

Steve Sisolak
Governor

Morgan Rovetti, DC
Vice President
Xavier Martinez, DC
Secretary-Treasurer
Maggie Colucci, DC
Member



Nicole Canada, DC
Member
James T. Overland Sr., DC
Member
Tracy DiFillippo
Consumer Member
John Bertoldo, Esq.
Consumer Member
Julie Strandberg
Executive Director

CHIROPRACTIC PHYSICIAN'S BOARD OF NEVADA

4600 Kietzke Lane, M-245 | Reno, Nevada 89502-5000

Phone: (775) 688-1921 | Fax: (775) 688-1920

Website: <http://chirobd.nv.gov> | Email: chirobd@chirobd.nv.gov

MEETING MINUTES

A meeting of the Chiropractic Physicians' Board was held on Thursday, January 23, 2020 at the Grant Sawyer Building, Legislative Counsel Bureau, 555 E. Washington, Las Vegas, NV 89101. The meeting was originally scheduled to be held in Room 4412E, however was moved to Room 1100.

The following Board members were present at roll call:

Morgan Rovetti, DC, Vice President
Xavier Martinez, DC, Secretary-Treasurer
Maggie Colucci, DC, Member
Nicole Canada, DC, Member
James T. Overland Sr., 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.

Vice President, Dr. Rovetti determined a quorum was present and called the meeting to order.

Dr. Colucci led those present in the Pledge of Allegiance. Dr. Rovetti stated the Purpose of the Board.

Agenda Item 1 Public Interest Comments - No action.

Dr. Benjamin Lurie, CEO, Neck and Back Clinics requested that agenda item 11 be tabled due to not being able to meet with the Northwest Career Technical Academy staff to finalize the student program. Dr. Lurie stated that while conducting defense expert witness testimony and record review, NRS 49.215 was addressed with regard to doctor, patient relationship and the privacy of records. This case involves text messages between the patient and the doctor and they are claiming that the text messages are private under NRS 49.215. The statute references the definition of a doctor, however chiropractors are not referenced as a doctor. Dr. Lurie asked Mr. Ling if chiropractic physicians are included in this statute or not, and what is the difference between a doctor and a physician? Mr. Ling stated that when it comes to these privileges they have to be

January 23, 2020

strictly construed, so for the purposes of the doctor patient privilege a doctor is what the statute states, which does not include chiropractic. Dr. Lurie requested that the Board consider adding chiropractors to NRS 49.215.

Dr. Lurie stated that there are several chiropractic physicians selling liens for personal injury patients to third party investors and hedge fund companies. Dr. Lurie indicated that he is working with a patient who was not aware that their lien was being sold and inquired whether there is anything the Board can do for public protection to inform a patient that their lien is being sold and who it is being sold to? Dr. Lurie requested that the selling of liens be added to the next Board agenda. Dr. Rovetti reminded the Board and the public that if an item discussed during public comment is recommended to be added to a future agenda, the item needs to be added by a Board member.

Agenda Item 2 Approval of agenda – For possible action.

Dr. Colucci moved to approve the agenda. Dr. Martinez seconded, and the motion passed with all in favor.

Agenda Item 3 Approval of the October 10, 2019 Board Meeting Minutes. - For possible action.

Dr. Colucci moved to approve the October 10, 2019 meeting minutes. Ms. DiFillippo seconded, and the motion passed with all in favor.

Agenda Item 4 Welcome new Board member(s) – No action.

Dr. Rovetti welcomed Dr. James Overland Sr. to the Board. Dr. Overland gave an overview of his background.

Agenda Item 5 Ratification of granting of DC licenses to applicants who passed the examination from September to December 2019 – For possible action.

Ms. DiFillippo moved to approve the ratification of granting of DC licenses to those who passed the examination from September to December 2019. Dr. Canada seconded, and the motion passed with all in favor.

Agenda Item 6 Ratification of granting of CA certificates to applicants who passed the on-line examination on December 17, 2019 – For possible action.

Dr. Canada moved to approve the ratification of granting of CA certificates to those who passed the on-line examination on December 17, 2019. Ms. DiFillippo seconded, and the motion passed with all in favor.

Agenda Item 7 Discussion and potential action regarding signatures on the DC and CA wall certificates – For possible action.

