

Steve Sisolak
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, July 9, 2020 by teleconference.

The following Board members were present at roll call:

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. Dr. Colucci, President was absent.

Vice President, Dr. Canada determined a quorum was present at 8:32 a.m. and called the meeting to order.

Dr. Canada led those present in the Pledge of Allegiance. Dr. Martinez stated the Purpose of the Board.

Agenda Item 1 Public Interest Comments - No action.

Dr. David Rovetti was present and asked why the NCA was not agendized. Dr. Rovetti stated concern with being able to complete 36 hours of in-person continuing education during COVID-19 and recommended that the Board consider an extension until July 2021. Dr. Rovetti stated that he discussed the CA program during the last Board meeting and pointed out that it wasn't on this agenda. Dr. Rovetti stated that the NCA would like to support the Boards' bill, but if the Board is not going to take the NCA's requests serious it will be difficult for the NCA to support the Boards' bill.

Dr. Marcia Tinberg, President of the NCA was present and stated concern with the CA exam schedule and not being notified timely to prepare the CA review course. Dr. Tinberg asked if there would be future in-person CA exams.

Dr. John Beedle was present and stated concern with the delay in becoming licensed and not having the option to work under a licensed DC waiting to take Part IV of the NBCE.

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Agenda Item 2 Approval of agenda – For possible action.

Dr. Martinez moved to approve the agenda. Ms. DiFillippo seconded, and the motion passed with all in favor. Dr. Rovetti stated that it is difficult to prepare for the meeting when the agenda items do not provide a recommended motion.

Agenda Item 3 Approval of the April 16, 2020 Board Meeting Minutes. - For possible action.

Dr. Martinez moved to approve the April 16, 2020 meeting minutes. Ms. DiFillippo 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 April to June 2020 – For possible action.

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

Agenda Item 5 Ratification of granting of CA certificates to applicants who passed the on-line examination on June 15, 2020 – For possible action.

Dr. Overland moved to approve the ratification of granting of CA certificates to those who passed the on-line examination on June 15, 2020. Dr. Rovetti 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 provided the Board with an overview of the Special Session and the upcoming elections.

Agenda Item 11 Consideration of potential additions, deletions, and/or amendments to NRS 634 and NAC 634– For possible action.

A. 2021 Board bill language

Mr. Ling provided an overview of the Board bill.

B. Revision to NRS 634.090

Mr. Ling stated that language was erroneously removed from 634.090 during the 2019 legislative sessions and is being added back to allow licensees who graduated prior to Part IV and have been practicing 5 out of the last consecutive 10 years be eligible for licensure. Ms. DiFillippo referenced Section 23 and recommended that the Board change “may” to “shall.” Dr. Rovetti recommended that “or” be placed between (2) and (3) and an “and” between “Has actively practiced...” and “Successful passage of the National Boards...” Dr. Rovetti made a motion to edit Section 7, subsection (2) and (3) to add “or” after approved by the Board and change “or” to “and” in subsection (3) and in Section 23, change “may” to “shall.” Mr. Bertoldo seconded, and recommended that “a” be added in Section 2 exercised by “a” chiropractic physician. Dr. Rovetti included Mr. Bertoldo’s recommendation in her motion and Mr. Bertoldo seconded, and the motion passed with all in favor.

C. Licensure by Endorsement pursuant to NRS 622.530

Mr. Ling stated that during the Board’s appearance before the Sunset Subcommittee, NRS 622.530 was brought to the Board’s attention. and the Board was asked if

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there was language in place to accept licensees by endorsement. In order to meet the concerns of the legislators, this request is to ask the Board to consider licensure by endorsement. Dr. Rovetti made a motion to move this language forward for workshop. Dr. Martinez seconded, and the motion passed with all in favor.

D. Discuss self-inspection rules

Dr. Canada stated that Dr. Colucci had previously recommended that the self-inspection be submitted with the biannual renewal versus annually. Julie Strandberg stated that upon Board approval this language could be added to the workshop. Dr. Rovetti made a motion to table this item, however based on additional discussion withdrew her motion. Dr. Overland made a motion to include item D on the workshop. Ms. DiFillippo seconded, and the motion passed with all in favor.

