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CHIROPRACTIC PHYSICIAN'S BOARD OF NEVADA

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MEETING MINUTES

A meeting of the Chiropractic Physicians' Board was held on Thursday, October 15, 2020 by zoom conference.

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
Xavier Martinez, DC, 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 and called the meeting to order.

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

Agenda Item 1 Public Interest Comments - No action.

Dr. David Rovetti stated that on behalf of the NCA he had concerns with some of the agenda items and would like to express these concerns during the agenda items. Dr. John Brown stated that the Nevada Chiropractic Council has contracted with the Chiropractic Therapy Assistant just as the Tennessee Chiropractic Association is contracted with and directed the Board to the link on the Nevada Chiropractic Council's website. The NCC would like the Board to consider a standardized training program for CA's to ensure there is safety and liability across the state. The NCC also recognized that the X-Ray resource guide is very extensive and would like to work with the Board to create content that is specific to the test. The NCC has partnered with the same association and one of the authors of the book.

Agenda Item 6 Legislative Matters – For possible action.

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Dan Musgrove with Strategies 360 was present and provided an overview of what is happening on the legislative front. Mr. Musgrove also confirmed that the Boards' bill draft request (BDR) will be sponsored by Mr. Steve Yeager.

Mr. Ling stated that he spoke with Dr. Overland regarding the possibility of a CBD bill being introduced during the 2021 legislative session and requested that the sponsors of the bill(s) be contacted to request that Chiropractic be included in the bill.

Agenda Item 2 Approval of agenda – For possible action.

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

Dr. Overland asked why the associations were not on the agenda. Julie Strandberg stated that it was understood that unless a request was received in writing the associations would not be a standing agenda item, but comments could be made during public comment.

Agenda Item 3 Approval of the July 9, 2020 Board Meeting Minutes. - For possible action.

Dr. Overland moved to approve the July 9, 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 July to September 2020 – For possible action.

Dr. Martinez moved to approve the ratification of granting of DC licenses to those who passed the examination from July to September 2020. Dr. Overland 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 examination on August 25, 2020 – For possible action.

Dr. Canada moved to approve the ratification of granting of CA certificates to those who passed the in-person examination on August 25, 2020. Dr. Martinez seconded, and the motion passed with all in favor.

Agenda Item 10 – Potential hearing or discussion of possible action in the Matter of Daniel Camilleri, DC, License No. B01553, Complaint No. 19-14N – 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. Camilleri.)

Dr. Camilleri and his attorney, Phillip Tiberi, were present. Mr. Ling introduced himself and gave the Board an overview of the complaint and the Settlement Agreement and Order. Following discussion, Dr. Martinez recommended that the Settlement Agreement and Order be approved. Mr. Bertoldo made a motion to approve the Settlement Agreement and Order. Dr. Canada seconded, and the motion passed with all in favor. Dr. Martinez recused himself as the investigating board member.

Agenda Item 7 PUBLIC WORKSHOP: Will begin at 9:30 a.m. via Zoom videoconference. Discussion to consider amendments to Nevada Administrative Code 634. – For possible action.

Dr. Colucci opened the public workshop. Mr. Ling provided an overview of the recommended revisions to NAC 634. Dr. Colucci called for public comments. Following

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comments and clarification, Dr. Canada moved to approve the revisions to NAC 634. Dr. Overland seconded, and the motion passed with all in favor.

Agenda Item 8 – Consideration/decision related to the application for CA Certificate for Jessica Olivares – 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. Olivares.)

Ms. Olivares was present and accepted to move into closed session. Mr. Bertoldo made a motion to move into closed session. Dr. Overland seconded, and the motion passed with all in favor. Julie Strandberg provided an overview of Ms. Olivares' appearance. Ms. Oliveras explained her reason for not answering affirmatively to questions regarding her background. Following questions from the Board, Dr. Colucci opened the meeting to the public. Dr. Rovetti made a motion to deny Ms. Olivares' application for chiropractor's assistant. Dr. Martinez seconded, and the motion passed with all in favor.

