that NCA has also been sending out updates to their membership to keep them current and encouraged. Dr. Tinberg stated that the NCA's planned seminars will be postponed ensuring full participation. Dr. Tinberg asked whether the Board has considered an extension to the date to complete continuing education hours for renewal.

Agenda Item 2 Approval of agenda – For possible action.

Dr. Canada moved to approve the agenda. Ms. DiFillippo seconded, and the motion passed with all in favor.

Agenda Item 3 Approval of the January 23, 2020 Board Meeting Minutes. - For possible action.

Dr. Overland moved to approve the January 23, 2020 meeting minutes. Dr. Canada seconded, and the motion passed with all in favor.

Agenda Item 4 Ratification of granting of DC licenses to applicants who passed the examination from January to March 2020 – For possible action.

Ms. DiFillippo moved to approve the ratification of granting of DC licenses to those who passed the examination from January to March 2020. Dr. Canada seconded, and the motion passed with all in favor.

Agenda Item 5 Ratification of granting of CA certificates to applicants who passed the in-person and on-line examination on February 20, 2020 – For possible action.

Dr. Canada moved to approve the ratification of granting of CA certificates to those who passed the on-line examination on February 20, 2020. Ms. DiFillippo seconded, and the motion passed with all in favor.

Agenda Item 6 Legislative Matters – For possible action.

Dan Musgrove with Strategies 360 was present and stated that the legislature suspended several subcommittee meetings as well as the Sunset subcommittee meeting due to COVID-19 until further notice. Mr. Musgrove referred to directive #11, section 7, which states all providers of medical services are authorized to practice. Mr. Musgrove also referenced that chiropractic physicians are able to volunteer with the medical corp.

Mr. Musgrove referenced the memo sent by the Governor's office to all state agencies asking that they start looking at how they can develop a budget surplus and asked them to look at a 4% reduction in FY20 and to plan on potential 6% to 14% reduction in FY21.

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Dr. Morgan Rovetti asked Mr. Musgrove if he is representing any other chiropractic groups for the upcoming legislative session. Mr. Musgrove stated that he does not have any clients at the present time that have a conflict with the board, and he is not under contract with any other chiropractic physician. Dr. Rovetti asked that Mr. Musgrove notify the Board if he does enter into any legislation with other chiropractors.

Dr. Martinez joined the meeting at 9:00 a.m.

Agenda Item 7 Discussion and potential action regarding the Matter of Zakari Bissani DC - For possible action. (Note: The Board may go into closed session pursuant to NRS 241 to consider the character alleged misconduct, or professional competence of Dr. Bissani)

Dr. Colucci welcomed Dr. Bissani and asked if he would like to go into closed session and Dr. Bissani declined. Dr. Colucci referred to Dr. Bissani's criminal history shown in the attachments in the Board packet and asked Dr. Bissani to explain why he omitted this documentation from his application. Dr. Bissani stated that his understanding of "convicted" in question #18 referred to felonies. Dr. Colucci asked for questions from the Board. Following discussion, Dr. Colucci made a motion to deny the current application and allow Dr. Bissani to re-apply. Dr. Canada seconded, and the motion passed with all in favor.

Agenda Item 8 Discussion regarding CBD-containing products - For possible action.

Dr. Overland referred to a Board policy that does not allow chiropractic physicians to administer, sell, or recommend non-THC or CBD products, and he understands that there are several chiropractic physicians doing this. Dr. Overland stated that the Board is hypocritical to have a policy and not enforce it. Mr. Ling confirmed with Julie Strandberg that the Board does not have a policy on this, but as he has always stated, there is nothing in the State of Nevada law that authorizes a chiropractic physician to recommend or administer CBD.

Mr. Ling recommended that the Board request to be added to the CBD bill that will potentially be introduced at the beginning of the session. Mr. Musgrove recommended that the Board take an official position on the language and provide him direction. Dr. Overland made a motion to direct Mr. Musgrove to create language to allow chiropractic physicians to offer CBD. Dr. Martinez seconded, and the motion passed with all in favor.

Dr. Rovetti recommended that specific CBD language be added to the Board's website and included in the next newsletter. Dr. Overland made a motion that Mr. Ling work with Julie Strandberg to prepare CBD language to be added to the Board's website and newsletter. Dr. Martinez seconded, and the motion passed with all in favor.

Agenda Item 9 Committee Reports

A. Continuing Education Committee (Dr. Martinez) – For possible action.

Dr. Martinez stated that courses are being approved as they come in. Dr. Rovetti asked Dr. Martinez if he would like to address extending the deadline for DC's to submit their CE. Dr. Martinez stated that he felt that it's premature to make that decision now. **Legislative Committee (Dr. Colucci) – For possible action.**

Dr. Colucci stated that she attended the February 2020 Legislative Commission meeting and the Dry Needling regulation passed with no questions.

