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Governor



Morgan Rovetti, DC
Member

Xavier Martinez, DC
Member

Christian L. Augustin, Esq.
Consumer Member
Reza R. Ayazi, Esq.
Consumer Member

Julie Strandberg
Executive Director

Margaret Colucci, DC
President

Nicole Canada, DC
Vice President

James T. Overland Sr., DC
Secretary-Treasurer

CHIROPRACTIC PHYSICIAN'S BOARD OF NEVADA

4600 Kietzke Lane, M-245 | Reno, Nevada 89502-5000

Phone: (775) 688-1921 | Fax: (775) 688-1920

Website: <http://chirobd.nv.gov> | Email: chirobd@chirobd.nv.gov

NOTICE OF MEETING

DATE: Thursday, April 14, 2022 **TIME:** 8:30 a.m.

LOCATION: Video Conference Call via Zoom

Instructions for attending conference call:

Topic: Chiropractic Physicians' Board Meeting

Time: Apr 14, 2022 08:00 AM Pacific Time (US and Canada)

Join Zoom Meeting

<https://us06web.zoom.us/j/87488207670?pwd=TjVEQXFrazBmWUZ4V3NUZjlvWEVxQT09>

Meeting ID: 874 8820 7670

Passcode: 512577

One tap mobile

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Meeting ID: 874 8820 7670

Passcode: 512577

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NOTE: ALL AGENDA ITEMS ARE FOR DISCUSSION AND FOR POSSIBLE ACTION UNLESS OTHERWISE NOTED. AGENDA ITEMS MAY BE TAKEN OUT OF ORDER, COMBINED FOR CONSIDERATION BY THE BOARD, OR PULLED OR REMOVED FROM THE AGENDA AT ANY TIME.

AGENDA

Call to order - determine quorum present.

Pledge of Allegiance – Dr. Overland

Statement of Purpose – Dr. Canada

Agenda Item 1 Public Interest Comments - No action.

- A. Public Comment will be taken at the beginning and at the end of each Board meeting;
- B. Public Comment may also be taken at other such times as requested so long as the request that Public Comment be taken will not interrupt ongoing Board business;
- C. Depending on the number of individuals wishing to address the Board, a reasonable time limit may be set. The Board will not restrict comments based upon viewpoint;
- D. No action may be taken upon a matter raised during Public Comment until the matter itself has been specifically included on an agenda as an item upon which action may be taken.
- E. Prior to the commencement and conclusion of a contested case or a quasi-judicial proceeding that may affect the due process rights of an individual the Board may refuse to consider public comment as per NRS 233B.126.

Agenda Item 2 Approval of agenda – For possible action.

The Board reserves the right to address items in a different order or combine two or more items to accomplish business in the most efficient manner. An item may be removed from the agenda or discussion may be delayed relating to an item at any time.

Agenda Item 3 Approval of the February 3, 2022 Board Meeting Minutes. - For possible action.

Agenda Item 4 Welcome the new Board member(s) – No action.

Agenda Item 5 Welcome the Boards new Accountant/Bookkeeper, Carol Woods, Numbers, Inc.
– No action.

Agenda Item 6 Legislative Matters – For possible action.

- A. Strategies 360 – Dan Musgrove

Agenda Item 7 - Discussion and potential action regarding the application for chiropractic assistant of Erika Chavez - 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 Ms. Chavez). – For possible action.

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Agenda Item 8 Presentation from James Anliot of Affiliated Monitors, Inc. – No action.

Agenda Item 9 NCA Report – No action

Agenda Item 10 NCC Report – No action

Agenda Item 11 Board Counsel Report – No action

Agenda Item 12 Discussion and potential action regarding the use of a percussive Thera-gun by a chiropractic assistant.- For possible action.

Agenda Item 13 Discussion and potential action regarding whether the named devices fall under a chiropractic physicians' scope of practice - For possible action.

- A. Ballancer Pro
- B. Senaptec Unit
- C. Handling of Future Requests

Agenda Item 14 Discussion and potential action regarding the use of the word “Best” in a chiropractic physicians advertising/google search. – For possible action.

Agenda Item 15 Discussion and potential action regarding Continuing Education requirements – For possible action.

- A. New licensees' attendance at a Board meeting.
- B. Require 50% of the continuing education credits (18 credits) be completed on-line and 50% of the continuing education credits (18 credits) be completed in-person or any combination of the continuing education hours.

Agenda Item 16 - Discussion and potential action regarding the loop holes identified in the Chiropractic Assistant program – For possible action.

Agenda Item 17 – Discussion and potential action regarding a contract for legal services with Ling Ltd. – For possible action.

Agenda Item 18 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 19-12S (Rovetti)
- B. Complaint 20-01N (Rovetti)
- C. Complaint 21-01S (Nolle)
- D. Complaint 21-03S (Canada)
- E. Complaint 21-29N (Canada)
- F. Complaint 21-30N (Colucci)
- G. Complaint 21-31S (Colucci)

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- H. Complaint 21-32S (Overland)
- I. Complaint 22-02N (Martinez)
- J. Complaint 22-03S (Overland)
- K. Complaint 22-04S (Canada)
- L. Complaint 22-05S (Colucci)

Agenda Item 19 Consideration of potential additions, deletions, and/or amendments to NRS 634 and NAC 634– For possible action.

- A. Revise NAC 634.380(1) to include an Email address used for work purposes.
- B. Revise NRS 634.090(1)(b) to remove the requirement that the applicant provides their proof of high school education.
- C. AB210 – Section 3 (5) The Board shall impose an administrative fine in an amount prescribed by regulation of the Board against a registrant that does not comply with the requirements in subsection 4.
- D. NRS 622.510 Regulatory body to develop opportunities for reciprocity for qualified active member of Armed Forces, member’s spouse, veteran or veteran’s surviving spouse. A regulatory body shall develop opportunities for reciprocity of licensure for any person who:
 - 1. Is an active member of, or the spouse of an active member of, the Armed Forces of the United States, a veteran or the surviving spouse of a veteran; and
 - 2. Holds a valid and unrestricted license to practice his or her profession that is not recognized by this State.

Agenda Item 20 Discussion and potential action regarding a chiropractic physician or chiropractor’s assistant failing to complete the required hours of Continuing Education by December 31 – For possible action.

Agenda Item 21 FCLB/NBCE Matters – For possible action.

Agenda Item 22 Committee Reports

- A. Continuing Education Committee (Dr. Martinez) – For possible action.
- B. Legislative Committee (Dr. Colucci) – For possible action.
- C. Preceptorship Committee (Dr. Rovetti) – For possible action.
- D. Test Committee (Dr. Canada) - For possible action.

Agenda Item 23 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. DC licenses to applicants who passed the examination from March to April 8, 2022 – No action.
- E. CA certificates to applicants who passed the in-person and on-line examinations on February 8, 2022 – No action.

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Agenda Item 24 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.
- F. Budget to Actual – No action.

Agenda Item 25 Discussion and potential action regarding a permanent and/or one-time reduction to fees based on the Boards cash position – For possible action.

Agenda Item 26 – Election of Officers – For possible action

Agenda Item 27 - Reassign Committees – For possible action.

Agenda Item 28 - Discussion and potential action regarding holding in-person meetings - For possible action.

Agenda Item 29 Public Interest Comments – No action.

In accordance with NRS 241.020 Public Comment will be taken prior to the adjournment of the meeting.

Agenda Item 30 Adjournment – For possible action.

This agenda posted April 8, 2022 at the Chiropractic Physicians’ Board of Nevada, 4600 Kietzke Lane, Suite M245, Reno, Nevada 89502; State Library and Archives, 100 North Stewart St., Carson City, Nevada 89701; CPBN Website: <http://chirobd.nv.gov>; and Notice.nv.gov.

A request for copies of an agenda and/or a supporting document or documents may be obtained from:

Julie Strandberg, Executive Director
Chiropractic Physicians’ Board of Nevada
775-688-1921

by picking up the document(s), or by mailing a written request to:

Chiropractic Physicians’ Board of Nevada
Attention: Julie Strandberg
4600 Kietzke Lane, Suite M245
Reno, Nevada 89502

by faxing a request to: Julie Strandberg at: Facsimile No.: 775-688-1920

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Note: “A request for notice lapses 6 months after it is made”: NRS 241.020.3(b). Mailing a copy of the Chiropractic Physicians’ Board meeting agendas will not be continued unless a request for reinstatement on the mailing list is submitted in writing every 6 months.

CHIROPRACTIC PHYSICIANS' BOARD OF NEVADA

AGENDA ACTION SHEET

TITLE: **Agenda Item 1 Public Interest Comments – No action.**

- A. Public Comment will be taken at the beginning and at the end of each Board meeting;**
- B. Public Comment may also be taken at other such times as requested so long as the request that Public Comment be taken will not interrupt ongoing Board business;**
- C. Depending on the number of individuals wishing to address the Board, a reasonable time limit may be set. The Board will not restrict comments based upon viewpoint;**
- D. No action may be taken upon a matter raised during Public Comment until the matter itself has been specifically included on an agenda as an item upon which action may be taken.**
- E. Prior to the commencement and conclusion of a contested case or a quasi-judicial proceeding that may affect the due process rights of an individual the Board may refuse to consider public comment as per NRS 233B.126.**

RECOMMENDED MOTION: **Non-Action item.**

PRESENTED BY: **Margaret Colucci, DC**

MEETING DATE: **April 14, 2022**

TIME REQUIRED: **3 minutes per person per topic**

BACKGROUND INFORMATION: **The public may speak to the Board about any topic not on the agenda but no action may be taken.**

REVIEWED BY: President Secretary Executive Director

ACTION: Approved Approved w/Modifications Denied Continued

Agenda Item 1

CHIROPRACTIC PHYSICIANS' BOARD OF NEVADA

AGENDA ACTION SHEET

TITLE: **Agenda Item 2** Approval of Agenda – For possible action.

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RECOMMENDED MOTION: **No recommendation.**

PRESENTED BY: **Margaret Colucci, DC**

MEETING DATE: **April 14, 2022**

TIME REQUIRED: **2 minutes**

BACKGROUND INFORMATION: **Agenda items may be addressed out of order to accommodate those present.**

REVIEWED BY: President Secretary Executive Director

ACTION: Approved Approved w/Modifications Denied Continued

Agenda Item 2

CHIROPRACTIC PHYSICIANS' BOARD OF NEVADA

AGENDA ACTION SHEET

TITLE: **Agenda Item 3 Approval of the February 3, 2022 Board Meeting Minutes. - For possible action.**

RECOMMENDED MOTION: **Approve the minutes of the February 3, 2022 meeting as drafted.**

PRESENTED BY: **Margaret Colucci, DC**

MEETING DATE: **April 14, 2022**

TIME REQUIRED: **5 minutes**

BACKGROUND INFORMATION:

REVIEWED BY: President Secretary Executive Director

ACTION: Approved Approved w/Modifications Denied Continued

Agenda Item 3

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
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A meeting of the Chiropractic Physicians' Board was held on Thursday, February 3, 2022 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
Tracy DiFillippo, Esq., Consumer 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. Rovetti led those present in the Pledge of Allegiance. Dr. Colucci stated the Purpose of the Board.

Agenda Item 1 Public Interest Comments - No action.

Dr. Colucci asked whether there was anyone in attendance who would like to present public comment. Dr. Dave Rovetti asked if he could provide comments during some of the agenda items as a representative of the NCA and Dr. Colucci approved.

Dr. Tinberg asked when the NCA report agenda item would be discussed and Dr. Colucci indicated that it would be discussed within the hour.

Agenda Item 2 Approval of agenda – For possible action.

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Dr. Canada stated that the action sheet for agenda item 15F should indicate criminal rather than civil. Dr. Rovetti requested that the elections be moved to the end of the meeting agenda to allow Dr. Martinez to join.

Dr. Overland moved to approve the agenda to include the requested revisions. Ms. DiFillippo seconded, and the motion passed with all in favor.

Agenda Item 3 Approval of the October 28, 2021 Board Meeting Minutes. - For possible action.

Dr. Canada moved to approve the agenda. Ms. DiFillippo seconded, and the motion passed with all in favor. Dr. Colucci recused herself since she was not in attendance at the October 28, 2021 meeting.

Agenda Item 4 Legislative Matters – For possible action.

Dan Musgrove with Strategies 360 was present and shared that the interim committees are meeting based on legislation that passed during the 2021 session, which changed the make-up of the interim committees so that they more closely align with the committees that meet during the legislative session. Mr. Musgrove confirmed that he had not heard from Senator Jauregui that the Board will be on any agenda. Mr. Musgrove stated that there was an excellent presentation by the Council on State Government on National Trends in Occupational Licensing and Policy, which was emailed to Julie Strandberg today and asked that it be forwarded to the Board members. Mr. Musgrove mentioned that there are several legislative seats open. Mr. Musgrove reminded the Board that if there is interest to submit a Board bill the deadline for bill drafts is typically around August 1st.

Agenda Item 5 Discussion and potential action regarding the citation in the Matter of Daniel Lai, 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. Lai)

Dr. Colucci welcomed Dr. Lai and gave him the opportunity to move into a closed session. Dr. Lai declined moving into a closed session. Dr. Colucci explained that Dr. Lai contested the citation and appeared before the Board at its October 28, 2021 meeting. The Board voted to table the agenda item and asked that the investigating Board member contact the chiropractic assistants to confirm their hire date and training start date. Dr. Colucci stated that the chiropractic assistants were contacted and it was confirmed that the training start date was within 15 days of the application being submitted to the Board. Dr. Colucci recommended that this complaint be dismissed. Ms. DiFillippo made a motion to dismiss complaint 21-02S. Dr. Canada seconded, and the motion passed with all in favor.

Agenda Item 8 NCA Report – No action

Dr. Marcia Tinberg reported on behalf of the NCA stating that the website is available and being updated with new information and a new contact phone number. Dr. Tinberg stated that the NCA is hoping to build their membership. The NCA is making continuing education a priority and plan to hold in-person training with the DC licenses renewal being at the end of the year. The NCA plans to continue a training review course for the chiropractic assistants prior to the examinations. The NCA plans to have a presence during the legislative session with a lobbyist, as they have in the past. Dr. Dave Rovetti stated that the NCA will be holding a seminar for the chiropractic physicians in northern Nevada. Dr. Rovetti reported that he held a two-hour seminar in northern Nevada, which included about ten DC's. During this seminar Dr. Rovetti made a presentation on behalf of the NCA sharing that they will be trying to modify the CA program and indicated that there was an audible cheering from the DC's. Dr. Rovetti stated that he will be

reaching out to the NCC to see if they are interested in participating in the legislative session.

Agenda Item 9 NCC Report – No action

A representative from the NCC was not available.

Agenda Item 10 - Discussion and potential action regarding the Chiropractic Assistant program – For possible action.

Mr. Bertoldo met with Dr. Dave Rovetti to discuss the CA program. Mr. Bertoldo reported that he was not aware that every time a DC hired someone involved in any kind of therapies that they had to be certified through the CA program as opposed to a front desk or billing person, which puts the onus on the DC to make sure that people that are assisting with patients or any kind of therapy are certified as a CA. Mr. Bertoldo stated that from his purview as a consumer safety Board member his bias is that the program serves a purpose, promoting a higher level of training and knowledge on the part of the CAs to the DC's. Mr. Bertoldo stated that Dr. Dave Rovetti can explain his views, but Mr. Bertoldo understood Dr. Rovetti to have a view that this concept, while possibly wonderful in its ideal form, needs to be fixed, in a sense that, people take the test, repeat it often and there are no penalties for not passing. Therefore, does not represent a great level of training and is a hassle for the DCs. Mr. Bertoldo stated that he would like to understand how the DCs on the Board feel about the CA program. Mr. Bertoldo stated that he talked to past President, Dr. Lurie who is a strong proponent of the CA program. The DCs in Dr. Lurie's practice also take pride in the CA program by sitting with their CAs and review the Chiropractic Therapy Assistant Guide. Dr. Colucci stated that this conversation has been going on for a long time and the main reason the program was put in place was to protect the public. Dr. Colucci stated that years ago Virginia chiropractic practices were audited by Blue Cross Blue Shield and refunds were requested for services billed when office staff performed therapies, since the state did not have a chiropractic assistant program in place to allow staff to perform these duties. Dr. Colucci stated that the FCLB created the CCCA program following the Virginia lawsuit to provide qualifications to perform any type of modalities. Dr. Colucci stated that it would be a dis-service to unravel the program on a public protection level and on a DC level, because it could potentially open the DC up to potential audits from the insurance companies. As a regulator, we are here to protect the public and having something in place is better than nothing. Dr. Colucci asked Dr. Dave Rovetti if he wants this program to completely go away and he indicated, "yes." Dr. Rovetti referred to the statute that states that the chiropractic physician is responsible for all of their employees. Dr. Rovetti stated that he likes the route of the medical assistants, who do not have credentialing through a licensing board. Dr. Rovetti stated that approximately 15 years ago he was instrumental in testifying at the legislature to help the CA program, by limiting the number of times an individual is able to take the test, so there was some incentive for DCs to train their staff. Dr. Rovetti stated that after reviewing the CA program he identified several loop holes and believes it will take a lot of effort to fix them. Dr. Rovetti challenges anyone of the Board members who want to keep the CA program to close all the loop holes, such as the exams, training, etc. Dr. Morgan Rovetti stated that the CA can take the test and fail, but continue to perform CA duties. Dr. Rovetti iterated that there are a lot of loop holes and feels that the existing program is hurting the Board and setting the Board up for more problems with regard to how the Board looks to the public. Dr. Rovetti stated that she could be on board with a different program. Dr. Overland stated that he feels it would be a mistake to get rid of the CA program, although he wouldn't be opposed to modifying certain parts of the

program. Dr. Overland stated that he has mentioned that the CA exam and law exam should be psychometrically reviewed. Dr. Canada asked Dr. Dave Rovetti to identify the loop holes. Dr. Dave Rovetti stated that an individual doesn't have to be trained to perform CA duties, an individual can take x-rays without knowing anything about x-rays, and you can be a child molester and work for approximately a month before the background results are returned. Dr. Canada stated that she is aware of several practices that do not conduct a background check and believes it is important for the Board to continue requiring and submitting a background check on applicants. Dr. Canada asked that Dr. Dave Rovetti provide his list of loop holes to the Board in writing. Ms. DiFillippo stated that it is her understanding that the proposal to get rid of the CA program is because it is a burden on the chiropractic physicians, and that is not what the Board is to be looking at. Ms. DiFillippo stated that she has heard that the Board hasn't received any complaints against a CA and stated that could be because this program is in place. Ms. DiFillippo stated that there are loop holes in everything we do, and that is not a reason to do away with the program, but a reason to possibly add or change laws. How does getting rid of the program and putting it on the DC address the loop holes and protect the public? The only issue I see is that CAs continue to lie on their application, so maybe there is something that can be done to fix the application process.

Dr. Marcia Tinberg stated that the NCA has discussed putting together an educational program for the CA's.

Dr. Canada stated that ideally, she would like to see a six-to-nine-month CA program be offered in the community colleges.

Agenda Item 11 Discussion and potential action regarding the use of a percussive Thera-gun by a chiropractic assistant.- For possible action.

Dr. Colucci stated that a chiropractic physician contacted the Board asking if it was appropriate for chiropractic assistants to use a thera-gun on a patient. Dr. Colucci stated that a thera-gun is sold over-the-counter for personal use, however if the device is used on an individual's bone structure it could be harmful. Dr. Colucci stated that it appears that this device falls under the purview of a massage therapist. Dr. Overland recalls the Board addressing the G5 janie rub massager, and if he remembers correctly, the Board deemed it under the purview of a massage therapist. Dr. Rovetti stated that it would be helpful if the agenda item action sheet provided more information. Mr. Bertoldo asked what billing code is being used by the DC. Dr. Dave Rovetti shared that there is a vibration code. Following discussion, Dr. Colucci stated to table this agenda item and asked Julie Strandberg to confirm what billing code is being used.

Agenda Item 12– Discussion and potential action regarding Continuing Education requirements – For possible action.

A. New licensees' attendance at a Board meeting.

Dr. Overland stated that this topic was discussed at the District I & IV meeting. Dr. Overland referred to a comment made by a DC that was before the Board at a previous meeting, who stated that DCs are afraid of the Board. Dr. Overland stated that while he was part of the NCA he had several DCs reach out to him to contact the Board on their behalf, because they were afraid to give their name to the Board. Dr. Overland stated that during the district meeting he heard from other states that require new licensees attend a Board meeting. There has been discussion in the past on how to get more licensees to attend Board meetings so they understand that the Board isn't a bunch of bad people, but

are there to protect the public. Dr. Overland stated that the Board may want to consider that new licensees attend a Board meeting and possibly allow continuing education credits. Dr. Rovetti stated that she believes it would be beneficial for licensees to attend a Board meeting.

B. Require 50% of the continuing education credits (18 credits) be completed on-line and 50% of the continuing education credits (18 credits) be completed in-person or any combination of the continuing education hours.

Dr. Colucci stated that she is in favor of changing the CE requirements. Dr. Overland stated that some time ago the NCA recommended that a certain number of credits be in person and the vast majority of the Board at the time was in favor of this, however the Board ended up voting against requiring in person credits, based on a CE provider who appeared before the Board to oppose. Dr. Overland stated that some states are looking at requiring that a certain number of credits be from live seminars. Dr. Overland asked, how can DCs really become trained on how to adjust extremities by watching a video? Dr. Dave Rovetti referenced the meeting Dr. Overland was discussing and indicated that there were approximately 30 DCs in the audience that wanted to do all of their CEs online. Dr. Dave Rovetti stated that he is in favor of requiring some live CE's, especially since DC's are hands-on. Dr. Morgan Rovetti stated that she is concerned with setting a required amount in person especially with COVID, although she agrees that requiring in-person is better protection for the public. Dr. Rovetti also stated that the availability of in-person CE in northern Nevada is limited, which would require DCs to travel to seminars. Ms. DiFillippo stated that she agrees with Dr. Rovetti as it relates to in-person, because of COVID. Ms. DiFillippo stated that the Board needs to be open and understanding of people that may be uncomfortable in a room with a group of people. Ms. DiFillippo stated that from a public safety perspective, it may be necessary to require hands-on. Mr. Bertoldo stated that things are changing and the future is moving to less in person. Mr. Bertoldo stated the key is that the courses are affordable and available. Dr. Rovetti recommended that the Board offer some sort of incentive for in person CE, such as obtaining more credits. Dr. Overland stated that he is not set on requiring 50% online and 50% in person, but would like the Board to consider some amount of in person credits since chiropractic is a hands-on profession. Dr. Overland also recommended that the Board entertain that the licensee attend a Board meeting so they could see how the Board works and receive 4-5 hours of credit. Ms. DiFillippo recommended that DCs be allowed to obtain a waiver of the in-person hours for being in a rural area, are immune compromised, etc. Dr. Canada stated that she agrees with Dr. Overland that some CE need to be in person and believes that 10 credits be required in person, which could be accomplished in a one weekend seminar. Dr. Canada stated that she likes the idea of licensees attending a Board meeting.

Mr. Ling shared that he is not aware of any Board that mandates that a licensee attend a Board meeting, but is aware that there are Boards who give credits for attendance. Mr. Ling stated that with COVID, now may not be the time to require in-person CE. Dr. Rovetti stated that COVID has changed a lot of things and it may not be feasible to make in-person CE mandatory.

Dr. Overland recommended that this agenda item be tabled until the next meeting. Dr. Canada made a motion to table agenda item 12A and 12B until the next meeting. Dr. Colucci seconded, and the motion passed with all in favor.

Agenda Item 13 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.
- B. Selection of Board’s choice for FCLB Alternate Delegate**
Dr. Canada expressed interest in being the FCLB alternate delegate.
- C. Selection of Board’s choice for NBCE Voting Delegate**
Dr. Canada expressed interest in being the NBCE voting delegate.
- D. Selection of Board’s choice for NBCE Alternate Delegate**
Dr. Overland expressed interest in being the NBCE alternate delegate.
- E. Attendance of Board Member(s) at the FCLB’s 95th Annual Educational Congress May 4-7, 2022 Denver, CO**
Dr. Overland stated that he would be interested in attending and will apply for the scholarship through the FCLB to cover his costs.
- F. Selection of Board Member to participate in the Spring National Board Part IV Exam - May TBD, 2022**
Dr. Rovetti and Dr. Overland expressed interest in attending the Spring Part IV examination.
- G. Selection of Board Member to participate in the National Board Part IV Test Committee meeting - June TBD, 2022**
Dr. Canada expressed interest in attending the Part IV test committee meeting.
- H. Selection of Board Member to participate in the Fall National Board Part IV Exam - November TBD, 2022**
Dr. Rovetti and Dr. Canada expressed interest in attending the Fall Part IV exam. Dr. Canada made a motion to approve the attendance of the Board members named in agenda items 13A through 13H. Ms. DiFillippo seconded, and the motion passed with all in favor.
- I. Other FCLB/NBCE matters.**
There were no other matters discussed.