Agenda Item 9 – Potential hearing or discussion of resolution and possible action in the Matter of Michael Milman, DC, License No. B01618, Complaint No. 20-07S – 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. Milman.)

Dr. Colucci announced that she is the investigating board member for complaint 20-07S and turned the chair over to Dr. Canada, Vice President to open the hearing in the matter of Dr. Michael Milman. Mr. Louis Ling, Board Counsel, Mr. Kevin Murphy, on behalf of Dr. Milman, Dr. Michael Milman, and Mr. Justin Taruc, Deputy Attorney General announced themselves.

Mr. Ling identified the items included in the Board packet that he and Mr. Murphy agreed would be stipulated into the record on this matter. Mr. Ling provided the Board with an overview of Dr. Milman's felony charge and disciplinary history in California where his chiropractic license was revoked. Mr. Ling stated that there are four causes of action. Mr. Ling explained that Dr. Milman is not here to contest these charges, but answer questions from the Board. Mr. Ling stated that the investigating board member, Dr. Colucci recommended that the Board parallel the California Board action by revoking Dr. Milman's license, based on how the Board has historically disciplined and impose fees and costs.

Mr. Murphy stated on behalf of Dr. Milman, that they are here to ask this body to address the criminal conduct that occurred between June 26 and November 20, 2013. Mr. Murphy continued by providing the Board with Dr. Milman's criminal preceding's as well as an overview of Dr. Milman's professional career.

Dr. Michael Milman was sworn in and Mr. Ling stipulated Dr. Olga testifying to Dr. Milman's character.

Dr. Milman began his testimony with questions from his attorney, Mr. Murphy.

Mr. Ling stated that he did not have any cross-examination questions for Dr. Milman.

Questioning was opened up to the Board to ask of Dr. Milman.

Mr. Taruc, DAG called for closing arguments.

Mr. Ling stated that he appreciated Mr. Murphy's professional courtesy in getting the Board to the issue as quickly as possible and allowing the Board to discuss their concerns with Dr. Milman directly. Mr. Ling recommended that the Board not find Dr. Milman in violation of not notifying the Board of his criminal charge identified in the fourth cause of action since based on Dr. Milman's testimony he did notify the Board on his 2018 self-inspection.

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Mr. Murphy gave his closing argument clarifying Dr. Milman's position.

Dr. Rovetti made a motion to find the alleged four causes of action proven with the exception of the allegation in the fourth cause to disclose the criminal conviction. Dr. Overland seconded, and the motion passed with all in favor. Dr. Colucci recused herself as the investigating board member.

Dr. Rovetti made a motion that a five-year probation be imposed on Dr. Milman's license, assign a practice monitor, Board costs and attorney fees, take and pass the NBCE EBAS, cash only practice, no billing insurance or personal injury. Mr. Bertoldo seconded, and the motion failed three to two. Dr. Colucci recused herself as the investigating board member.

Dr. Rovetti made a motion to allow Dr. Milman to continue practicing with the following stipulations: impose five-years of probation on his license, with a practice monitor for five years at the cost of Dr. Milman, Board costs and attorney fees, take and pass the NBCE Ethics and Boundaries Assessment, carry the minimum malpractice insurance coverage, obtain the appropriate business licensure in the State of Nevada, cash only practice, with no billing of insurance and no personal injury cases. Mr. Bertoldo seconded, and the motion passed with the exception of Dr. Canada who opposed. Dr. Colucci recused herself as the investigating board member.

Agenda Item 11 Consideration of including the supervising chiropractic physicians' signature on the Chiropractor's Assistant application – For possible action.

