

**Steve Sisolak**  
*Governor*



**Margaret Colucci, DC**  
*President*  
**Nicole Canada, DC**  
*Vice President*  
**James T. Overland Sr., DC**  
*Secretary-Treasurer*

**Morgan Rovetti, DC**  
*Member*  
**Xavier Martinez, DC**  
*Member*  
**Tracy DiFillippo, Esq.**  
*Consumer Member*  
**John Bertoldo, Esq.**  
*Consumer Member*  
**Julie Strandberg**  
*Executive Director*

## **CHIROPRACTIC PHYSICIAN'S BOARD OF NEVADA**

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### **MEETING MINUTES**

A meeting of the Chiropractic Physicians' Board was held on Thursday, January 14, 2021 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. Colucci led those present in the Pledge of Allegiance. Dr. Overland stated the Purpose of the Board.

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

Dr. David Rovetti was present and stated that he had concerns with the last meeting and thinks that the Nevada Chiropractic Association (NCA) does as well, regarding postponing the submittal of continuing education due to COVID-19. Dr. Rovetti stated that the Board packet did not include the letter he wrote, or the letters received from three chiropractors. Dr. Rovetti stated that he doesn't expect the Board to go along with everything requested, however the licensees have a right to be heard and if the Board is going to decide on something, it is ludicrous to decide without the information. Dr. Rovetti stated that he is not exactly sure why the information was not included, but he thinks Julie Strandberg said it was because the Board cannot go with the Associations recommendations per legal counsel.

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

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

**Agenda Item 3 Approval of the October 15, 2020 Board Meeting Minutes. - For possible action.**

Dr. Rovetti noted that the minutes have become vague and referenced agenda item 11 and agenda item 1. She indicated that agenda item 1 does not say what agenda items, or which concerns, and is concerned for people who do not attend the meeting that want to read the minutes, and get a gist of the meeting, the minutes aren't as detailed as they should be. Dr. Colucci confirmed that the meetings are recorded, so Julie can ensure the minutes are more detailed. Dr. Colucci asked Dr. Rovetti if there was anything she would like to add or change? Dr. Rovetti stated that she doesn't know exactly what was said, but if she was reading the minutes and somebody had concerns, she would like to know. Dr. Rovetti moved to not approve the minutes and requested to table this item until the next Board meeting.

**Agenda Item 4 Ratification of granting of DC licenses to applicants who passed the examination from October to December 2020 – For possible action**

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

**Agenda Item 5 Legislative Matters – For possible action.**

**A. Strategies 360 – Dan Musgrove**

Mr. Musgrove was present and stated that we are only a few Mondays away from the beginning of the legislative session and there has not been a formal notification of how the legislature will take place. Mr. Musgrove indicated that the two special sessions that took place over the summer were conducted virtually, which is most likely how the legislature will start, since we are not seeing a reduction in COVID-19 numbers. The Board Bill (BDR 140) language has not been released by LCB, however will be introduced by Assemblyman Steve Yeager. The Boards bill will be heard in Commerce and Labor, chaired by Sandra Jauregui and once the bill passes through that committee it will be heard on the Senate side, Chaired by Senator Spearman. Mr. Musgrove stated that his group are watching 11-12 bills on behalf of the Board that mention professional boards, occupational licensing, and boards and commissions. There have been discussions that due to the budget issues and COVID-19 constraints that the legislature will focus on budget and essential business. Mr. Musgrove stated that Senator Dallas Harris does have a CBD bill.

**Agenda Item 6 Discussion and possible action regarding CBD-containing products – For possible action.**

Dr. Overland stated that he forwarded the Pharmacy Board regulation to Julie Strandberg and Mr. Ling, which follows the federal guidelines to allow any type of CBD product to be distributed, sold, etc. if the CBD is under the threshold of 1% THC, and anything over would be a controlled item. Dr. Overland indicated that according science, in order for CBD to be effective the product should have at least 3% THC. Mr. Ling gave an overview of the Pharmacy Boards regulation and the bill being proposed by Senator Dallas Harris.