Agenda Item 14 Board Counsel Report – No action

Mr. Ling stated that he had nothing to report.

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 19-12S (Rovetti)**
Dr. Rovetti explained that currently there is civil and criminal litigation against the DC, so the Board will wait for the results of the trial set for July 2022.
- B. Complaint 20-01N(Rovetti)**
Dr. Rovetti stated that this case allegedly involves injury as well as potential discrepancies with the records. Dr. Rovetti stated that she is still gathering information.

C. Complaint 20-03N(Rovetti)

Dr. Rovetti stated that this complaint was filed with respect to a DC not releasing patient records, however the complainant/individual requesting the records was not the actual patient. Upon receipt of a legitimate authorization, the patient's records were released. Dr. Rovetti recommended dismissal. Mr. Bertoldo moved to dismiss complaint 20-03N. Dr. Canada seconded, and the motion passed with all in favor. Dr. Rovetti recused herself as the investigating board member.

D. Complaint 21-01S (Nolle)

Julie Strandberg stated that this complaint is still under investigation.

E. Complaint 21-02S (Colucci)

Dr. Colucci stated that this is the matter of Dr. Daniel Lai and was dismissed under agenda item 5.

F. Complaint 21-03S (Canada)

Dr. Canada stated that this complaint is against a DC who had criminal charges brought against him. The Board will wait for the results of the trial.

G. Complaint 21-07N(Colucci)

Dr. Colucci explained that this complaint was received from an Idaho D.O. on behalf of a patient who was allegedly treated by a chiropractic physician. Following an investigation, the DC ordered that an APRN perform an IV. Dr. Colucci recommended that this complaint be dismissed with a letter of instruction referencing that chiropractic physicians cannot order an APRN to perform an IV. Dr. Colucci stated that this complaint was referred to the Nevada Nursing Board. Dr. Canada moved to dismiss complaint 21-07N with a letter of instruction. Mr. Bertoldo seconded, and the motion passed with all in favor. Dr. Colucci recused herself as the investigating board member.

H. Complaint 21-26N(Colucci)

Dr. Colucci stated that the DC was not requiring that face coverings be worn by staff and patients. Following correspondence between the Board, the DC and the DC's attorney a letter was received by the Board confirming that the DC would comply with the mask mandate. Dr. Colucci recommended that this complaint be dismissed. Dr. Canada moved to dismiss complaint 21-26N. Dr. Overland seconded, and the motion passed with all in favor. Dr. Colucci recused herself as the investigating board member.

I. Complaint 21-29N(Canada)

Dr. Canada stated that a former employee filed a complaint for unprofessional conduct against a DC that she worked with, as well as two witnessing DC's. Dr. Canada stated that this complaint is still under investigation.

J. Complaint 21-30N(Colucci)

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

K. Complaint 21-31S (Colucci)

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

L. Complaint 21-32S (Overland)

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

M. Complaint 21-33S (Martinez)

Julie Strandberg stated that the Board received notice from the National Practitioners Data Bank that a malpractice settlement was filed against a DC. The Board attempted to reach the DC to request documentation pursuant to NAC 634.425, however there was no

response so a citation was issued. The citation was returned by the USPS to the Board “Attempted Not Known.” Julie Strandberg stated that the citation has been reported to CIN-BAD and the fine will be written off. Dr. Canada moved to close this file. Dr. Overland seconded, and the motion passed with all in favor.

N. Complaint 22-01S (Canada)

Dr. Canada stated that the complainant had AETNA Medicare insurance and was told that their exam would not be covered, so the patient paid for their visit. Following the exam, the DC determined an x-ray was warranted and then recommended an MRI. The patient did not want an MRI and did not return to the office, but requested that their exam fee be refunded. Dr. Canada did not see any wrong-doing by the DC and recommended dismissal.

Mr. Bertoldo moved to dismiss complaint 22-01S. Dr. Overland seconded, and the motion passed with all in favor. Dr. Canada recused herself as the investigating board member.

O. Complaint 22-02N(Colucci)

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

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

- A. Revise NAC 634.380(1) to include an Email address used for work purposes.**
- B. Revise NRS/NAC to allow chiropractic physicians to direct treatments that are within their scope of practice to Registered Nurses.**
- C. Revise NRS 634.090(1)(b) to remove the requirement that the applicant provides their proof of high school education.**

Julie Strandberg explained that this is an ongoing list of revisions to NRS 634 and NAC 634 based on Board discussion or otherwise. Julie Strandberg stated that the Board has received a number of comments from applicants asking why they need to provide proof of their high school education as part of the application requirements since they could not be admitted to chiropractic college without it. Julie Strandberg spoke to other Nevada Boards who indicated that their laws do not require proof of high school education for their professional licensees.

Agenda Item 17 Committee Reports

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

Dr. Martinez was not present.

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

Dr. Colucci stated that the interim committees are meeting, however there is nothing affecting the Board at this time.

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

Dr. Rovetti stated that she had nothing to report.

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

Dr. Canada stated that Julie Strandberg provided the CA examination and the CA law examination to include the percent of each question missed. Dr. Canada stated that she is in the process of reviewing the questions that are commonly missed to ensure that they are clear and concise.

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.**
- D. DC licenses to applicants who passed the examination from October to December 2021 and January 2022 – No action.**
- E. Business Entity Registrations – 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 November 31, 2021 – No action.**
- F. Budget to Actual at November 31, 2021 – No action.**
- G. 2021 Board Audit – For possible action.**

Julie Strandberg gave an overview of the financial reports. Dr. Overland stated that he spoke with the Boards auditor, Mr. Bertrand and indicated that overall, everything went fine. Mr. Bertoldo moved to accept the 2021 Board audit. Dr. Canada seconded, and the motion passed with all in favor. Mr. Bertoldo and Dr. David Rovetti commented on the Board's cash position. Dr. Dave Rovetti stated that he expects the Board to have \$1 Million in assets after the 2022 DC renewals. Dr. Rovetti formally requested that the Board consider reducing the DC renewal fee to \$500.00 or \$600.00 and reduce the CA renewal fee to \$15 and the application fee to \$10.00, which would be less burdensome on the doctor. Dr. Overland requested that an agenda item be added to the next Board meeting to discuss a one-time or short-term reduction to the fees for DC's and CA's.

Mr. Ling introduced Chricy Harris, who will serve as the Board's Deputy Attorney General. Ms. Harris provided the Board with her background.

Dr. Colucci dropped off the zoom meeting due to technical difficulties.

Agenda Item 21 Discussion and possible action regarding Board staff's participation in the Administrative Collaborative– For possible action.

Julie Strandberg explained that the Administrative Collaborative consists of the professional licensing Boards Administrators/Executive Directors and is a pro-active approach to addressing the state and legislative concerns with respect to the Boards operating on their own.

Dr. Overland moved to approve that the Board officially join the Administrative Collaborative. Mr. Bertoldo seconded, and the motion passed with all in favor.

Agenda Item 20 Discussion and possible action regarding Accountant/Bookkeeping proposals – 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 the applicants.)

Julie Strandberg discussed the two proposals for accountant/bookkeeping services received from Casey Neilon and Numbers, Inc. Dr. Overland recommended Numbers, Inc. based on the Board's needs, their Board experience and being similar to our existing service. Mr. Bertoldo moved to approve the contract with Numbers, Inc. Dr. Overland seconded, and the motion passed with all in favor.

Dr. Overland requested that the new bookkeeper attend the next Board meeting to introduce herself.

Agenda Item 6 – Election of Officers – For possible action.

Dr. Rovetti made a motion to table this agenda item until the next Board meeting. Mr. Bertoldo seconded, and the motion passed with all in favor with the exception of Dr. Canada who opposed.

Agenda Item 7 - Reassign Committees – For possible action.

Dr. Overland made a motion to table this agenda item until the next Board meeting. Mr. Bertoldo seconded, and the motion passed with all in favor with the exception of Dr. Canada who opposed.

Agenda Item 22 Public Interest Comments – No action.

In accordance with NRS 241.020 Public Comment will be taken prior to the adjournment of the meeting.

Dr. Dave Rovetti thanked the Board for allowing him to speak during the agenda items. Dr. Rovetti stated that he will identify the loop holes as it relates to the CA program and asked Dr. Canada if he could discuss the loop holes with her and Dr. Canada agreed.

Agenda Item 23 Adjournment – For possible action.

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

April 14, 2022

James T. Overland Sr., DC
Secretary-Treasurer

CHIROPRACTIC PHYSICIANS' BOARD OF NEVADA

AGENDA ACTION SHEET

TITLE: **Agenda Item 4 Welcome new Board members– No action.**

RECOMMENDED MOTION: **No recommendation.**

PREPARED BY: **Margaret Colucci, DC**

MEETING DATE: **April 14, 2022**

TIME REQUIRED: **5 minutes**

BACKGROUND INFORMATION: **Welcome the Boards two new members, Christian Augustin, Esq. and Reza Ayazi, Esq.**

REVIEWED BY: President Secretary Executive Director

ACTION: Approved Approved w/Modifications Denied Continued

Agenda Item 4

CHIROPRACTIC PHYSICIANS' BOARD OF NEVADA

AGENDA ACTION SHEET

TITLE: **Agenda Item 5 Welcome the Boards new Accountant/Bookkeeping service Carol Woods, Numbers, Inc. – No action.**

RECOMMENDED MOTION: **No recommendation.**

PREPARED BY: **Margaret Colucci, DC**

MEETING DATE: **April 14, 2022**

TIME REQUIRED: **5 minutes**

BACKGROUND INFORMATION: **At the February 3, 2022 Board meeting the new contract with Carol Woods, Numbers, Inc. was approved. The Boards existing accountant/bookkeeper retired.**

REVIEWED BY: President Secretary Executive Director

ACTION: Approved Approved w/Modifications Denied Continued

Agenda Item 5

CHIROPRACTIC PHYSICIANS' BOARD OF NEVADA

AGENDA ACTION SHEET

TITLE: **Agenda Item 6 Legislative Matters – For possible action**
A. Strategies 360 - Dan Musgrove

RECOMMENDED MOTION: **No recommendation.**

PRESENTED BY: **Dan Musgrove**

MEETING DATE: **April 14, 2022**

TIME REQUIRED: **15 minutes**

BACKGROUND INFORMATION:

REVIEWED BY: President Secretary Executive Director

ACTION: Approved Approved w/Modifications Denied Continued

Agenda Item 6

CHIROPRACTIC PHYSICIANS' BOARD OF NEVADA

AGENDA ACTION SHEET

TITLE: Agenda Item 7 Discussion and potential action regarding the application for chiropractic assistant of Erika Chavez - 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 Ms. Chavez). – For possible action.

RECOMMENDED MOTION: No recommendation.

PRESENTED BY: Margaret Colucci, DC

MEETING DATE: April 14, 2022

TIME REQUIRED: 15 minutes

BACKGROUND INFORMATION: Please see the attached documentation.

REVIEWED BY: President Secretary Executive Director

ACTION: Approved Approved w/Modifications Denied Continued

Agenda Item 7

ERICA CHAVEZ

Chiropractic Assistant in Training

Supervising Chiropractor: Fine Chiropractic, Roberto Ostolaza, DC

Dates of Training: 1/31/2022 to 7/31/2022

Examination

Ms. Chavez is scheduled to sit for the September 2022 CA and CPBN Law Examinations.

Reason for Board Appearance

1. Ms. Chavez answered *negatively* to both parts of Question Number 3 on the application:

#3 – “Have you EVER been arrested? Have you EVER been charged with any crime other than a traffic violation (include any DUI’s)? NOTE: Even if you have had records sealed and you have been told that your file has been cleared, you must report this information, including juvenile records.”

Note: The Board is in receipt of information/documentation which conflicts with Ms. Chavez’s response to Question number 3.

Arrest History:

2016

DUI/Alcohol/Drugs

Charge lessened to Alcohol Related Reckless.

Final Disposition: Nolo Plea.

- Please see Ms. Chavez’s explanation regarding the arrest.
- Please see supporting court documentation.

Chiropractic Physicians’ Board of Nevada

April 14, 2022

Steve Sisolak
Governor



Morgan Rovetti, DC
Member

Xavier Martinez, DC
Member

Christian L. Augustin, Esq.

Consumer Member

Reza R. Ayazi, Esq.

Consumer Member

Julie Strandberg

Executive Director

Margaret Colucci, DC

President

Nicole Canada, DC

Vice President

James T. Overland Sr., DC

Secretary-Treasurer

CHIROPRACTIC PHYSICIAN'S BOARD OF NEVADA

4600 Kietzke Lane, M-245 | Reno, Nevada 89502-5000

Phone: (775) 688-1921 | Fax: (775) 688-1920

Website: <http://chirobd.nv.gov> | Email: chirobd@chirobd.nv.gov

CHIROPRACTIC PHYSICIANS'
BOARD OF NEVADA

CERTIFIED MAIL NO. 7021 2720 0003 2418 5165

MAR 17 2022

**VOLUNTARY WAIVER OF STATUTORY NOTICE
OF A MEETING OF THE**

RECEIVED
RENO, NEVADA 89502

CHIROPRACTIC PHYSICIANS' BOARD OF NEVADA

I, Erika Chavez, understand that the Nevada Open Meeting Law (NRS 241.033) grants to me a personal right to prior written notice of the time and place of a meeting whereas the Board will consider any one or more of the following matters: my character, alleged misconduct, professional competence, or physical or mental health. I understand that the Board must consider one or more of the above matters when it reviews the Application for Chiropractic Assistant.

I know that by law the Board must give me this written notice in one of the two following ways before it is allowed to consider my request at its next scheduled meeting unless I personally choose to give up my right to receive my notice in such a way:

1. The Board must send the notice to me by certified mail at least twenty-one (21) working days before its meeting, or
2. It must deliver the notice to me personally at least (5) working days before its meeting.

I am aware that the next scheduled meeting will be held at 8:30 AM on Thursday, April 14, 2022 via zoom (details below), and I want the Board to address my Application for Chiropractic Assistant. This waiver of rights expedites the Board's decision regarding my request, which is my wish in this matter. Therefore, I waive my rights to the notice specified by the Nevada Open Meeting Law with respect to the Board's April 14, 2022 meeting.

Topic: Chiropractic Physicians' Board Meeting

Time: Apr 14, 2022 08:00 AM Pacific Time (US and Canada)

Join Zoom Meeting

<https://us06web.zoom.us/j/87488207670?pwd=TjVEQXFrazBmWUZ4V3NUZjlVWEVxQT09>

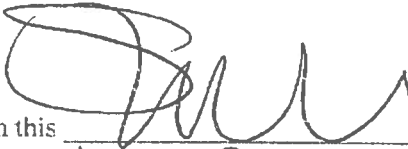
Meeting ID: 874 8820 7670
Passcode: 512577
One tap mobile

+12532158782,,87488207670#,,,,*512577# US (Tacoma)
+13462487799,,87488207670#,,,,*512577# US (Houston)

Dial by your location

- +1 253 215 8782 US (Tacoma)
- +1 346 248 7799 US (Houston)
- +1 669 900 6833 US (San Jose)
- +1 301 715 8592 US (Washington DC)
- +1 312 626 6799 US (Chicago)
- +1 929 205 6099 US (New York)

Meeting ID: 874 8820 7670
Passcode: 512577
Find your local number: <https://us06web.zoom.us/j/87488207670>

Signed on this  Day of March, 2022

By: Erika Chavez
Erika Chavez

Please return signed form by fax to (775) 688-1920 or e-mail to chirobd@chirobd.nv.gov.

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
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OFFICIAL USE

7021 2720 0003 2418 5165

Certified Mail Fee \$ _____

Extra Services & Fees (check box, add fee as appropriate)

Return Receipt (hardcopy) \$ _____

Return Receipt (electronic) \$ _____

Certified Mail Restricted Delivery \$ _____

Adult Signature Required \$ _____

Adult Signature Restricted Delivery \$ _____

Postmark
Here

Postage

Erica Chavez
 4567 W. Flamingo Rd.
 Las Vegas, NV 89103

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Erica Chavez
 4567 W. Flamingo Rd.
 Las Vegas, NV 89103

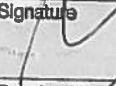


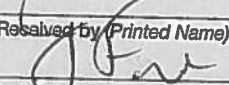
9590 9402 6791 1074 6527 94

2. Article Number (Transfer from service label)

7021 2720 0003 2418 5165

COMPLETE THIS SECTION ON DELIVERY

A. Signature  Agent
 Addressee

B. Received by (Printed Name)  C. Date of Delivery

D. Is delivery address different from item 1? Yes
 No

CHIROPRACTIC PHYSICIAN
 BOARD OF NEVADA

MAR 23 2022

RECEIVED
 SEND NEVADA 89504

Priority Mail Express®
 Registered Mail™
 Registered Mail Restricted Delivery
 Certified Mail®
 Certified Mail Restricted Delivery
 Signature Confirmation™
 Signature Confirmation Restricted Delivery
 Collect on Delivery
 Collect on Delivery Restricted Delivery

PS Form 3811, July 2020 PSN 7530-02-000-9053

Domestic Return Receipt

Application



460 TETZKE LANE, SUITE M-245
RENO, NEVADA 89502
(775) 688-1921

DO NOT FAX APPLICATIONS

CHK#65186

APPLICATION FOR CERTIFICATION OF CHIROPRACTIC ASSISTANT

CHIROPRACTIC PHYSICIANS' BOARD OF NEVADA

MUST ACCOMPANY THIS APPLICATION:

- Money Order or Payment Phone with Credit Card
- and fingerprint

FEB 10 2022

4 A recent passport-type photograph

RECEIVED

PLEASE NOTE: Failure to answer ALL questions completely and truthfully will result in denial of this application.
FEES ARE NOT REFUNDABLE.

TYPE OR PRINT ONLY:

LAST Chavez FIRST ENCA MIDDLE _____ SEX: M F

CURRENT RESIDENCE ADDRESS _____ WORK EMAIL: _____

CITY/STATE/ZIP _____ TELEPHONE _____

SOCIAL SECURITY NUMBER [REDACTED] DATE OF BIRTH _____ US CITIZEN? YES NO BIRTH PLACE (CITY, STATE) Selma, CA

eChavez@finebackcenters.com

TWO PERSONAL REFERENCES OF AT LEAST FIVE (5) YEARS ACQUAINTANCE:

NAME Marc Cantu

ADDRESS [REDACTED]

CITY/ STATE/ZIP Las Vegas NV 89169 TELEPHONE [REDACTED]

NAME Jessica Hernandez

ADDRESS [REDACTED]

CITY/STATE/ZIP Kelseyville CA TELEPHONE [REDACTED]

CURRENT EMPLOYER:

EMPLOYER'S NAME Fine Chiropractic

EMPLOYER'S ADDRESS 4567 W. Flamingo Rd.

CITY/STATE/ZIP Las Vegas NV 89103 EMPLOYER'S PHONE & FAX 702.368.0027

1. List all states where you have ever applied for certification as a Chiropractic Assistant, the result of each application, and the current status of each application:

2. If you have ever been certified as a Chiropractic Assistant in any other state, are you now or have you ever been the subject of a proceeding to discharge, dismiss or discipline you or any other proceeding of a like nature:

YES NO

If yes, name the state and give disposition of charges:



PLEASE READ QUESTIONS #3 & #4 CAREFULLY. If you have any questions please contact the Board.

3. Have you **EVER** been arrested? YES NO
 Have you **EVER** been charged with any crime other than a traffic violation (include any DUI's)? YES NO
NOTE: Even if you have had records sealed and you have been told that your file has been cleared, you must report this information, including juvenile records.

If you answered yes to the question above, name the state and give the disposition:

4. Have you **EVER** been convicted of a crime other than a traffic violation (include any DUI's)? **NOTE:** Even if you have had records sealed and you have been told that your file has been cleared, you must report this information, including juvenile records.

YES NO If yes, name the state and give disposition:

_____ CHIROPRACTIC PHYSICIANS' BOARD OF NEVADA

5. Have you ever defaulted on a HEAL (Health Education Assistance Loan)?

FEB 10 2022

YES NO If yes, give details and current status:

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6. Have you ever been drug or alcohol dependent and/or enrolled in a drug or alcohol rehabilitation program?

YES NO If yes, give details and current status:

7. Have you ever served in the military? Yes No Dates of Service: From _____ To _____

Branch(es) of Service _____

8. Have you ever served on active duty in the Armed Forces of the United States and separated from such service under conditions other than dishonorable? Yes No

9. Have you ever been assigned to duty for a minimum of 6 continuous years in the National Guard or a Reserve component of the Armed Forces of the United States and separated from such service under conditions other than dishonorable? Yes No

10. Have you ever served the Commissioned Corps of the United States Public Health Service or the Commissioned Corps of the National Oceanic and Atmospheric Administration of the United States in the capacity of a commissioned officer while on active duty in defense of the United States and separated from such service under conditions other than dishonorable? Yes No

11. Please mark the appropriate response regarding child support - **even if you have no children** (FAILURE TO MARK ONE OF THE BOXES BELOW WILL RESULT IN DENIAL OF THE APPLICATION):

- I AM NOT subject to a court order for the support of a child or children.
- I AM subject to a court order for the support of one or more children and I AM in compliance with the order or I AM in compliance with a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order.
- I AM subject to a court order for the support of one or more children and AM NOT in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order.



PLEASE READ QUESTIONS #3 & #4 CAREFULLY. If you have any questions please contact the Board.

3. Have you **EVER** been arrested? YES NO
 Have you **EVER** been charged with any crime other than a traffic violation (include any DUI's)? YES NO
 NOTE: Even if you have had records sealed and you have been told that your file has been cleared, you must report this information, including juvenile records.

If you answered yes to the question above, name the state and give the disposition:

Lake County California

4. Have you **EVER** been convicted of a crime other than a traffic violation (include any DUI's)? NOTE: Even if you have had records sealed and you have been told that your file has been cleared, you must report this information, including juvenile records.

YES NO If yes, name the state and give disposition:

CHIROPRACTIC PHYSICIANS' BOARD OF NEVADA

5. Have you ever defaulted on a HEAL (Health Education Assistance Loan)?

YES NO If yes, give details and current status:

MAR 16 2022

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RENO, NEVADA 89502

6. Have you ever been drug or alcohol dependent and/or enrolled in a drug or alcohol rehabilitation program?

YES NO If yes, give details and current status:

7. Have you ever served in the military? Yes No Dates of Service: From _____ To _____

Branch(es) of Service _____

8. Have you ever served on active duty in the Armed Forces of the United States and separated from such service under conditions other than dishonorable? Yes No

9. Have you ever been assigned to duty for a minimum of 5 continuous years in the National Guard or a Reserve component of the Armed Forces of the United States and separated from such service under conditions other than dishonorable? Yes No

10. Have you ever served the Commissioned Corps of the United States Public Health Service or the Commissioned Corps of the National Oceanic and Atmospheric Administration of the United States in the capacity of a commissioned officer while on active duty in defense of the United States and separated from such service under conditions other than dishonorable? Yes No

11. Please mark the appropriate response regarding child support - **even if you have no children (FAILURE TO MARK ONE OF THE BOXES BELOW WILL RESULT IN DENIAL OF THE APPLICATION):**

- I AM NOT subject to a court order for the support of a child or children.
 I AM subject to a court order for the support of one or more children and I AM in compliance with the order or I AM in compliance with a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order.
 I AM subject to a court order for the support of one or more children and AM NOT in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order.

12 Regarding **child abuse**, the following block **MUST BE READ AND INITIALED:**

Initial Here	Date	I have been informed that I am required by law to report the abuse or neglect of a child to an agency that provides child welfare services or to a law enforcement agency no later than 24 hours after I knew or had reasonable cause to believe the child has been abused or neglected.
1/31/2022	EL	

CERTIFICATION OF CHIROPRACTIC ASSISTANT TRAINING

EMPLOYER/SUPERVISING DC:	Dr. Ostolaza	DATE OF HIRE	1/31/2022
ADDRESS	1397 Galleria Drive Suit 200		
CITY/STATE/ZIP	Henderson, NV 891014	TELEPHONE	702 823 2225

INDICATE PREVIOUS TRAINING OR CERTIFICATION:

1.	<input type="checkbox"/>	FORMAL PROGRAM (TRANSCRIPT MUST BE SENT FROM SCHOOL)
SCHOOL ATTENDED:		
DATES ATTENDED: FROM		THROUGH
		TOTAL NUMBER OF CLASSROOM HOURS ATTENDED:

IF YOU HAVE ALREADY RECEIVED FORMAL TRAINING AS A CHIROPRACTIC ASSISTANT AND COMPLETED NO. 1, SKIP NOS. 2 AND 3 AND SIGN AT THE BOTTOM OF THIS PAGE.

