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Christian L. Augustin, Esq.
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Reza R. Ayazi, Esq.
Consumer Member
Julie Strandberg
Executive Director

CHIROPRACTIC PHYSICIAN'S BOARD OF NEVADA

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A meeting of the Chiropractic Physicians' Board was held on Thursday, October 13, 2022 by zoom conference.

The following Board members were present at roll call:

Nicole Canada, DC, President
Xavier Martinez, Vice President
James T. Overland Sr., DC, Secretary-Treasurer
Margaret Colucci, DC, Board Member
Christian L. Augustin, Esq., Consumer Member
Reza R. Ayazi, Esq., Consumer Member

Also, present were Board Counsel, Louis Ling, Esq. and Executive Director, Julie Strandberg.

President, Dr. Canada determined a quorum was present and called the meeting to order.

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

Agenda Item 1 Public Interest Comments - No action.

Dr. Ben Lurie was present and shared that he has learned through conducting DC and CA interviews that there are DC's, allegedly not properly registering CAs with the Board and believes that the Board should be pro-active by sending out bulletins to educate the DC's.

Agenda Item 2 Approval of agenda – For possible action.

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

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Agenda Item 3 Approval of the July 14, 2022 Board Meeting Minutes. - For possible action.

Dr. Overland moved to approve the July 14, 2022 Board meeting minutes. Mr. Augustin seconded, and the motion passed with all in favor.

Agenda Item 5 - Discussion and potential action regarding the application for licensure of John Parker, DC (Note: The Board may go into closed session pursuant to NRS 241.033 to consider the character alleged character, alleged misconduct, professional competence, or physical or mental health of Dr. Parker). – For possible action.

Dr. Canada welcomed Dr. Parker and asked him to provide the Board with the background of his circumstance leading to the revocation of his license in California. Dr. Parker shared information regarding his case and indicated that he is innocent. Dr. Canada asked questions of Dr. Parker and asked the Board if they had questions for Dr. Parker. Dr. Colucci recommended that Dr. Parker satisfy the California board order, before this board considers his application for licensure. Mr. Augustin moved to deny Dr. Parkers application for DC licensure. Dr. Colucci seconded, and the motion passed with all in favor.

Agenda Item 4 Legislative Matters – For possible action.

Dan Musgrove with Strategies 360 was present and explained that bill draft requests (BDR) are being submitted to the legislature, which are requests for legislation. Mr. Musgrove stated that there are 29 healthcare BDR's, including a BDR sponsored by Senator Donate, which references Boards and Commissions. Mr. Musgrove stated that he will reach out to Senator Donate to confirm what his intentions are. Mr. Musgrove stated that the Economic Forum is scheduled to meet today, however does not directly impact the Board.

Agenda Item 6 NCA Report – No action

A representative from the NCA was not in attendance to report.

Agenda Item 7 NCC Report – No action

A representative from the NCC was not in attendance to report.

Agenda Item 8 Board Counsel Report – No action

Mr. Ling stated that he had nothing to report.

Agenda Item 9 Discussion and potential action regarding the question under NAC 634.430(1)(b) of when a guardian or co-guardian is acting within his or her authority to consent to having a minor in his or her care evaluated and treated – For possible action.

Dr. Canada shared that it has been brought to the boards attention that an individual signed as the legal guardian of a minor being treated by a chiropractic physician, however the individual allegedly was not the legal guardian. Dr. Overland stated that he feels that it is necessary to contact the parent to obtain verbal authorization, if a minor is accompanied by someone other than the parent. Dr. Lurie stated that the attorney for his practice indicated that there is no consistency with respect to verifying a legal guardian across the medical community. Dr. Lurie recommended that the board request an opinion from the Attorney General or Mr. Ling. Mr. Ling stated that it is not a question of whether we have a law that says what should happen, but a question of practicality, of what is occurring in the practice.

Dr. Overland made a motion that Mr. Ling review the statute relating to legal guardians and provide an opinion to the board. Dr. Martinez seconded, and the motion passed with all in

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favor. Mr. Augustin stated that the board may review the opinion provided by Mr. Ling and possibly also request an Attorney General's opinion.

Agenda Item 10 Discussion regarding the International Academy of Neuromusculoskeletal Medicine's (IANM) recognition/name change of Chiropractic Orthopedists. – No action.