Dr. Colucci explained that an active DC submitted a request, in writing, to propose adding the signature of the CA's supervising chiropractic physician on the application and indicated that CA's are allegedly training CA's. Dr. Rovetti expressed that if CA's are properly trained there doesn't seem to be a problem with an experienced CA training a CA in-training since there have not been any issues as it relates to public safety. If it's necessary to include the DC's signature, a disclosure could be added that the supervising chiropractic physician has read and reviewed the completed application. Mr. Ling confirmed that NAC 634.355(3) requires the certification of training by each licensee that supervises the chiropractor's assistant in addition to the application. Dr. Rovetti moved to table this agenda item. Dr. Martinez seconded, and the motion passed with all in favor.

Agenda Item 12 Consideration of request by Jennifer Mamola to have credits from Truckee Meadows Community College counted towards her training as a chiropractor's assistant pursuant to NAC 634.355 (4) (b) – For possible action.

Julie Strandberg explained that Ms. Mamola submitted her CA application along with her transcript in accordance with NAC 634.355 (4) (b). Following discussion, Dr. Rovetti recommended that the Board set guidelines in order to provide consistency for review and approval of transcripts submitted by CA's. Mr. Bertoldo moved to not consider this request. Dr. Canada seconded, and the motion passed with all in favor.

Agenda Item 13 Board Counsel Report – No action.

Mr. Ling stated that he did not have anything to report.

Agenda Item 15 Consideration of potential policies or guidance to Board staff – For possible action.

A. Applicants who have had their license revoked, surrendered, etc. in another state be required to come into compliance in that state prior to approving their application.

Dr. Overland recommended that a policy not be required.

B. Discipline for failing to submit Self-Inspection by March 31.

There were motions made recommending a fine between \$100.00 to \$350.00, however the motions failed. Following discussion, Dr. Canada moved to table this agenda item.

Dr. Colucci 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)

Mr. Ling stated that a citation will be issued to the DC.

B. Complaint 18-13S (Rovetti)

Dr. Rovetti reported that this complaint is still under investigation.

C. Complaint 18-15S (Canada)

Dr. Canada stated that this complaint, 18-17S and 19-03S are against the same DC and is still under investigation.

D. Complaint 18-17S (Canada)

Dr. Canada stated that this complaint, 18-15S and 19-03S are against the same DC and is still under investigation.

E. Complaint 19-03S (Canada)

Dr. Canada stated that this complaint, 18-15S and 18-17S are against the same DC and is still under investigation.

F. Complaint 19-11S (Colucci)

Dr. Colucci stated that Dr. Stanley fulfilled his obligation of the citation by paying the fine, so this complaint is now closed.

G. Complaint 19-12S (Rovetti)

Dr. Rovetti confirmed that the allegations of this complaint do not concern public safety, but concern money issues within the office and reported that civil and criminal litigation are currently in progress. Dr. Rovetti stated that following discussion with Mr. Ling it was determined to wait until those cases are resolved. Mr. Ling stated that he has been in touch with counsel who will provide updates.

H. Complaint 19-13N (Martinez)

Dr. Martinez stated that the complainant alleged unprofessional conduct and following an extensive investigation a letter of admonishment was issued and signed by the chiropractic physician. Dr. Martinez recommended dismissal of this complaint. Dr. Rovetti made a motion to dismiss complaint 19-13N. Dr. Overland seconded, and the motion passed with all in favor. Dr. Martinez recused himself as the investigating board member.

I. Complaint 19-14N (Martinez)

Dr. Martinez stated that the Settlement Agreement and Order against Dr. Camilleri was approved under agenda item 10.

J. Complaint 19-16S (Canada)

Dr. Canada stated that the complainant alleged that they paid an excessive amount of money for a treatment that did not help. However, when Dr. Canada visited the practice to speak with the DC, who was not available, she reminded the staff that the DC and CA wall certificates are required to be posted. Dr. Canada made a follow-up visit, one month later to find they were still out of compliance. Dr. Canada left a message for the chiropractic physician, but received no response. Dr. Canada recommended that the DC be fined. Mr. Ling confirmed that to propose a fine, the DC would need to be disciplined, so a citation would be issued.