NOTE: TO APPLICANTS WHO ARE APPLYING FOR CERTIFICATION UNDER THE PROVISION FOR ON-THE-JOB TRAINING - APPLICATIONS MUST BE SUBMITTED WITHIN 15 DAYS OF BEGINNING OF TRAINING.

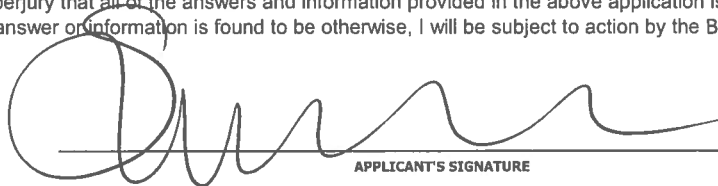
2.	<input checked="" type="checkbox"/>	ON-THE-JOB TRAINING IN CHIROPRACTIC FACILITY
3.	<input type="checkbox"/>	ON-THE-JOB TRAINING IN A HEALTH CARE FACILITY OTHER THAN CHIROPRACTIC

IF 2 OR 3 ABOVE APPLY, PLEASE COMPLETE THE FOLLOWING:

NAME OF CHIROPRACTIC PHYSICIAN RESPONSIBLE FOR YOUR TRAINING	
Roberto Ostolaza	
ADDRESS	
1397 Galleria Drive, Suite 200	
CITY/STATE/ZIP	TELEPHONE
Henderson, NV 89014	702/823-2225
DATES OF TRAINING: BEGINNING:	ENDING:
1-31-22	7-31-22

I hereby certify and verify under penalty of perjury that all of the answers and information provided in the above application is truthful and complete, and I understand that if any answer or information is found to be otherwise, I will be subject to action by the Board.

1/31/2022
DATE


APPLICANT'S SIGNATURE

Ms. Chavez's explanation
regarding her arrest

CHIROPRACTIC PHYSICIANS'
BOARD OF NEVADA


MAR 17 2022

RECEIVED
RENO, NEVADA 89502

Dear Chiropractic Physicians Board of Nevada,

Back in 2016 in Lake County California, I got pulled over after purchasing a new car. The registration was due two weeks after the purchase. Once being pulled over, the officer asked me if I had been under the influence. I told him that I had one drink. Which was the truth. The officer did a sobriety test and I was at the legal limit. Unfortunately, the officer had to take me in for arrest. Afterwards, the charge was dropped down to a wet and reckless. Due to the fact that I wasn't pulled over for reckless driving or suspicious acts. I was 22 years old at the time and working full time at the Sutter Lakeside Hospital as a CNA which I worked at for 8 years after the incident. I made a mistake and I learned my lesson. Since then, I never had any incidents occur. Now I'm 30 years old and looking into furthering my career in the medical field.

Sincerely,



Erica Chavez

Court Documents

Lake Superior Court Register of Actions

CR942899: People vs. Erica Chavez Chavez

Case Type: Misdemeanor - Misdemeanor: DUI

Filing Date: 05/06/2016

Disposition: Conviction: Nolo Plea

Disposition Date: 08/02/2016

Party

Party
Defendant: Erica Chavez Chavez

Attorney
Sterling Thayer

CHIROPRACTIC PHYSICIANS'
BOARD OF NEVADA

Criminal Filing

<u>Filing Date</u>	<u>Filing Type/Category</u>	<u>Disposition/Reinstatement</u>
05/06/2016	Complaint-Misdemeanor: DUI	Conviction: Nolo Plea on 08/02/2016

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Charges

<u>Complaint</u>	<u>Disposition</u>
03/25/2016 Misdemeanor Ct. No. 1 VC23152(a) - Driving Under Influence Of Alcohol	Dispo: Dismissal on 08/02/2016
03/25/2016 Misdemeanor Ct. No. 2 VC23152(b) - Driving Under Influence Of Alcohol	Dispo: Dismissal on 08/02/2016
03/25/2016 Misdemeanor Ct. No. 3 VC23103.5 - Alcohol Related Reckless Driving	Dispo: Conviction: Nolo Plea on 08/02/2016

Sentences

<u>Ct: 3 VC23103.5 Alcohol Related Reckless Driving</u>	<u>Status</u>
08/02/2016 Wet Reckless Program	Status: Imposed on 08/02/2016
08/02/2016 Fines and Fees \$ 1413.00	Status: Imposed on 08/02/2016
08/02/2016 DUI Advisement per VC23593	Status: Imposed on 08/02/2016

Probation

Probation: Summary 3 Years Status: Imposed on 08/02/2016

Documents

<u>Date Filed</u>	<u>Document Type</u>	<u>Additional Information</u>	<u>Filed By</u>
05/06/2016	Complaint		District Attorney
05/17/2016	Minute Order		Clerk
05/17/2016	Defendant's Financial Statement		Defendant
06/20/2016	Minute Order		Clerk
07/05/2016	Minute Order		Clerk
08/02/2016	Order: Probation		Clerk
08/02/2016	Minute Order		Clerk

Register of Actions

CR942899: People vs. Erica Chavez Chavez

Case Type: Misdemeanor - Misdemeanor; DUI

Filing Date: 05/06/2016

Disposition: Conviction: Nolo Plea

Disposition Date: 08/02/2016

Scheduled Events

<u>Event Date</u>	<u>Event Type</u>	<u>Result</u>	<u>Judge</u>
05/17/2016	Arraignment: Complaint	Not Guilty Plea Entered	Michael Lunas
06/20/2016	Disposition or Setting	Continued: Defendant	Michael Lunas
07/05/2016	Disposition or Setting	Heard: Trial/Hearing Date Set	Michael Lunas
08/02/2016	Settlement Conference/TRC	Heard: Defendant Pled/Sentenced	Michael Lunas
08/12/2016	Master Calendar Call	Not Heard: Vacated	Richard Martin
08/17/2016	Jury Trial	Not Heard: Vacated	

Case Disposition

<u>Disposition Date</u>	<u>Disposition Type</u>
08/02/2016	Conviction: Nolo Plea

Special Status

<u>Start Date</u>	<u>Type</u>
09/09/2016	Sent to Tax Collector

CHIROPRACTIC PHYSICIANS'
BOARD OF NEVADA

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CHIROPRACTIC PHYSICIANS' BOARD OF NEVADA

AGENDA ACTION SHEET

TITLE: **Agenda Item 8** Presentation from James Anliot of Affiliated Monitors, Inc. – No action.

RECOMMENDED MOTION: **No recommendation.**

PREPARED BY: **Margaret Colucci, DC**

MEETING DATE: **April 14, 2022**

TIME REQUIRED: **15 minutes**

BACKGROUND INFORMATION: **Affiliated Monitors provides practice monitoring services for healthcare licensing Boards. Please see the attached documentation.**

REVIEWED BY: President Secretary Executive Director

ACTION: Approved Approved w/Modifications Denied Continued

Agenda Item 8



SERVICES FOR STATE HEALTHCARE LICENSING BOARDS

Affiliated Monitors, Inc. (“AMI”) is pleased to provide you with some detailed information about our company and the array of services we provide for state professional licensing boards. AMI was originally founded to provide independent practice monitoring services for state licensing authorities who often lacked enough resources to monitor licensee compliance with disciplinary orders on their own. We now provide independent monitoring services for healthcare licensing boards in forty-two (42) states. Over the last seventeen years, AMI has expanded its array of services for government agencies that regulate healthcare and other industries in order to meet the ever-changing needs of those industries. We look forward to earning the trust of your state licensing board.

AMI’s success has been based on meeting the desire of state licensing boards to have a monitoring process that is

- ❖ **Objective.** Historically, when monitoring was used as an alternative sanction, it was the board members or staff themselves that provided the required oversight. Over the past 15 years, resource constraints have resulted in increased use of independent third-party monitors by many licensing boards across the country, as well by other government agencies. In some instances, agencies allowed the licensee to identify a potential monitor, often a colleague, to provide the required oversight. However, many boards which initially followed this approach found the level of objectivity concerning and the quality of the oversight severely deficient when provided by monitors who lacked experience or had conflicts of interest.
- ❖ **Evidence-based and neutral.** Boards require a process that is based on current guidelines and standards and not tainted by the monitoring colleague’s practice preferences.
- ❖ **Consistent.** When the selection of the monitor was left to the provider, there was often a lack of consistency, thoroughness and effectiveness.
- ❖ **Experienced.** Most monitors who served in that capacity for a licensed colleague did not have experience to guide and inform their monitoring activities.

OVERVIEW

AMI provides several different services for regulatory agencies, including independent practice monitoring, practice assessments, compliance programs and education plans for practitioners.

AMI’s services are designed to be flexible and responsive to the specific concerns of the Board in each case we handle. The frequency, volume, scope, and intensity of AMI’s reviews can be modified to meet the Board’s needs.

Our services allow the regulatory boards to extend their already-limited compliance resources when practices have areas of deficiencies that need to be reviewed. We work closely with each licensing board and its staff to design and carry out oversight programs which are individually-tailored to meet the specifications of the board's disciplinary order. Our breadth of experience enables us to effectively address a wide range of areas identified by the board. We report our findings to the board, often directly to the staff members who handle enforcement or probation. We do not serve as a replacement for the regulatory agency or its staff – our role is to enhance the board's available oversight resources.

We also work closely with practitioners to facilitate practice-based improvements designed to improve patient safety and care, prescribing practices, clinical documentation, and service coding and billing practices. Our objective is to create a “win-win” situation in which the board can employ remedial approaches to discipline without compromising its public protection responsibilities, while the licensee gets an opportunity to remain in practice and improve their conduct and performance.

In AMI's business model, all service costs are borne by those subject to monitoring: ***There is no cost to the licensing boards for our services.***

CORPORATE DEMOGRAPHICS

Populations Served – Healthcare

When AMI was founded, we initially worked with medical and chiropractic licensing boards to provide independent practice monitoring. Over time, and as Boards recognized the benefits of independent practice monitoring, the need for AMI's services expanded to more states and regulatory agencies.

Currently, AMI works with:

- Physicians (M.D.s and D.O.s), Physician Assistants (P.A.s), and Advanced Practice Nurses (A.P.R.N.s)
- Pharmacies and Pharmacists
- Dentists
- Chiropractors
- Physical and Occupational Therapists
- Massage Therapists
- Podiatrists
- Healthcare organizations, including Hospitals, Ambulatory Surgical Centers and individual and group medical practices
- Registered Nurses (R.N.s)
- Veterinarians

In addition, AMI monitors healthcare entities including hospitals, clinics, laboratories,

pharmaceutical manufacturers, medical device manufacturers, nursing homes and long-term care facilities.

Other Populations Served

Outside of healthcare, the independent monitoring model created by AMI has led to monitorships in other industries such as public utilities, construction, financial services, government contracting, retail, food services and many other areas. AMI now serves as the independent monitoring resource in matters with the Department of Justice (“DOJ”), the Federal Trade Commission (“FTC”), The Federal Communications Commission (“FCC”), the United States Department of Defense including the Air Force, Navy and Army, and many other federal and international agencies. AMI also works with State Attorney General Offices across the country.

Where We Provide Services

AMI provides services to clients throughout the U.S. and internationally. To do so effectively and efficiently, AMI has developed specific programs and methodologies for conducting independent oversight which have been carefully designed to address the issues/deficiencies identified by the Boards and agencies with whom we work. These programs are designed and overseen by an experienced team of professionals with many years of working as regulators, counsel or administrators to Boards or as government attorneys or law enforcement personnel. Although our headquarters office is in Massachusetts, AMI’s professional team includes staff based in California, Colorado, Florida, Illinois, Michigan, Pennsylvania, Rhode Island, and Washington DC as well. AMI also opened an office in Spain in 2015 and is operating with partners in the United Kingdom.

We supplement AMI’s core staff with an experienced network of consultants who are selected for their professional excellence and commitment to practicing in a manner consistent with generally accepted practice standards and are recognized as experts by their peers. To the maximum extent possible, we choose practice monitors and subject matter consultants who are licensed and located in the same state as the licensee being monitored and whose areas of practice specialization match those of the licensee. All of our monitors and consultants are required to comply with our strict Code of Conduct and Conflicts of Interest policy and are trained in how to conduct a practice evaluation, including how to document their observations, conclusions and recommendations for improvement.

WHAT SETS AMI APART

AMI understands that there are other companies and individuals which may periodically provide independent practice monitoring services. There are a number of factors that distinguish AMI from others who may provide such services:

- AMI was the first company to offer independent, neutral monitors for healthcare matters across the country.

- AMI's monitoring approach corresponds with the key principles identified by the United States Department of Justice for independent oversight.
- AMI's sole business focus is providing professional independent oversight.
- AMI's staff has significant experience in regulatory affairs; before joining AMI, many of our staff have had careers in federal or state regulatory agencies.
- AMI's staff also possesses other areas of experience, including evaluation of clinical competence, oversight of clinical education programs and hospital administration.
- All AMI practice monitors and consultants are required to comply with strict Conflicts of Interest and Code of Conduct requirements.
- Each AMI practice monitor or consultant is screened to ascertain whether they have the requisite experience and knowledge base to perform monitoring services and to determine if their backgrounds are appropriate to serve in an oversight role for a regulatory board.
- Every AMI practice monitor or consultant is trained in how to conduct a practice monitorship, including how to document their observations, conclusions and recommendations for improvement.
- While monitoring is AMI's core focus, AMI combines oversight with remedial coaching for improvement. Our monitoring programs provide specific recommendations for positive change. In many ways, AMI serves as an individualized mentoring program to help practitioners improve problem areas and correct known or discovered deficiencies. As monitoring nears completion, most practitioners are able to provide patient care that is consistent with regulations and generally accepted standards of professional practice. Practitioners tell us that they value the opportunity to obtain feedback from a respected colleague.
- In 2017, AMI reviewed and updated its controlled substance and addiction management tools. Our pain management monitoring tools reflect the recommendations and guidelines set forth by national organizations that include the Federation of State Medical Boards (FSMB), Centers for Disease Control and Prevention (CDC), and Substance Abuse and Mental Health Services Administration (SAMHSA). Individual state rules for controlled substance management are incorporated into each of our program services, as appropriate.
- AMI has the experience of working with many regulatory boards and on many different types of practice problems. That experience is helpful in crafting appropriate monitoring tools uniquely designed for the specific case.
- Based upon the experience of the AMI team, we work closely with each regulatory board and its staff, often reporting directly to those who handle enforcement or probation. We do not serve as a replacement for regulatory authorities or their staff, but as an enhancement to available resources. AMI's experience and monitoring expertise provides consistent, high-quality reporting of findings and recommendations directly to the Board and its staff.

PROGRAMS AND SERVICES

PRACTICE MONITORING SERVICES

Since our inception, AMI has provided practice monitoring services for healthcare licensing boards and agencies in 40 states on a wide range of matters. Our services have been used for practitioners in a wide variety of healthcare professions, including but not limited to physicians, physician assistants, nurse practitioners, chiropractors, dentists, physical therapists, and pharmacists. For state medical boards, our monitoring services have been utilized for both general practitioners and specialists, including but not limited to:

- Internal medicine, family medicine and general practitioners.
- Pain management practitioners (including interventional pain management)
- Anesthesiologists
- Psychiatrists,
- Physical medicine and rehabilitation (PM&R) providers
- Addiction (Suboxone) medicine providers
- Cardiologists, including interventional.
- Neurologists;
- Surgeons: General, orthopedic, neurosurgery, otolaryngology (ENT), gastric, colorectal, vascular and spine.
- Obstetrician/Gynecologists and
- Ophthalmologists.

Our practice monitoring services are based upon, and follow, fundamental principles of independent, objective, comprehensive, and evidence-based oversight. Our practice monitoring services provide regular, periodic evaluations of a practitioner's patient care management to determine compliance with regulatory requirements, terms of Settlement Agreements or other practice restrictions. AMI also serves to provide oversight of conditional licensure or practices.

- AMI has monitored over 500 healthcare practitioners or healthcare-related businesses.
- Approximately one-third of the matters we have handled in healthcare were referred because of concerns related to prescribing of controlled substances
- Currently, AMI is working with 50 practitioners whose prescribing management requires oversight by licensing boards across the country.

In addition, AMI monitors practices in which a variety of other deficiencies have been uncovered, including professional boundary issues, clinical skill deficiencies, poor clinical documentation and/or billing practices, improper delegation of patient care functions, infection control and workplace safety problems, and administrative issues. We oversee practices with HIPAA, Medicaid, Medicare and third-party insurance network problems and other regulatory errors.

AMI's monitoring programs are custom-designed to meet the specific requirements of a Board's order, agreement or condition of licensure. We utilize the Board's findings and concerns to craft an individualized oversight program designed to address those issues. The monitoring process

looks at whether the practitioner provides care in a manner that is consistent with the Board Order, regulatory standards, and generally accepted standards of practice.

Current and past monitorships have included evaluations of:

- Practitioner compliance with evidence-based findings and guidelines, such as pain management and prescribing guidelines, use of Prescription Monitoring Programs, use of controlled substance agreements, and monitoring of patient compliance with medication regimens.
- Patient care documentation practices.
- Use of billing codes and whether the code reflects the care delivered.
- Patient interactions and use of chaperones, when necessary for physicians with boundary violations.
- Sobriety and compliance with urine drug screens, counseling, or other substance abuse treatment programs.
- Communications between practitioners, healthcare staff, or patients.
- Delegation of patient care functions.
- Infection control and/or workplace safety practices.
- Overutilization of certain procedures or testing.
- Office Administration practices.

Monitoring consists of multiple reviews of a practitioner's care over time. Each monitoring event includes:

- **Evaluation.** AMI's reviews include focused evaluations of the practitioner's patient care management, with an emphasis on noted or detected deficiencies as well as identifying areas in which care is consistent with generally accepted standards. This is conducted through record reviews and, where necessary, interviews with the practitioner. When requested, monitoring can also include an over-the-shoulder observation of patient interactions as well as a corresponding review of the care notes.
- **Analysis.** Analysis of data collected through chart reviews to evaluate the documentation of patient care activities as well as trends and potential patterns that impact the practitioner's ability to effect and sustain change. Staff and consultants are trained to look for trends and patterns that impact the practitioner's ability to implement and sustain change.
- **Continuous Reviews.** On-going audits/reviews include revisiting previous recommendations to determine if the practitioner has implemented required changes.
- **Reporting.** Following each review, AMI creates a detailed report of our observations, findings and, where appropriate, recommendations for improvement. AMI reports

describe the review process, including the methodology, any areas of improvement seen since the prior audit, analysis of findings/observations and recommendations for continued practice enhancement. AMI gives licensees prompt follow-up to facilitate their ability to address recommendations prior to the next review.

The Practice Monitoring Process

Monitor Selection and Training

AMI identifies local, independent, monitors to conduct our practice monitoring activities. The practitioners selected for this role are individuals with active, unrestricted licenses who possess the credentials and experience necessary to warrant the confidence of both the regulatory agency and the practitioner. Where a licensee practices a particular specialty, AMI identifies a monitor with board-certification in the same specialty area as the licensee. Each prospective monitor's qualifications are individually reviewed by AMI staff. The practitioner's curriculum vitae is then sent to the Board for review, and if required, approval.

Each monitor used by AMI is asked to complete a Conflict of Interest Questionnaire to determine if there is anything in the professional's background or personal relationships which could impugn their objectivity in serving as the independent monitor.

AMI provides individual training sessions for each monitor. The training process includes:

- Review of AMI's Code of Ethics designed to protect their impartiality throughout each monitoring assignment.
- How confidential client and patient information should be managed to be consistent with federal and state law and with AMI's confidentiality policy.
- Discussion of AMI's processes and submission requirements.
- Review of the client's Order and the work plan developed by AMI professionals for the monitoring engagement.
- Training in the use of AMI's monitoring tool(s).
- Steps to take when the monitor identifies where a patient may be at risk due to the practitioner's management.
- Steps to take when the monitor identifies other concerns about the practitioner's practice.
- Reporting requirements.

Clinical Monitoring Activities

Monitoring is conducted pursuant to the Board's Order and requirements for the practitioner. The monitor considers how the practitioner's management corresponds with that of regionally-located

peers and national guidelines and expectations. Monitoring activities may include any or all of the following:

- **Clinical Records Review.** On-site or remote analysis of patient records chosen at random from the practitioner's appointment schedule, recent CSPMP logs, or other similar logs. Clinical records reviews usually consist of an analysis of between 15 and 20 charts during each review, randomly selected by the monitor or by AMI's staff. This number of charts and the randomness in the selection process provides the monitor with an overall understanding of the practice, documentation of patient care, compliance with practice and/or regulatory standards, how the practitioner manages patients and any opportunities for enhancement.
- **Billing and Coding Review.** The adequacy and appropriateness of billing of patient care activities.
- **Random Chart Selection:** AMI takes several steps to make sure that the practitioner is not aware of the charts selected for review in advance. This may include a request for the charts at the time of the visit, thereby assuring that the practitioner does not know which records will be reviewed.
- **On-Site Practice Observation.** AMI's monitor can assess the policies and procedures in place for personnel, patient management, infection control and other processes.
- **Observation of Patient Care.** In some cases, AMI's monitor can evaluate the practitioner's patient interview and examination skills.
- **Clinical Discussion.** The monitor can communicate with the practitioner after each review to evaluate ongoing compliance and provide feedback and recommendations. Such discussions can take place in person, by phone, or in writing. These follow-up discussions allow the practitioner to address the monitor's recommendations for practice improvement more quickly rather than waiting for the written report of findings.

The Reporting & Follow-up Process

Communication with the Board and licensee is key to the success of AMI's monitoring process. In addition to regular contact with Board representatives assigned to each matter, AMI prepares detailed reports of the monitoring efforts.

- **Regular Reporting.** AMI submits timely reports of findings to the regulatory agency and the practitioner. The report addresses the methodology used for the review, the issues that prompted the monitoring oversight, the practitioner's compliance efforts, implementation of any required actions or recommendations made in past reviews, training, due diligence, ethics programs, and self-audit activities. Reports include the monitor's recommendations for further improvement.
- **Aberrant Findings & Follow-Up.** AMI promptly addresses any concerns that may be identified about patient safety and immediately notifies the Board.
- **Other Communications.** AMI works closely with Board staff on scheduling, timing of

events, logistical issues and areas of concern or developments throughout the term of the monitorship.

Frequency, Duration and Scope of Practice Monitoring

The frequency, duration and scope of practice monitoring is typically determined by the Board.

- **Frequency.** Generally, the Board determines how frequently the monitoring should occur. We have worked on matters where the monitoring is monthly, quarterly or semi-annually. Some Boards tailor the monitorship so that reviews of the licensee's practice occur more frequently at first and the frequency is then adjusted to quarterly or semi-annual reviews as deemed appropriate by the Board, depending on any noted improvements in the reports. This approach gives the practitioner an added incentive to make and sustain change.
- **On-Site or Remote Review.** AMI can have the monitor visit the practitioner's office for some reviews and conduct the others remotely.
- **Scope of the Practice Monitorship:** Boards can direct AMI to monitor a practitioner's entire practice or to focus on a specific area, such as only those patients who receive opioids for treatment of long-term or intractable pain.

CLINICAL SKILLS AND COMPETENCY ASSESSMENT SERVICES

When a medical licensing board is concerned about a practitioner's clinical competence, AMI can conduct an independent assessment of the practitioner to clarify concerns about clinical rationale and judgement, evaluation and diagnostic skills, and practice operations. Unlike other entities which provide such services, AMI's assessment program is custom tailored for each engagement and is not conducted as a one-size fits all process.

REFERRING STATES INCLUDE: Louisiana, Massachusetts, California, New Jersey, New Hampshire, North Carolina, Colorado, Arizona, Tennessee, Delaware, Nevada, and Utah.

The Assessment Process

The assessment process evaluates clinical thought and aptitude in the areas of reasoning, knowledge, communication, and documentation. AMI's assessments are different from others in that they occur *in the practitioner's office* – the practitioner does not have to travel and close their practice during the assessment. We have found that when they are in their own office, practitioner performance more closely resembles their usual day-to-day performance. On-site assessment also offers us a valuable opportunity to observe their interactions with patients and staff.

