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Governor



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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, July 15, 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. Martinez 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 Dr. Tinberg delegated the NCA agenda item to him. Dr. Rovetti requested to provide comment under agenda item 16.

#### **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 January 14, 2021 Board Meeting Minutes and the May 13, 2021 Board Meeting Minutes. - For possible action.**

Dr. Overland moved to approve the January 14, 2021 Board meeting minutes and the May 13, 2021 Board meeting minutes. Dr. Martinez seconded, and the motion passed with all in favor.

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**Agenda Item 4 Ratification of granting of DC licenses to applicants who passed the examination from May to June 2021 – For possible action.**

Dr. Overland moved to approve the ratification of granting of DC licenses to those who passed the examination from May to June 2021. Dr. Canada seconded, and the motion passed with all in favor.

**Agenda Item 5 Ratification of granting of CA certificates to applicants who passed the examination on June 18, 2021 – For possible action.**

Dr. Canada moved to approve the ratification of granting of CA Certificates to those who passed the examination on June 18, 2021. Dr. Overland seconded, and the motion passed with all in favor.

**Agenda Item 6 Legislative Matters – For possible action.**

Mr. Musgrove was present and addressed the final legislative report provided to the Board. Mr. Musgrove addressed the passing of the Board bill, AB 210 as well as the bills that were monitored due to potential impact to the Board. Mr. Musgrove extended thanks to Steve Yeager for sponsoring the Boards bill.

**Agenda Item 7 – Discussion and possible action regarding contested citations for failure to submit 2021 self-inspection by March 31, 2021 - For possible action.**

Julie Strandberg shared the annual self-inspection process. Mr. Ling explained that the citation addressing the late filing of the self-inspection report is not disciplinary action, so the Board shall affirm the citation or not, which would dismiss the citation.

Dr. Rovetti stated that she made a suggestion at a previous meeting that the self-inspection be a part of the renewal. Dr. Rovetti stated that after hearing from each chiropractic physician, she will most likely be dismissing each of the contested citations due to the possibility of the reminder email not being received. Julie Strandberg reminded the Board that there is a regulation set for a hearing to align the self-inspection with the biennial renewal.

Julie Strandberg was sworn in by Mr. Taruc, DAG.

**A. Andrew Bader, DC**

Dr. Bader was sworn in by Mr. Taruc, DAG. Dr. Colucci welcomed Dr. Bader and asked him to provide his testimony. Dr. Bader provided concern with respect to the self-inspection being sent to him by email rather than mail for a fineable offense. Dr. Colucci turned the questioning over to the Board. Dr. Rovetti stated that an email only notification for the first year that the Board is making the self-inspection mandatory did not seem fair, however Dr. Rovetti agreed that the licensee should provide the Board with updated contact information and be aware that the self-inspection is completed annually. Dr. Colucci agreed that the self-inspection be aligned with the renewal. Mr. Ling admitted the following supporting material: the May 18, 2021 email contesting the citation from Dr. Bader, the Boards 21-day notice dated June 15, 2021, citation 21-09 and two pages from constant contact identifying the times and dates emails were sent. Mr. Taruc asked Dr. Bader if he had any objection to the admission of the documents, and Dr. Bader stated he had no objection. Dr. Canada made a motion to uphold the citation. Mr. Bertoldo seconded, and the motion passed with all in favor with the exception of Dr. Rovetti who opposed.

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**B. LaShawna Henderson, DC**

Dr. Henderson was sworn in by Mr. Taruc, DAG. Dr. Colucci welcomed Dr. Henderson and asked her to provide her testimony. Dr. Henderson stated that the email went to her prior employer, which shouldn't have happened, because she recalls updating her contact information when she renewed her license in December 2020. Dr. Colucci asked that Julie Strandberg look into the timing of Dr. Henderson's address updates to the Board. The Board tabled this item until later in the meeting so the email update could be researched. Mr. Ling admitted the following supporting material: the June 11, 2021 email contesting the citation from Dr. Henderson, the Board's 21-day notice dated June 30, 2021, citation 21-34 and two pages from constant contact identifying the times and dates emails were sent. Dr. Colucci asked Dr. Henderson if she had any objection to the admission of the documents, and Dr. Henderson stated she had no objection.

**C. Scott Kramer, DC**

Dr. Kramer did not submit his signed waiver to appear.

