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## STATE OF NEVADA



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*Member*  
TRACY DiFILLIPPO, ESQ  
*Consumer Member*  
SHELL MERCER, ESQ  
*Consumer Member*  
  
JULIE STRANDBERG  
*Executive Director*

### CHIROPRACTIC PHYSICIANS' BOARD OF NEVADA

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### MINUTES OF MEETING

A meeting of the Chiropractic Physicians' Board of Nevada was held on Tuesday, June 23, 2015 by telephone conference call at 12:00 Noon. A telephone was available for public use at 4600 Kietzke Lane, Suite M245, Reno, NV 89502

The following Board Members were present at the roll call:

Margaret Colucci, DC, Member  
Lawrence Davis, Vice President  
Tracy DiFillippo, Consumer Member  
Benjamin S. Lurie, DC, President  
Jack Nolle, DC, Member  
David G. Rovetti, DC, Secretary-Treasurer

Also present were CPBN Counsel Louis Ling and Executive Director Julie Strandberg

President, Dr. Ben Lurie determined that a quorum was present and called the meeting to order at 12:03 p.m.

#### **Agenda Item 1 Public Interest Comments - No action.**

There was no public comment.

#### **Agenda Item 2 Approval of agenda – For possible action.**

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

#### **Agenda Item 3 Approval of May 29-30, 2015 Meeting/Hearing Minutes– For possible action**

Dr. Rovetti and Louis Ling asked that revisions be made to include additional information. Dr. Lurie asked that for those present at the May 29 and 30, 2015 meeting/hearing to email Julie Strandberg and copy Louis with their revisions. Dr. Lurie requested to table this agenda item until the July 17, 18, and 19, 2015 Board Meeting/Hearing.

#### **Agenda Item 4 Discussion/determination in the event a Chiropractor's Assistant applicant's background check identifies something other than what was disclosed on the application. – For possible action**

Dr. Rovetti recommended putting a policy in place with respect to a Chiropractor's

Assistant applicant's background check identifying something other than what the applicant disclosed on their application. This policy would allow the Executive Director to approve the application if the charges were minor or if the event occurred several years ago. However, in more serious cases, the Executive Director would deny the application pending the Boards' action. Ms. DiFillipo indicated that this is a good idea, however the proposed policy is so broad and it should be more specific, but indicated that she doesn't have a recommendation at this time. Louis stated that he will work with Dr. Rovetti to fine-tune the policy language and bring a draft before the Board at the next meeting. This item was tabled until the July 17, 18, and 19, 2015 Board Meeting/Hearing.

**Agenda Item 5 Discussion/determination as to the scope of practice of a Chiropractor's Assistant with regard to massage therapy – Action item**

This inquiry came from a licensee regarding what the limit of massage a Chiropractor's Assistant (CA) can do. Dr. Rovetti questioned that since a G5 machine, vibration machine, impulse gun, and other mechanical massage devices can be used by a CA on patient's muscles, why should direct pressure on a muscle by a CA's hand be prohibited? Dr. Colucci stated that we should contact the massage board as there may be an overlap. In addition, she stated that a CA may not have the education to perform this massage as they may not have a good understanding of the musculoskeletal system to conduct trigger point therapy. Dr. Lurie stated if the procedure falls under physiotherapy, the CA is allowed to perform the procedure. Following discussion, it was determined that additional information is needed to make a recommendation. Louis stated that he will provide a memorandum at the next Board Meeting to discuss in detail the differences between the two scopes of practice and where they may overlap and where the legislature has in some cases told us that we can do certain things. Dr. Davis stated he supports Dr. Colucci and his understanding is that our scopes are written to say what we can do and if the law doesn't indicate we can't do it, that doesn't mean we can do it. Dr. Nolle stated that there's more to it and his opinion is more to the other side so he looks forward to having a more detailed discussion at the next meeting. Dr. Lurie stated that there is the permissible law, which is set up to indicate what we can do and prohibitive law, which indicates those things we can't do. Knowing that, if it's within the scope of practice and it falls under a category of physiotherapy then it would appear to be allowable. If the law says we can't do it, or doesn't give us any indication that we can't do it, we don't do it. This item was tabled until the July 17, 18, and 19, 2015 Board Meeting/Hearing.