AMI uses a number of assessment tools, which include the following:

- **Record Review.** In-depth analysis of selected and sampled patient records to gather insight into the documented care, rationale of treatment, and recordkeeping skills.

- **Clinical Interviews.** Structured interview between the licensee and assessing practitioner to evaluate knowledge, decision-making, and consistency between the licensee's written and stated care. Four modules are utilized which include:
 - Discussion of active cases selected during the record reviews.
 - Presentation of hypothetical cases and an assessment of the practitioner's ability to prioritize issues, synthesize data, recognize limits, analyze risk or urgency, and establish a course of action to address the concerns.
 - Question and answer session about clinical topics and best practices in the field and/or area of practice; and/or
 - Discussion of pharmaco-vigilance and prescriptive management techniques.
- **Observations and Testing.** Options include evaluations of actual patient care with observations of patient interactions to understand actual patient care delivery, simulations for surgeons, billing audits, and review and interpretation of studies and other diagnostic testing.

Reporting

Following the collection of data through the various assessment tools, AMI prepares a detailed Assessment Report which provides the Board and the practitioner with an objective analysis of care, including findings, observations and conclusions, concerns and rationale, suggestions for improvement, or remedial options to address findings.

Return to Practice Clients

AMI has evaluated practitioners who seek licensure following an extended absence. For those individuals seeking a return to practice with licensure reinstatement or a new license, the process is adapted to focus on hypothetical case discussions and topic-based questions. The monitor seeks information concerning the individual's basic medical knowledge, competencies in history-taking and physical examination, and the basis for medical decision-making. An emphasis is placed on gathering information about the individual's understanding of current literature regarding diagnostic advancements, treatment modalities, and prescriptive medication management. Although AMI cannot provide a residency program, AMI makes recommendations to the Board regarding competency to resume practice and will, as necessary, recommend further remedial activities to ensure safe practice.

APPLIED EDUCATION PROGRAM SERVICES

Designed to occur following a clinical competence evaluation, AMI's Applied Education Program provides the practitioner with structure, oversight and resources to address educational gaps. The program is established to facilitate a practitioner's education, efforts to refine and improve patient management skills, and to offer mentoring and feedback as a practitioner returns to practice. The education process takes place in conjunction with monitoring and usually lasts between 1-2 years.

AMI's Applied Education Program provides the following:

- Resources for updating knowledge that can be easily accessed.
- An established timeline with goals to track and guide the process.
- A focus on improvement that is seen through actual practice monitoring activities.
- Processes to encourage the isolated practitioner to engage with the medical community and peer providers.
- Oversight, review, coaching, and oversight by a professional educator and monitor to verify changes.
- Reports describing the practitioner's progress and steps taken to address objectives.

The Applied Education Program requires that the practitioner be licensed and treating patients.

Referring States Include: Tennessee, New Hampshire, North Carolina, New Jersey.

A defined Applied Education Plan serves to guide the clinical review and update. The elements of the plan can be expanded to include other areas of educational needs as may be directed by the Board.

AMI will supply additional information about its Applied Education program upon request.

CHAPERONE SERVICES FOR BOUNDARY VIOLATIONS

AMI provides the necessary oversight of a licensee who is disciplined or has a pending case for sexual improprieties or other boundary violations.

How the Program Works

AMI requires that a practitioner have a chaperone present during patient exams or visits, or as directed by the Board. AMI will train the chaperone(s) in oversight requirements. AMI assigns a second layer of oversight, the monitor (a healthcare professional), to meet with the chaperone(s) and conduct on-site random reviews to assure consistent follow-through. AMI will supply additional information about its Chaperoning program upon request.

Each chaperoning service includes:

- Identifying and training a set of chaperones to accompany the patients throughout each patient encounter.
- A system of monitoring logs and records to track all patient visits and verify the presence of a Board-approved chaperone.
- Additional input from the chaperones regarding the practitioner's compliance.

- The use of an external monitor, selected and trained by AMI and approved by the Board, who examines the chaperone logs and evaluates licensee compliance with the chaperoning procedures.
- The operation of an independent reporting hotline.

EVALUATION OF PRACTICE OPERATIONS AND COMPLIANCE PROGRAM DEVELOPMENT

Over the course of years that AMI has been in business, there have been many instances where the issues confronting a Board about a practice are related to practice operations and administration. Noted deficiencies have included failure to renew licensing, failure to fully screen and credential employees, failure to produce patient records on time, failure to respond to a subpoena, HIPAA violations, and other administrative difficulties. AMI's compliance oversight of a practitioner's practice provides a review of existing policies and facilitates the practice's incorporation of new tools necessary for compliance with regulatory or best practice requirements. Areas examined include office practices, organizational and administrative structure, human resources and employment practices, clinical documentation processes, information security procedures, internal auditing and monitoring, infection control and emergency preparedness.

An initial review process takes place looking at the current policies, procedures and practices, interviews with the practitioner and staff, and evaluating the accessibility of on-line or written reference materials, such as state regulatory requirements. Next, AMI determines if any materials are dated or missing and how well the policies are understood and adopted by staff. AMI then develops a Compliance Program Manual. The manual incorporates the practice's existing policies and processes with supplemental materials to provide a comprehensive operations document.

AMI provides training to all staff in the program manual components, their use, and how the documents should be maintained or updated.

AMI can continue to update the manual on an annual basis, if desired by the practice or required by the Board.

AMI SERVICE FEES

Given the customized design and scope of AMI's services, fees are set on an individual basis. Charges may include a set-up fee for identifying the monitor and designing the oversight service, hourly charges for the monitor's clinical time, and travel time.

Monitoring: Usual monitoring fees will vary depending on the frequency and scope of the monitoring. Pure chart reviews are billed on an hourly basis. Our hourly fees for specific professions are established based on a comparison of median salary levels provided by the U.S. Bureau of Labor Statistics. Currently, the hourly rate for chart reviews for a general practice

physician is \$500.00 per hour, with a typical practice allowing for 15 minutes per chart for the analysis of the records. The rate may be higher for physician specialists; the rates for most other professions are somewhat lower.

Assessments: For the practitioner with charts, the cost of the assessment ranges from \$7,500.00 for primary care physicians to \$15,000.00 or higher for specialists. Practitioners who seek a return to practice may be charged at a rate between \$5,500.00 and \$10,000.00.

The Applied Education Program: Fees begin at \$6,000.00 and are dependent upon the scope of the educational need. Fees do not include corresponding monitoring activities or access to learning resources.

Hourly Fees: The clinical time expended by the monitor serves as the billing rate for most activities. There is also a travel rate applied for the monitor's commute time.

Report Writing Fee: AMI charges a fee of \$600.00 for each written report.

Fees for services are paid by the individual practitioner. AMI offers a variety of payment options, including credit card and/or installment plans. A retainer is required for the monitor onboarding process, but the billing for services is made after each review when the report has been filed with the board office.

Attached to this document are some redacted sample monitoring reports and a sample assessment report for your review.

AMI looks forward to becoming a trusted resource for your Board and would welcome an opportunity to meet with you to explore more specifically how we might be of assistance. We are always available to answer any questions, provide additional information and to make a short presentation to the Board, upon request.

CHIROPRACTIC PHYSICIANS' BOARD OF NEVADA

AGENDA ACTION SHEET

TITLE: **Agenda Item 9 NCA Report – No action.**

RECOMMENDED MOTION: **Non-Action Item.**

PRESENTED BY: **TBA**

MEETING DATE: **April 14, 2022**

TIME REQUIRED: **10 minutes**

BACKGROUND INFORMATION:

REVIEWED BY: X President X Secretary X Executive Director

ACTION: Approved Approved w/Modifications Denied Continued

Agenda Item 9

CHIROPRACTIC PHYSICIANS' BOARD OF NEVADA

AGENDA ACTION SHEET

TITLE: **Agenda Item 10** NCC Report – No action

RECOMMENDED MOTION: **Non-Action Item.**

PRESENTED BY: **TBD**

MEETING DATE: **April 14, 2022**

TIME REQUIRED: **10 minutes**

BACKGROUND INFORMATION:

REVIEWED BY: President Secretary Executive Director

ACTION: Approved Approved w/Modifications Denied Continued

Agenda Item 10

CHIROPRACTIC PHYSICIANS' BOARD OF NEVADA

AGENDA ACTION SHEET

TITLE: **Agenda Item 11 Board Counsel Report – No action.**

RECOMMENDED MOTION: **Non-Action Item.**

PRESENTED BY: **Louis Ling, Esq.**

MEETING DATE: **April 14, 2022**

TIME REQUIRED: **10 minutes**

BACKGROUND INFORMATION:

REVIEWED BY: President Secretary Executive Director

ACTION: Approved Approved w/Modifications Denied Continued

Agenda Item 11

CHIROPRACTIC PHYSICIANS' BOARD OF NEVADA

AGENDA ACTION SHEET

TITLE: Agenda Item 12 Discussion and potential action regarding the use of a percussive Thera-gun by a chiropractic assistant.- For possible action.

**POTENTIAL MOTION: 1. Motion to approve.
 2. Motion to deny.
 3. Motion to table.**

PRESENTED BY: Margaret Colucci, DC

MEETING DATE: April 14, 2022

TIME REQUIRED: 15 minutes

BACKGROUND INFORMATION: At the Boards February 3, 2022 meeting the Board discussed whether a CA is allowed to use a percussive Thera-gun on a patient. The Board tabled this item and asked that the billing code be requested from the DC. Julie Strandberg reached out to the DC who advised that the billing code used is 97140: Manual therapy techniques, 1 or more regions, each 15 minutes (Mobilization/manipulation, manual lymphatic drainage, manual traction).

Note, the November 2021 newsletter communicated that Myofascial Trigger Point Therapy also known as Trigger Point Therapy cannot lawfully be performed by a Chiropractic Assistant.

REVIEWED BY: X President X Secretary X Executive Director

ACTION: Approved Approved w/Modifications Denied Continued

CHIROPRACTIC PHYSICIANS' BOARD OF NEVADA

AGENDA ACTION SHEET

TITLE: **Agenda Item 13** Discussion and potential action regarding whether the named devices fall under a chiropractic physicians' scope of practice - For possible action.

- A. Ballancer Pro
- B. Senaptec Unit
- C. Handling of Future Requests

POTENTIAL MOTION: **1. Motion to approve.**
 2. Motion to deny.
 3. Motion to table.

PRESENTED BY: **Margaret Colucci, DC**

MEETING DATE: **April 14, 2022**

TIME REQUIRED: **15 minutes**

BACKGROUND INFORMATION: **A DC contacted the Board to inquire whether the following devices fall within a chiropractic physicians' scope of practice. Please see the attached information.**

REVIEWED BY: President Secretary Executive Director

ACTION: Approved Approved w/Modifications Denied Continued

Ballancer Pro

<https://ballancerpro.com/>

Board Question: Is this device taught or discussed at a CCE accredited college?

DCs Response: The lymphatic suit has not been introduced at any chiropractic college to my knowledge, but the importance of lymphatic drainage is certainly taught. We learned techniques for it including specific massage techniques, taping, contrast baths, and the lymphatic suit I have is just a more advanced version of what these techniques are trying to accomplish.

How It Works

The Ballancer®Pro is backed of decades of medical research and peer-reviewed studies and made by the world's leading manufacturer of compression therapy systems. FDA cleared and safe to use, it is the professional's first choice of technology. Our patented Pre-Therapy® cycle delivers a preparatory massage of the lymphatic vessels and lymph nodes in the proximal areas near the core of the body. This gentle, relaxing massage drains the lymph nodes that are generally filled with fluid first, and paves the way for an enhanced circulation of lymph. As the sequence progresses, it begins the compression moving from the extremities up into the thoracic area.

This technology is one of a kind in user-friendliness, comfort and efficacy.

There are endless setting combinations for a versatile and customized experience. The most important and precisely calibrated proprietary programs include:

Wave cycle: a long, deep and slow sequential massage, especially suitable for quick recovery after exercise or when experiencing "heavy legs" or pain.

Ballancer® cycle: short, superficial and fast peristaltic massage.

Pretherapy® cycle: stimulation of the lymph nodes in the groin or armpit (proximal areas)

These 3 cycles can be combined in:

Pretherapy® + Ballancer® cycle

Ballancer® cycle

Pretherapy® + Wave cycle

Wave cycle

Sessions take place in a comfortable setting and can be experienced at the world's finest spas, medical offices or wellness centers, or in the privacy of your home.

Senaptec Unit

https://senaptec.com/?gclid=Cj0KCQiA64GRBhCZARIsAHOLriKevyTnn7MReiDR5Ar0YgajeYiE3-b-cHZVmUesVzOfJhRv2OLmSkQaAskFEALw_wcB

Board Question: Is this device taught or discussed at a CCE accredited college?

DC's Response: It is not specifically taught at chiropractic colleges, though it is just a more advanced methodology for improving eye movement, cranial nerve assessment and activation, peripheral awareness and proprioception, all of which are taught in chiropractic school. This technology allows you to objectively quantify change and improvement, so I'm hopeful schools will soon introduce students to this technology.

Our Mission

The founders and leaders of Senaptec are passionate about you. They want the best for the 80% of your brain that handles senses. We come from various walks of life: professor, business leader, Navy SEAL, marketing exec, and bio-engineer. Yet, our mutual admiration for the amazing capability of the human sensory system draws us together. We are passionate about seeing people reach their full potential. When they do, it looks magnificent.

Our Senaptec solution was first conceived as a premier human performance solution to help athletes develop their skills and gain a competitive advantage. With this beginning, we had the opportunity to interact with athletes and trainers from elite

make great tools, but even more, we are inspired by the consistency in which athletes work hard too. Those who experience the benefit of our tools are those who also motivate us to share our solution with the world.

As Senaptec continues its innovative journey, medical and allied health professionals are telling us how they use our technologies to restore vision, rehabilitate concussion, help reverse short-term memory loss, manage Parkinson's Disease and even alleviate depression. We had always known that the eyes are the window to the brain. Yet, we are now truly discovering how important our senses can be to our brain health.

We delight in our ability to interact with so many different people using one great solution. Senaptec is a team of diverse backgrounds and incredible camaraderie. One

moment we're discussing how NASA astronauts can benefit from sensory training and the next we're chatting with a parent who wants to help their child succeed. From the healthiest of brains to those needing the most help, our mission doesn't change- we love inventing solutions. Light is a continuous spectrum, just as are the many people we serve.

If you're a person who wants to get better, you're just the type we enjoy and support. We want to join in your journey. The Senaptec team sees your improvement as our personal victory.

Joseph Bingold

CEO

Senaptec, Inc.

CHIROPRACTIC PHYSICIANS' BOARD OF NEVADA

AGENDA ACTION SHEET

TITLE: Agenda Item 14 Discussion and potential action regarding the use of the word “Best” in a chiropractic physicians advertising/google search. – For possible action.

POTENTIAL MOTION: No recommendation

PRESENTED BY: Margaret Colucci, DC

MEETING DATE: April 14, 2022

TIME REQUIRED: 15 minutes

BACKGROUND INFORMATION: The Board received a complaint from a DC reporting that when conducting a google search for “the best chiropractor in Reno” the results include for example, “when you are looking for the best Chiropractor in town, look no further.” The DC does not feel that it is appropriate to use “best” in your advertising. What are the Board’s thoughts with respect to using the word “Best” in advertising/google search?

REVIEWED BY: X President X Secretary X Executive Director

ACTION: Approved Approved w/Modifications Denied Continued

CHIROPRACTIC PHYSICIANS' BOARD OF NEVADA

AGENDA ACTION SHEET

TITLE: **Agenda Item 15** Discussion and potential action regarding Continuing Education requirements – For possible action.

- A. New licensees' attendance at a Board meeting.
- B. Require 50% of the continuing education credits (18 credits) be completed on-line and 50% of the continuing education credits (18 credits) be completed in-person or any combination of the continuing education hours.

POTENTIAL MOTION: **No recommendation.**

PRESENTED BY: **James Overland Sr., DC**

MEETING DATE: **April 14, 2022**

TIME REQUIRED: **15 minutes**

BACKGROUND INFORMATION: Following discussion at the February 3, 2022 Board meeting this agenda item was tabled to this meeting. Please see the attached power poll results regarding attendance at a Board meeting/orientation. Please select the following link to see the CE requirements from the other states found at FCLB.org. [Board CE Requirements](#)

REVIEWED BY: President Secretary Executive Director

ACTION: Approved Approved w/Modifications Denied Continued

Agenda Item 15

New Licensee Board Meeting Attendance

Last Updated 12-21-2021

Q1. Does your Board require new licensees to attend a Board meeting? No. If so, are they required to attend within a certain time frame? i.e. one year or prior to their first renewal, etc.

Jurisdiction	Q1 Responses
Alabama	Alabama doesn't.
Alaska	
Arizona	The Arizona Board does require all new licensees to attend a Board meeting within one year from the date their license is issued.
Arkansas	No, but they do have to attend a New Licensee Orientation, which is held in conjunction with a board meeting, we just don't require them to stay for the remainder of the meeting once orientation is done. (orientation is first item on agenda)
California	No.
Colorado	
Connecticut	
Delaware	
Florida	
Georgia	
Hawaii	
Idaho	
Illinois	
Indiana	
Iowa	
Kansas	Kansas does not require new licensees to attend a Board meeting.
Kentucky	Kentucky does not require they attend a board meeting.
Louisiana	LA does not have this requirement.
Maine	No
Maryland	The Maryland Board does not require new licensees to attend Board meetings.
Massachusetts	The Board requires new licensees to attend an Interview/Orientation which is given by one of the Board chiropractors every month in a separate meeting before the monthly Board meeting.
Michigan	
Minnesota	No, Minnesota does not require new licensees attend a Board meeting
Mississippi	
Missouri	We do not require new licensees to attend board meetings.
Montana	Montana does not require attendance; however licensees can get CE credit for attending a meeting. We also have a "New Doc Seminar" to provide a full year's CE requirement for the first year.
Nebraska	Nebraska does not require licensees to attend Board meetings unless it is a provision of discipline to appear before the Board for some function/reason.
Nevada	
New Hampshire	
New Jersey	
New Mexico	No, new licensees aren't required to attend a board meeting.

New York	No, the NYS Chiropractic Board does not require new licensees to attend a Board Meeting. They can always attend if they would like too, since the meetings are open to the public
North Carolina	No- we don't.
North Dakota	No
Ohio	No, new licensees aren't required to attend a board meeting.
Oklahoma	Oklahoma does not
Oregon	No, new board licensees aren't required to attend a board meeting. We do, however, require them to attend an Introductory to the Board CE course that we as staff put on, explaining the difference between OBCE and the professional association, our authority and jurisdiction, how not to get in trouble, etc. We put this class on twice a year and any licensee (new out of school or through reciprocity) is required to attend within a year of their initial licensure.
Pennsylvania	The Pennsylvania State Board of Chiropractic Medicine does not require new licensees to attend a Board meeting.
Rhode Island	
South Carolina	The SC Board of Chiropractic Examiners does not require new licensees to attend Board meetings to be licensed.
South Dakota	Wyoming does not require new licensees to attend a meeting.
Tennessee	
Texas	No
Utah	The Utah Board does not require new licensees to attend a board meeting.
Vermont	
Virginia	
Washington	That is not currently a requirement in Washington.
West Virginia	the West Virginia Board does not.
Wisconsin	
Wyoming	Wyoming does not require new licensees to attend a meeting.

LOUIS LING
BOARD COUNSEL

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FAX: (775) 624-5086

E-MAIL: LOUISLING@ME.COM

MEMORANDUM

TO: Members of the Chiropractic Physicians' Board of Nevada
FROM: Louis Ling
DATE: March 15, 2022
RE: History of NAC 634.385

At the Board's regular meeting on February 3, 2022, the Board discussed NAC 634.385 and whether to change the present policy reflected therein that a chiropractic physician or chiropractors assistant may obtain all of his or her continuing education online. I informed the Board that I would research the history of NAC 634.385 to assist the Board in its consideration of this issue. My research follows.

The Board has had some form of continuing education requirement as far back as 1963, which was subsequently amended in 1965, 1971, 1988, and 1994. Unfortunately, the Legislative Counsel's online system does not go back that far, so I could not research the first five iterations of NAC 634.385.

What I could find was that in 1998, NAC 634.385 only authorized in-person learning. This is unsurprising since the internet was not yet fully developed at this time. An amendment in 2005 set out a date of compliance of January 1 of each year, which requirement was amended in 2008 to compliance of January 1 of each odd-numbered year because the Board had changed its licensing scheme in the 2007 Legislature to go to biennial renewals.

In 2011, the Board authorized online continuing education with no limit on how many hours could be received via online course. Interestingly, at this time the Board also added that attendance of four hours of a Board meeting would also qualify for continuing education credit.

In 2014, the Board limited online continuing education to 12 hours for a renewal period. The Board also removed the allowance for attendance at Board meetings to qualify for continuing education credit.

In 2017, the 12-hour limitation for online continuing education was removed, so all continuing education could be online yet again.

In 2019 and 2020, the Board amended NAC 634.385, but the Board did not effect any change to online continuing education, meaning that since 2017, there has been no limit to how many hours of continuing education can be taken online.

I hope this information is useful to the Board. If the Board has any questions regarding the history of NAC 638.385, I would be glad to answer those questions at the Board's next meeting.

CHIROPRACTIC PHYSICIANS' BOARD OF NEVADA

AGENDA ACTION SHEET

TITLE: Agenda Item 16 Discussion and potential action regarding the loop holes identified in the Chiropractic Assistant program – For possible action.

RECOMMENDED MOTION: No recommended motion.

PRESENTED BY: Nicole Canada, DC

MEETING DATE: April 14, 2022

TIME REQUIRED: 15 minutes

BACKGROUND INFORMATION: During the February 3, 2022 meeting Dr. Dave Rovetti stated that he would have a discussion with Dr. Canada regarding the loop holes he identified in the CA program.

REVIEWED BY: President Secretary Executive Director

ACTION: Approved Approved w/Modifications Denied Continued

CHIROPRACTIC PHYSICIANS' BOARD OF NEVADA

AGENDA ACTION SHEET

TITLE: **Agenda Item 17** Discussion and possible action regarding a contract for legal services with Ling Ltd. – For possible action.

RECOMMENDED MOTION: **Approve the proposed contract with Ling, Ltd.**

PRESENTED BY: **Margaret Colucci, DC**

MEETING DATE: **April 14, 2022**

TIME REQUIRED: **15 minutes**

BACKGROUND INFORMATION: **The Board's existing contract with Louis Ling, Esq. for legal services is paid based on an hourly rate of \$150.00 per hour and expires on August 31, 2021. The attached, proposed contract with Ling, Ltd. changes the fee structure from an hourly rate to a monthly retainer.**

REVIEWED BY: X President X Secretary X Executive Director

ACTION: Approved Approved w/Modifications Denied Continued

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CONTRACT FOR SERVICES OF INDEPENDENT CONTRACTOR

A Contract Between the State of Nevada
Acting by and Through its

Agency Name:	Chiropractic Physicians' Board of Nevada
Address:	4600 Kietzke Lane, Building M, Suite 245
City, State, Zip Code:	Reno, Nevada 89502
Contact:	Julie Strandberg, Executive Director
Phone:	(775) 688-1921
Fax:	(775) 688-1920
Email:	jstrandberg@chirobd.nv.gov

Contractor Name:	Ling Ltd.
Address:	933 Gear Street
City, State, Zip Code:	Reno, Nevada 89503
Contact:	Louis Ling
Phone:	(775) 233-9099
Fax:	(775) 624-5086
Email:	louisling@me.com

WHEREAS, NRS 333.700 authorizes officers, departments, institutions, boards, commissions, and other agencies in the Executive Department of the State Government which derive their support from public money in whole or in part to engage, subject to the approval of the Board of Examiners (BOE), services of persons as independent contractors; and

WHEREAS, it is deemed that the service of Contractor is both necessary and in the best interests of the State of Nevada.

NOW, THEREFORE, in consideration of the aforesaid premises, the parties mutually agree as follows:

1. **REQUIRED APPROVAL.** This Contract shall not become effective until and unless approved by the Nevada State Board of Examiners.
2. **DEFINITIONS.**
 - A. "State" – means the State of Nevada and any State agency identified herein, its officers, employees and immune contractors as defined in NRS 41.0307.
 - B. "Contracting Agency" – means the State agency identified above.
 - C. "Contractor" – means the person or entity identified above that performs services and/or provides goods for the State under the terms and conditions set forth in this Contract.
 - D. "Fiscal Year" – means the period beginning July 1st and ending June 30th of the following year.
 - E. "Contract" – Unless the context otherwise requires, "Contract" means this document entitled Contract for Services of Independent Contractor and all Attachments or Incorporated Documents.
 - F. "Contract for Independent Contractor" – means this document entitled Contract for Services of Independent Contractor exclusive of any Attachments or Incorporated Documents.