**D. Lacey Venanzi, DC**

Dr. Venanzi was sworn in by Mr. Taruc, DAG. Mr. Ling stated that the Board did not receive the 21-day waiver from Dr. Venanzi, so her documents were not included in the Board packet. Mr. Taruc stated that Dr. Venanzi can verbally waive her notice requirements and Dr. Venanzi affirmed to waive her rights to the open meeting law. Dr. Colucci welcomed Dr. Venanzi and asked her to provide her testimony. Dr. Venanzi stated that she was out of the office at the beginning of February and does not recall receiving the emails. Dr. Canada made a motion to uphold the citation. Mr. Bertoldo seconded, and the motion passed with all in favor with the exception of Dr. Rovetti who opposed.

**E. Delmar Walker, DC**

Dr. Walker was sworn in by Mr. Taruc, DAG. Dr. Colucci welcomed Dr. Walker and asked him to provide his testimony. Dr. Walker stated that he did not receive anything in the mail and does not conduct business by email. Mr. Ling admitted the following supporting material: the June 8, 2021 email contesting the citation from Dr. Walker, the Board's waiver of the 21-day notice dated July 13, 2021, citation 21-97 and two pages from constant contact identifying the times and dates emails were sent. Dr. Colucci asked Dr. Walker if he had any objection to the admission of the documents, and Dr. Walker stated that he had no objections. Dr. Canada made a motion to uphold the citation. Mr. Bertoldo seconded, and the motion passed with all in favor with the exception of Dr. Rovetti who opposed.

**Agenda Item 22 NCA Report – No action.**

Dr. David Rovetti was present on behalf of the NCA and reported that the NCA sponsored a continuing education seminar in Las Vegas with approximately 12 to 15 attendees and a 36-hour online concussion management seminar. The NCA will be holding an 8-hour continuing education course in Reno for chiropractic assistants to provide instruction on specific CA duties to include, but is not limited to, ultra-sound, exercise and physical examinations. Dr. Rovetti explained that this course is not for CA's preparing for the exam. Dr. Rovetti stated that he

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continues to work on spinal thrust being outside the scope of practice of a physical therapist. Dr. Rovetti reminded the Board that he would like to make a comment when the Board gets to agenda item 16.

**Agenda Item 10 Discussion and possible action regarding chiropractic physicians including Qualified Medical Examiner (QME) or similar designations on their Nevada letterhead or other public advertising– For possible action.**

Dr. Overland referred to the summary that Mr. Ling provided for the May Board meeting, which identified California's QME process and Nevada's impairment rater's process. Dr. Overland shared his findings, similar to the process noted in Mr. Ling's memo. Dr. Overland stated that California also has an Alternative Medical Examiner (AME), which falls under the same rules and regulations as the QME. Dr. Overland asked if advertising QME or CICE goes against the Boards' 100-hour course to be certified or an expert? Dr. Rovetti stated that she is certified to conduct impairment ratings and if the course is not 100-hours, a licensee should not be allowed to identify CICE or QME. Mr. Ling clarified that the 100-hours is not identified in any of the Boards statutes or regulations, but has been discussed by the Board as being the criteria by which a licensee may advertise a diplomate or specialist certification. Mr. Ling stated that advertising is an accurate reflection of an individual's attainments, so if someone has done the work then they should have the right to tell the public.

Dr. Overland made a motion to allow licensees with a dual license to use QME (California only) and Nevada raters may use CICE and/or Independent Designated Rater for advertising purposes and Mr. Bertoldo added that licensees be allowed to use other designations pursuant to NAC 634.550. Dr. Martinez seconded, and the motion passed with all in favor. Dr. Rovetti recused herself due to a conflict of interest.

**Continuance of Agenda Item 7**

The Board returned to agenda item 7 with Dr. LaShawna Henderson, DC. Julie Strandberg shared the findings of Dr. Henderson's contact information. Julie Strandberg stated that Dr. Henderson submitted a change of address form on July 25, 2019 to her employer's address and email. Dr. Henderson stated that she updated her mailing address and email at the time of renewal. Julie Strandberg confirmed that Dr. Henderson did update her mailing address, however her email was not updated. Dr. Canada made a motion to uphold the citation. Dr. Martinez seconded, and the motion passed with all in favor with the exception of Dr. Rovetti, who opposed.