Dr. Overland explained that the board currently recognizes the diplomate program of chiropractic orthopedists, however Diplomate American Board of Chiropractic Orthopedics (DABCO) became affiliated with the CT Chiropractic College and changed their name to Diplomate of the International Academy of Neuromusculoskeletal Medicine (IANM). Dr. Overland stated that DC's can continue to use DABCO or use IANM. Dr. Overland stated that this should have been a for action item. Mr. Ling confirmed that no action is appropriate for the Board to recognize this change, since this name is not recognized in the board's statutes or regulations. This just makes staff aware that there has been a name change to this specialty.

Agenda Item 11 Discussion and potential action regarding the American Chiropractic Association's efforts to support federal legislation – For possible action

Dr. Canada stated that the Board received a letter from the ACA requesting support of Medicare legislation. Dr. Overland shared that the ACA has been trying for many years to allow for better reimbursement to DCs from Medicare. Dr. Colucci stated that this is an association issue rather than a Board issue. Mr. Ling agreed, and stated that the Board does not need to take a position, however each board member is welcome to share their opinion with the ACA.

Agenda Item 12 Public Workshop: Preparation and potential revisions to the Chiropractic Assistant program. – For possible action

Dr. Canada stated that this board has discussed whether the CA program should continue or be removed on a number of occasions. Dr. Canada believes the CA program is necessary as protection for the public and also believes that there are some issues that need to be addressed to make the program better. Dr. Canada asked Julie Strandberg what challenges staff has encountered with the CA program. Julie Strandberg identified sections of NAC 634 that the Board may choose to revise. Julie Strandberg recommended reducing that time frame to retake an exam in NAC 634.305 (4), revise the process in Section 5, which identifies requirements following the CA not receiving a passing score after the second exam and the board may want to look at reducing the online passing score. Dr. Colucci recommended that the CA be required to take a training course and asked Dr. Lurie about the program with the NW Career Tech Academy. Dr. Lurie stated that the program with Northwest Career Technical Academy is in place, and he has also had discussions with College of Southern Nevada to implement a program for CAs alongside the PT Techs. Following discussion and recommendations from the board, Dr. Martinez asked that this item be tabled, and he volunteered to meet with Julie Strandberg and bring revisions to the next board meeting.

Agenda Item 13 Status report regarding anonymous profiles of possible disciplinary actions. Board action will be limited to either dismissing the matter if the Board determines there is no violation, it has no jurisdiction over the subject, or providing direction to pursue the matter further – For possible action.

- A. Complaint 19-12S (Rovetti)
Dr. Rovetti was not present to report.
- B. Complaint 20-01N (Rovetti)

- Dr. Rovetti was not present to report.
- C. **Complaint 21-03S (Canada)**
Dr. Canada stated that this complaint is against a DC who had criminal charges brought against him and is waiting for the results of the trial scheduled for January, which will determine whether the charge is a felony or if the charge is dropped to a misdemeanor.
 - D. **Complaint 21-29N (Canada)**
Dr. Canada stated that this complaint is from a former employee of a practice who is alleging unprofessional behavior by DC's. Dr. Canada stated that she needs to discuss with Mr. Ling since the DC has retained an attorney.
 - E. **Complaint 21-31S (Colucci)**
Dr. Colucci stated that this complaint is still under investigation. Dr. Canada stated that this complaint will be re-assigned since this is Dr. Colucci's final meeting.
 - F. **Complaint 22-08S (Canada)**
Dr. Canada stated that this complaint is against a DC who has been working at an integrated medical clinic owned by an MD, performing cosmetic laser procedures. Dr. Canada stated that she is working with the Medical Board to conduct this investigation.
 - G. **Complaint 22-09S (Canada)**
Dr. Canada stated that this complaint was outside the boards jurisdiction and recommended that this complaint be dismissed. Mr. Ayazi inquired about the details of the complaint. Mr. Ling stated that the litigation between the complainant and the DC was fully resolved in 2008 and ruled by the court. Mr. Ayazi moved to dismiss complaint 22-09S. Dr. Overland seconded, and the motion passed with all in favor. Dr. Canada recused herself as the investigating board member.
 - H. **Complaint 22-10S (Overland)**
Dr. Overland stated that this complaint is regarding a minor who was treated with their aunt signing as the legal guardian and allegedly the aunt was not the legal guardian. Dr. Overland stated that there are not any rules or regulations in place to pursue this and recommended that this complaint be dismissed. Dr. Colucci moved to dismiss complaint 22-10S. Dr. Martinez seconded, and the motion passed with all in favor. Dr. Overland recused himself as the investigating board member.
 - I. **Complaint 22-11S (Overland)**
Dr. Overland stated that this complaint is regarding a licensed massage therapist allegedly performing chiropractic adjustments and extremity manipulation. This case is being investigated and has been heard by the Massage Board and information is continued to be gathered.
 - J. **Complaint 22-12S (Overland)**
Dr. Overland stated that this complaint is regarding a licensed massage therapist allegedly performing chiropractic adjustments and extremity manipulation. This case is being investigated by the Massage Board and information is continued to be gathered.