Julie Strandberg explained that this agenda item is to inquire whether there is a better way to obtain Board member signatures on the wall certificates for those individuals who have passed the exams in the event not all Board members are present at the meeting. Following discussion, the Board decided to not make any changes at this time.

Agenda Item 8 Legislative Matters – For possible action.

Mr. Musgrove gave an overview of the status of the legislative seats. Mr. Musgrove spoke about the Governor and the sunset subcommittee being inclined to move the Boards under Executive Branch oversight, possibly the Department of Business and Industry. The committee did mention that they want the Boards authority preserved to protect the public.

Agenda Item 9 PUBLIC HEARING for the adoption of a Regulation to Nevada Administrative Code Chapter 634 will begin at 8:45 a.m. at the Grant Sawyer Building, 555 E. Washington Legislative Counsel Bureau, Room 4412E, 555 E. Washington Ave., Las Vegas, NV 89101. – For possible action.

Dr. Rovetti opened the public hearing for R064-19 and asked for public comment. Dr. Benjamin Lurie stated concern with the recommended 50 hours of continuing education not being sufficient to become certified in dry needling. Dr. Lurie stated that in previous years there was discussion by a previous Board President and the past President of the NCA that continuing education courses were being taught over a weekend were insufficient. Dr. Lurie asked what had changed? Mr. Ling confirmed that the legislature indicated the minimum could be 50 hours based on the training chiropractic physicians have already completed. There were no other public comments and public comments was closed. Julie Strandberg provided an overview of the proposed language regarding prorating the licensing fee and provided an estimate of the reduced revenue. Dr. Colucci recommended that the Board research how other Boards structure their renewal fees. Dr. Colucci referenced that many other states have adopted dry needling and 50 hours is the average number of continuing education hours required to become certified. Dr. Colucci also stated that PACE courses are, on average 50-hour courses. Dr. Martinez provided an overview of the revisions to continuing education. Julie Strandberg inquired about the revised language in NAC 634.385 (3) "... and concern a subject described in subsection 1," which appears that staff would be required to review each continuing education certificate to ensure the course description complies with subsection 1 of NAC 634.385. Mr. Ling confirmed that the majority of the PACE courses will fall in line with this regulation, however if there is a question staff should communicate with the continuing education committee.

Dr. Martinez made a motion to approve the regulations. Dr. Overland, Sr. seconded, and the motion passed with all in favor.

Agenda Item 10 Discussion and potential action regarding the presentation from the Nevada Department of Veterans Services – For possible action.

The Board contacted Wendy Knorr with the Department of Veterans Services via telephone who provided the Board with an overview of the benefits and support available to veterans. Ms. Knorr stated that Veterans Services is reaching out to healthcare professionals to request assistance with spreading the awareness to veterans.

Agenda Item 11 Discussion and potential action regarding the approval of a program for students to work in a chiropractic physician's office who are enrolled in their senior year at the Northwest Career Technical Academy - For possible action.

Dr. Rovetti stated that this item would be tabled until the next Board meeting.

Agenda Item 12 Discussion and potential action regarding the policy relating to AB 319 – For possible action.

Mr. Ling explained that AB 319 passed during the 2019 legislative session and requires that licensing boards adopt a policy to allow a person with criminal history to petition the Board to review the criminal history to determine whether the criminal history would disqualify them from obtaining a license. Dr. Rovetti recommended that the policy include a complete set of documents be received by the Board within 15 days prior to the Board meeting and the determination letter be sent within 15 days following the Board meeting. Dr. Rovetti made a motion to accept the policy with the recommended revisions. Dr. Martinez seconded, and the motion passed with all in favor.

Agenda Item 17 NCA Report – No action.

Dr. Marcia Tinberg was present on behalf of the NCA and welcomed Dr. Overland Sr. to the Board. Dr. Tinberg stated that the NCA will be focusing on information, education, legislation, and membership. The NCA held a successful conference in Reno and has many opportunities planned for this year. The NCA will hold a chiropractor's assistant review course on Saturday, January 25, 2020 in Las Vegas and will schedule a review course in Reno prior to the February 20th exams. On February 21, 2020 the NCA will be sponsoring an educational seminar for 6 credits with the Institute of Brain Potential in Las Vegas, titled, "Changing How We Feel, By Changing What We Eat." The NCA is also sponsoring a 12-credit seminar in Las Vegas on June 6th and 7th featuring Dr. Mario Fucinari, who will discuss Medicare billing and coding specific to Nevada rules.