**Agenda Item 8 - Discussion and potential action regarding the reinstatement application for licensure of Todd Gardner DC - For possible action. (Note: The Board may go into closed session pursuant to NRS 241.030 to consider the character alleged misconduct, or professional competence of Dr. Gardner). – For possible action.**

Dr. Colucci asked Dr. Gardner if he would like to go into closed session and Dr. Gardner denied. Dr. Colucci summarized the history of Dr. Gardner's background and asked Dr. Gardner to provide his testimony. Dr. Gardner explained that he did not intentionally withhold information from the Board, however since the incidents were so old, he could not recall the dates. Dr. Colucci opened up for questions from the Board. Conversation ensued between the Board and Dr. Gardner. The Board members provided Dr. Gardner with several recommendations to prepare for his appearance at the Boards next meeting.

Dr. Colucci made a motion that Dr. Gardner provide a current chemical evaluation,

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psychological evaluation, and physical evaluation by a licensed provider, agree to abstain from alcohol and all controlled substances and prescription drugs unless lawfully prescribed, drug analysis upon request, attending or enrolled in AA or 12-step program at least two times per week and provide monthly reports, take and pass EBAS (substance abuse), and NV Law, be assigned a practice monitor and stated that these items be completed prior to reinstatement. Mr. Ling shared that the Practitioner Recovery Network (PRN) is similar to what the Board is discussing, which is administered by a certified substance abuse counselor who reports to the Board on a quarterly basis. Dr. Overland seconded for discussion. The motion failed. Dr. Martinez made a motion to table Dr. Gardner's reinstatement and that he return to the next Board meeting. Dr. Canada seconded, and the motion passed with all in favor.

**Agenda Item 9 PUBLIC HEARING for the adoption of a Regulation to Nevada Administrative Code Chapter 634 Known As LCB File No. 179-20 – For possible action.**

Mr. Ling provided a summary of the revised language to NAC 634 and pointed out that the Board packet included the workshop documentation which was addressed at the October 15, 2020 meeting. Dr. Colucci made a motion to table this item for public hearing at the next Board meeting. Dr. Overland seconded, and the motion passed with all in favor.

**Agenda Item 11 Discussion and possible action regarding participation in an Interstate Compact – For possible action.**

Dr. Overland stated that he spoke to Dr. Schwartzbauer, Executive Director of the FCLB who shared that the Interstate Compact was underwritten by the Department of Defense (DOD) to allow licensure for military spouses to be more attainable. Dr. Overland stated that the DOD denied the grant to chiropractic, because in their opinion, there were not enough licensees and there was discussion about a change to the scope of work, however encouraged the chiropractic profession to re-apply when they release their spring 2022 grant. Dr. Schwartzbauer indicated that Interstate Compact will be discussed at the district meeting, October 2021.

Dr. Overland mentioned the summer school program through FCLB, and encouraged the Board to register.

**Agenda Item 12 Board Counsel Report – No action**

Mr. Ling stated that he had nothing to report.

**Agenda Item 13** 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 18-13S (Rovetti)**

Dr. Rovetti stated that this complaint did not involve a chiropractic physician, but a physical therapist and recommended dismissal. Dr. Canada made a motion to dismiss complaint 18-13S. Mr. Bertoldo seconded, and the motion passed with all in favor. Dr. Rovetti recused herself as the investigating board member.

**B. Complaint 19-12S (Rovetti)**

Dr. Rovetti stated that she is waiting for the civil case to be complete and currently arbitration is scheduled for February 2022.

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

Dr. Rovetti stated that this is a malpractice complaint and has requested the records from the DC.

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

Dr. Rovetti stated that she needs to discuss with Mr. Ling.

**E. Complaint 21-01S (Nolle)**

Julie Strandberg stated that this complaint is still under investigation.

**F. Complaint 21-02S (Colucci)**

Dr. Colucci stated that this complaint is still under investigation.

**G. Complaint 21-03S (Canada)**

Dr. Canada stated that based on the circumstances, this chiropractic physician not be allowed to see patients, which was discussed with his attorney, who was in agreement.

This complaint is still under investigation.

**H. Complaint 21-04S (Martinez)**

Dr. Martinez stated that this was a financial complaint along with a CBD dispensing component, however the DC had previously ceased offering CBD. The parties agreed to a settlement, so Dr. Martinez recommended dismissal. Dr. Colucci made a motion to dismiss complaint 21-04S. Dr. Canada seconded, and the motion passed with all in favor.

Dr. Martinez recused himself as the investigating board member.