B. Preceptorship Committee (Dr. Rovetti) – For possible action.

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Dr. Rovetti stated that she would reach out to the chiropractic schools to see if there had been changes to the preceptor programs.

C. Test Committee (Dr. Canada) - For possible action.

Dr. Canada mentioned that the February CA exam did reflect a higher in-person pass-rate. Dr. Canada indicated that she believes the low-test scores could possibly be due to ESL, so testers may not have a clear understanding of the questions. Dr. Overland recommended having the exam questions psychometrically reviewed and indicated he would look into this further with respect to cost.

Agenda Item 10 Consideration of potential additions, deletions, and/or amendments to NRS 634 and NAC 634– For possible action.

A. 2021 Board bill language

Mr. Ling gave the Board an overview of the Board's bill. Ms. DiFillippo asked Mr. Ling if it is necessary to define business entity to avoid any potential loopholes. Mr. Ling stated that he could identify the known entities in Nevada.

B. NRS 634.090

Julie Strandberg explained that section (2) of NRS 634.090 was omitted from the Board bill, which was approved during the 2019 legislative session. The approved language does not allow chiropractic physicians that graduated chiropractic college prior to Parts III and IV of the National Boards being available the ability to obtain licensure, so this language needs to be added back. Mr. Ling stated that based on the will of the Board, this language will be added back into the Board bill.

C. Discuss self-inspection rules

Dr. Colucci asked if the Board felt that the self-inspection was important and asked whether we are protecting the public by having the self-inspection in place? Dr. Canada stated that she feels it is important. Dr. Colucci opened it up for discussion.

Dr. Colucci recommended that we align the submittal of the self-inspection with the license renewal every two years and require that the Board be notified within 10 business days of staff changes. Mr. Ling stated that if the Board wishes to entertain a penalty that would be discussed at a later time.

Agenda Item 11 Executive Director Reports:

- A. Status of Pending Complaints – No action.**
- B. Status of Current Disciplinary Actions – No action.**
- C. Legal/Investigatory Costs – No action.**
- D. CA Exam Stats – No action.**
- E. Self-Inspection Results – No action.**

Julie Strandberg provided an overview of the executive director reports.

Agenda Item 12 Board Counsel Report – No action.

Mr. Ling indicated that his topics had been discussed.

Dr. Morgan Rovetti expressed her frustration with the message regarding massage therapists being sent from the Board without having a discussion with the full Board. Mr. Ling stated that the message was sent based on the emergency regulations sent from the Governor's office. Dr. Rovetti stated that she did not interpret the Governor's order in that, massage therapists couldn't work in a chiropractic physician's office.

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Agenda Item 13 Discuss annual staff evaluation of the Executive Director and evaluation and possible pay increase of the Licensing Specialist- For possible action. (Note: The Board may go into closed session pursuant to NRS 241 to consider the character, alleged misconduct, or professional competence of Ms. Canady).

Dr. Overland stated that he did not receive an evaluation from every Board member for Julie Strandberg. Dr. Rovetti recommended that this agenda item be deferred. Julie Strandberg stated that due to the economic climate she would waive any consideration to a pay increase. Julie Strandberg gave an overview of the review for Brett Canady and asked that the Board consider a 3% increase in accordance with AB457. Dr. Canada made a motion to approve the 3% increase for Brett Canady. Mr. Bertoldo seconded. Dr. Rovetti recommended that the increase for Brett Canady be denied to remain consistent. The motion passed with the exception of Dr. Overland, Dr. Martinez, and Dr. Rovetti who opposed.

Agenda Item 14 Status report regarding anonymous profiles of possible disciplinary actions. Board action will be limited to either dismissing the matter if the Board determines there is no violation, it has no jurisdiction over the subject, or providing direction to pursue the matter further – For possible action:

- A. Complaint 17-28S (Colucci)**
Dr. Colucci stated that a Settlement Agreement has been delivered to the DC's attorney. Mr. Ling indicated that this matter will get resolved with a Settlement Agreement, which will be brought to the Board at its next meeting or if that is not possible, a disciplinary action will be filed.
- B. Complaint 18-13S (Rovetti)**
Dr. Rovetti reported that this complaint is still under investigation.
- C. Complaint 18-15S (Canada)**
Dr. Canada reported that this complaint along with 18-17S and 19-03S are against the same DC and are still under investigation.
- D. Complaint 18-17S (Canada)**
Dr. Canada reported that this complaint along with 18-15S and 19-03S are against the same DC and are still under investigation.
- E. Complaint 19-03S (Canada)**
Dr. Canada reported that this complaint along with 18-15S and 18-17S are against the same DC and are still under investigation.
- F. Complaint 19-07S (Colucci) 2:38:27**
Mr. Ling reported that after reviewing this complaint and determining the substance of what the complaint was, he and Dr. Colucci determined that the complaint does not allege any behavior or conduct that violates any statute or regulation. Dr. Colucci recommended that this complaint be dismissed. Dr. Canada made a motion to dismiss Complaint 19-07S. Tracy seconded, and the motion passed with all in favor. Dr. Colucci recused herself as the investigating board member.
- G. Complaint 19-11S (Colucci)**
Dr. Colucci reported that this complaint is still under investigation.
- H. Complaint 19-12S (Rovetti)**
Dr. Rovetti reported that this complaint is still under investigation.

- I. Complaint 19-13N (Martinez)**
Dr. Martinez reported that this complaint is still under investigation.
- J. Complaint 19-14N (Martinez)**
This item was skipped.
- K. Complaint 19-16S (Canada)**
Dr. Canada reported that this complaint is still under investigation.
- L. Complaint 19-17S (Canada)**
Dr. Canada stated that the DC was stating claims of being certified in certain disciplines. Dr. Canada recommended that this complaint be dismissed with a letter of instruction and ask that the DC provide copies of their certifications to the Board. Dr. Colucci made a motion to dismiss Complaint 19-17S with a letter of instruction. Mr. Bertoldo seconded, and the motion passed with all in favor. Dr. Canada recused herself as the investigating board member.
- M. Complaint 19-18N (Martinez)**
Dr. Martinez reported that this complaint is still under investigation.
- N. Complaint 20-01N (Rovetti)**
Dr. Rovetti reported that this complaint is still under investigation.
- O. Complaint 20-02S (Colucci)**
Dr. Colucci reported that the complainant indicated that their records were not provided to a third-party insurance carrier, however following a conversation with the patient they reached out to the DC and requested their records, which were immediately released. Dr. Canada made a motion to dismiss Complaint 20-02S. Ms. DiFillippo seconded, and the motion passed with all in favor. Dr. Colucci recused herself as the investigating board member.
- P. Complaint 20-03N (Rovetti)**
Dr. Rovetti reported that this is a records complaint from the patients estranged husband. Dr. Rovetti visited the chiropractic physician's office and spoke with the DC, to determine why the records were not released and to review the patient's records. Dr. Rovetti stated that she spoke with Mr. Ling who recommended that the complaint be dismissed based on potential HIPPA violations. Dr. Rovetti stated that she still needs to talk with the complainant before recommending dismissal.
- Q. Complaint 20-04N (Colucci)**
Dr. Colucci reported that this complaint is still under investigation.
- R. Complaint 20-05S (Colucci)**
Dr. Colucci reported that this complaint is still under investigation.
- S. Complaint 20-06S (Canada)**
Dr. Canada reported that the complainant is a former Nevada licensee, now licensed and practicing in Arizona who indicated that their lien was sold to a third party. Dr. Canada spoke with the complainant who identified potential issues with HIPPA and stated that they had to request records four times. Dr. Canada stated that this complaint is still under investigation.

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Agenda Item 15 Public Interest Comments – No action.

Dr. Dave Rovetti stated that he is disappointed with the CA program and stated that he doesn't know if he convinced anyone that it is a terrible program, but that is his opinion. Dr. Dave Rovetti stated that he is confused with agenda item 10, because it seems that everything was covered with the exception of lightening the fee splitting regulations, which is a big problem in Las Vegas, at least that is what he has heard. Dr. Dave Rovetti stated that he will stay on the Physical Therapy Boards attorney regarding Physical Therapy assistants performing manipulation. If anyone would like to discuss further, they are welcome to contact him.

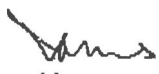
Dr. Morgan Rovetti stated that there are things that she would like to add to the agenda and asked if the Board could be noticed before the agenda is final so items may be added. Julie Strandberg stated that she would notice the Board prior to the agenda being finalized.

Mr. Ling confirmed that Emergency Order #11, section 12 provides direction from the Governor that no licensing Board can suspend a licensee for lack of CE through the period of the emergency plus 60 days after the emergency. So, we will not know until the Governor announces the termination of the emergency, how the CE will be affected with respect to the chiropractic physicians license renewals.

Agenda Item 16 Adjournment – For possible action.

Dr. Canada moved to adjourn the meeting. Dr. Overland seconded, and the motion passed unanimously.

July 9, 2020


James T. Overland, Sr., DC
Secretary-Treasurer

NC