Agenda Item 13 FCLB/NBCE Matters – For possible action.

- A. Selection of Board's choice for FCLB Voting Delegate**
- B. Selection of Board's choice for FCLB Alternate Delegate**
- C. Selection of Board's choice for NBCE Voting Delegate**
- D. Selection of Board's choice for NBCE Alternate Delegate**
- E. Attendance of Board Member(s) at the FCLB annual conference April 22-26, 2020 in Denver, CO**

Following discussion, Dr. Rovetti made a motion that Dr. Overland be the FCLB voting delegate, Dr. Canada be the FCLB alternate delegate, Dr. Canada be the NBCE voting delegate, and Dr. Overland be the NBCE alternate delegate. Dr. Martinez seconded, and the motion passed with all in favor.
- F. Selection of Board Member to participate in the Spring National Board Part IV Exam - May TBD, 2020**

Dr. Martinez and Dr. Rovetti expressed interest in attending. Dr. Rovetti made a motion for her and Dr. Martinez to participate. Dr. Canada seconded, and the motion passed with all in favor
- G. Selection of Board Member to participate in the National Board Part IV Test Committee meeting - June TBD, 2020**

Dr. Canada expressed interest. Dr. Rovetti made a motion for Dr. Canada to attend. Dr. Martinez seconded and the motion passed with all in favor.
- H. Selection of Board Member to participate in the Fall National Board Part IV Exam - November TBD, 2020**

Dr. Rovetti and Dr. Overland expressed interest in attending. Dr. Rovetti made a

motion for her and Dr. Martinez to participate. Dr. Canada seconded, and the motion passed with all in favor.

I. Other FCLB/NBCE matters.

Dr. Colucci stated that there will be a resolution for the x-ray regulation, which is in accordance with the ACA and the Choose Wisely campaign, which provides recommendations that support doctors and patients in making choices about their care.

Dr. Colucci announced that the NBCE donated \$600,000 to the F4CP, which will be launched at the Parker Seminar in Las Vegas, February 2020. The NBCE also donated \$1,000,000 to the Rand Corporation, which assists with the universities and chiropractic colleges.

Agenda Item 14 Committee Reports

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

Dr. Martinez stated he had nothing to report.

B. Legislative Committee (To be reassigned) – For possible action.

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

Dr. Rovetti reported that there are six active preceptors.

D. Test Committee (To be reassigned) - For possible action.

Agenda Item 15 Reassign Committees – For possible action.

Dr. Martinez stated that he would remain on the continuing education committee.

Dr. Rovetti recommended that Dr. Overland take over the legislative committee based on his work through the NCA. Dr. Colucci stated that she would be interested in the legislative committee. Dr. Overland recommended there be a co-chair and Dr. Rovetti explained that the Board would be required to abide by the open meeting law, which can be done, but it can be cumbersome. Dr. Rovetti called for the vote and Dr. Colucci had the majority vote 4 to 3. Dr. Rovetti stated that she would remain as the preceptor committee. Dr. Rovetti recommended that Dr. Canada be appointed to the test committee and she accepted.

Agenda Item 16 Proposed changes to NRS/NAC – For possible action.

A. Change chiropractor to chiropractic physician.

B. Revisions to NRS 634.090 (1) (b) – Instruction of subjects provided by the Council on Chiropractic Education. Except as otherwise provided in subsections 2 and 5, that the applicant has a high school education and is a graduate from a college of chiropractic which is accredited by the Council on Chiropractic Education or which has a reciprocal agreement with the Council on Chiropractic Education or any governmental accrediting agency, whose minimum course of study leading to the degree of doctor of chiropractic consists of not less than 4,000 hours of credit which includes instruction in each of the following subjects:

- (1) Anatomy;**
- (2) Bacteriology;**
- (3) Chiropractic theory and practice;**
- (4) Diagnosis and chiropractic analysis;**
- (5) Elementary chemistry and toxicology;**
- (6) Histology;**