K. Complaint 19-18N (Martinez)

Dr. Martinez stated that this complaint is against the same chiropractic physician as complaint 19-13N. Dr. Rovetti moved to dismiss complaint 19-18N. Mr. Bertoldo seconded, and the motion passed with all in favor. Dr. Martinez recused himself as the investigating board member.

L. Complaint 20-01N (Rovetti)

Dr. Rovetti reported that this complaint is still under investigation.

M. Complaint 20-03N (Rovetti)

Dr. Rovetti reported that this complaint is still under investigation.

N. Complaint 20-04N (Colucci)

Dr. Colucci stated that this is an anonymous complaint against a chiropractic physician with an expired license allegedly performing chiropractic. Dr. Colucci recommended dismissal unless the Board recommends additional investigation take place. Dr. Rovetti and Dr. Overland recommended that additional investigation be done.

O. Complaint 20-05S (Colucci)

Dr. Colucci stated that this is an anonymous complaint who was referred to the chiropractic physician following a car accident. Following an investigation, a citation was served for unlicensed chiropractors assistants.

P. Complaint 20-06S (Canada)

Dr. Canada stated that the complainant alleged that the chiropractic physician did not release their records timely and sold the lien to a 3rd party. Following an investigation, Dr. Canada reported that the records were provided and there were no other violations found, so she recommended that this complaint be dismissed. Dr. Overland made a motion to dismiss complaint 20-06S. Dr. Martinez seconded, and the motion passed with all in favor. Dr. Canada recused herself as the investigating board member.

Q. Complaint 20-07S (Colucci)

This complaint was the matter of Dr. Michael Milman discussed under agenda item 9.

R. Complaint 20-09S (Martinez)

Dr. Martinez stated that the complainant was in an auto accident and the chiropractic physician accepted the case on a lien basis. Following an investigation, once the complainant lost the case this became a financial dispute, which the Board does not get involved with, so Dr. Martinez recommended dismissal. Mr. Bertoldo made a motion to dismiss complaint 20-09S. Dr. Canada seconded, and the motion passed with all in favor. Dr. Martinez recused himself as the investigating board member.

S. Complaint 20-10S (Martinez)

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Dr. Martinez stated that the complainant alleged injury and unprofessional conduct and is still under investigation.

T. Complaint 20-11S (Canada)

Dr. Canada stated that the complainant was in an auto accident and the DC accepted the case on a lien basis. Following investigation, once the complainant lost the case this became a financial dispute, which the Board does not get involved with, so Dr. Canada recommended dismissal. Dr. Martinez made a motion to dismiss complaint 20-09S. Mr. Bertoldo seconded, and the motion passed with all in favor. Dr. Canada recused herself as the investigating board member.

Agenda Item 16 Committee Reports

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

Dr. Martinez did not have anything new to report.

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

Dr. Colucci stated that Steve Yeager has agreed to sponsor the Boards bill.

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

Dr. Rovetti stated that she recently completed supervising her first preceptor from Life West and indicated that due to COVID there may be more preceptors reaching out to practices due to the restrictions in place at the schools.

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

1. CA communication

Dr. Overland stated that there was a discrepancy in the CA exam location between the CA's letter versus the location identified on the website, however nobody missed the test.

2. Set CA exam schedule

The CA exam dates for 2021 were scheduled as follows: February 16 (in-person & on-line); June 18 (on-line only); September 28 (in-person & on-line)

3. CA exam questions

Dr. Canada explained that she reviewed the most commonly missed questions, which she also found confusing, and revised those questions. Dr. Overland asked if the entire Board should revise questions rather than the individual who is on the test committee.

Agenda Item 17 Discussion to extend the December 31, 2020 continuing education deadline for chiropractic physicians. – For possible action.