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

- A. **Overview - District I & IV Meeting**
Dr. Canada stated that her and Dr. Overland attended the district meeting in Lake Tahoe and found the meeting to be very beneficial and informational. Dr. Canada

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shared her disappointment that Nevada did not have more representation. Dr. Overland also shared his disappointment regarding the lack of Nevada attendees since the Board had offered to cover the expenses.

B. Other FCLB/NBCE matters.

Dr. Overland shared that there is an on-going lawsuit against the FCLB and the NBCE.

Agenda Item 15 Consideration of potential additions, deletions, and/or amendments to NRS 634 and NAC 634– For possible action.

Julie Strandberg stated that this is a placeholder in the event a Board member has identified an NRS or NAC that requires revision and indicated that following discussion with Dr. Martinez regarding the CA program the recommended revisions will be agendized here.

Agenda Item 16 Discussion and potential action regarding the need for a Board lobbyist. – For possible action.

Dr. Canada stated that this matter was discussed at the FCLB meeting and it was understood that Nevada was the only board that contracts with a lobbyist. The other states indicated that their association contracts with the lobbyist. Mr. Ling stated that it is necessary for the board to contract with a lobbyist and stated that those states being referred to, may operate under a centralized umbrella. Dr. Overland stated that he believes the board needs a lobbyist, however the board needs to review compensation during the off-year and during session when the board is not presenting a bill. Julie Strandberg stated that the January 2023 agenda will include the discussion regarding the contract with the lobbyist. Dr. Canada confirmed.

Agenda Item 17 Discussion and potential action regarding contracting with an investigator to investigate the complaints on behalf of the Board. – For possible action.

Dr. Canada stated that this matter was discussed at the FCLB meeting, and she learned that Nevada was the only board that investigates its own complaints. Dr. Canada asked if it was appropriate for the Advantage Group to conduct the investigations, and report back to the board to take action. Dr. Colucci stated that the board has contracted with an investigator in the past and there were pros and cons. Mr. Ling reminded the board, that as a matter of law there must be an investigating board member who oversees the investigation, but the IBM does not need to conduct the investigation.

Agenda Item 18 Discussion and potential action regarding Board members to obtain continuing education. – For possible action.

- A. Allow CE for attendance at FCLB/NBCE conference(s).**
- B. Allow CE for sitting on the Board.**
- C. Allow Consumer Member-Attorney CLE for attendance at FCLB/NBCE/FARB conference(s)**

Dr. Canada stated that this item was discussed at the FCLB meeting and it was brought to her attention that some states offer continuing education hours to board members for sitting on the board, as well as, attendance at an FCLB/NBCE meeting. Dr. Canada also stated that since the board covers the cost for board members to attend the conference it may be a conflict of interest to obtain CE credits. Dr. Overland referenced that the NBCE gives CE credit and pays for the board members travel costs and stated that if CE is offered for sitting on the board it may be an incentive for more DCs to apply to sit on the board. Dr. Colucci shared that previously this

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board determined that if the board paid for a board member to attend a conference, they were not able to attain CE. Mr. Ling confirmed this understanding.

Agenda Item 19 Discussion and potential action regarding the interpretation of NAC 634.348(2)(f) and what was intended to be authorized as “assisting the supervising licensee with an examination of a patient.” – For possible action.