- (7) Hygiene and sanitation;
 - (8) Obstetrics and gynecology;
 - (9) Pathology;
 - (10) Physiology; and
 - (11) Physiotherapy; and
- C. Revisions to NRS 634.090 Foreign schools or colleges accredited by the Council on Chiropractic Education with regard to the following: *whose minimum course of study leading to the degree of doctor of chiropractic consists of not less than 4,000 hours of credit.***
- D. Tighten fee splitting regulations.**
- E. Non DC ownership of chiropractic practices’.**

Mr. Ling described the Boards’ responsibility with respect to submitting a Board bill. Mr. Ling also explained that once the language is approved by the Board it will be provided to Mr. Musgrove to find a legislator to sponsor the bill. Following discussion of each section, Ms. DiFillippo made a motion for Mr. Ling to draft language for the Boards consideration with respect to items A through E and bring it to the next meeting. Dr. Colucci seconded, and the motion passed with all in favor.

Agenda Item 23 Election of Officers – For possible action

Dr. Rovetti announced that an election of officers will be held and she would be including her name in the running for president and turned the agenda item over to Mr. Ling.

Mr. Ling opened the nominations for President. Dr. Rovetti nominated herself. Ms. DiFillippo nominated Dr. Colucci and she accepted. Mr. Ling announced that Dr. Colucci had the majority vote 4-3. Mr. Ling opened up the nominations for Vice President. Dr. Martinez nominated Dr. Rovetti and she declined. Dr. Rovetti nominated Dr. Martinez and he accepted. Mr. Bertoldo nominated Dr. Canada and she accepted. Mr. Ling announced that Dr. Canada had the majority vote 4-3. Mr. Ling opened up the nominations for Secretary-Treasurer. Dr. Martinez nominated Dr. Overland and he accepted. Dr. Colucci nominated Dr. Martinez and he declined. Dr. Overland was unopposed and accepted the nomination.

Agenda Item 18 NCC Report – No action.

Dr. John Brown was present on behalf of the NCC. Dr. Brown stated that the NCC is now a choice for the culinary provider. Dr. Brown indicated that all members of the NCC were given a free membership to the Foundation for Chiropractic Progress (F4CP). Dr. Brown stated that the NCC is in the planning stages to hold three conventions in 2020. The 2019 convention featured Sherri McAllister and Ken Murkowski and was the NCC’s most successful convention to date with attendance growing each year. Dr. Ken Murkowski confirmed to return for the April 2020 convention in Las Vegas. A convention is scheduled in Reno on June 13th and will feature Sherri McAllister, with others to be named. The NCC will hold its fall 2020 annual convention in Las Vegas. The NCC is working with an attorney to share legal and business information on their website and is planned to go live in March. The NCC voted Dr. Teddy Sim as the chiropractic physician of the year.

Agenda Item 19 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)**
Mr. Ling stated that a Settlement Agreement was sent to the DC's attorney and the response is pending.
- B. Complaint 18-13S (Rovetti)**
Dr. Rovetti stated that she is having difficulty contacting the parties involved, so this complaint is still under investigation.
- C. Complaint 18-15S (Jaeger)**
This complaint was reassigned to Dr. Canada.
- D. Complaint 18-17S (Jaeger)**
This complaint was reassigned to Dr. Canada.
- E. Complaint 18-18N (Martinez)**
Dr. Martinez stated that this is an advertising violation that was immediately corrected by the DC and recommended dismissal. Ms. DiFillippo made a motion to dismiss complaint 18-18N. Dr. Rovetti seconded, and the motion passed with all in favor. Dr. Martinez recused himself as the investigating board member.
- F. Complaint 19-01N (Martinez)**
Dr. Martinez stated that this complaint was filed by an emergency room physician alleging that the chiropractic physician did not perform a valid CDL physical, however, following an in-depth investigation it was determined that the chiropractic physician was in compliance with the physical and recommended dismissal. Dr. Canada made a motion to dismiss complaint 19-01N. Ms. DiFillippo seconded, and the motion passed with all in favor. Dr. Martinez recused himself as the investigating board member.
- G. Complaint 19-03S (Jaeger)**
This complaint was reassigned to Dr. Canada.
- H. Complaint 19-07S (Colucci)**
Dr. Colucci stated that the complainant alleged that the chiropractic physician acted as an expert outside the scope of chiropractic. Dr. Colucci stated that she sees a potential issue, and has asked Mr. Ling to confirm.
- I. Complaint 19-09S (Canada)**
Dr. Canada stated that the complainant indicated that the DC's office was uncleanly, the waiting room was too small and it was flu season and people were going to get sick. Dr. Canada visited the chiropractic physician's office and confirmed that the office was clean. Dr. Canada spoke with the DC who indicated that they had to dismiss the patient because they were making racial remarks to staff and recommended dismissal of the complaint. Dr. Rovetti made a motion to dismiss complaint 19-09S. Dr. Colucci seconded, and the motion passed with all in favor. Dr. Canada recused herself as the investigating board member.
- J. Complaint 19-10N (Martinez)**
Dr. Martinez stated that the complainant filed the complaint two years after they suffered a cerebrovascular accident. Dr. Martinez confirmed that the DC applied appropriate measures and nothing in the patient's history indicated that the patient