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Dr. Overland made a motion to give Mr. Musgrove the authority to pursue discussions with the legislature regarding CBD products and that we adopt language to be included in the Board bill to authorize chiropractic physicians to sell, recommend, and dispense CBD products. Dr. Martinez seconded, and the motion passed with all in favor, except for Dr. Canada.

**Agenda Item 7 Discussion and possible action regarding amending the contract with Strategies 360 to extend the term and other potential amendments – For possible action.**

Dr. Colucci explained that the existing contract with Strategies 360 expires June 30, 2021. Julie Strandberg confirmed that the reason this contract is on the agenda is due to the timing of the Board meetings in accordance with the Board of Examiners timeline. If the Board waited there would be a gap in the Boards lobbyist contract. Dr. Rovetti stated that she thought there would be more time and it doesn't seem like a few months gap in the contract would be that big of deal. Mr. Musgrove confirmed that there would not be a change in language or cost. Dr. Overland confirmed that the term of the new contract would expire June 30, 2023.

Tracy moved to extend the existing contract with Strategies 360 to June 30, 2023. Dr. Canada seconded. Dr. Rovetti asked Mr. Musgrove if he or anyone else from Strategies 360 were representing any other chiropractors or groups of chiropractors. Mr. Musgrove stated that they are not currently, however he stated that he has been in contact with a group of chiropractors who are looking at amending insurance language in NRS 689A.049 and are hoping to update the language dealing with how chiropractic physicians are paid. The motion passed with Dr. Colucci, Dr. Canada, Ms. DiFillippo, and Mr. Bertoldo in favor and Dr. Overland, Dr. Rovetti, and Dr. Martinez in opposition.

**Agenda Item 8 Discussion and potential action regarding the application for licensure of Carl Damailig, 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. Dimailig)**

Dr. Colucci asked Dr. Dimailig if he would like to go into closed session and he declined. Dr. Colucci provided a brief summary of Dr. Dimailig's history. Dr. Dimailig thanked the Board for having him and explained that he practiced for seven years in California and started experiencing issues with his right hand and lower extremities due to injuries that occurred while serving in the Marine Corp.

Dr. Colucci confirmed that the last time Dr. Dimailig completed continuing education was 2017. Dr. Colucci asked if there were any questions from the Board.

Dr. Colucci made a motion that we accept Dr. Dimailig's application contingent upon taking 54 hours of continuing education. Dr. Canada seconded.

Dr. Rovetti made a motion that the Board give Dr. Dimailig the choice to either take and pass the SPEC exam or complete 54 hours of continuing education. Mr. Bertoldo seconded. Dr. Overland stated that it doesn't seem appropriate to give the licensee the choice, but the Board should make the decision. The motion did not pass with Dr. Rovetti, Dr. Martinez, and Mr. Bertoldo in favor and Dr. Canada, Dr. Overland, Dr. Colucci and Ms. DeFilippo in opposition.

Dr. Martinez made a motion that Dr. Dimailig take and pass the SPEC exam. Dr. Overland seconded, and the motion passed with all in favor except of Dr. Canada who opposed.

**Agenda Item 9 – Discussion and possible action regarding the handling of requests to**

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**consider proof of formal chiropractor's assistant training pursuant to NAC 634.355 (4) (b) – For possible action.**

Dr. Colucci stated that this topic was discussed at the October 15, 2020 meeting. Julie Strandberg stated that staff would like direction from the Board when a chiropractor's assistant submits a college transcript.

Dr. Overland made a motion that the transcript be reviewed by the test committee and if approved, the request come before the Board. Dr. Colucci seconded, and the motion passed with all in favor, except for Dr. Rovetti who opposed.

**Agenda Item 10 Consideration of including the supervising chiropractic physicians' signature on the Chiropractor's Assistant application – For possible action.**

Dr. Colucci stated that this topic was tabled at the October 15, 2020 meeting. Julie Strandberg stated that Mr. Ling referenced NAC 634.355 (3) which requires the supervising chiropractor to sign, acknowledging that the CA completed training, so it doesn't appear that the supervising chiropractor's signature is also required on the application.

Dr. Canada moved to leave the CA application as is. Dr. Colucci seconded, and the motion passed with all in favor, except for Dr. Rovetti who opposed.

