



Chiropractic Physicians' Board of Nevada NEWSLETTER

Issue No. 49
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There have been important changes to the chiropractic laws recently enacted by the Legislature as a result of bills submitted by the Nevada Chiropractic Association. Please read the following carefully.

CHANGES TO NRS 634, THE CHIROPRACTIC PRACTICE ACT:

Preceptor Program

Effective October 1, 2011, a Nevada chiropractor whose license is current, active and in good standing who wishes to be approved as a preceptor may apply on an application form provided by the CPBN, pay the \$35.00 fee, and provide documentation of malpractice insurance as required by the Board.

A chiropractic student who is enrolled in his/her final academic year at a college of chiropractic that meets the education criteria established in NRS 634.090(1)(b), and who has completed all clinical work required by the CPBN, may enter into a preceptor agreement with a Nevada licensee approved by the Board. He/she must apply on an application form provided by the Board and pay the \$35.00 fee. Upon the Board's approval the student may perform chiropractic, including, without limitation, chiropractic adjustment or manipulation, under the direct supervision of a licensed Doctor of Chiropractic who is approved by the Board as a preceptor.

Continuing Education for Chiropractor's Assistants

Effective July 1, 2011, certified chiropractor's assistants will be required to complete 12 hours of continuing education every two years as a condition of the renewal of their chiropractor's assistant certificates. CA certificates are currently required to be renewed biennially on or before January 1 of each odd-numbered year. Effective July 1, 2011 CA certificates will be required to be renewed biennially on or before January 1 of each even-numbered year.

The next CA certificate renewals will be for one year, due on or before January 1, 2013. The renewal fee will be pro-rated at \$60.00 and documentation of attendance at 12 hours of continuing education will be required to be submitted with the renewal application form. Thereafter, CA certificates will be renewed biennially on or before January 1 of each even-numbered year and

documentation of 12 hours of continuing education attended during the preceding two years will be required.

The CPBN has made significant changes to the regulations governing the practice of chiropractic.

CHANGES TO NAC 634, THE CHIROPRACTIC ADMINISTRATIVE CODE, EFFECTIVE MAY 5, 2011:

Documentation of Patient Records Documentation of the treatment of a patient must be included in the health care records of a patient within 72 hours after that treatment.

Chiropractor's Assistant Trainees A chiropractor's assistant trainee who has failed the examination for certification twice may continue working as a CA trainee if he/she reapplies and pays the fee and provides proof that he/she is enrolled in an educational course in a subject prescribed under NAC 634.305(2). If a CA trainee fails the examination for certification after two additional attempts, he/she may not continue to work as a CA trainee until he/she has successfully passed all portions of the CA certification examination.

Continuing Education DC licensees may now attain license renewal credit for attendance at seminars approved by PACE (Providers of Approved Continuing Education of the FCLB), as well as CPBN approved seminars.

Attendance at an approved seminar on the subject of proper billing now qualifies for license renewal credit.

CE hours earned through the completion of a specific educational class or seminar may be counted only once during a calendar year for license renewal credit.

Advertising Licensees are no longer required to state the price that they ordinarily charge to provide a service when advertising free services.

ADMINISTRATION OF SCHOOL SPORT/ACTIVITY PHYSICALS

On May 5, 2011 an amendment to NAC 387.819 was approved by the Legislative Commission. Chiropractic Physicians are now authorized to administer school sport/activity physicals.

The CPBN has authority only over its licensees and certificate holders. The Board enforces Nevada Revised Statute and Nevada Administrative Code 634. Funding for all of its activities are derived solely from the monies collected from licensees and certificate holders. The CPBN has no authority to take action on employment issues, or issues that generally relate to the chiropractic profession. These matters should be addressed by the Nevada Labor Commission, the professional association or other such entities.



NEW DC LICENSEES AND CHIROPRACTOR'S ASSISTANTS

CONGRATULATIONS to the following Chiropractic Physicians who passed the tests for licensure:

November, 2010

Loren Grover, DC
Rabiyyah Hazziez, DC
Daniel Hecker, DC
Rachelle Mulford, DC
Darren Sheldon, DC

February, 2011

Nathan Blanton, DC	Ill Nam, DC
Matthew Chang, DC	Benjamin Page, DC
Nicholas Chicoine, DC	Megan Pedley, DC
Lida Darvishan, DC	Stephen Perry, DC
Matthew Emmons, DC	Chutima Phongphua, DC
Jason Hawkins, DC	Reginald Robertson, DC
Michael Hortin, DC	Naomi Sakin, DC
Adam Idsinga, DC	Bruce Shin, DC
Timothy Jackson, DC	David Wach, DC
Kelly Kang, DC	

May, 2011

Makenzie Baker, DC
Semyon Gofman, DC
Gregory B. Harris, DC
Sandra Saville, DC
Francesco Sinopoli, DC

The jurisprudence examinations for DC applicants will be administered in Reno on August 10 and November 9, 2011.