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3. **CONTRACT TERM.** This Contract shall be effective as noted below, unless sooner terminated by either party as specified in *Section 10, Contract Termination*. Contract is subject to Board of Examiners' approval.

Effective from:	Date June 1, 2022	To:	Date May 31, 2025
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4. **NOTICE.** All communications, including notices, required or permitted to be given under this Contract shall be in writing and directed to the parties at the addresses stated above. Notices may be given: (i) by delivery in person; (ii) by a nationally recognized next day courier service, return receipt requested; or (iii) by certified mail, return receipt requested. If specifically requested by the party to be notified, valid notice may be given by facsimile transmission or electronic mail to the address(es) such party has specified in writing.

5. **INCORPORATED DOCUMENTS.** The parties agree that this Contract, inclusive of the following attachments, specifically describes the scope of work. This Contract incorporates the following attachments in descending order of constructive precedence:

ATTACHMENT AA:	SCOPE OF WORK, DELIVERABLES, PAYMENT SCHEDULE, and NEGOTIATED POINTS (if needed)
ATTACHMENT BB:	INSURANCE SCHEDULE

Any provision, term or condition of an Attachment that contradicts the terms of this Contract for Independent Contractor, or that would change the obligations of the State under this Contract for Independent Contractor, shall be void and unenforceable.

6. **CONSIDERATION.** The parties agree that Contractor will provide the services specified in *Section 5, Incorporated Documents* at a cost as noted below:

\$1,800.00	per	month
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Total Contract or installments payable at:	\$64,800.00
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Total Contract Not to Exceed:	\$64,800.00
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The State does not agree to reimburse Contractor for expenses unless otherwise specified in the incorporated attachments. Any intervening end to a biennial appropriation period shall be deemed an automatic renewal (not changing the overall Contract term) or a termination as the result of legislative appropriation may require.

7. **ASSENT.** The parties agree that the terms and conditions listed on incorporated attachments of this Contract are also specifically a part of this Contract and are limited only by their respective order of precedence and any limitations specified.

8. **BILLING SUBMISSION: TIMELINESS.** The parties agree that timeliness of billing is of the essence to the Contract and recognize that the State is on a Fiscal Year. All billings for dates of service prior to July 1 must be submitted to the state no later than the first Friday in August of the same calendar year. A billing submitted after the first Friday in August, which forces the State to process the billing as a stale claim pursuant to NRS 353.097, will subject Contractor to an administrative fee not to exceed one hundred dollars (\$100.00). The parties hereby agree this is a reasonable estimate of the additional costs to the state of processing the billing as a stale claim and that this amount will be deducted from the stale claim payment due to Contractor.

9. **INSPECTION & AUDIT.**

A. Books and Records. Contractor agrees to keep and maintain under generally accepted accounting principles (GAAP) full, true and complete records, contracts, books, and documents as are necessary to fully disclose to the State or

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United States Government, or their authorized representatives, upon audits or reviews, sufficient information to determine compliance with all State and federal regulations and statutes.

- B. Inspection & Audit. Contractor agrees that the relevant books, records (written, electronic, computer related or otherwise), including, without limitation, relevant accounting procedures and practices of Contractor or its subcontractors, financial statements and supporting documentation, and documentation related to the work product shall be subject, at any reasonable time, to inspection, examination, review, audit, and copying at any office or location of Contractor where such records may be found, with or without notice by the State Auditor, the relevant State agency or its contracted examiners, the department of Administration, Budget Division, the Nevada State Attorney General's Office or its Fraud Control Units, the state Legislative Auditor, and with regard to any federal funding, the relevant federal agency, the Comptroller General, the General Accounting Office, the Office of the Inspector General, or any of their authorized representatives. All subcontracts shall reflect requirements of this Section.
- C. Period of Retention. All books, records, reports, and statements relevant to this Contract must be retained a minimum three (3) years, and for five (5) years if any federal funds are used pursuant to the Contract. The retention period runs from the date of payment for the relevant goods or services by the state, or from the date of termination of the Contract, whichever is later. Retention time shall be extended when an audit is scheduled or in progress for a period reasonably necessary to complete an audit and/or to complete any administrative and judicial litigation which may ensue.

10. **CONTRACT TERMINATION.**

- A. Termination Without Cause. Regardless of any terms to the contrary, this Contract may be terminated upon written notice by mutual consent of both parties. The State unilaterally may terminate this contract without cause by giving not less than thirty (30) days' notice in the manner specified in *Section 4, Notice*. If this Contract is unilaterally terminated by the State, Contractor shall use its best efforts to minimize cost to the State and Contractor will not be paid for any cost that Contractor could have avoided.
- B. State Termination for Non-Appropriation. The continuation of this Contract beyond the current biennium is subject to and contingent upon sufficient funds being appropriated, budgeted, and otherwise made available by the State Legislature and/or federal sources. The State may terminate this Contract, and Contractor waives any and all claims(s) for damages, effective immediately upon receipt of written notice (or any date specified therein) if for any reason the contracting Agency's funding from State and/or federal sources is not appropriated or is withdrawn, limited, or impaired.
- C. Termination with Cause for Breach. A breach may be declared with or without termination. A notice of breach and termination shall specify the date of termination of the Contract, which shall not be sooner than the expiration of the Time to Correct, if applicable, allowed under subsection 10D. This Contract may be terminated by either party upon written notice of breach to the other party on the following grounds:
 - 1) If Contractor fails to provide or satisfactorily perform any of the conditions, work, deliverables, goods, or services called for by this Contract within the time requirements specified in this Contract or within any granted extension of those time requirements; or
 - 2) If any state, county, city, or federal license, authorization, waiver, permit, qualification or certification required by statute, ordinance, law, or regulation to be held by Contractor to provide the goods or services required by this Contract is for any reason denied, revoked, debarred, excluded, terminated, suspended, lapsed, or not renewed; or
 - 3) If Contractor becomes insolvent, subject to receivership, or becomes voluntarily or involuntarily subject to the jurisdiction of the Bankruptcy Court; or
 - 4) If the State materially breaches any material duty under this Contract and any such breach impairs Contractor's ability to perform; or
 - 5) If it is found by the State that any quid pro quo or gratuities in the form of money, services, entertainment, gifts, or otherwise were offered or given by Contractor, or any agent or representative of Contractor, to any officer or employee of the State of Nevada with a view toward securing a contract or securing favorable treatment with

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respect to awarding, extending, amending, or making any determination with respect to the performing of such contract; or

- 6) If it is found by the State that Contractor has failed to disclose any material conflict of interest relative to the performance of this Contract.

D. Time to Correct. Unless the breach is not curable, or unless circumstances do not permit an opportunity to cure, termination upon declared breach may be exercised only after service of formal written notice as specified in *Section 4, Notice*, and the subsequent failure of the breaching party within fifteen (15) calendar days of receipt of that notice to provide evidence, satisfactory to the aggrieved party, showing that the declared breach has been corrected. Upon a notice of breach, the time to correct and the time for termination of the contract upon breach under subsection 10C, above, shall run concurrently, unless the notice expressly states otherwise.

E. Winding Up Affairs Upon Termination. In the event of termination of this Contract for any reason, the parties agree that the provisions of this Section survive termination:

- 1) The parties shall account for and properly present to each other all claims for fees and expenses and pay those which are undisputed and otherwise not subject to set off under this Contract. Neither party may withhold performance of winding up provisions solely based on nonpayment of fees or expenses accrued up to the time of termination;
- 2) Contractor shall satisfactorily complete work in progress at the agreed rate (or a pro rata basis if necessary) if so requested by the Contracting Agency;
- 3) Contractor shall execute any documents and take any actions necessary to effectuate an assignment of this Contract if so requested by the Contracting Agency;
- 4) Contractor shall preserve, protect and promptly deliver into State possession all proprietary information in accordance with *Section 21, State Ownership of Proprietary Information*.

11. **REMEDIES.** Except as otherwise provided for by law or this Contract, the rights and remedies of the parties shall not be exclusive and are in addition to any other rights and remedies provided by law or equity, including, without limitation, actual damages, and to a prevailing party reasonable attorneys' fees and costs. For purposes of an award of attorneys' fees to either party, the parties stipulate and agree that a reasonable hourly rate of attorneys' fees shall be one hundred and fifty dollars (\$150.00) per hour. The State may set off consideration against any unpaid obligation of Contractor to any State agency in accordance with NRS 353C.190. In the event that Contractor voluntarily or involuntarily becomes subject to the jurisdiction of the Bankruptcy Court, the State may set off consideration against any unpaid obligation of Contractor to the State or its agencies, to the extent allowed by bankruptcy law, without regard to whether the procedures of NRS 353C.190 have been utilized.

12. **LIMITED LIABILITY.** The State will not waive and intends to assert available NRS Chapter 41 liability limitations in all cases. Contract liability of both parties shall not be subject to punitive damages. Damages for any State breach shall never exceed the amount of funds appropriated for payment under this Contract, but not yet paid to Contractor, for the Fiscal Year budget in existence at the time of the breach. Contractor's tort liability shall not be limited.

13. **FORCE MAJEURE.** Neither party shall be deemed to be in violation of this Contract if it is prevented from performing any of its obligations hereunder due to strikes, failure of public transportation, civil or military authority, act of public enemy, accidents, fires, explosions, or acts of God, including without limitation, earthquakes, floods, winds, or storms. In such an event the intervening cause must not be through the fault of the party asserting such an excuse, and the excused party is obligated to promptly perform in accordance with the terms of the Contract after the intervening cause ceases.

14. **INDEMNIFICATION AND DEFENSE.** To the fullest extent permitted by law, Contractor shall indemnify, hold harmless and defend, not excluding the State's right to participate, the State from and against all liability, claims, actions, damages, losses, and expenses, including, without limitation, reasonable attorneys' fees and costs, arising out of any breach of the obligations of Contractor under this contract, or any alleged negligent or willful acts or omissions of Contractor, its officers, employees and agents. Contractor's obligation to indemnify the State shall apply in all cases except for claims arising solely from the State's own negligence or willful misconduct. Contractor waives any rights of

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subrogation against the State. Contractor's duty to defend begins when the State requests defense of any claim arising from this Contract.

15. **REPRESENTATIONS REGARDING INDEPENDENT CONTRACTOR STATUS.** Contractor represents that it is an independent contractor, as defined in NRS 333.700(2) and 616A.255, warrants that it will perform all work under this contract as an independent contractor, and warrants that the State of Nevada will not incur any employment liability by reason of this Contract or the work to be performed under this Contract. To the extent the State incurs any employment liability for the work under this Contract; Contractor will reimburse the State for that liability.
16. **INSURANCE SCHEDULE.** Unless expressly waived in writing by the State, Contractor must carry policies of insurance and pay all taxes and fees incident hereunto. Policies shall meet the terms and conditions as specified within this Contract along with the additional limits and provisions as described in *Attachment BB*, incorporated hereto by attachment. The State shall have no liability except as specifically provided in the Contract.

Contractor shall not commence work before Contractor has provided the required evidence of insurance to the Contracting Agency. The State's approval of any changes to insurance coverage during the course of performance shall constitute an ongoing condition subsequent to this Contract. Any failure of the State to timely approve shall not constitute a waiver of the condition.

A. Insurance Coverage. Contractor shall, at Contractor's sole expense, procure, maintain and keep in force for the duration of the Contract insurance conforming to the minimum limits as specified in *Attachment BB*, incorporated hereto by attachment. Unless specifically stated herein or otherwise agreed to by the State, the required insurance shall be in effect prior to the commencement of work by Contractor and shall continue in force as appropriate until:

- 1) Final acceptance by the State of the completion of this Contract; or
- 2) Such time as the insurance is no longer required by the State under the terms of this Contract; whichever occurs later.

Any insurance or self-insurance available to the State shall be in excess of and non-contributing with, any insurance required from Contractor. Contractor's insurance policies shall apply on a primary basis. Until such time as the insurance is no longer required by the State, Contractor shall provide the State with renewal or replacement evidence of insurance no less than thirty (30) days before the expiration or replacement of the required insurance. If at any time during the period when insurance is required by the Contract, an insurer or surety shall fail to comply with the requirements of this Contract, as soon as Contractor has knowledge of any such failure, Contractor shall immediately notify the State and immediately replace such insurance or bond with an insurer meeting the requirements.

B. General Requirements.

- 1) Additional Insured: By endorsement to the general liability insurance policy, the State of Nevada, its officers, employees and immune contractors as defined in NRS 41.0307 shall be named as additional insureds for all liability arising from the Contract.
- 2) Waiver of Subrogation: Each insurance policy shall provide for a waiver of subrogation against the State of Nevada, its officers, employees and immune contractors as defined in NRS 41.0307 for losses arising from work/materials/equipment performed or provided by or on behalf of Contractor.
- 3) Cross Liability: All required liability policies shall provide cross-liability coverage as would be achieved under the standard ISO separation of insureds clause.
- 4) Deductibles and Self-Insured Retentions: Insurance maintained by Contractor shall apply on a first dollar basis without application of a deductible or self-insured retention unless otherwise specifically agreed to by the State. Such approval shall not relieve Contractor from the obligation to pay any deductible or self-insured retention. Any deductible or self-insured retention shall not exceed fifty thousand dollars (\$50,000.00) per occurrence, unless otherwise approved by the Risk Management Division.
- 5) Policy Cancellation: Except for ten (10) days notice for non-payment of premiums, each insurance policy shall be endorsed to state that without thirty (30) days prior written notice to the State of Nevada, c/o Contracting

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Agency, the policy shall not be canceled, non-renewed or coverage and/or limits reduced or materially altered, and shall provide that notices required by this Section shall be sent by certified mail to the address shown on page one (1) of this contract.

- 6) Approved Insurer: Each insurance policy shall be:
 - a) Issued by insurance companies authorized to do business in the State of Nevada or eligible surplus lines insurers acceptable to the State and having agents in Nevada upon whom service of process may be made; and
 - b) Currently rated by A.M. Best as “A-VII” or better.

C. Evidence of Insurance.

Prior to the start of any work, Contractor must provide the following documents to the contracting State agency:

- 1) Certificate of Insurance: The Acord 25 Certificate of Insurance form or a form substantially similar must be submitted to the State to evidence the insurance policies and coverages required of Contractor. The certificate must name the State of Nevada, its officers, employees and immune contractors as defined in NRS 41.0307 as the certificate holder. The certificate should be signed by a person authorized by the insurer to bind coverage on its behalf. The State project/Contract number; description and Contract effective dates shall be noted on the certificate, and upon renewal of the policies listed, Contractor shall furnish the State with replacement certificates as described within *Section 16A, Insurance Coverage*.

Mail all required insurance documents to the State Contracting Agency identified on Page one of the Contract.

- 2) Additional Insured Endorsement: An Additional Insured Endorsement (CG 20 10 11 85 or CG 20 26 11 85), signed by an authorized insurance company representative, must be submitted to the State to evidence the endorsement of the State as an additional insured per *Section 16B, General Requirements*.
- 3) Schedule of Underlying Insurance Policies: If Umbrella or Excess policy is evidenced to comply with minimum limits, a copy of the underlying Schedule from the Umbrella or Excess insurance policy may be required.
- 4) Review and Approval: Documents specified above must be submitted for review and approval by the State prior to the commencement of work by Contractor. Neither approval by the State nor failure to disapprove the insurance furnished by Contractor shall relieve Contractor of Contractor’s full responsibility to provide the insurance required by this Contract. Compliance with the insurance requirements of this Contract shall not limit the liability of Contractor or its subcontractors, employees or agents to the State or others, and shall be in addition to and not in lieu of any other remedy available to the State under this Contract or otherwise. The State reserves the right to request and review a copy of any required insurance policy or endorsement to assure compliance with these requirements.

17. **COMPLIANCE WITH LEGAL OBLIGATIONS.** Contractor shall procure and maintain for the duration of this Contract any state, county, city or federal license, authorization, waiver, permit qualification or certification required by statute, ordinance, law, or regulation to be held by Contractor to provide the goods or services required by this Contract. Contractor shall provide proof of its compliance upon request of the Contracting Agency. Contractor will be responsible to pay all taxes, assessments, fees, premiums, permits, and licenses required by law. Real property and personal property taxes are the responsibility of Contractor in accordance with NRS 361.157 and NRS 361.159. Contractor agrees to be responsible for payment of any such government obligations not paid by its subcontractors during performance of this Contract.

18. **WAIVER OF BREACH.** Failure to declare a breach or the actual waiver of any particular breach of the Contract or its material or nonmaterial terms by either party shall not operate as a waiver by such party of any of its rights or remedies as to any other breach.

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19. **SEVERABILITY.** If any provision contained in this Contract is held to be unenforceable by a court of law or equity, this Contract shall be construed as if such provision did not exist and the non-enforceability of such provision shall not be held to render any other provision or provisions of this Contract unenforceable.
20. **ASSIGNMENT/DELEGATION.** To the extent that any assignment of any right under this Contract changes the duty of either party, increases the burden or risk involved, impairs the chances of obtaining the performance of this Contract, attempts to operate as a novation, or includes a waiver or abrogation of any defense to payment by State, such offending portion of the assignment shall be void, and shall be a breach of this Contract. Contractor shall neither assign, transfer nor delegate any rights, obligations nor duties under this Contract without the prior written consent of the State.
21. **STATE OWNERSHIP OF PROPRIETARY INFORMATION.** Any data or information provided by the State to Contractor and any documents or materials provided by the State to Contractor in the course of this Contract (“State Materials”) shall be and remain the exclusive property of the State and all such State Materials shall be delivered into State possession by Contractor upon completion, termination, or cancellation of this Contract.
22. **PUBLIC RECORDS.** Pursuant to NRS 239.010, information or documents received from Contractor may be open to public inspection and copying. The State has a legal obligation to disclose such information unless a particular record is made confidential by law or a common law balancing of interests. Contractor may label specific parts of an individual document as a “trade secret” or “confidential” in accordance with NRS 333.333, provided that Contractor thereby agrees to indemnify and defend the State for honoring such a designation. The failure to so label any document that is released by the State shall constitute a complete waiver of any and all claims for damages caused by any release of the records.
23. **CONFIDENTIALITY.** Contractor shall keep confidential all information, in whatever form, produced, prepared, observed or received by Contractor to the extent that such information is confidential by law or otherwise required by this Contract.
24. **FEDERAL FUNDING.** In the event federal funds are used for payment of all or part of this Contract, Contractor agrees to comply with all applicable federal laws, regulations and executive orders, including, without limitation the following:
 - A. Contractor certifies, by signing this Contract, that neither it nor its principals are presently debarred, suspended, proposed for debarment, declared ineligible or voluntarily excluded from participation in this transaction by any federal department or agency. This certification is made pursuant to Executive Orders 12549 and 12689 and Federal Acquisition Regulation subpart 9.4, and any relevant program-specific regulations. This provision shall be required of every subcontractor receiving any payment in whole or in part from federal funds.
 - B. Contractor and its subcontracts shall comply with all terms, conditions, and requirements of the Americans with Disabilities Act of 1990 (P.L. 101-136), 42 U.S.C. 12101, as amended, and regulations adopted thereunder, including 28 C.F.R. Section 35, inclusive, and any relevant program-specific regulations.
 - C. Contractor and its subcontractors shall comply with the requirements of the Civil Rights Act of 1964 (P.L. 88-352), as amended, the Rehabilitation Act of 1973 (P.L. 93-112), as amended, and any relevant program-specific regulations, and shall not discriminate against any employee or offeror for employment because of race, national origin, creed, color, sex, religion, age, disability or handicap condition (including AIDS and AIDS-related conditions.)
25. **LOBBYING.** The parties agree, whether expressly prohibited by federal law, or otherwise, that no funding associated with this Contract will be used for any purpose associated with or related to lobbying or influencing or attempting to lobby or influence for any purpose the following:
 - A. Any federal, state, county or local agency, legislature, commission, council or board;
 - B. Any federal, state, county or local legislator, commission member, council member, board member, or other elected official; or
 - C. Any officer or employee of any federal, state, county or local agency; legislature, commission, council or board.
26. **GENERAL WARRANTY.** Contractor warrants that all services, deliverables, and/or work products under this Contract shall be completed in a workmanlike manner consistent with standards in the trade, profession, or industry; shall conform

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to or exceed the specifications set forth in the incorporated attachments; and shall be fit for ordinary use, of good quality, with no material defects.

27. **PROPER AUTHORITY.** The parties hereto represent and warrant that the person executing this Contract on behalf of each party has full power and authority to enter into this Contract. Contractor acknowledges that as required by statute or regulation this Contract is effective only after approval by the State Board of Examiners and only for the period of time specified in the Contract. Any services performed by Contractor before this Contract is effective or after it ceases to be effective are performed at the sole risk of Contractor.
28. **DISCLOSURES REGARDING CURRENT OR FORMER STATE EMPLOYEES.** For the purpose of State compliance with NRS 333.705, Contractor represents and warrants that if Contractor, or any employee of Contractor who will be performing services under this Contract, is a current employee of the State or was employed by the State within the preceding 24 months, Contractor has disclosed the identity of such persons, and the services that each such person will perform, to the Contracting Agency.
29. **ASSIGNMENT OF ANTITRUST CLAIMS.** Contractor irrevocably assigns to the State any claim for relief or cause of action which Contractor now has or which may accrue to Contractor in the future by reason of any violation of State of Nevada or federal antitrust laws in connection with any goods or services provided under this Contract.
30. **GOVERNING LAW: JURISDICTION.** This Contract and the rights and obligations of the parties hereto shall be governed by, and construed according to, the laws of the State of Nevada, without giving effect to any principle of conflict-of-law that would require the application of the law of any other jurisdiction. The parties consent to the exclusive jurisdiction of and venue in the First Judicial District Court, Carson City, Nevada for enforcement of this Contract, and consent to personal jurisdiction in such court for any action or proceeding arising out of this Contract.
31. **ENTIRE CONTRACT AND MODIFICATION.** This Contract and its integrated attachment(s) constitute the entire agreement of the parties and as such are intended to be the complete and exclusive statement of the promises, representations, negotiations, discussions, and other agreements that may have been made in connection with the subject matter hereof. Unless an integrated attachment to this Contract specifically displays a mutual intent to amend a particular part of this Contract, general conflicts in language between any such attachment and this Contract shall be construed consistent with the terms of this Contract. Unless otherwise expressly authorized by the terms of this Contract, no modification or amendment to this Contract shall be binding upon the parties unless the same is in writing and signed by the respective parties hereto and approved by the Office of the Attorney General and the State Board of Examiners. This Contract, and any amendments, may be executed in counterparts.

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IN WITNESS WHEREOF, the parties hereto have caused this Contract to be signed and intend to be legally bound thereby.

Independent Contractor's Signature Date Independent Contractor's Title

State of Nevada Authorized Signature Date Title

State of Nevada Authorized Signature Date Title

State of Nevada Authorized Signature Date Title

APPROVED BY BOARD OF EXAMINERS

Signature – Board of Examiners

On: _____
Date

Approved as to form by:

On: _____
Date

Deputy Attorney General for Attorney General

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ATTACHMENT AA

Ling Ltd. Is a Nevada Professional Limited Liability Company that provides a full range of legal services to Nevada governmental agencies through the employment of attorneys and other necessary personnel. As it relates to the contracting agency herein, those services might include, but are not limited to, day-to-day legal advice, attendance at board meetings, attendance at committee and other meetings as requested by the board, assistance with and prosecution of disciplinary investigations and contested cases, representation of the board at various courts statewide, and assistance with regulatory and legislative matters.

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ATTACHMENT BB

INSURANCE REQUIREMENTS:

Contractor and subcontractors shall procure and maintain until all of their obligations have been discharged, including any warranty periods under this Contract are satisfied, insurance against claims for injury to persons or damage to property which may arise from or in connection with the performance of the work hereunder by the Contractor, his agents, representatives, employees or subcontractors.

The insurance requirements herein are minimum requirements for this Contract and in no way limit the indemnity covenants contained in this Contract. The State in no way warrants that the minimum limits contained herein are sufficient to protect the Contractor from liabilities that might arise out of the performance of the work under this contract by the Contractor, his agents, representatives, employees or subcontractors and Contractor is free to purchase additional insurance as may be determined necessary.

A. **MINIMUM SCOPE AND LIMITS OF INSURANCE:** Contractor shall provide coverage with limits of liability not less than those stated below. An excess liability policy or umbrella liability policy may be used to meet the minimum liability requirements provided that the coverage is written on a “following form” basis.