**Agenda Item 6 Discussion/approval of revision(s) made to the application for licensure as a Doctor of Chiropractic in Nevada.**

Dr. Rovetti recommended that the Doctor of Chiropractic application be revised to omit the notarization of signatures for the character references since it is not identified in NRS or NAC. He also stated that he has additional revisions to the application and will bring those revisions back all at once. Dr. Rovetti made a motion to amend the Doctor of Chiropractic application to omit the notarization of the character references. Dr. Lurie seconded and the motion passed with all in favor.

**Agenda Item 7 Discussion/approval of Julie Strandberg to attend the FCLB District meeting October 1-4, 2015 in Coeur d'Alene, ID – For Possible Action**

Dr. Lurie inquired with each Board member on their interest to attend the District meeting in Coeur d'Alene, ID. Dr. Rovetti expressed interest. Dr. Colucci will attend as an FCLB Board member and Dr. Lurie will attend. Dr. Lurie made a motion to approve Julie Strandberg's

attendance at the District meeting in Coeur d'Alene, ID. Dr. Davis seconded the motion and the motion passed with all in favor.

**Agenda Item 8 Consideration to extend the existing contract with Capitol Partners for Government Affairs and Lobbyist efforts.**

Peter Krueger and Mendy Elliott from Capitol Partners were on the phone to discuss the consideration to extend the existing contract with Capitol Partners, which expires June 30, 2015. Peter Krueger indicated that they have expanded the company bringing Nick Vander Poel on board. Lauren Hulse moved to Reno from the Las Vegas office, so they will be hiring for the Las Vegas office. Manuel Mederos will continue to serve as the administrative liaison. Peter Krueger introduced their new proposal, effective July 1, 2015. They requested to increase the contract during the interim, (July 1, 2015 through December 31, 2016) from \$1,250 to \$1,500, and during the Legislative Session, (January 1, 2017 through June 30, 2017) from \$4,000 to \$4,500. Mendy indicated that there will be a lot of work during the interim relative to regulations and other bills that will have an impact. Dr. Lurie inquired with Dr. Rovetti on the Boards' financial status with the respect to the increase to this contract. Dr. Rovetti stated that our financial situation is doing very well, so we could afford it. Dr. Lurie moved to amend the contract by increasing the fees from \$1,250 to \$1,500 during the interim July 1, 2015 through December 31, 2016 and from \$4,000 to \$4,500 during the Legislative Session, January 1, 2017 through June 30, 2017. Dr. Rovetti seconded and the motion passed with all in favor. Louis indicated that he will prepare the contract for submittal to the Board of Examiners.

**Agenda Item 9 Legislative Matters – For possible action**

**A. Capitol Partners report on final legislation**

Mendy Elliott reported that AB 231 was signed by the Governor on May 21, 2015, and Capitol Partners has requested a formal bill signing. Two reports were received from Capitol Partners identifying the Chiropractic bills as well as General Business bills that may or may not have an impact on the CPBN.

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

This item was tabled until the July 17, 18, and 19, 2015 Board Meeting/Hearing.

**Agenda Item 11 Ratification of granting of DC licenses to applicants who passed the examinations on April 8, May 13, and June 10, 2015 – For possible action**

Dr. Davis moved to approve the ratification of granting of the DC licenses to those who passed the examinations on April 8, May 13, and June 10, 2015. Ms. DiFillippo seconded and the motion passed with all in favor. Congratulations were extended to Dr. Morgan Rovetti.