was at risk of a cerebrovascular accident and recommended that this complaint be dismissed. Dr. Rovetti made a motion to dismiss complaint 19-10N. Ms. DiFillippo seconded, and the motion passed with all in favor. Dr. Martinez recused himself as the investigating board member.

- K. Complaint 19-11S (Colucci)**
Dr. Colucci stated that the complainant alleged that the DC accepted checks from them to pay their rent and has not paid the patient back. Dr. Colucci left a message for the complainant and is waiting to hear back.
- L. Complaint 19-12S (Rovetti)**
Dr. Rovetti stated that the complainant alleged unprofessional conduct and is still under investigation.
- M. Complaint 19-13N (Martinez)**
Dr. Martinez stated that this complaint and complaint 19-18N are against the same DC alleging unprofessional conduct and is still under investigation.
- N. Complaint 19-14N (Martinez)**
Dr. Martinez stated that the complainant alleged improper record keeping and is still under investigation.
- O. Complaint 19-15S (Jaeger)**
This complaint was reassigned to Dr. Colucci.
- P. Complaint 19-16S (Canada)**
Dr. Canada stated that the complainant signed a loan for neuropathy treatment and potentially has buyer's remorse and stated that they were not aware that they were seeing a DC, but a "regular doctor." The paperwork was in order and compliant. However, Dr. Canada stated that during her visit to the office the DCs license and the CAs certificates were not posted. In addition, CA's were performing modalities and Dr. Canada was not able to confirm that a DC was in the office. This complaint is still under investigation.
- Q. Complaint 19-17S (Bertoldo)**
Mr. Bertoldo stated that this is a false advertising complaint and a letter will be sent to the DC.
- R. Complaint 19-18N (Martinez)**
Dr. Martinez referenced this complaint with complaint 19-13N.
- S. Complaint 20-01N (Martinez)**
Dr. Rovetti stated that this complaint has been reassigned to her.

Agenda Item 20 Board Counsel Report – No action.

Mr. Ling did not have anything to report.

Agenda Item 21 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 Renewals-No action.**
- E. On-line CA Exam Stats – No action.**

Julie Strandberg provided an overview of the executive director reports.

January 23, 2020

Agenda Item 22 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 November 30, 2019 – No action.
- F. Budget to Actual at November 30, 2019 – No action.
- G. 2019 Audit – For possible action.

Julie Strandberg provided an overview of the executive director reports. Dr. Rovetti made a motion to approve the 2019 audit. Dr. Canada seconded, and the motion passed with all in favor.

Agenda Item 24 Correspondence Report – No action.

There was nothing to report.

Agenda Item 25 Public Interest Comments – No action.

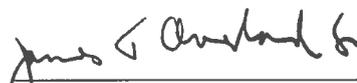
This portion of the meeting is open to the public to speak on any topic NOT on today's agenda and may be limited to 3 minutes.

Dr. Peter Randall from the NCA introduced himself, but did not have any comments.

Agenda Item 26 Adjournment – For possible action.

Dr. Rovetti move to adjourn the meeting. Dr. Canada seconded, and the motion passed unanimously.

April 16, 2020



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