Dr. Canada stated that in her opinion “assisting” as it is used in NAC 634.348(2)(f) is helping the licensee. Dr. Canada welcomed Dr. Sean Dunleavy, who requested this agenda item. Dr. Dunleavy requested interpretation of NAC 634.348(2)(f) and stated that the language is not clear and could be interpreted a number of different ways. Dr. Dunleavy stated that his understanding was that if you can train a CA to perform, for example, height, weight, range of motion, postural exam, orthopedic exam and neurological exams, they could perform these exams on their own. Dr. Colucci stated that she doesn’t recall the CA exam covering orthopedic exams. Dr. Overland’s interpretation of the CA, according to statute, is that a CA can perform those things in the office, with the exception of diagnosis, treatment plan and adjusting or manipulating. Dr. Dunleavy stated that the information from Board staff was that the DC had to be in the room for the CA to assist with an exam. Mr. Ling stated that the act of assisting is used in three different places within this regulation and stated that as he reads subsection (f), the exam is being conducted by the DC. The CA may be assisting by conducting the preliminary gathering of vital statistics for example, however as you get into anything that looks like part of the chiropractic exam of the patient, upon which the DC is going to be making a determination as to diagnosis or treatment it has to be done by the DC. Dr. Canada reiterated that the CA exam does not cover neurological or orthopedic testing or how to assess range of motion. Dr. Colucci stated that the board will need to look at the CA training guide to verify whether there is instruction on orthopedic, neurological and range of motion. Dr. Canada requested to table this item to the next board meeting.

Agenda Item 20 Committee Reports

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

Dr. Martinez stated that he had nothing to report.

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

Dr. Overland stated that he had nothing to report.

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

Dr. Rovetti was not present to report.

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

Dr. Canada stated that she had nothing to report.

Agenda Item 21– Discussion and potential action regarding a contract for audit services with Bertrand & Associates. – For possible action.

Julie Strandberg stated that pursuant to NRS 218G.400 the board is required to undergo an annual audit for submittal to the Legislative Council Bureau and the Governor’s Finance Office. Attached is the amendment to the original contract to continue auditing services with Bertrand & Associates for approval. Dr. Overland recommended that the board approve this contract. Dr. Martinez made a motion to approve the contract amendment with Bertrand & Associates. Dr. Overland seconded, and the motion passed with all in favor.

Agenda Item 22 Discussion and potential action regarding purchasing Employee Bond-Crime coverage – For possible action.

Julie Strandberg stated that two quotes were received for employee bond-crime coverage pursuant to the board auditor's recommendation. The quotes were presented to the Board. Dr. Canada reminded the board that since two board members review the board checking and money market statements monthly it seems likely that coverage in the amount of \$200,000 is sufficient. Dr. Overland stated that this is a good idea to be proactive. Dr. Overland made a motion to approve coverage in the amount of \$200,000. Dr. Martinez seconded, and the motion passed with all in favor.

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 July to September 2022 – No action.**
- E. CA certificates to applicants who passed the examination on September 13, 2022. – No action.**
- F. Board Member Checks - No action.**

Julie Strandberg gave an overview of the executive director's reports.

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 as of May 31, 2022 – No action.**
- F. Budget to Actual at May 31, 2022 – No action.**
- G. Licensee database update – No action.**

Julie Strandberg gave an overview of the financial reports.

Agenda Item 25 Discussion and potential action regarding Board member signatures on the wall certificates for chiropractic physicians and chiropractic assistants – For possible action.

Julie Strandberg requested that the board members either allow staff to stamp their signatures on the wall certificates or that the board members pre-sign the certificates to be printed to allow for efficiency. Mr. Ayazi recommended that the names of the licensees and certificate holders be provided to the board members prior to sending the wall certificates. Mr. Ayazi made a motion to allow staff to stamp each board member's signature on the wall certificates. Mr. Augustin seconded, and the motion passed with all in favor.

Agenda Item 26 Discussion and possible action regarding the staff evaluation and potential adjustment of financial compensation for Julie Strandberg - For possible action

Dr. Overland stated that only three board members submitted the evaluation for Julie Strandberg. This item was tabled until the next Board meeting to obtain an evaluation from all board members.

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Agenda Item 27 Public Interest Comments – No action.

Dr. Lurie explained the importance of the board contracting with a lobbyist. Dr. Canada presented the plaque to Dr. Colucci for her eight years of service to the board.

Agenda Item 28 Adjournment – For possible action.

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

January 12, 2023



James T. Overland Sr., DC
Secretary-Treasurer