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

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

Dr. Colucci stated that this topic was tabled at the October 15, 2020 meeting.

Dr. Rovetti made a motion that if the licensee fails to submit their self-inspection by March 31<sup>st</sup> a citation would be issued with a fine of \$150.00. If the licensee does not submit the fine and the self-inspection within the next 30 days, the licensee will be subject to disciplinary action. Dr. Rovetti confirmed with Julie Strandberg that reminders are sent monthly to the DC's. Dr. Colucci seconded, and the motion passed with all in favor.

**Agenda Item 12 Consideration of a policy and procedure about how agenda items may be put on an agenda for the Board's consideration. – For possible action**

Dr. Rovetti stated that the Board does not have a procedure on how to add an agenda item so that Board members can be heard, and stated that Board members be allowed to add any item to the agenda. Then at the beginning of the meeting when the agenda is approved the Board could discuss removing items if necessary. Dr. Overland stated that one individual should not make the unilateral authority to decide whether an agenda item should be added.

Dr. Rovetti made a motion that if a Board member would like something added to the agenda then it be added. Dr. Overland seconded, and following additional discussion the motion passed, except for Dr. Colucci, Dr. Canada and Ms. DiFillippo who opposed. Mr. Ling confirmed that the written policy be brought before the Board at its next meeting.

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

Dr. Teddy Sim was present on behalf of the NCC. He stated that the NCC held three on-line seminars during 2020 and they have a seminar planned for October 16, 2021 in Las Vegas. He reminded the Board of the CA Therapy Assistant link available on their website which allows clinical education, provides comprehensive training and preparation for the CA examination. The NCC has provided information regarding COVID-19. The NCC's membership is at 31 and Dr.

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Adam Ingles, President was nominated for the chiropractor of the year.

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

Dr. Marcia Tinberg, President, was present on behalf of the NCA. Dr. Tinberg stated that the NCA had in-person training scheduled during 2020, which was prohibited due to COVID-19 restrictions. The NCA is planning to hold an in-person training in June or July. The NCA has been in close contact with their membership regarding COVID-19 information about what needs to be posted and recently sent out the locations for healthcare providers to obtain the vaccine if they choose to do so. The NCA held a chiropractor's assistant (CA) review course last August and followed COVID-19 restrictions, and have a CA review course scheduled for February 6, 2021. The NCA is also looking at possible legislation.

**Agenda Item 13 Discussion and possible action regarding chiropractic physicians including Qualified Medical Examiner (QME) on their Nevada letterhead – For possible action.**

Dr. Colucci stated that an active DC inquired as to whether it is appropriate for a DC to advertise QME, which is a California designation on his Nevada letterhead.

Following discussion regarding whether an out-of-state certification be allowed or not be allowed on a chiropractic physician's Nevada advertisements and questions regarding QME it was recommended that this item be tabled to obtain additional information.

Mr. Bertoldo moved to table this agenda item until the Board obtained additional information. Dr. Canada seconded, and the motion passed with all in favor.

**Agenda Item 14 Discussion and potential action regarding chiropractic physicians whose licenses expired effective January 1 and potentially may be continuing to practice on expired licenses – For possible action.**

Julie Strandberg explained that following January 1st, a certified, cease and desist letter is sent to all expired chiropractic physicians. Julie Strandberg stated that this discussion is before the Board, to obtain guidance on how to proceed with those licensees that the Board has not received notification from and could potentially be practicing on an expired license.

Following discussion, Dr. Canada made a motion that a Board member be assigned to contact the chiropractic physician(s) that have an expired license and have received the cease-and-desist notice by email or certified mail, and if the chiropractor is practicing that they refrain from practice until they have paid the reinstatement fees and are notified that their license is renewed. Ms. DiFillippo seconded, and the motion passed with all in favor.

**Agenda Item 15 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)**

Dr. Colucci stated that a citation has been prepared and 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.

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**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 19-12S (Rovetti)**

Dr. Rovetti stated that civil and criminal litigation are currently in progress and Dr. Rovetti stated that following discussion with Mr. Ling it was determined to wait until those cases are resolved.