**Agenda Item 12 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 11-8S (Ms. Mercer)**
- B. Complaint 14-23S (Ms. DiFillippo)**
- C. Complaint 14-24S (Dr. Colucci)**
- D. Complaint 15-01S (Dr. Lurie)**
- E. Complaint 15-05S (Dr. Colucci)**

- F. Complaint 15-06S (Ms. DiFillippo)**
- G. Complaint 15-08N (Dr. Lurie)**
- H. Complaint 15-09S (Dr. Colucci)**
- I. Complaint 15-10S (Dr. Lurie)**
- J. Complaint 15-11S (Dr. Lurie)**
- K. Complaint 15-12S (Dr. Nolle)**
- L. Complaint 15-13S (Dr. Lurie)**
- M. Complaint 15-14S (Dr. Lurie)**
- N. Complaint 15-15S (Dr. Colucci)**
- O. Complaint 15-16S (Dr. Rovetti)**
- P. Complaint 15-17S (Dr. Rovetti)**
- Q. Complaint 15-18N (Dr. Davis)**

This item was tabled until the July 17, 18, and 19, 2015 Board Meeting/Hearing.

**Agenda Item 13 Report on FARB Forum – Ms. Mercer – No action**

This item was tabled until the July 17, 18, and 19, 2015 Board Meeting/Hearing.

**Agenda Item 14 FCLB/NBCE Matters – No action**

- 1. Highlights from the May FCLB conference in New Orleans**
- 2. District IV Highlights**

This item was tabled until the July 17, 18, and 19, 2015 Board Meeting/Hearing.

**Agenda Item 15 Committee Reports**

- A. Continuing Education Committee (Dr. Davis) – No action**
- B. Legislative Committee (Dr. Lurie) – No action**
- C. Preceptorship Committee (Dr. Rovetti) – No action**
- D. Test Committee (Dr. Nolle): Approve revised CA examination – For possible action**

This item was tabled until the July 17, 18, and 19, 2015 Board Meeting/Hearing.

**Agenda Item 16 Board Counsel Report – No action**

Louis Ling stated that he had nothing to report at this time.

**Agenda Item 17 Executive Director Reports:**

- A. Status of Pending Complaints – No action**
- B. Status of Current Disciplinary Actions – No action**
- C. Legal/Investigatory Costs – No action**

This item was tabled until the July 17, 18, and 19, 2015 Board Meeting/Hearing.

**Agenda Item 18 Financial Status Reports – No action**

- A. Current cash position**
- B. November 1, 2014 – May 30, 2015 Income/Expense Actual to Budget Comparison**
- C. Accounts Receivable Summary**
- D. Accounts Payable Summary**
- E. Extraordinary Items**

This item was tabled until the July 17, 18, and 19, 2015 Board Meeting/Hearing.

**Agenda Item 19 Establish CPBN Facebook/Twitter accounts for posting of updates – For possible action**

This item was tabled until the July 17, 18, and 19, 2015 Board Meeting/Hearing.

**Agenda Item 20 Establish dates for next Board meeting and CA examination – For possible action**

This item was tabled until the July 17, 18, and 19, 2015 Board Meeting/Hearing.

**Agenda Item 21 NCA Report – No action**

This item was tabled until the July 17, 18, and 19, 2015 Board Meeting/Hearing.

**Agenda Item 22 NCC Report – No action**

This item was tabled until the July 17, 18, and 19, 2015 Board Meeting/Hearing

**Agenda Item 23 Correspondence Report – No action**

1. Nevada Chiropractic Association – Advertising Complaints
2. May 21, 2015 Board of Physical Therapy Examiners meeting – CPBN letter

This item was tabled until the July 17, 18, and 19, 2015 Board Meeting/Hearing.

**Agenda Item 24 Board Member Comments – No action**

There was no board member comments.

**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.**


There was no public comment.

**Agenda Item 26 Adjournment – For possible action**

Dr. Lurie stated that those items not discussed today will be tabled until the next Board Meeting as well as the continuation of the hearing in the Matter of Dr. Francis, Case No. 14-08S, which will be held Friday, July 17, Saturday, July 18, and Sunday, July 19, 2015.

Dr. Nolle moved to adjourn the meeting. Dr. Rovetti seconded and the motion passed unanimously.

Approved July 17, 18, 19, 2015

  
David Rovetti, DC, Secretary-Treasurer