CONGRATULATIONS ALSO to those who passed the Chiropractor's Assistant test in February, 2011:

Jolene Alvey	Melissa Malailua	Norma Ramirez
Candy Amaya	Mariana Marquez	Mayra Rios
Lori Aspeland	Nadine Maxilom	Lauren Rotoli
Cristina Colucci	Regina Peake	Adail Santos
Lorrybeth Lopez	Michelle Pymm	Marsi Walker

The next examinations for Chiropractor's Assistants will be administered in Reno and Las Vegas on August 18, 2011 to applicants who have completed the six months of on-job-training or the equivalent education.

*"An applicant for a certificate as a chiropractor's assistant must file an application with the Board on a form furnished by the Board and pay the required fee **WITHIN 15 DAYS** after the date on which the applicant has begun performing duties as a chiropractor's assistant."* (NAC 634.350(1))

ALERT

The Board has recently received information about Nevada chiropractors receiving solicitations from or entering into contracts with franchises for the provision of chiropractic services. At least one of the franchise opportunities brought to the Board's attention advertised and intended to conduct business in Nevada in ways that likely violated the Board's laws. If you are considering entering into a contract to work for or to own one of these franchises, please review all documents closely and carefully with your attorney to assure that the franchise will not require you to practice out of compliance with Nevada law. Remember, it is your chiropractor's license that is at risk in such arrangements, and the franchise agreement is no defense to your providing chiropractic in violation of Nevada law.

DISCIPLINARY ACTIONS

Edward F. Johnson, DC, License No. B156 – Effective October 23, 2010

On October 23, 2010 Dr. Johnson was found in violation of (1) NAC 634.430(1)(m) for engaging in fraud, misrepresentation or deception in any business affairs that relate to the practice of chiropractic, (2) NAC 634.435 for failing to make and maintain "clear, legible, complete and accurate" medical records related to his patients, (3) NRS 634.043(2) and NAC 634.430(1)(h) for failure to provide unfettered access to records, and (4) NRS 634.018(15) and NAC 634.430(1)(n) for employing several people and allowing them to perform the duties of Chiropractor's Assistants before those people had applied for or received their certificates as Chiropractor's Assistants.

Effective October 23, 2010, Dr. Johnson's license was suspended for one year; a \$5,000 fine plus \$28,653.56 costs were assessed, both to be paid by November 23, 2010. A payment plan in which up to 500 hours of community service may be negotiated in lieu of payment of the fine if approved by the Board. Dr. Johnson's license will not be reinstated after one year unless he has paid the fine and costs in full or is in compliance with a Board-approved payment plan. Upon restoration of his license, a three-year probation will commence and will include the requirement that Dr. Johnson take and pass the CPBN Law test and specified portions of the National Board of Chiropractic Examiners Ethics and Boundaries test, both within 12 months. Also upon restoration of his license, Dr. Johnson must perform 100 hrs of community service within 12 months, as well as any hours of community service negotiated in lieu of payment of the fine. During the period of his probation, he may not manage or supervise any Chiropractor's Assistant, Chiropractor's Assistant trainee or independent contractor, and his practice is to be monitored by a Compliance Monitor approved by the Board's staff with quarterly reporting to the Executive Director.

Obteen Nassiri, DC, License No. B847 – Effective February 16, 2011

Dr. Nassiri has been found in violation of (1) NRS 439B.425 by referring patients to a health facility, medical laboratory or commercial establishment in which he has a financial interest, (2) NAC 634.430(1)(e) by participating in arrangements that involve capping or fee splitting, (3) NAC 634.430(1)(m) by routinely engaging in fraud, misrepresentation, and deception as part of his regular business practices, (4) NAC 634.435 by failing to make and maintain clear, legible, complete and accurate patient records, (5) NRS 634.043(2)(c) by not permitting the Board's authorized representatives to enter and inspect his chiropractic office in order to enforce the provisions of NRS 634, and NAC 634.430(1)(h) by failing to make any report or record available to the Board upon lawful request, failing to cooperate with any investigation

by the Board or knowingly giving false information to the Board, and (6) NRS 634.018(15) for unprofessional conduct and NAC 634.430(1)(n) by employing several people and allowing them to perform the duties of chiropractor's assistants before those people had applied for or received their certificates as chiropractor's assistants.

Dr. Nassiri's license was revoked effective February 16, 2011. He is required to reimburse the Board in the amount of \$114,614.24 for costs and pay a fine of \$5,000 per charge, a total of \$30,000, within 30 days.

Keith Quisberg, DC, License No. B993 – Effective January 25, 2011

Dr. Quisberg has been found in violation of NRS 634.140(1) and/or NAC 634.410 and/or NAC 634.415 and/or NAC 634.435 by allowing a massage therapist to perform massages upon patients without requiring or allowing her to make records of the services she provided, and violation of NRS 634.140(1) for some instances of improper use of billing code for massages provided by a massage therapist.