**G. Complaint 19-16S (Canada)**

Dr. Canada stated that the complainant purchased a sizable package and did not believe the paperwork provided was sufficient, however after reviewing the documentation it was determined sufficient. When Dr. Canada visited the practice to speak with the DC, who was not available, she recognized that the DC and CA wall certificates were not posted and advised staff that they were required to be posted. Dr. Canada made a follow-up visit one month later to find that they were still out of compliance. Dr. Canada left a message for the chiropractic physician, but received no response. Dr. Canada stated that a citation was issued to include a \$250.00 fine.

**H. Complaint 20-01N (Rovetti)**

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

**I. Complaint 20-03N (Rovetti)**

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

**J. Complaint 20-04N (Colucci)**

Dr. Colucci stated that this is an anonymous complaint alleging that a DC is running an unlicensed practice. It was understood that the DC and a lady who owns a salon were trading services. At the last Board meeting the Board asked that the investigation continue. An investigator scheduled an appointment with the owner of the salon who is a massage therapist, who recommended a few chiropractic physicians in the area, but did not mention this DC. Dr. Colucci recommended that this complaint be dismissed. Dr. Canada made a motion to dismiss complaint 20-04N. Ms. DiFillippo seconded, and the motion passed with all in favor. Dr. Colucci recused herself as the investigating board member.

**K. Complaint 20-10S (Martinez)**

Dr. Martinez stated that the complainant alleged injury from two different chiropractors who work for the same franchise, in different offices, as well as conspiracy to reckon life from staff and other various community members. Dr. Martinez reviewed the records and spoke to the chiropractic physicians and it appeared that there were no violations and recommended dismissal. Dr. Canada made a motion to dismiss complaint 20-10S. Ms. DiFillippo seconded, and the motion passed with all in favor. Dr. Martinez recused himself as the investigating board member

**L. Complaint 20-12S (Canada)**

Dr. Canada stated that she spoke to the complainant who provided their side of the case. Dr. Canada explained that this would be discussed in a public meeting and the complainant stated that they wanted to rescind their complaint. Dr. Canada confirmed that Julie Strandberg received an email from the complainant withdrawing complaint 20-12S.

**M. Complaint 20-13S (Colucci)**

Dr. Colucci stated that the complainant alleged that the COVID-19 guidelines were not being followed with respect to providing clean equipment. Dr. Colucci stated that she will visit the practice and report back at the next Board meeting.

**N. Complaint 20-14S (Colucci)**

Dr. Colucci stated that this DC reported that he voluntarily surrendered his license in lieu of discipline in Texas, on his Nevada inactive license renewal. Dr. Colucci stated that certified letter was sent to the chiropractic physician indicating that if they decided to obtain an active license in Nevada they would be required to appear before the Board and recommended dismissal. Dr. Canada made a motion to dismiss complaint 20-14S. Ms. DiFillippo seconded, and the motion passed with all in favor. Dr. Colucci recused herself as the investigating board member.

**O. Complaint 20-15N (Canada)**

Dr. Canada stated that the complainant visited a practice which includes an MSO and employs Physician's Assistant's (PA) and Nurse Practitioners. The patient was getting a consultation for stem cell injections and understood that the chiropractor would be performing the injection, which was confirmed on the chiropractic physician's website. The Advantage Group visited the practice and reviewed several patients records to confirm who was performing the injections and based on the records reviewed it appears that only PA's have been performing the stem cell injection. The Advantage Group inquired about the blog post and staff indicated that they contract with a ghostwriter for their website and the office staff did not do their due diligence in making sure the information was correct, so they immediately removed the blog page from their website. Dr. Canada recommended dismissal. Ms. DiFillippo moved to dismiss complaint 20-15N. Dr. Martinez seconded, and the motion passed with all in favor. Dr. Canada recused herself as the investigating board member.

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

Mr. Ling stated that he had nothing to report.

**Agenda Item 17 FCLB/NBCE Matters – For possible action.**

**A. Selection of Board's choice for FCLB Voting Delegate**

Dr. Colucci expressed interest in being the FCLB voting delegate. Ms. DiFillippo made a motion that Dr. Colucci be the FCLB voting delegate. Mr. Bertoldo seconded, and the motion passed with all in favor.