Dr. Rovetti stated that this agenda item is to request that the board extend the continuing education deadline. Dr. Rovetti explained that it is more effective to take in-person continuing education versus on-line.

Mr. Ling explained that it is not at the Boards' discretion to extend the continuing education deadline, since the Board cannot legally waive a statute. Mr. Ling stated that the only way that a statute can be waived is at the order of the Governor. Dr. David Rovetti stated that he spoke to the Physical Therapy Board, who referenced Emergency Directive 009, Section 3 that allows their licensees a 90-day forbearance. Mr. Ling confirmed that Directive 009, Section 3 was rescinded in Executive Directive 26 effective June 30, 2020.

Dr. Rovetti asked that if the Board were to extend the continuing education deadline, where would the backlash come from? Dr. Rovetti doesn't believe that the Governor would reprimand

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the Board for a one-time exception during a global pandemic and felt that the Board should take the steps to move this forward. Mr. Ling stated that since the Board does not require any in-person continuing education it is a tough argument to make.

Agenda Item 18 Discussion regarding the notice of the continuing education audit on the license renewal/timing of the continuing education audit. – For possible action.

Dr. Rovetti recommended that the timing of the random continuing education audit follow the end of the license renewal period. Julie Strandberg asked if the Board had any recommendations on the timing. Dr. Canada recommended 30 days following the renewal deadline and allow 30 days to respond. Dr. Rovetti recommended that Julie Strandberg determine the timeframe and send a postcard to those who were selected.

Mr. Bertoldo announced that he had to leave the meeting.

Agenda Item 19 Discussion of the protocols to add an agenda item. – For possible action

Dr. Overland asked if there were protocols for items to be added to the Board meeting agenda and who approves the agenda? Julie Strandberg stated that at the previous Board meeting it was confirmed that a Board member may submit their request in writing, which is then forwarded to the Board President for review and final approval to be put on the agenda. If there is a concern, then a discussion would take place. Dr. Overland made a motion to table this agenda item and stated that he and Dr. Rovetti will prepare a policy to present at the next Board meeting. Dr. Rovetti seconded, and the motion passed with all in favor.

Agenda Item 20 Discussion and approval regarding the policy pursuant to NRS 622.234 – For possible action.

- 1. Review and attestation by two or more Board members of each expenditure and the back-up of the expenditure.**
- 2. Quarterly review by the board of the board's financial statements to include a schedule of the board's disbursements.**

Mr. Ling stated that this legislation passed during the 2019 session to ensure Boards do not get embezzled by staff. Dr. Overland made a motion to adopt the legislature mandate for item #1 and #2. Dr. Martinez seconded, and the motion passed with all in favor. Dr. Canada and Dr. Overland will review the expenditures and backup each month.

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.**

Julie Strandberg gave an overview of the executive director reports.

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 – No action.**

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F. Budget to Actual – No action.

Julie Strandberg gave an overview of the financial reports.

Agenda Item 23 Discussion and potential action regarding the Boards' 2021 meeting schedule - For possible action.

The 2021 Board meetings were scheduled as follows: January 14th, April 17th, July 15th, and October 16th.

Agenda Item 24 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. David Rovetti commented that the Board's financials will reach close to \$1 million following DC renewals and stated that the NCA may recommend a reduction to the renewal fees.

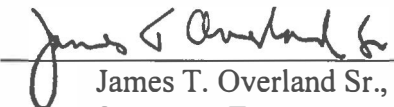
Dr. Martinez shared his concern with franchise group who advertises a wellness model. Dr. Martinez stated that during the course of an investigation he feels that from a public safety standpoint there is a potential risk, since there does not appear to be any oversight to this model.

Mr. Ling recommended that comments regarding facilities or chiropractic practices be held until the Board discusses its bill before the legislature.

Agenda Item 25 Adjournment – For possible action.

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

May 13, 2021


James T. Overland Sr., DC
Secretary-Treasurer