1. Commercial General Liability – Occurrence Form

Policy shall include bodily injury, property damage and broad form contractual liability coverage.

- General Aggregate \$2,000,000
- Products – Completed Operations Aggregate \$1,000,000
- Personal and Advertising Injury \$1,000,000
- Each Occurrence \$1,000,000

a. The policy shall be endorsed to include the following additional insured language: "The State of Nevada shall be named as an additional insured with respect to liability arising out of the activities performed by, or on behalf of the Contractor".

2. Worker's Compensation and Employers' Liability

Workers' Compensation	Statutory
Employers' Liability	
Each Accident	\$100,000
Disease – Each Employee	\$100,000
Disease – Policy Limit	\$500,000

- a. Policy shall contain a waiver of subrogation against the State of Nevada.
- b. This requirement shall not apply when a contractor or subcontractor is exempt under N.R.S., **AND** when such contractor or subcontractor executes the appropriate sole proprietor waiver form.

2. Professional Liability (Errors and Omissions Liability)

The policy shall cover professional misconduct or lack of ordinary skill for those positions defined in the Scope of Services of this contract.

Each Claim	\$1,000,000
Annual Aggregate	\$2,000,000

a. In the event that the professional liability insurance required by this Contract is written on a claims-made basis, Contractor warrants that any retroactive date under the policy shall precede the effective date of this Contract; and that either continuous coverage will be maintained or an extended discovery period will be exercised for a period of two (2) years beginning at the time work under this Contract is completed.

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B. **ADDITIONAL INSURANCE REQUIREMENTS:** The policies shall include, or be endorsed to include, the following provisions:

1. On insurance policies where the State of Nevada is named as an additional insured, the State of Nevada shall be an additional insured to the full limits of liability purchased by the Contractor even if those limits of liability are in excess of those required by this Contract.
2. The Contractor's insurance coverage shall be primary insurance and non-contributory with respect to all other available sources.

C. **NOTICE OF CANCELLATION:** Contractor shall for each insurance policy required by the insurance provisions of this Contract shall not be suspended, voided or canceled except after providing thirty (30) days prior written notice been given to the State, except when cancellation is for non-payment of premium, then ten (10) days prior notice may be given. Such notice shall be sent directly to **(State of Nevada Representative's Name & Address)**. Should contractor fail to provide State timely notice, contractor will be considered in breach and subject to cure provisions set forth within this contract.

D. **ACCEPTABILITY OF INSURERS:** Insurance is to be placed with insurers duly licensed or authorized to do business in the state of Nevada and with an "A.M. Best" rating of not less than A-VII. The State in no way warrants that the above-required minimum insurer rating is sufficient to protect the Contractor from potential insurer insolvency.

E. **VERIFICATION OF COVERAGE:** Contractor shall furnish the State with certificates of insurance (ACORD form or equivalent approved by the State) as required by this Contract. The certificates for each insurance policy are to be signed by a person authorized by that insurer to bind coverage on its behalf.

All certificates and any required endorsements are to be received and approved by the State before work commences. Each insurance policy required by this Contract must be in effect at or prior to commencement of work under this Contract and remain in effect for the duration of the project. Failure to maintain the insurance policies as required by this Contract or to provide evidence of renewal is a material breach of contract.

All certificates required by this Contract shall be sent directly to **Chiropractic Physicians' Board of Nevada, 4600 Kietzke Lane, Building M, Suite 245, Reno, Nevada 89502**. The State project/contract number and project description shall be noted on the certificate of insurance. The State reserves the right to require complete, certified copies of all insurance policies required by this Contract at any time. **DO NOT SEND CERTIFICATES OF INSURANCE TO THE STATES RISK MANAGEMENT DIVISION.**

F. **SUBCONTRACTORS:** Contractors' certificate(s) shall include all subcontractors as additional insureds under its policies **or** Contractor shall furnish to the State separate certificates and endorsements for each subcontractor. All coverages for subcontractors shall be subject to the minimum requirements identified above.

G. **APPROVAL:** Any modification or variation from the insurance requirements in this Contract shall be made by the Attorney General's Office or the Risk Manager, whose decision shall be final. Such action will not require a formal Contract amendment, but may be made by administrative action.

Independent Contractor's Signature	Date	Title
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Signature – State of Nevada	Date	Title
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CHIROPRACTIC PHYSICIANS' BOARD OF NEVADA

AGENDA ACTION SHEET

TITLE: Agenda Item 18 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.

RECOMMENDED MOTION: No recommendation

PRESENTED BY: Margaret Colucci, DC

MEETING DATE: April 14, 2022

TIME REQUIRED: 45 minutes

- A. Complaint 19-12S (Rovetti)**
- B. Complaint 20-01N (Rovetti)**
- C. Complaint 21-01S (Nolle)**
- D. Complaint 21-03S (Canada)**
- E. Complaint 21-29N (Canada)**
- F. Complaint 21-30N (Colucci)**
- G. Complaint 21-31S (Colucci)**
- H. Complaint 21-32S (Overland)**
- I. Complaint 22-02N (Martinez)**
- J. Complaint 22-03 (Overland)**
- K. Complaint 22-04S (Canada)**
- L. Complaint 22-05S (Colucci)**

BACKGROUND INFORMATION:

REVIEWED BY: President Secretary Executive Director

ACTION: Approved Approved w/Modifications Denied Continued

CHIROPRACTIC PHYSICIANS' BOARD OF NEVADA

AGENDA ACTION SHEET

TITLE: **Agenda Item 18A** 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 19-12S (Dr. Rovetti)

RECOMMENDED MOTION: **No recommendation.**

PREPARED BY: **Morgan Rovetti, DC**

MEETING DATE: **April 14, 2022**

TIME REQUIRED: **3 minutes**

BACKGROUND INFORMATION: **The complainant alleged unprofessional conduct.**

REVIEWED BY: President Secretary Executive Director

ACTION: Approved Approved w/Modifications Denied Continued

Agenda Item 18A

CHIROPRACTIC PHYSICIANS' BOARD OF NEVADA

AGENDA ACTION SHEET

TITLE: **Agenda Item 18B** 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:

B. Complaint 20-01N (Dr. Rovetti)

RECOMMENDED MOTION: **No recommendation.**

PREPARED BY: **Morgan Rovetti, DC**

MEETING DATE: **April 14, 2022**

TIME REQUIRED: **3 minutes**

BACKGROUND INFORMATION: **The complainant alleged unprofessional conduct.**

REVIEWED BY: President Secretary Executive Director

ACTION: Approved Approved w/Modifications Denied Continued

Agenda Item 18B

CHIROPRACTIC PHYSICIANS' BOARD OF NEVADA

AGENDA ACTION SHEET

TITLE: Agenda Item 18C 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:

C. Complaint 21-01S (Dr. Nolle)

RECOMMENDED MOTION: No recommendation.

PREPARED BY: Julie Strandberg, Executive Director

MEETING DATE: April 14, 2022

TIME REQUIRED: 3 minutes

BACKGROUND INFORMATION: The complainant alleged that their treatments would be billed to Medicare, however the charges were not billed to Medicare, but charged to her personal credit card.

REVIEWED BY: President Secretary Executive Director

ACTION: Approved Approved w/Modifications Denied Continued

Agenda Item 18C

CHIROPRACTIC PHYSICIANS' BOARD OF NEVADA

AGENDA ACTION SHEET

TITLE: Agenda Item 18D 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:

D. Complaint 21-03S (Dr. Canada)

RECOMMENDED MOTION: No recommendation.

PREPARED BY: Nicole Canada, DC

MEETING DATE: April 14, 2022

TIME REQUIRED: 3 minutes

BACKGROUND INFORMATION: This complaint is pending the results of the criminal lawsuit.

REVIEWED BY: President Secretary Executive Director

ACTION: Approved Approved w/Modifications Denied Continued

Agenda Item 18D

CHIROPRACTIC PHYSICIANS' BOARD OF NEVADA

AGENDA ACTION SHEET

TITLE: **Agenda Item 18E** 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:

E. Complaint 21-29S (Dr. Canada)

RECOMMENDED MOTION: **No recommendation.**

PREPARED BY: **Nicole Canada, DC**

MEETING DATE: **April 14, 2022**

TIME REQUIRED: **3 minutes**

BACKGROUND INFORMATION: **The complainant alleged unprofessional conduct.**

REVIEWED BY: President Secretary Executive Director

ACTION: Approved Approved w/Modifications Denied Continued

Agenda Item 18E

CHIROPRACTIC PHYSICIANS' BOARD OF NEVADA

AGENDA ACTION SHEET

TITLE: **Agenda Item 18F** 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:

F. Complaint 21-30N (Dr. Colucci)

RECOMMENDED MOTION: **No recommendation.**

PREPARED BY: **Margaret Colucci, DC**

MEETING DATE: **April 14, 2021**

TIME REQUIRED: **3 minutes**

BACKGROUND INFORMATION: **The complainant alleged unprofessional conduct.**

REVIEWED BY: President Secretary Executive Director

ACTION: Approved Approved w/Modifications Denied Continued

Agenda Item 18F

CHIROPRACTIC PHYSICIANS' BOARD OF NEVADA

AGENDA ACTION SHEET

TITLE: Agenda Item 18G 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:

G. Complaint 21-31S (Dr. Colucci)

RECOMMENDED MOTION: No recommendation.

PREPARED BY: Margaret Colucci, DC

MEETING DATE: April 14, 2022

TIME REQUIRED: 3 minutes

BACKGROUND INFORMATION: The complainant alleged unprofessional conduct.

REVIEWED BY: President Secretary Executive Director

ACTION: Approved Approved w/Modifications Denied Continued

Agenda Item 18G

CHIROPRACTIC PHYSICIANS' BOARD OF NEVADA

AGENDA ACTION SHEET

TITLE: Agenda Item 18H 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:

H. Complaint 21-32S (Dr. Overland)

RECOMMENDED MOTION: No recommendation.

PREPARED BY: James T. Overland Sr., DC

MEETING DATE: April 14, 2021

TIME REQUIRED: 3 minutes

BACKGROUND INFORMATION: The complainant alleged that the chiropractic physician would not release patient records.

REVIEWED BY: President Secretary Executive Director

ACTION: Approved Approved w/Modifications Denied Continued

Agenda Item 18H

CHIROPRACTIC PHYSICIANS' BOARD OF NEVADA

AGENDA ACTION SHEET

TITLE: **Agenda Item 18I** 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:

I. Complaint 22-02N (Dr. Martinez)

RECOMMENDED MOTION: **No recommendation.**

PREPARED BY: **Xavier Martinez, DC**

MEETING DATE: **April 14, 2021**

TIME REQUIRED: **3 minutes**

BACKGROUND INFORMATION: **The complainant alleged that the chiropractic physician was unsanitary.**

REVIEWED BY: President Secretary Executive Director

ACTION: Approved Approved w/Modifications Denied Continued

Agenda Item 18I

CHIROPRACTIC PHYSICIANS' BOARD OF NEVADA

AGENDA ACTION SHEET

TITLE: **Agenda Item 18J** 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:

J. Complaint 22-03S (Dr. Overland)

RECOMMENDED MOTION: **No recommendation.**

PREPARED BY: **James T. Overland Sr., DC**

MEETING DATE: **April 14, 2021**

TIME REQUIRED: **3 minutes**

BACKGROUND INFORMATION: **The complainant alleged that they paid the chiropractic physician for their services with their personal credit card and their insurance and Medicare were also billed and payment was received by the chiropractic physician.**

REVIEWED BY: President Secretary Executive Director

ACTION: Approved Approved w/Modifications Denied Continued

Agenda Item 18J

CHIROPRACTIC PHYSICIANS' BOARD OF NEVADA

AGENDA ACTION SHEET

TITLE: **Agenda Item 18K** 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:

K. Complaint 22-04S (Dr. Canada)

RECOMMENDED MOTION: **No recommendation.**

PREPARED BY: **Nicole Canada, DC**

MEETING DATE: **April 14, 2022**

TIME REQUIRED: **3 minutes**

BACKGROUND INFORMATION: **The complainant alleged unprofessional conduct.**

REVIEWED BY: President Secretary Executive Director

ACTION: Approved Approved w/Modifications Denied Continued

Agenda Item 18K

CHIROPRACTIC PHYSICIANS' BOARD OF NEVADA

AGENDA ACTION SHEET

TITLE: **Agenda Item 18L** 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:

L. Complaint 22-05S (Dr. Colucci)

RECOMMENDED MOTION: **No recommendation.**

PREPARED BY: **Margaret Colucci, DC**

MEETING DATE: **April 14, 2021**

TIME REQUIRED: **3 minutes**

BACKGROUND INFORMATION: **The complainant alleged unlicensed practice.**

REVIEWED BY: President Secretary Executive Director

ACTION: Approved Approved w/Modifications Denied Continued

Agenda Item 18L

CHIROPRACTIC PHYSICIANS' BOARD OF NEVADA

AGENDA ACTION SHEET

TITLE: Agenda Item 19 Consideration of potential additions, deletions, and/or amendments to NRS 634 and NAC 634– For possible action.

- A. Revise NAC 634.380(1) to include an Email address used for work purposes.**
- B. Revise NRS 634.090(1)(b) to remove the requirement that the applicant provides their proof of high school education.**
- C. AB210 – Section 3 (5) The Board shall impose an administrative fine in an amount prescribed by regulation of the Board against a registrant that does not comply with the requirements in subsection 4. (attached)**
- D. NRS 622.510 Regulatory body to develop opportunities for reciprocity for qualified active member of Armed Forces, member’s spouse, veteran or veteran’s surviving spouse. A regulatory body shall develop opportunities for reciprocity of licensure for any person who:**
 - 1. Is an active member of, or the spouse of an active member of, the Armed Forces of the United States, a veteran or the surviving spouse of a veteran; and**
 - 2. Holds a valid and unrestricted license to practice his or her profession that is not recognized by this State.**

RECOMMENDED MOTION: Establish a policy for Item D.

PRESENTED BY: Margaret Colucci, DC

MEETING DATE: April 14, 2022

TIME REQUIRED: 15 minutes

BACKGROUND INFORMATION: Please see a draft of the policy regarding the processing of applications/licensure for qualified active member of Armed Forces, member’s spouse, veteran or veteran’s surviving spouse attached.

REVIEWED BY: X President X Secretary X Executive Director

ACTION: Approved Approved w/Modifications Denied Continued

NAC 634.380 Notification of Board regarding address of legal residence and mailing address. ([NRS 634.030](#))

1. A chiropractic physician or chiropractor's assistant who is licensed or certified by the Board shall:

- (a) Provide the Board with the address of his or her current legal residence; and
- (b) Notify the Board, in writing, of any change in his or her legal residence within 15 days after the change.

(c) [Provide the Board with the email address used for work purposes.](#)

2. In addition to providing the Board with the address of each office where he or she practices pursuant to [NRS 634.129](#), and the address of his or her legal residence, a chiropractic physician or chiropractor's assistant may provide the number of a post office box which is to be used as his or her mailing address.

NRS 634.090 Licenses: Qualifications of applicants.

1. An applicant must, in addition to the requirements of [NRS 634.070](#) and [634.080](#), furnish satisfactory evidence to the Board:

(a) That the applicant is of good moral character;

(b) Except as otherwise provided in subsections 2 and 5, that the applicant ~~has a high school education and~~ is a graduate from a college of chiropractic which is accredited by the Council on Chiropractic Education or which has a reciprocal agreement with the Council on Chiropractic Education or any governmental accrediting agency, whose minimum course of study leading to the degree of doctor of chiropractic consists of not less than 4,000 hours of credit which includes instruction in each of the following subjects:

- (1) Anatomy;
- (2) Bacteriology;
- (3) Chiropractic theory and practice;
- (4) Diagnosis and chiropractic analysis;
- (5) Elementary chemistry and toxicology;
- (6) Histology;
- (7) Hygiene and sanitation;
- (8) Obstetrics and gynecology;
- (9) Pathology;
- (10) Physiology; and
- (11) Physiotherapy; and

(c) That the applicant has successfully:

(1) Completed parts I, II, III and IV, and the portion relating to physiotherapy, of the examination administered by the National Board of Chiropractic Examiners or its successor organization; or

(2) Completed an examination that is required to graduate from a college of chiropractic which is accredited by the Council on Chiropractic Education or which has a reciprocal agreement with the Council on Chiropractic Education or any governmental accrediting agency. Such an examination must be:

- (I) Administered by such a college; and
- (II) Approved by the Board.

2. The Board may, for good cause shown, waive the requirement for a particular applicant that the college of chiropractic from which the applicant graduated must be accredited by the Council on Chiropractic Education or have a reciprocal agreement with the Council on Chiropractic Education or a governmental accrediting agency.

3. Except as otherwise provided in subsections 4 and 5, every applicant is required to submit evidence of the successful completion of not less than 60 credit hours at an accredited college or university.

4. Any applicant who has been licensed to practice in another state, and has been in practice for not less than 5 years, is not required to comply with the provisions of subsection 3.

5. If an applicant has received his or her training and education at a school or college located in a foreign country, the Board may, if the Board determines that such training and education is substantially equivalent to graduation from a college of chiropractic that is accredited by the Council on Chiropractic Education and otherwise meets the requirements specified in paragraph (b) of subsection 1, waive the requirement that an applicant attend or graduate from a college that:

(a) Is accredited by the Council on Chiropractic Education; or

(b) Has a reciprocal agreement with the Council on Chiropractic Education or a governmental accrediting agency.

[Part 7:23:1923; A [1929, 280](#); [1949, 655](#); [1951, 258](#); [1955, 506](#)] — (NRS A [1965, 352](#); [1971, 562](#); [1975, 118](#); [1983, 421](#); [1991, 2082](#); [1997, 820](#); [2001, 5](#); [2003, 3445](#); [2015, 510](#); [2019, 2288](#))

REQUIRES TWO-THIRDS MAJORITY VOTE
(§§ 3, 8)

A.B. 210

ASSEMBLY BILL NO. 210—ASSEMBLYMAN YEAGER

MARCH 8, 2021

Referred to Committee on Commerce and Labor

SUMMARY—Revises provisions governing the practice of chiropractic. (BDR 54-140)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: Yes.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to chiropractic; requiring a business entity that provides chiropractic services to register with the Chiropractic Physicians' Board of Nevada; establishing certain duties of a registrant; revising terminology used to refer to a person who provides chiropractic services; revising certain qualifications of an applicant for a license to engage in the practice of chiropractic; authorizing a chiropractic physician to recommend, dispense or administer certain drugs and devices; creating a privilege for confidential communication between a patient and a chiropractic physician; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 Existing law regulates the licensing and certification of the practice of
2 chiropractic. (Chapter 634 of NRS) **Section 2** of this bill defines "business entity"
3 for the provisions relating to the practice of chiropractic. **Section 3** of this bill
4 requires a business entity that provides chiropractic services to register with the
5 Chiropractic Physicians' Board of Nevada. **Section 3** requires a business entity to
6 notify the Board of any change to certain information submitted as part of an
7 application for registration. **Section 4** of this bill requires a registered business
8 entity to: (1) ensure that all chiropractic physicians and chiropractic assistants who
9 provide chiropractic services in any facility owned or operated by the business
10 entity comply with the provisions of existing law and regulations that govern the
11 practice of chiropractic; (2) establish a written policy and procedure relating to the
12 medical records of a patient; and (3) notify the Board if the business entity
13 dissolves or a facility owned or operated by the business entity closes. **Section 6** of
14 this bill requires the Board to keep records relating to registration of a business



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15 entity in the same manner as it keeps records of licensing and disciplinary actions.
16 **Section 8** of this bill establishes the maximum fee for the issuance or renewal of a
17 registration as a business entity that provides chiropractic services and requires the
18 Board to charge and collect a fee established by regulation of the Board for the late
19 renewal of such a registration. **Section 5** of this bill makes a conforming change to
20 indicate the placement of **section 2** in the Nevada Revised Statutes.

21 Existing law provides grounds for initiating disciplinary action against
22 practitioners of chiropractic. (NRS 634.018, 634.140) **Sections 9-15** of this bill
23 make various changes to authorize the imposition of disciplinary action against a
24 registered business entity, as applicable. **Section 18** of this bill makes it a category
25 B felony to own or operate a business entity: (1) that provides chiropractic services
26 without being appropriately registered with the Board; or (2) for which an
27 unlicensed person engages in the practice of chiropractic. **Sections 17 and 19** of
28 this bill make conforming changes to reflect the registration requirement for a
29 business entity that provides chiropractic services.

30 Existing law requires an applicant for a license to engage in the practice of
31 chiropractic to meet certain requirements. (NRS 634.090) **Section 7** of this bill
32 revises certain requirements relating to the education of an applicant and the
33 successful completion of an examination. **Sections 6, 8, 15-19 and 22** of this bill
34 change the title of a person practicing chiropractic from “chiropractor” to
35 “chiropractic physician” and the title of a person assisting a chiropractic physician
36 from a “chiropractor’s assistant” to a “chiropractic assistant.”

37 Existing law prohibits a chiropractic physician from administering or
38 prescribing drugs. (NRS 634.220) **Section 16** of this bill authorizes a chiropractic
39 physician to recommend, dispense or administer any drug or device for which a
40 prescription or order is not required.

41 Existing law establishes a privilege for a patient to refuse to disclose and
42 prevent any other person from disclosing confidential communication with an
43 allopathic or osteopathic physician or dentist. (NRS 49.215, 49.225) **Section 20** of
44 this bill extends this privilege to apply to confidential communications between a
45 patient and a chiropractic physician.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 **Section 1.** Chapter 634 of NRS is hereby amended by adding
2 thereto the provisions set forth as sections 2, 3 and 4 of this act.

3 **Sec. 2.** *“Business entity” means a sole proprietorship or any*
4 *lawful fictional entity by which business may be conducted*
5 *lawfully in this State. The term does not include:*

6 1. *A facility wholly owned by one or more persons licensed*
7 *pursuant to this chapter;*

8 2. *A sole proprietorship or partnership that consists solely of*
9 *persons who are licensed pursuant to this chapter;*

10 3. *A professional corporation or professional limited liability*
11 *company, the shares of which are wholly owned by a person or*
12 *persons licensed pursuant to this chapter;*

13 4. *An administrator or executor of the estate of a deceased*
14 *chiropractic physician or a person who is legally authorized to act*
15 *for a chiropractic physician who has been adjudicated to be*



1 *incapacitated for not more than 1 year after the date of the death*
2 *or incapacitation of the chiropractic physician;*

3 5. *A medical facility licensed pursuant to chapter 449 of*
4 *NRS; or*

5 6. *A physician.*

6 **Sec. 3.** 1. *To obtain a registration as a business entity that*
7 *provides chiropractic services, a business entity must submit to the*
8 *Board an application in the form prescribed by the Board. The*
9 *application must be accompanied by the fee for the issuance of a*
10 *registration required by NRS 634.135 and must include:*

11 (a) *The name, address and telephone number of the business*
12 *entity;*

13 (b) *The name of any officer or director of the business entity;*
14 *and*

15 (c) *The name of any chiropractic physician who is responsible*
16 *for providing or supervising the provision of chiropractic services*
17 *in any facility owned or operated by the business entity.*

18 2. *A registration as a business entity that provides*
19 *chiropractic services expires on June 1 of each year and may be*
20 *renewed by submitting to the Board before the expiration of the*
21 *registration:*

22 (a) *An application for renewal in the form prescribed by the*
23 *Board; and*

24 (b) *The renewal fee required by NRS 634.135.*

25 3. *The Board may approve a late application for renewal that*
26 *is accompanied by the renewal fee required by NRS 634.135 and*
27 *the additional late fee prescribed by the Board pursuant to*
28 *subsection 3 of NRS 634.135.*

29 4. *A business entity shall notify the Board in writing within*
30 *30 days after any change to the information described in*
31 *subsection 1.*

32 5. *The Board shall impose an administrative fine in an*
33 *amount prescribed by regulation of the Board against a registrant*
34 *that does not comply with the requirements of subsection 4.*

35 **Sec. 4.** *A business entity that is registered to provide*
36 *chiropractic services pursuant to section 3 of this act shall:*

37 1. *Ensure that all chiropractic physicians and chiropractic*
38 *assistants who provide chiropractic services in any facility owned*
39 *or operated by the business entity comply with the provisions of*
40 *this chapter or the regulations adopted by the Board, and any*
41 *other statute or regulation pertaining to the practice of*
42 *chiropractic;*

43 2. *Establish a written policy and procedure for the secure*
44 *storage and transfer of the medical records of a patient and the*



1 *access to those records by the patient. The policy and procedure*
2 *must include procedures for:*

3 (a) *Notifying each patient of the location to which his or her*
4 *medical records will be moved if the business entity ceases*
5 *operations, is sold or ceases maintaining medical records at the*
6 *facility where the medical records are currently maintained;*

7 (b) *Disposing of unclaimed medical records; and*

8 (c) *Responding to a request by a patient or a representative of*
9 *the patient for any copy of his or her medical records within the*
10 *time period prescribed by NRS 629.061.*

11 3. *Not later than 30 days after the dissolution of the business*
12 *entity or the closing of any facility owned or operated by the*
13 *business entity, notify the Board of the dissolution or closure and*
14 *the procedure by which a patient of the business entity may obtain*
15 *his or her medical records.*

16 **Sec. 5.** NRS 634.010 is hereby amended to read as follows:

17 634.010 As used in this chapter, unless the context otherwise
18 requires, the words and terms defined in NRS 634.012 to 634.018,
19 inclusive, *and section 2 of this act* have the meanings ascribed to
20 them in those sections.