Dr. Rovetti stated that if anyone has any thoughts to provide them, so they can be added to the agenda action sheet.

Agenda Item 8 Discussion and potential action regarding the citation in the Matter of Barry Stanley, 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. Stanley)

Dr. Canada asked Dr. Stanley if he was interested in going into closed session and he indicated that he would. Mr. Ling explained that it is very difficult to go into closed session on a teleconference and it is up to the Board to approve the closed session. Dr. Canada asked the Board for a motion to go into closed session and there was no motion made.

Mr. Ling explained that before the Board is a citation issued to Dr. Barry Stanley for not providing patient records in a timely manner and not notifying the Board of his change of practice address within 15 days. Mr. Ling explained that Julie Strandberg made several attempts to obtain the patients records from Dr. Stanley, but was unsuccessful. Dr. Stanley explained his circumstances. Following Board discussion, Ms. DiFillippo made a motion that the citation remain as is. Mr. Bertoldo seconded. The motion did not pass since Dr. Rovetti, Dr. Overland, and Dr. Martinez opposed. Dr. Rovetti made a motion that Dr. Stanley pay the \$650.00 by December 31, 2020, on the condition that he produce the records within 10 days. Dr. Martinez recommended that he provide proof of securing the records within 10 days. Dr. Rovetti kept her motion as is. Mr. Bertoldo seconded, and the motion passed with all in favor except for Ms. DiFillippo and Dr. Canada who opposed.

Agenda Item 7 Discussion and potential action regarding the application for licensure 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. Canada provided an overview of the discussion during the April 16, 2020 meeting and referred the Board to the Colorado application included in the Board packet. Dr. Bissani explained that he was not trying to withhold information and provided all information that was requested of him by the Board. Dr. Canada stated that she specifically asked Dr. Bissani if the Colorado application asked about criminal history and Dr. Bissani responded, "no."

Ms. DiFillippo made a motion to deny Dr. Bissani's application for license. Dr. Canada seconded, and the motion passed with all in favor except for Dr. Rovetti who opposed.

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Agenda Item 9 Discussion and potential action regarding Northwest Career and Technical Academy students shadowing chiropractic physicians' and other office staff – For possible action.

Dr. Lurie was present and provided the Board with an overview of the Northwest Career and Technical Academies curriculum for their medical program. Dr. Lurie stated that the school is requesting approval from the Board to allow students that have completed this program and have reached the age of 18 years old be eligible to sit for the CA exams upon receipt of the students diploma from the school, a letter identifying hours completed, and a letter from the chiropractic physician that the student interned with. This program would all participation from all chiropractic physicians. Mr. Bertoldo made a motion to add language to NAC to address what Dr. Lurie has presented. Tracy seconded, and the motion passed with all in favor.

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)**
This item was tabled until the next Board meeting.
- 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 19-11S (Colucci)**
This item was tabled until the next Board meeting.
- G. Complaint 19-12S (Rovetti)**
Dr. Rovetti stated that this complaint is still under investigation.
- H. Complaint 19-13N (Martinez)**
Dr. Martinez stated that he has completed the investigation and is working with Mr. Ling to finalize.
- I. Complaint 19-14N (Martinez)**
Dr. Martinez stated that he has completed the investigation and is working with Mr. Ling to finalize.
- J. Complaint 19-15S (Colucci)**
Julie Strandberg stated that the complainant alleged that the chiropractic physician was providing an expert opinion without a Nevada license. However, it was determined that the opinions were provided prior to the Attorney General Opinion being published. The DC was also in the process of obtaining his Nevada DC license and was licensed 9/2019. Dr. Canada made a motion to dismiss complaint 19-15S. Ms. DiFillippo seconded, and the motion passed with all in favor.