Dr. Quisberg will be on probation for two years beginning January 25, 2011 during which a chiropractor approved by the Board's counsel will develop and implement a compliance plan and perform compliance reviews of Dr. Quisberg's records to assure that his recordkeeping complies with Nevada law, and submit quarterly reports. Dr. Quisberg is required to pay the Board's fees and costs totaling \$5,310.82, and he must take and pass the billing and coding segment of the National Board's Ethics and Boundaries examination within 12 months.

BOARD MEMBERS:

Dr. David Rovetti, President, Reno
Dr. Lawrence Davis, Vice President, Reno
Dr. Benjamin Lurie, Secretary, Las Vegas
Dr. Jack Nolle, Member, Reno
Dr. Annette Zaro, Member, Las Vegas
Paul Jackson, Consumer Member, Reno
Shell Mercer, Esq., Consumer Member, Las Vegas

HOW TO CONTACT THE BOARD:

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Website: <http://chirobd.nv.gov>
Executive Director: Cindy Wade

Board-approved live continuing education seminars being offered in Nevada through the end of the year are listed below.

APPROVAL NO.	START DATE	END DATE	SEMINAR TITLE/SPONSOR	HOURS	LOCATION
NV13-001	07/16/11	07/16/11	Chiropractic Rehab Diplomate-Extrimity 4 (University of Bridgeport College of Chiropractic)	12	Las Vegas, NV
NV13-001	08/13/11	08/13/11	Chiropractic Rehab Diplomate-Elective 3 (University of Bridgeport College of Chiropractic)	12	Las Vegas, NV
NV13-001	09/17/11	09/17/11	Chiropractic Rehab Diplomate-Elective 4 (University of Bridgeport College of Chiropractic)	12	Las Vegas, NV
NV13-069	07/16/11	07/17/11	Whiplash & Spinal Trauma (Life Chiropractic College West)	12	Las Vegas, NV
NV13-168	12/01/11	12/04/11	Active Release Technique - Spine (New York Chiropractic College)	21	Las Vegas, NV
NV13-175	08/27/11	08/27/11	Active Release Technique - Long Tract Nerve Entrapment Course (New York Chiropractic College)	8	Las Vegas, NV
NV13-187	09/17/11	09/18/11	Graston Technique - Module I (New York Chiropractic College)	12	Las Vegas, NV
NV13-187	11/19/11	11/20/11	Graston Technique - Module I (New York Chiropractic College)	12	Las Vegas, NV
NV13-188	09/17/11	09/18/11	Graston Technique - Module II (New York Chiropractic College)	14	Las Vegas, NV
NV13-188	11/19/11	11/20/11	Graston Technique - Module II (New York Chiropractic College)	14	Las Vegas, NV
NV13-030	07/23/11	07/24/11	Validating Chiropractic 2011 (Life Chiropractic College West)	12	S. Lake Tahoe, CA

The CPBN Continuing Education Committee would like to receive feedback from our licensees on the quality of the seminars they have attended. The committee makes every effort to screen CE applicants for quality of content. However, your comments about exceptionally good and/or bad seminars are welcome. Please mail your comments to CPBN, Attention: Cindy Wade, 4600 Kietzke Lane, Suite M245, Reno, Nevada 89502, e-mail to: chirobd@chirobd.nv.gov or fax to: 775-688-1920.

KNOW YOUR LAWS:

NAC 634.430 Unprofessional conduct: Interpretation of statutory definition. (NRS 634.018, 634.030)

1. As used in subsection 10 of NRS 634.018, the Board will interpret the phrase "conduct unbecoming a person licensed to practice chiropractic or detrimental to the best interests of the public" to include, without limitation:
(h) *Failing to make any report or record available to the Board upon lawful request, failing to cooperate with any investigation by the Board or knowingly giving false information to the Board.*

NRS 629.051 provides that unless a longer period is provided by federal law, each provider of health care shall retain the health care records of his or her patients as part of his or her regularly maintained records for 5 years after their receipt or production. **Federal law requires retention of health care records for 7 years** and supersedes the Nevada law. X-rays are health care records. If you are contacted by a company seeking to purchase your old x-rays, the 7-year retention applies.

NRS 629.061 Health care records: Inspection; copies;

1. Each provider of health care shall make the health care records of a patient available for physical inspection by:
(a) *The patient or a representative with written authorization from the patient;* or (g) *Any authorized representative or investigator of a state licensing board during the course of any investigation authorized by law.*

↳ *The records must be made available at a place within the depository convenient for physical inspection, and inspection must be permitted at all reasonable office hours and for a reasonable length of time.*

2. the provider of health care shall also furnish a copy of the records to each person described in subsection 1 who requests it and pays the actual cost of postage, if any, the costs of making the copy, not to exceed 60 cents per page for photocopies and a reasonable cost for copies of X-ray photographs and other health care records produced by similar processes. No administrative fee or additional service fee of any kind may be charged for furnishing such a copy.