21 **Sec. 6.** NRS 634.055 is hereby amended to read as follows:

22 634.055 1. The Board shall keep a record of its proceedings
23 relating to licensing , *registration* and disciplinary actions. Except
24 as otherwise provided in NRS 634.214, the records must be open to
25 public inspection at all reasonable times and must contain the name,
26 known place of business and residence, and the date and number of
27 the license of every ~~chiropractor~~ *chiropractic physician* licensed
28 under this chapter. The Board may keep such other records as it
29 deems desirable.

30 2. Except as otherwise provided in this subsection and NRS
31 239.0115, all information pertaining to the personal background,
32 medical history or financial affairs of an applicant *for licensure* or
33 licensee , *an officer or director of an applicant for registration or*
34 *registrant or a chiropractic physician who provides or supervises*
35 *the provision of chiropractic services at the facility of an applicant*
36 *for registration or registrant* which the Board requires to be
37 furnished to it under this chapter, or which it otherwise obtains, is
38 confidential and may be disclosed in whole or in part only as
39 necessary in the course of administering this chapter or upon the
40 order of a court of competent jurisdiction. The Board may, under
41 procedures established by regulation, permit the disclosure of this
42 information to any agent of the Federal Government, of another
43 state or of any political subdivision of this State who is authorized to
44 receive it.



3. Notice of the disclosure and the contents of the information disclosed pursuant to subsection 2 must be given to the ~~applicant or licensee~~ *person* who is the subject of that information.

Sec. 7. NRS 634.090 is hereby amended to read as follows:

634.090 1. An applicant must, in addition to the requirements of NRS 634.070 and 634.080, furnish satisfactory evidence to the Board:

(a) That the applicant is of good moral character;

(b) Except as otherwise provided in subsections ~~2~~ 3 and ~~5~~ 6, that the applicant has a high school education and is a graduate from a college of chiropractic which is accredited by the Council on Chiropractic Education, or ~~which has a reciprocal agreement with the Council on Chiropractic Education or any governmental accrediting agency, whose minimum course of study leading to the degree of doctor of chiropractic consists of not less than 4,000 hours of credit which includes instruction in each of the following subjects:~~

- ~~(1) Anatomy;~~
- ~~(2) Bacteriology;~~
- ~~(3) Chiropractic theory and practice;~~
- ~~(4) Diagnosis and chiropractic analysis;~~
- ~~(5) Elementary chemistry and toxicology;~~
- ~~(6) Histology;~~
- ~~(7) Hygiene and sanitation;~~
- ~~(8) Obstetrics and gynecology;~~
- ~~(9) Pathology;~~
- ~~(10) Physiology; and~~
- ~~(11) Physiotherapy;~~ *its successor organization, or an accrediting agency recognized by that organization; and*

(c) ~~That~~ *Except as otherwise provided in subsection 2, that* the applicant has successfully ~~;~~

~~(1) Completed parts~~ *completed:*

(1) Parts I, II, III and IV, and the portion relating to physiotherapy, of the examination administered by the National Board of Chiropractic Examiners, or its successor organization; or

(2) [Completed an] An examination that is required to graduate from a college of chiropractic which is accredited by the Council on Chiropractic Education, or ~~which has a reciprocal agreement with the Council on Chiropractic Education or any governmental accrediting agency.~~ *its successor organization, or an accrediting agency recognized by that organization.* Such an examination must be:

(I) Administered by such a college; and

(II) Approved by the Board.



1 2. *If an applicant has actively engaged in the practice of*
2 *chiropractic in another state, the District of Columbia, the*
3 *Commonwealth of Puerto Rico or any other territory or possession*
4 *of the United States for not less than 7 of the immediately*
5 *preceding 10 years without any adverse disciplinary action taken*
6 *against him or her, the applicant is only required to have*
7 *successfully completed those parts of the examination*
8 *administered by the National Board of Chiropractic Examiners, or*
9 *its successor organization, at the time that the applicant graduated*
10 *from a college of chiropractic.*

11 3. The Board may, for good cause shown, waive the
12 requirement for a particular applicant that the college of chiropractic
13 from which the applicant graduated must be accredited by the
14 Council on Chiropractic Education ~~for have a reciprocal agreement~~
15 ~~with the Council on Chiropractic Education or a governmental~~
16 ~~accrediting agency.~~ , *or its successor organization, or an*
17 *accrediting agency recognized by that organization.*

18 ~~{3.}~~ 4. Except as otherwise provided in subsections ~~{4}~~ 5 and
19 ~~{5.}~~ 6, every applicant is required to submit evidence of the
20 successful completion of not less than 60 credit hours at an
21 accredited college or university.

22 ~~{4.}~~ 5. Any applicant who has been licensed to practice in
23 another state, and has been in practice for not less than 5 years, is
24 not required to comply with the provisions of subsection ~~{3.}~~ 4.

25 ~~{5.}~~ 6. If an applicant has received his or her training and
26 education at a school or college located in a foreign country ~~{}~~ *and*
27 *the course of study leading to his or her degree of doctor of*
28 *chiropractic consisted of not less than 4,000 hours of instruction,*
29 the Board may, if the Board determines that such training and
30 education is substantially equivalent to graduation from a college of
31 chiropractic that is accredited by the Council on Chiropractic
32 Education ~~and otherwise meets the requirements specified in~~
33 ~~paragraph (b) of subsection 1.}~~ , *or its successor organization,*
34 waive the requirement that an applicant attend or graduate from a
35 college that ~~{~~

36 ~~—(a) Is}~~ *is* accredited by the Council on Chiropractic Education ,
37 ~~{}~~ or

38 ~~{(b) Has a reciprocal agreement with the Council on~~
39 ~~Chiropractic Education or a governmental accrediting agency.}~~ *its*
40 *successor organization, or an accrediting agency recognized by*
41 *that organization.*

42 **Sec. 8.** NRS 634.135 is hereby amended to read as follows:

43 634.135 1. The Board may charge and collect fees not to
44 exceed:



1	For an application for a license to practice	
2	chiropractic.....	\$200.00
3	For an examination for a license to practice	
4	chiropractic.....	200.00
5	For an application for, and the issuance of, a	
6	certificate as a chiropractor's <i>chiropractic</i>	
7	assistant.....	100.00
8	For an examination for a certificate as a	
9	chiropractor's <i>chiropractic</i> assistant.....	100.00
10	For the issuance of a license to practice	
11	chiropractic.....	300.00
12	For the biennial renewal of a license to practice	
13	chiropractic.....	1,000.00
14	For the biennial renewal of an inactive license to	
15	practice chiropractic.....	300.00
16	For the biennial renewal of a certificate as a	
17	chiropractor's <i>chiropractic</i> assistant.....	200.00
18	For the restoration to active status of an inactive	
19	license to practice chiropractic.....	300.00
20	For reinstating a license to practice chiropractic	
21	which has expired pursuant to NRS 634.130	
22	or has been suspended.....	500.00
23	For reinstating a certificate as a chiropractor's	
24	<i>chiropractic</i> assistant which has expired	
25	pursuant to NRS 634.130 or has been	
26	suspended.....	100.00
27	For a review of any subject on the examination.....	25.00
28	For the issuance of a duplicate license or for	
29	changing the name on a license.....	35.00
30	For written verification of licensure or issuance	
31	of a certificate of good standing.....	25.00
32	For providing a list of persons who are licensed	
33	to practice chiropractic to a person who is not	
34	licensed to practice chiropractic.....	25.00
35	For providing a list of persons who were	
36	licensed to practice chiropractic following the	
37	most recent examination of the Board to a	
38	person who is not licensed to practice	
39	chiropractic.....	10.00
40	For a set of mailing labels containing the names	
41	and addresses of the persons who are licensed	
42	to practice chiropractic in this State.....	35.00



1 For providing a copy of the statutes, regulations
2 and other rules governing the practice of
3 chiropractic in this State to a person who is
4 not licensed to practice chiropractic \$25.00
5 For each page of a list of continuing education
6 courses that have been approved by the
7 Board50
8 For an application to a preceptor program
9 offered by the Board to graduates of
10 chiropractic schools or colleges 35.00
11 For an application for a student or ~~chiropractor~~
12 *chiropractic physician* to participate in the
13 preceptor program established by the Board
14 pursuant to NRS 634.137 35.00
15 For a review by the Board of a course offered by
16 a chiropractic school or college or a course of
17 continuing education in chiropractic 50.00
18 *For the issuance or renewal of a registration as*
19 *a business entity that provides chiropractic*
20 *services..... 200.00*

22 2. In addition to the fees set forth in subsection 1, the Board
23 may charge and collect reasonable and necessary fees for the
24 expedited processing of a request or for any other incidental service
25 it provides.

26 3. *In addition to the fees set forth in subsection 1, the Board*
27 *shall charge and collect a fee in an amount established by*
28 *regulation of the Board for the late renewal of a registration as a*
29 *business entity that provides chiropractic services.*

30 4. For a check or other method of payment made payable to the
31 Board or tendered to the Board that is returned to the Board or
32 otherwise dishonored upon presentation for payment, the Board
33 shall assess and collect a fee in the amount established by the State
34 Controller pursuant to NRS 353C.115.

35 **Sec. 9.** NRS 634.140 is hereby amended to read as follows:

36 634.140 The *following acts, as applied to a licensee, an*
37 *officer or director of a registrant or a person who provides or*
38 *supervises the provision of chiropractic services at the facility of a*
39 *registrant, are* grounds for initiating disciplinary action *against a*
40 *licensee or registrant* pursuant to this chapter : ~~are:~~

- 41 1. Unprofessional conduct.
- 42 2. Incompetence or negligence in the practice of chiropractic.
- 43 3. Conviction of:



1 (a) A violation of any federal or state law regulating the
2 possession, distribution or use of any controlled substance or any
3 dangerous drug as defined in chapter 454 of NRS;

4 (b) A crime relating to the practice of chiropractic;

5 (c) A violation of any of the provisions of NRS 616D.200,
6 616D.220, 616D.240 or 616D.300 to 616D.440, inclusive; or

7 (d) Any offense involving moral turpitude.

8 4. Suspension or revocation of the license to practice
9 chiropractic by any other jurisdiction.

10 5. Referring, in violation of NRS 439B.425, a patient to a
11 health facility, medical laboratory or commercial establishment in
12 which the licensee, *officer, director or person providing or*
13 *supervising the provision of chiropractic services* has a financial
14 interest.

15 6. Operation of a medical facility, as defined in NRS 449.0151,
16 at any time during which:

17 (a) The license of the facility is suspended or revoked; or

18 (b) An act or omission occurs which results in the suspension or
19 revocation of the license pursuant to NRS 449.160.

20 ↪ This subsection applies to an owner or other principal responsible
21 for the operation of the facility.

22 **Sec. 10.** NRS 634.160 is hereby amended to read as follows:

23 634.160 1. The Board or any of its members who become
24 aware that any one or a combination of the grounds for initiating
25 disciplinary action may exist as to a person practicing chiropractic
26 *or a business entity providing chiropractic services* in this State
27 shall, and any other person who is so aware may, file a written
28 complaint specifying the relevant facts with the Executive Director
29 of the Board. A complaint may be filed anonymously. If a complaint
30 is filed anonymously, the Board may accept the complaint but may
31 refuse to consider the complaint if anonymity of the complainant
32 makes processing the complaint impossible or unfair to the person
33 *or entity* who is the subject of the complaint.

34 2. The Board shall retain all complaints filed with the
35 Executive Director pursuant to this section for at least 10 years,
36 including, without limitation, any complaints not acted upon.

37 **Sec. 11.** NRS 634.170 is hereby amended to read as follows:

38 634.170 1. When a complaint is filed with the Executive
39 Director of the Board, it must be considered by the President or a
40 member of the Board designated by the President. If, from the
41 complaint or from other official records, it appears that the
42 complaint may be well founded in fact, the Executive Director shall
43 cause written notice of the charges in the complaint to be served
44 upon the person *or business entity* charged at least 20 days before
45 the date fixed for the hearing. If the Board receives a report pursuant



1 to subsection 5 of NRS 228.420, a hearing must be held within 30
2 days after receiving the report.

3 2. If the complaint is not deemed by the President or
4 designated member of the Board to be of sufficient import or
5 sufficiently well founded to merit bringing proceedings against the
6 person *or business entity* charged, the complaint must be held in
7 abeyance and discussed at the next meeting of the Board.

8 **Sec. 12.** NRS 634.190 is hereby amended to read as follows:

9 634.190 1. The person *or business entity* charged is entitled
10 to a hearing before the Board, but the failure of the person charged
11 *or a representative of the business entity charged* to attend a
12 hearing or to defend himself or herself *or the business entity, as*
13 *applicable*, does not delay or void the proceedings. The Board may,
14 for good cause shown, continue any hearing from time to time.


15 2. If the Board finds that the person *or business entity*
16 committed one or more of the charges made in the complaint, the
17 Board may by order:

18 (a) Place the person *or business entity* on probation for a
19 specified period or until further order of the Board.

20 (b) Administer to the person *or business entity* a public
21 reprimand.

22 (c) Limit the practice of the person *or business entity* to, or by
23 the exclusion of, one or more specified branches of chiropractic.

24 (d) Suspend the license of the person to practice chiropractic *or*
25 *the registration as a business entity that provides chiropractic*
26 *services* for a specified period or until further order of the Board.

27 (e) Revoke the license of the person to practice chiropractic 
28 *or registration as a business entity that provides chiropractic*
29 *services*.

30 (f) Impose a fine of not more than \$5,000 for each act which
31 constitutes a ground for disciplinary action, which must be
32 deposited with the State Treasurer for credit to the State General
33 Fund.

34 ➤ The order of the Board may contain such other terms, provisions
35 or conditions as the Board deems proper to remedy or address the
36 facts and circumstances of the particular case.

37 3. If the Board finds that a licensee has violated the provisions
38 of NRS 439B.425, the Board shall suspend the license for a
39 specified period or until further order of the Board.

40 4. The Board shall not administer a private reprimand.

41 5. An order that imposes discipline and the findings of fact and
42 conclusions of law supporting that order are public records.

43 **Sec. 13.** NRS 634.200 is hereby amended to read as follows:

44 634.200 1. Any person who has been placed on probation or
45 whose license *or registration* has been limited, suspended or



1 revoked by the Board is entitled to judicial review of the Board's
2 order.

3 2. The district court shall give a petition for judicial review of
4 the Board's order priority over other civil matters which are not
5 expressly given that priority by law.

6 **Sec. 14.** NRS 634.204 is hereby amended to read as follows:

7 634.204 1. Any person:

8 (a) Whose practice of chiropractic has been limited; or

9 (b) Whose license to practice chiropractic *or registration to*
10 *operate a business entity offering chiropractic services* has been
11 suspended until further order,

12 ↪ by an order of the Board may apply to the Board after a
13 reasonable period for removal of the limitation or restoration of his
14 or her license ~~§~~ *or registration.*

15 2. In hearing the application, the Board:

16 (a) May require the person *or an officer or director of the*
17 *business entity, as applicable,* to submit to a mental or physical
18 examination by physicians or other appropriate persons whom it
19 designates and submit such other evidence of changed conditions
20 and of fitness as it deems proper;

21 (b) Shall determine whether under all the circumstances the time
22 of the application is reasonable; and

23 (c) May deny the application or modify or rescind its order as it
24 deems the evidence and the public safety warrant.

25 **Sec. 15.** NRS 634.216 is hereby amended to read as follows:

26 634.216 The Board or any person who or other organization
27 which initiates or assists in any lawful investigation or proceeding
28 concerning the discipline of a ~~chiropractor~~ *chiropractic physician*
29 *or a business entity that provides chiropractic services* is immune
30 from any civil action for that initiation or assistance or any
31 consequential damages, if the person or organization acted without
32 malicious intent.

33 **Sec. 16.** NRS 634.220 is hereby amended to read as follows:

34 634.220 1. Nothing in this chapter shall be construed to
35 permit a ~~chiropractor~~ *chiropractic physician* to practice medicine,
36 osteopathic medicine, dentistry, optometry or podiatry, or to
37 administer or prescribe drugs ~~§~~ *except where authorized by*
38 *subsection 2.*

39 2. *A chiropractic physician may recommend, dispense or*
40 *administer any drug or device for which the prescription or order*
41 *of a practitioner is not required by federal or state law.*

42 3. *As used in this section, "practitioner" has the meaning*
43 *ascribed to it in NRS 639.0125.*



1 **Sec. 17.** NRS 634.226 is hereby amended to read as follows:
2 634.226 Unless the Board determines that extenuating
3 circumstances exist, the Board shall forward to the appropriate law
4 enforcement agency any substantiated information submitted to the
5 Board concerning ~~fa~~:

6 1. A person who practices or offers to practice chiropractic or
7 as a ~~chiropractor's~~ *chiropractic* assistant without the appropriate
8 license or certificate issued pursuant to the provisions of this
9 chapter.

10 2. *A business entity that provides chiropractic services*
11 *without being registered pursuant to the provisions of this chapter.*

12 **Sec. 18.** NRS 634.227 is hereby amended to read as follows:

13 634.227 1. A person who:

14 (a) Presents to the Board as his or her own the diploma, license
15 or credentials of another;

16 (b) Gives false or forged evidence of any kind to the Board; or

17 (c) Practices chiropractic under a false or assumed name or
18 falsely personates another licensee,

19 ↳ is guilty of a misdemeanor.

20 2. Except as otherwise provided in NRS 634.105, 634.117 and
21 634.1375, a person who does not hold a license issued pursuant to
22 this chapter and:

23 (a) Practices chiropractic in this State;

24 (b) Holds himself or herself out as a ~~chiropractor;~~ *chiropractic*
25 *physician;*

26 (c) Uses any combination, variation or abbreviation of the terms
27 “chiropractor,” “chiropractic” or “chiropractic physician” as a
28 professional or commercial representation; or

29 (d) Uses any means which directly or indirectly conveys to
30 another person the impression that he or she is qualified or licensed
31 to practice chiropractic,

32 ↳ is guilty of a category D felony and shall be punished as provided
33 in NRS 193.130, unless a greater penalty is provided pursuant to
34 NRS 200.830 or 200.840.

35 3. In addition to any other penalty prescribed by law, if the
36 Board determines that a person has committed any act described in
37 subsection 2, the Board may:

38 (a) Issue and serve on the person an order to cease and desist
39 until the person obtains from the Board the proper license or
40 certificate or otherwise demonstrates that he or she is no longer in
41 violation of subsection 2. An order to cease and desist must include
42 a telephone number with which the person may contact the Board.

43 (b) Issue a citation to the person. A citation issued pursuant to
44 this paragraph must be in writing, describe with particularity the
45 nature of the violation and inform the person of the provisions of



1 this paragraph. Each activity in which the person is engaged
2 constitutes a separate offense for which a separate citation may be
3 issued. To appeal a citation, the person must submit a written
4 request for a hearing to the Board not later than 30 days after the
5 date of issuance of the citation.

6 (c) Assess against the person an administrative fine of not more
7 than \$5,000.

8 (d) Impose any combination of the penalties set forth in
9 paragraphs (a), (b) and (c).

10 **4. A person who owns or operates a business entity that offers**
11 **chiropractic services:**

12 (a) **Which is not registered with the Board pursuant to section**
13 **3 of this act; or**

14 (b) **For which a chiropractic physician who is not licensed**
15 **pursuant to this chapter engages in the practice of chiropractic,**
16 **is guilty of a category B felony and shall be punished by**
17 **imprisonment in the state prison for a minimum term of not less**
18 **than 1 year and a maximum term of not more than 6 years.**

19 **Sec. 19.** NRS 634.240 is hereby amended to read as follows:

20 634.240 1. In addition to any other remedy provided by law,
21 the Board, through its President, Secretary or its attorney, or the
22 Attorney General, may bring an action in any court of competent
23 jurisdiction to enjoin any person who does not hold a license issued
24 by the Board from practicing chiropractic or representing himself or
25 herself to be a ~~chiropractor~~ **chiropractic physician or any**
26 **business entity that is providing chiropractic services and is not**
27 **registered pursuant to section 3 of this act.** As used in this
28 subsection, "practicing chiropractic" includes the conducting of
29 independent examinations and the offering of opinions regarding the
30 treatment or care, or both, with respect to patients who are residents
31 of this State.

32 2. The court in a proper case may issue an injunction for such
33 purposes without proof of actual damage sustained by any person,
34 this provision being a preventive as well as a punitive measure. The
35 issuance of such an injunction does not relieve the person from
36 criminal prosecution for a violation of NRS 634.227.

37 **Sec. 20.** NRS 49.215 is hereby amended to read as follows:

38 49.215 As used in NRS 49.215 to 49.245, inclusive:

39 1. A communication is "confidential" if it is not intended to be
40 disclosed to third persons other than:

41 (a) Those present to further the interest of the patient in the
42 consultation, examination or interview;

43 (b) Persons reasonably necessary for the transmission of the
44 communication; or



1 (c) Persons who are participating in the diagnosis and treatment
2 under the direction of the doctor, including members of the patient's
3 family.

4 2. "Doctor" means a person licensed to practice medicine,
5 dentistry or osteopathic medicine *or chiropractic* in any state or
6 nation, or a person who is reasonably believed by the patient to be
7 so licensed, and in addition includes a person employed by a public
8 or private agency as a psychiatric social worker, or someone under
9 his or her guidance, direction or control, while engaged in the
10 examination, diagnosis or treatment of a patient for a mental
11 condition.

12 3. "Patient" means a person who consults or is examined or
13 interviewed by a doctor for purposes of diagnosis or treatment.

14 **Sec. 21.** 1. Notwithstanding any provision of this act to the
15 contrary, any business entity that is providing chiropractic services
16 on or before January 1, 2022:

17 (a) May continue to provide such services without being
18 registered with the Chiropractic Physicians' Board of Nevada
19 pursuant to section 3 of this act until July 1, 2022; and

20 (b) Must be registered pursuant to section 3 of this act if the
21 entity continues to provide such services after that date.

22 2. As used in this section, "business entity" has the meaning
23 ascribed to it in section 2 of this act.

24 **Sec. 22.** The Legislative Counsel shall:

25 1. In preparing the Nevada Revised Statutes, use the authority
26 set forth in subsection 10 of NRS 220.120 to substitute
27 appropriately:

28 (a) The term "chiropractic physician" for the term
29 "chiropractor" as previously used in reference to the practice of
30 chiropractic; and

31 (b) The term "chiropractic assistant" for the term "chiropractor's
32 assistant" as previously used in reference to the practice of
33 chiropractic.

34 2. In preparing supplements to the Nevada Administrative
35 Code, substitute appropriately:

36 (a) The term "chiropractic physician" for the term
37 "chiropractor" as previously used in reference to the practice of
38 chiropractic; and

39 (b) The term "chiropractic assistant" for the term "chiropractor's
40 assistant" as previously used in reference to the practice of
41 chiropractic.

42 **Sec. 23.** 1. This section becomes effective upon passage and
43 approval.

44 2. Sections 1 to 22, inclusive, of this act become effective:



- 1 (a) Upon passage and approval for the purpose of adopting any
- 2 regulations and performing any other preparatory administrative
- 3 tasks that are necessary to carry out the provisions of this act; and
- 4 (b) On January 1, 2022, for all other purposes.



Chiropractic Physicians' Board of Nevada

Policy

NRS 622.510 Regulatory body to develop opportunities for reciprocity for qualified active member of Armed Forces, member's spouse, veteran or veteran's surviving spouse. A regulatory body shall develop opportunities for reciprocity of licensure for any person who:

- 1. Is an active member of, or the spouse of an active member of, the Armed Forces of the United States, a veteran or the surviving spouse of a veteran; and**
- 2. Holds a valid and unrestricted license to practice his or her profession that is not recognized by this State.**

The Board will adhere to approved regulation R179-20 License by Endorsement for active members of Armed Forces, member's spouse, veteran's or veteran's surviving spouse. The processing of these applications and licenses will be made first priority.