**I. Complaint 21-06S (Colucci)**

Dr. Colucci stated that this complainant requested a refund for unused decompression sessions and the chiropractic physician gave a full refund, so Dr. Colucci recommended dismissal. Dr. Canada made a motion to dismiss complaint 21-06S. Mr. Bertoldo seconded, and the motion passed with all in favor. Dr. Colucci recused herself as the investigating board member.

**J. Complaint 21-07N(Colucci)**

Dr. Colucci stated that this complaint is still under investigation.

**K. Complaint 21-08S (Canada)**

Dr. Canada stated that the complainant felt the chiropractic physician acted unprofessionally. Dr. Canada spoke with both parties and felt that the action was inadvertent, so Dr. Canada recommended dismissal. Mr. Bertoldo made a motion to dismiss complaint 21-08S. Dr. Martinez seconded, and the motion passed with all in favor. Dr. Canada recused herself as the investigating board member.

**Agenda Item 14 FCLB/NBCE Matters – For possible action.**

**A. Districts I & IV Meeting – Whitefish, MT – October 7-10**

Dr. Overland expressed interest in attending the district meeting. Dr. Colucci recommended either Ms. Canady or Julie Strandberg attend. Dr. Martinez made a motion to approve their attendance. Dr. Canada seconded, and the motion passed with all in favor.

**B. Other FCLB/NBCE Matters**

Julie Strandberg reminded the Board about the summer school offered by the FCLB.

**Agenda Item 15 Discussion and possible action regarding attendance at the FARB Regulatory Law Seminar – September 30 through October 3, 2021, Nashville, TN – For possible action.**

Dr. Colucci and Dr. Canada expressed interest in attending the FARB conference. Mr.

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Ling stated that he would not be attending this year. Dr. Overland made a motion for Dr. Colucci and Dr. Canada to attend. Dr. Martinez seconded, and the motion passed with all in favor.

**Agenda Item 16 Consideration of potential additions, deletions, and/or amendments to NRS 634 and NAC 634– For possible action.**

Dr. David Rovetti stated that there is an existing statute that he feels has minimal impact on public protection, is a lot of hassle and expense on the chiropractic physicians, staff and Board members, and referred to the chiropractic assistant program. Dr. Rovetti recommended that the CA program follow the medical assistant program where there is no oversight from the Board, only the supervising doctor and asked if the Board would consider allowing one Board member to discuss the existing CA program with him. Mr. Bertoldo stated that he would work with Dr. Rovetti and report back to the next Board meeting.

**Agenda Item 17 Committee Reports**

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

Dr. Martinez stated that the quality and content of the continuing education applications has improved dramatically. The pseudo-science classes have not been submitted.

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

Dr. Colucci stated that the Board heard Mr. Musgrove's report and the Boards bill passed.

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

Dr. Rovetti stated that she had nothing to report at this time.

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

Dr. Canada stated that the test scores are not where they should be, and shared that several CA's are calling for the study material days before the exam, so they clearly are not adequately preparing for the exams.

**Agenda Item 18 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 19 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 May 31, 2021 – No action.**

**F. Budget to Actual at May 31, 2021 – No action.**

**G. Reserve Policy - For possible action.**

Julie Strandberg gave an overview of the financial reports and the reserve policy. Dr. Overland moved to approve the reserve policy. Dr. Canada seconded, and the motion passed with all in favor.

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**Agenda Item 20 Discussion and possible action regarding contracting for database and other services with Thentia.- For possible action.**

Julie Strandberg provided an overview of the contract with Thentia. Mr. Bertoldo moved to approve the contract. Dr. Canada seconded, and the motion passed with all in favor.

**Agenda Item 21 – Discussion and possible action regarding the Wallet ID/Renewal cards - For possible action.**

Julie Strandberg inquired whether the Board required that the pre-printed renewal cards continue to be purchased and mailed to the chiropractic physicians' and chiropractic assistants. The Board agreed that it was not necessary to continue this process, but allow the certificate to be printed from the website.

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

There was no report by the NCC.

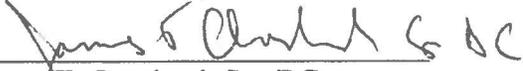
**Agenda Item 24 Public Interest Comments – No action.**

There were no public comments.

**Agenda Item 25 Adjournment – For possible action.**

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

October 28, 2021

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

7-29-2021