**B. Selection of Board's choice for FCLB Alternate Delegate**

Dr. Overland and Dr. Canada expressed interest in being the FCLB alternate delegate. Mr. Bertoldo made a motion that Dr. Canada be the FCLB alternate delegate. Ms. DiFillippo seconded, and the motion passed with all in favor.

**C. Selection of Board's choice for NBCE Voting Delegate**

Dr. Canada expressed interest in being the NBCE voting delegate. Dr. Colucci made a motion that Dr. Canada be the NBCE voting delegate. Ms. DiFillippo seconded, and the motion passed with all in favor.

**D. Selection of Board's choice for NBCE Alternate Delegate.**

Dr. Overland expressed interest in being the NBCE alternate delegate. Dr. Colucci made a motion that Dr. Overland be the NBCE alternate delegate. Mr. Bertoldo seconded, and the motion passed with all in favor.

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**E. Attendance of Board Member(s) at the FCLB annual conference to be held in West Palm Beach, FL - April 28 - May 2, 2021**

Dr. Colucci indicated that the format of this meeting has not been confirmed and inquired whether Board members were able to travel if the Governor's travel ban was still in place. Mr. Ling stated that only essential travel is currently allowed, so unless the Governor allows travel, Board members cannot attend these meetings in person. Mr. Bertoldo made a motion that Board members can travel if allowed. Tracy 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 21-23, 2021**

Dr. Rovetti and Dr. Overland expressed interest in attending. Dr. Canada made a motion for Dr. Rovetti and Dr. Overland to participate. Dr. Colucci 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 11-12, 2021**

Dr. Canada expressed interest. Dr. Colucci made a motion for Dr. Canada to attend. Ms. DiFillippo 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 12-14, 2021**

Dr. Rovetti and Dr. Canada expressed interest in attending. Dr. Colucci made a motion for Dr. Rovetti and Dr. Canada to participate. Dr. Overland seconded, and the motion passed with all in favor.

**Agenda Item 18 Committee Reports**

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

Dr. Martinez stated that there has been an upswing in online courses being offered.

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

Dr. Colucci stated that a meeting is scheduled for January 19, 2021 with Dan Musgrove to prepare for the legislative session and encouraged Dr. Overland to join.

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

Dr. Rovetti stated that there is currently one active preceptor.

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

Dr. Canada stated that she has been receiving training plans and has been more stringent on how these plans should look.

**Agenda Item 19 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 Audit (Bertrand & Associates)**

**E. Contract with Bertrand & Associates**

Julie Strandberg gave an overview of the Executive Director Reports. Dr. Overland indicated that in his discussion with the auditor, Michael Bertrand, he mentioned that the financials were not provided by the accountant, Freya Oberer-Brown in a timely manner and noted that it was important that the Board have access to a backup of the Quick Books file. Dr. Overland inquired about the backup plan and recommended that the Board's accountant attend the April Board



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meeting to share her background and provide information to the Board. Dr. Overland made a motion to approve the 2020 audit. Dr. Canada seconded, and the motion passed with all in favor. Dr. Colucci made a motion to approve the contract with Bertrand & Associates. Dr. Overland seconded, and the motion passed with all in favor.

**Agenda Item 20 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 September 30, 2020 – No action.**
- F. Budget to Actual at September 30, 2020 – No action.**

Julie Strandberg gave an overview of the financial reports.

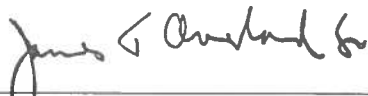
**Agenda Item 23 Public Interest Comments – No action.**

Dr. Lurie was present and shared his concerns with respect to the cross-over between the association and the Board and the association and public safety. He clarified that the group of chiropractic physicians who worked with Mr. Musgrove on legislation during the 2019 session was to better the profession. The language put forward had nothing to do with public safety, but with the advancement of chiropractic. The language was written in 1981 and is not consistent with what insurers are paying chiropractors for the same or similar work using the same or similar codes. Dr. Lurie stated that anyone is welcome to contact him to see what his clinics have done to better their patients and keep them safe.

**Agenda Item 24 Adjournment – For possible action.**

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

May 13, 2021

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