April 14, 2022

Motion:

Second:

Passed:

CHIROPRACTIC PHYSICIANS' BOARD OF NEVADA

AGENDA ACTION SHEET

TITLE: Agenda Item 20 Discussion and potential action regarding a chiropractic physician or chiropractor's assistant failing to complete the required hours of Continuing Education by December 31 – For possible action.

RECOMMENDED MOTION: Establish a policy.

PRESENTED BY: Julie Strandberg, Executive Director

MEETING DATE: April 14, 2022

TIME REQUIRED: 15 minutes

BACKGROUND INFORMATION: Pursuant to NRS 634.130 (9) the Board adopted regulations pursuant to NAC 634.386 to conduct a random continuing education audit of licenses and chiropractic assistants. The audit selection follows the renewal period and occurs on January 1. The licensees selected are notified by mail and email. The renewal questions require the licensee and chiropractic assistant to attest that they have completed the requisite number of continuing education hours.

Based on Board data, the Board has not disciplined a DC or a CA for not completing their CE timely.

REVIEWED BY: X President X Secretary X Executive Director

ACTION: Approved Approved w/Modifications Denied Continued

CHIROPRACTIC PHYSICIANS' BOARD OF NEVADA

AGENDA ACTION SHEET

TITLE: **Agenda Item 21** FCLB/NBCE Matters – For possible action.

RECOMMENDED MOTION: **No recommended motion.**

PRESENTED BY: **Margaret Colucci, DC**

MEETING DATE: **April 14, 2022**

TIME REQUIRED: **15 minutes**

BACKGROUND INFORMATION:

REVIEWED BY: President Secretary Executive Director

ACTION: Approved Approved w/Modifications Denied Continued

CHIROPRACTIC PHYSICIANS' BOARD OF NEVADA

AGENDA ACTION SHEET

TITLE: **Agenda Item 22 Committee Reports**

- A. Continuing Education Committee (Dr. Martinez) – For possible action.**
- B. Legislative Committee (Dr. Colucci) – For possible action.**
- C. Preceptorship Committee (Dr. Rovetti) – For possible action.**
- D. Test Committee (Dr. Canada) - For possible action.**

RECOMMENDED MOTION: **No recommendation.**

PREPARED BY: **Margaret Colucci, DC**

MEETING DATE: **April 14, 2022**

TIME REQUIRED: **15 minutes**

BACKGROUND INFORMATION:

REVIEWED BY: President Secretary Executive Director

ACTION: Approved Approved w/Modifications Denied Continued

Agenda Item 22

CHIROPRACTIC PHYSICIANS' BOARD OF NEVADA

AGENDA ACTION SHEET

TITLE: **Agenda Item 23 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. DC licenses to applicants who passed the examination from January through April 8, 2022 – No action.**
- E. CA certificates to applicants who passed their in-person or on-line examinations taken February 8, 2022 – No action**

RECOMMENDED MOTION: **Non-Action Item.**

PREPARED BY: **Julie Strandberg, Executive Director**

MEETING DATE: **April 14, 2022**

TIME REQUIRED: **5 minutes**

BACKGROUND INFORMATION: **Please see the attached list of chiropractic physicians' licensed from January to April 8, 2022 and the list of CA applicants who passed their examinations on February 8, 2022.**

CA On-Line/In-Person Exam

CA Exam – 65% passed

Law Exam – 70% passed

REVIEWED BY: President Secretary Executive Director

ACTION: Approved Approved w/Modifications Denied Continued

19-12S	9/18/2019	Rovetti	Alleged unprofessional conduct	Pending	
20-01N	Staff: Updates	Rovetti	Alleged unprofessional conduct-practicing below the standards of care/malpractice	Under investigation	
21-01S	3/22/2021	Nolle	Alleged billing issues.	Under Investigation	
21-03S	3/26/2021	Canada	DC misrepresented license reinstatement questions.	Pending Criminal Case	
21-29N	10/14/2021	Canada	Alleged unprofessional conduct	Under Investigation	
21-30S	11/5/2021	Colucci	Alleged unprofessional conduct	Dismiss	
21-31S	11/8/2021	Colucci	Alleged unprofessional conduct	Under Investigation	
21-32S	11/9/2021	Overland	Alleged violation of NRS 629.061 (1) (a)	Under Investigation	
22-02N	3/1/2022	Martinez	Alleged unsanitary practice	Dismiss	
22-03S	3/8/2022	Overland	Pursuant to NAC 634.430 (1)(f)(3)(II)Allegedly failing to disclose to a carrier of insurance that a claim has already been paid, in full or in part, by a different carrier of insurance.	Under investigation	
22-04S	3/25/2022	Canada	Alleged unprofessional conduct	Under Investigation	
22-05S	4/4/2022	Colucci	Alleged unlicensed practice	Under Investigation	

DORMANT COMPLAINTS:

11-23S	11/7/2011	Unredeemable "nsf" check written on Doctor's business account	To be held in abeyance; to be addressed if the licensee requests reinstatement in the future
13-23N	9/30/2013	Possible malpractice	To be held in abeyance; to be addressed if the licensee requests reinstatement in the future
18-03S	2/20/2018	Alleged unlicensed practice	Will be addressed if this individual reappears in Nevada.

STATUS OF CURRENT DISCIPLINARY ACTIONS at April 14, 2022**Disciplinary Action with Probation****1. Casey D. Robinson, DC, License No. B1263**

Dr. Robinson was granted a license on September 14, 2007 under the condition that he comply with all of the terms and conditions of his Agreement on Conditions for Licensure with California and monitoring of his practice by Board-appointed Compliance Monitor, Dr. Jeff Andrews. Dr. Robinson's 5-year probation with California commenced on February 14, 2006. He was required to reimburse the California Board's costs of \$3,103.75 and serve 4 hours per month of community service for 2-1/2 years of his probation. It was subsequently determined that Dr. Robinson did not comply with the terms and conditions of his agreement with California. This was addressed at the June 4, 2011 meeting and a new Agreed Settlement was approved that extends his probation for another five years concurrent with and under the same terms and conditions as his settlement agreement with California. **Dr. Robinson was placed in tolling status effective November 18, 2015 and has a five-year tolling limit. Dr. Robinson is current and in compliance with the terms and conditions of his California probation per the California Board. Dr. Robinson let his license expire on 12/31/20.**

2. Michael Milman, DC, License No. B01618

On October 15, 2020 Dr. Michael Milman entered into Findings of Fact, Conclusions of Law, and Order with the Board. Dr. Milman will be on probation for five years with a practice monitor who will assure compliance with the terms and conditions of the Order. Dr. Milman was ordered to pay the Board's attorney fees and costs incurred in the investigation and prosecution of this matter totaling \$1,380.00. Dr. Milman must take and pass the Ethics & Boundaries Assessment. Dr. Milman shall maintain malpractice insurance, obtain and maintain all applicable business licensure, whether state, county, or city. Dr. Milman shall not bill any insurances, but work on a cash basis only and cannot accept personal injury cases. **Dr. Milman has satisfied all requirements of his Board order, however will remain on probation until November 9, 2025.**

Probation Only**3. Todd Gardner, DC, License No. B00495**

On October 28, 2021 Dr. Gardner appeared before the Board and was granted his license on probation with conditions. Dr. Gardner shall take and pass the Substance Abuse section of the Ethics & Boundaries Examination, any violations of the court's probationary terms shall constitute a violation of the probation under which Dr. Gardner's license was granted, contract with the Professional Recovery Network who will provide quarterly reports to the Board, Dr. Gardner must provide a quarterly email to the Executive Director reporting his status and Dr. Gardner must report any and all violations of this probation to the Board no later than three days after the violation occurs. Dr. Gardner has taken and passed the Substance Abuse section of the Ethics & Boundaries Examination. **Dr. Gardner will be monitored and meet monthly with Mark Chase with the Professional Recovery Program. Reports are attached. Dr. Gardner will remain on probation until February 24, 2025.**

Disciplinary Actions with No Probation**4. Francis Raines, DC, License No. B0187**

Under the March 12, 2013 Board Order, Dr. Raines shall be monitored by the Investigating Board Member, a chiropractic physician, and a mental health monitor for 24 months from the date he begins practicing, which occurred on December 8, 2015. Dr. Raines' wife is serving as the business and financial manager and is currently the only employee. Dr. Raines was ordered to pay a fine in the amount of \$20,000.00 and has been making monthly payments of \$75.00 per month since May 30, 2013 and continues to do so. **The current balance is \$13,546.00. Dr. Raines is in compliance with the terms of the Order.**

PRN AFTERCARE REPORT/NARRATIVE

February 28, 2022

This letter is to verify that **Todd Gardener** has complied with all the requirements outlined in the agreement he entered with PRN and subsequently approved by the Chiropractic Physicians Board of Nevada.

- This report covers the period from **February 1, 2022**, to **February 28, 2022**.
- Todd's initial diagnosis was problematic alcohol abuse.
- Per his treatment plan, Todd has been meeting with me monthly for personal counseling and attending weekly peer support meetings on Wednesday evenings. Todd has maintained a positive and grateful attitude during our work together. Dr. Gardener continues to attend AA meetings regularly and meet weekly with his sponsor.
- No psychosocial or significant stressors are present. Dr. Gardener is enjoying being back to work. I am impressed with the fact that Todd has made self-care a central theme in his recovery program.
- The State of Nevada is handling random UAs and providing me copies. Todd has tested negative for psychotropics.
- Dr. Gardener has a good recovery and self-care program and is fit to continue practicing medicine.

Please feel free to call me if you have any additional questions or concerns. I can be reached directly at (702) 335-9943 or prnmark@pm.me.

Best Regards,

Mark Chase

Mark Chase, MA, MBA
Doctoral Candidate-Neuropsychology
LCADC (NV 02479-I), CPC (NV CI697), CSAT-I
Clinical Program Director

PRN
7465 W Lake Mead Blvd., Suite 224
Las Vegas, NV 89128
(702) 562-1230

PRN AFTERCARE REPORT/NARRATIVE
March 31, 2022

This letter is to verify that **Todd Gardener** has complied with all the requirements outlined in the agreement he entered with PRN and subsequently approved by the Chiropractic Physicians Board of Nevada.

- This report covers the period from **March 1, 2022**, to **March 31, 2022**.
- Todd's initial diagnosis was problematic alcohol abuse.
- Per his treatment plan, Todd has met with me monthly for personal counseling and attended weekly peer support meetings on Wednesday evenings. Todd has maintained a positive and grateful attitude during our work together. Dr. Gardener attends AA meetings regularly and meets weekly with his sponsor.
- No psychosocial or significant stressors are present. Dr. Gardener is enjoying being back to work. I am impressed that Todd has made self-care a central theme in his recovery program.
- The State of Nevada is handling random UAs and providing me copies. Todd has tested negative for psychotropics.
- Dr. Gardener has a good recovery and self-care program and is fit to continue practicing medicine.

Please feel free to call me if you have any additional questions or concerns. I can be reached directly at (702) 335-9943 or prnmark@pm.me.

Best Regards,

Mark Chase

Mark Chase, MA, MBA
Doctoral Candidate-Neuropsychology
LCADC (NV 02479-I), CPC (NV CI697), CSAT-I
Clinical Program Director

PRN
7465 W Lake Mead Blvd., Suite 224
Las Vegas, NV 89128
(702) 562-1230

CHIROPRACTIC PHYSICIANS' BOARD

Legal/Investigatory Costs

Costs Incurred	February to Date	Year-To-Date Fiscal Year 2022
Advantage Group	1,813.25	1,813.25
Attorney General	-	138.93
Sub-Total	1,813.25	1,952.18
Staff Attorney	345.00	2,265.00
Total	\$ 2,158.25	\$ - \$ 4,217.18

Costs Reimbursed	Amount Paid	Amount Owed
James Overland Jr., DC	\$ 14,070.98	\$ 32,806.38
Totals	\$ 14,070.98	\$ 32,806.38

Other Outstanding Items:	Received	Pending Transfer to Treasurer/Other
Francis Raines, DC	\$ 6,454.00	\$ 13,546.00
	\$ 6,454.00	\$ 13,546.00

Licensed Chiropractic Physicians'

January

Jared Don Hymas, DC
Kyle Andrew Taylor, DC

February

Humberto Acevedo, DC
Robert Andrew Anderson, DC
Olivia Renee Bailey, DC
Zazunori Nmi Cook, DC

March

Anthony Lawrence Naccarato, DC
Derek Willilam Pehur, DC

April

Bennett Wilcox Patterson, DC
Edward Phillip Vicente-Aponte, DC

Certified Chiropractic Assistants
Effective February 8, 2022

Marissa Katelyn Alvarez	Ariana Abigail Fuentes Mancilla	Amber Nicole Phillips
Fabian James Amaro	Clarisa Garcia	Aileen Preussler
Julie Diane Bagley	Marlyne Jessell Garcia	Esdras Ramirez
Karla A. Barragan-Hernandez	Leslye Gomez	Maleah Ann Reyes
Diana Barrera-Ramirez	Nataly Gutierrez-Alcala	Lucero Paulina Ramirez-Partida
Wendy Priscilla Bautista	Elisa Hernandez	Alejandra Rojas
Karina Magaly Beltran	Amanda Jo-Lynn Martin	Audrey Roman
Alejandra Chavez	Erin Christine Mettille	Christi Kay Russell
Sahar Chekani	Juanita Nava	Nathaniel Lance Dellosa Tagle
Sereena Ashley Cortez	Kayla Renee Ogle	Liliana Varela
Jacklyn Louis Dimick	Alicia Michelle O'Rourke	Angelique Patricia Zuviri
Farzaneh Eskandarifard	Cypress Jean Pagni	

CHIROPRACTIC PHYSICIANS' BOARD OF NEVADA

AGENDA ACTION SHEET

TITLE: **Agenda Item 24 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.**
- F. Budget to Actual – No action.**

RECOMMENDED MOTION:

PREPARED BY: **Julie Strandberg, Executive Director**

MEETING DATE: **April 14, 2022**

TIME REQUIRED: **5 minutes**

BACKGROUND INFORMATION:

REVIEWED BY: President Secretary Executive Director

ACTION: Approved Approved w/Modifications Denied Continued

**CHIROPRACTIC PHYSICIANS' BOARD
BANK BALANCE REPORT
As of November 30, 2021**

AGENDA ITEM 24A

CHECKING ACCOUNT	53,106.37
SAVINGS ACCOUNT	717,128.21
SAVINGS ACCOUNT - Restricted	0.00
Paypal	1,121.96
Total Cash Balance @ 11/30/2021	<u>\$771,356.54</u>

ACCOUNTS RECEIVABLE SUMMARY AS OF November 30, 2021

AGENDA ITEM 24B

A/R	
Fines	20,846.00
Cost Reimbursements	35,306.38
Total A/R	<u>\$56,152.38</u>

**ACCOUNTS PAYABLE SUMMARY
As of November 30, 2021**

AGENDA ITEM 24C

State Treasurer - Fines collected/payable	6,304.00
Total Accounts Payable	<u>\$ 6,304.00</u>

AGENDA ITEM 24D

***Employee Accrued Compensation as of 11/30/2021**

	Vacation Hours	Sick-Leave Hours
Julie Standberg	17.11	1,194.28
Brett Canady	12.00	28.00

Chiropractic Physicians' Board of Nevada
Income/Expense Report To Budget - CASH BASIS
For the Period Ending November 30, 2021

AGENDA ITEM 24E

	Actual July 1, 2021 thru November 30, 2021	Budget FY 06/30/22	Variance
Revenue			
License & Fees	12,855.00	277,360.00	264,505.00
Application & Fees	18,370.00	47,810.00	29,440.00
Interest/Gain Loss on Invest	49.98	-	(49.98)
Exam Fees	4,964.04	16,667.00	11,702.96
Reinstatement Fees	975.00	2,120.00	1,145.00
Miscellaneous	5,609.00	10,130.00	4,521.00
Reimbursement Income	2,950.00	7,500.00	4,550.00
TOTAL REVENUE	\$ 45,773.02	\$ 361,587.00	\$ 315,813.98
Expenses			
Background Checks	5,018.24	9,744.00	4,725.76
Banking Expenses	2,082.32	4,747.00	2,664.68
Dues & Registration	3,999.84	6,553.00	2,553.16
Equipment Repair	-	-	-
COMPUTER: Equipment/Software/Websites	8,571.43	23,601.00	15,029.57
Insurance	768.60	876.00	107.40
Legal & Professional	27,893.11	66,705.00	38,811.89
Operating Supplies	1,712.93	1,953.00	240.07
Printing & Copying	1,194.77	2,880.00	1,685.23
Postage	1,432.49	3,934.00	2,501.51
Casual Labor - Clerical	-	2,000.00	2,000.00
Personnel	-	-	-
Office Salaries	49,520.11	128,585.00	79,064.89
Board Salaries	2,006.26	4,200.00	2,193.74
Board Meeting Expense	74.95	1,480.00	1,405.05
Workman's Compensation	1,115.40	1,600.00	484.60
Retirement - PERS	10,053.16	37,596.00	27,542.84
Employee Insurance - PEBP	8,322.92	20,856.00	12,533.08
Unemployment	89.42	1,000.00	910.58
Medicare	741.79	1,740.00	998.21
Payroll Processing	520.00	548.00	28.00
Rent	6,034.20	15,216.00	9,181.80
Telephone	767.43	1,843.00	1,075.57
Travel	-	-	-
In State	-	6,400.00	6,400.00
Out State	3,103.29	8,000.00	4,896.71
TOTAL EXPENSES	\$ 135,022.66	\$ 352,057.00	\$ 217,034.34
NET RESULT	\$ (89,249.64)	\$ 9,530.00	
BEGINNING CASH BALANCE 07/01/21	849,714.15		
NET OPERATING RESULT	760,464.51		
Equipment Purchases		2,000.00	

Chiropractic Physicians' Board of Nevada
Income/Expense Report To Budget - CASH BASIS
For the Period Ending November 30, 2021

AGENDA ITEM 24F

	Actual July 1, 2021 thru November 30, 2021	Actual July 1, 2020 thru November 30, 2020	Variance
Revenue			
License & Fees	12,855.00	126,815.00	113,960.00
Application & Fees	18,370.00	15,600.00	(2,770.00)
Interest/Gain Loss on Invest	49.98	69.48	19.50
Exam Fees	4,964.04	4,775.00	(189.04)
Reinstatement Fees	975.00	140.00	(835.00)
Miscellaneous	5,609.00	4,562.00	(1,047.00)
Reimbursement Income	2,950.00	2,987.00	37.00
TOTAL REVENUE	\$ 45,773.02	\$ 154,948.48	109,175.46
Expenses			
Background Checks	5,018.24	2,535.75	(2,482.49)
Banking Expenses	2,082.32	3,079.11	996.79
Dues & Registration	3,999.84	1,407.35	(2,592.49)
Equipment Repair	-	-	-
COMPUTER: Equipment/Software/Websites	8,571.43	7,397.64	(1,173.79)
Insurance	768.60	780.79	12.19
Legal & Professional	27,893.11	27,437.45	(455.66)
Operating Supplies	1,712.93	454.28	(1,258.65)
Printing & Copying	1,194.77	1,530.92	336.15
Postage	1,432.49	1,528.69	96.20
Casual Labor - Clerical Personnel	-	-	-
Office Salaries	49,520.11	50,333.24	813.13
Board Salaries	2,006.26	1,350.00	(656.26)
Board Meeting Expense	74.95	41.83	(33.12)
Workman's Compensation	1,115.40	1,213.00	97.60
Retirement - PERS	10,053.16	12,867.61	2,814.45
Employee Insurance - PEBP	8,322.92	8,976.45	653.53
Unemployment	89.42	133.81	44.39
Medicare	741.79	729.84	(11.95)
Payroll Processing	520.00	470.00	(50.00)
Rent	6,034.20	6,543.10	508.90
Telephone	767.43	727.81	(39.62)
Travel	-	-	-
In State	-	37.50	37.50
Out State	3,103.29	-	(3,103.29)
TOTAL EXPENSES	\$ 135,022.66	\$ 129,576.17	\$ (5,446.49)
NET RESULT	\$ (89,249.64)	\$ 25,372.31	
BEGINNING CASH BALANCE 07/01/21	543,483.13		
NET OPERATING RESULT	454,233.49		

CHIROPRACTIC PHYSICIANS' BOARD OF NEVADA

AGENDA ACTION SHEET

TITLE: **Agenda Item 25** Discussion and potential action regarding a permanent and/or one-time reduction to fees based on the Boards cash position - For possible action.

RECOMMENDED MOTION: **No recommendation.**

PREPARED BY: **Margaret Colucci, DC**

MEETING DATE: **April 14, 2022**

TIME REQUIRED: **5 minutes**

BACKGROUND INFORMATION: **At the February 3, 2022 meeting there was discussion that fees could be reduced based on the Boards cash position. Please see the attached projections.**

REVIEWED BY: President Secretary Executive Director

ACTION: Approved Approved w/Modifications Denied Continued

PROJECTED CASH POSITION

Cash Balance: 4/1/2022	\$	724,423.00
Projected Revenue through 12.2022	\$	475,124.00
less projected expenditures through 12.2022	\$	(270,000.00)
less PERS pension liability	\$	(237,502.00)
less due Treasurer	\$	(6,529.00)
Projected Final Balance	\$	685,516.00
Avg. Monthly Expenditures	\$	30,000.00
Reserve	\$	540,000.00

CHIROPRACTIC PHYSICIANS' BOARD OF NEVADA

AGENDA ACTION SHEET

TITLE: **Agenda Item 26 Election of Officers - For possible action.**

RECOMMENDED MOTION: **No recommendation.**

PREPARED BY: **Margaret Colucci, DC**

MEETING DATE: **April 14, 2022**

TIME REQUIRED: **5 minutes**

BACKGROUND INFORMATION: **Pursuant to NAC 634.140 the Board will elect officers at the first regular meeting of the Board during each even-numbered year, however this item was tabled at the February 3, 2022 meeting.**

REVIEWED BY: President Secretary Executive Director

ACTION: Approved Approved w/Modifications Denied Continued

CHIROPRACTIC PHYSICIANS' BOARD OF NEVADA

AGENDA ACTION SHEET

TITLE: **Agenda Item 27** - Reassign Committees - For possible action.

POTENTIAL MOTION: **No recommendation.**

PRESENTED BY: **Margaret Colucci, DC**

MEETING DATE: **April 14, 2022**

TIME REQUIRED: **15 minutes**

BACKGROUND INFORMATION:

- A. Continuing Education Committee**
- B. Legislative Committee**
- C. Preceptorship Committee**
- D. Test Committee**

REVIEWED BY: President Secretary Executive Director

ACTION: Approved Approved w/Modifications Denied Continued

CHIROPRACTIC PHYSICIANS' BOARD OF NEVADA

AGENDA ACTION SHEET

TITLE: **Agenda Item 28** Discussion and potential action regarding holding in-person meetings -
For possible action.

RECOMMENDED MOTION: **No recommendation.**

PREPARED BY: **James T. Overland Sr., DC**

MEETING DATE: **April 14, 2022**

TIME REQUIRED: **5 minutes**

BACKGROUND INFORMATION: **How does the Board feel about returning to in-person meetings?**

REVIEWED BY: President Secretary Executive Director

ACTION: Approved Approved w/Modifications Denied Continued

CHIROPRACTIC PHYSICIANS' BOARD OF NEVADA

AGENDA ACTION SHEET

TITLE: **Agenda Item 29 Public Interest Comments – No action**

This portion of the meeting is open to the public to speak on any topic and may be limited to 3 minutes

RECOMMENDED MOTION: **Non-Action item.**

PREPARED BY: **Margaret Colucci, DC**

MEETING DATE: **April 14, 2022**

TIME REQUIRED: **3 minutes per person per topic**

BACKGROUND INFORMATION:

REVIEWED BY: President Secretary Executive Director

ACTION: Approved Approved w/Modifications Denied Continued

CHIROPRACTIC PHYSICIANS' BOARD OF NEVADA

AGENDA ACTION SHEET

TITLE: **Agenda Item 30** Adjournment – For possible action

RECOMMENDED MOTION: **Adjourn the meeting.**

PRESENTED BY: **Margaret Colucci, DC**

MEETING DATE: **April 14, 2022**

TIME REQUIRED: **2 minutes**

BACKGROUND INFORMATION: **The meeting should be formally adjourned when all matters on the agenda have been addressed.**

REVIEWED BY: President Secretary Executive Director

ACTION: Approved Approved w/Modifications Denied Continued