- K. Complaint 19-16S (Canada)**
Dr. Canada stated that she visited the office to address the complaint and found that CA certificates nor DC certificates were being displayed. Dr. Canada informed the DC's and staff that the certificates needed to be displayed, however when she returned to follow-up, they were still not displayed, however the owner of the practice was out. Dr. Canada will follow-up with the owner of the practice.
- L. Complaint 19-18N (Martinez)**
Dr. Martinez stated that he has completed the investigation and should have a Settlement Agreement at the next Board meeting.
- M. Complaint 20-01N (Rovetti)**
Dr. Rovetti reported that this complaint is still under investigation.
- N. Complaint 20-03N (Rovetti)**
Dr. Rovetti reported that this complaint is still under investigation.
- O. Complaint 20-04N (Colucci)**
This item was tabled until the next Board meeting.
- P. Complaint 20-05S (Colucci)**
This item was tabled until the next Board meeting.
- Q. Complaint 20-06S (Canada)**
Dr. Canada stated that this complaint is still under investigation.
- R. Complaint 20-07S (Colucci)**
Mr. Ling stated that he was working with the DC's attorney, who has stopped communicating. There should be a settlement agreement or a hearing at the next Board meeting.
- S. Complaint 20-08S (Canada)**
Dr. Canada stated the complainant was in a car accident and visited a clinic that was not clean and indicated that they received several unwanted phone calls from attorneys. Dr. Canada visited the practice and spoke to the chiropractic physician who indicated that they get a verbal approval from the patient regarding attorney contact. The chiropractic physician shared a racial comment left by the complainant on the practice's social media page. Dr. Canada stated that the practice was clean and in order. Dr. Canada recommended that this complaint be dismissed. Ms. DiFillippo made a motion to dismiss complaint 20-08S. Mr. Bertoldo seconded, and the motion passed with all in favor.

Agenda Item 12 Consideration and potential approval of the NICE3 examination administered by Northwestern Health Sciences University pursuant to NRS 634.090(1)(c)(2) - For possible action.

Julie Strandberg provided an overview of NRS 634.090 and the submittal from Northwestern Health Sciences. Mr. Ling explained that the Board needs to determine whether the NICE3 exam is substantively equivalent to Part IV, and if approved then graduates from NHSU can get licensed without taking Part IV.

Dr. Rovetti stated that the majority of chiropractic colleges have an exam like the NICE3, which is in place to prepare you for Part IV and stated that the Board doesn't have enough information to determine whether this is equivalent to Part IV.

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Dr. Rovetti made a motion to deny the NICE3 examination. Dr. Martinez seconded, and the motion passed with all in favor.

Agenda Item 10 Committee Reports

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

Dr. Martinez stated that the new regulations related to the approval of continuing education has been a welcomed changed.

B. Legislative Committee (Dr. Colucci) – For possible action.

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

Dr. Rovetti stated that there are currently a few active preceptors.

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

1. CA exam schedule (next on-line exam October 16th).

2. In-Person Exams-Safe Distancing.

3. CA law exam questions.

Dr. Canada pointed out that there have been concerns with the in-person CA exam and indicated that the Board will continue conducting in-person exams in February and August. Dr. Canada recommended holding the next in-person exam on August 25, 2020.

Dr. Canada requested permission to revise two law exam questions that are continuously missed.

Agenda Item 13 Board Counsel Report – No action.

Mr. Ling stated that he did not have a report.

Agenda Item 15 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. Board Office Lease – For possible action.

Julie Strandberg gave an overview of the executive director reports. Julie Strandberg stated that the Board lease is due for renewal and the renewal summary is attached. Mr. Bertoldo moved to approve the Board office lease renewal. Ms. DiFillippo seconded, and motion passed with all in favor.

Agenda Item 16 Financial Status Reports:

A. Current cash position & projections – No action.

B. Accounts Receivable Summary – No action.

C. Accounts Payable Summary – No action.

D. Employee Accrued Compensation – No action.

E. Income/Expense Actual to Budget Comparison as of May 31, 2020 – No action.

F. Budget to Actual at May 31, 2020 – No action.

Julie Strandberg gave an overview of the financial reports.

Agenda Item 17 Discuss annual staff evaluation of the Executive Director - For possible action.

Dr. Overland provided the Board with an overview of the positive evaluations for Julie Strandberg.

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Agenda Item 18 Public Interest Comments – No action.

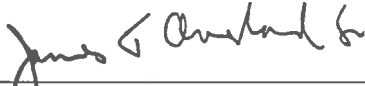
This portion of the meeting is open to the public to speak on any topic NOT on today's agenda and may be limited to 3 minutes.

There were no public comments.

Agenda Item 19 Adjournment – For possible action.

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

October 15, 2020



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