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Governor



Nicole Canada, DC  
President  
Xavier Martinez, DC  
Vice President  
James T. Overland Sr., DC  
Secretary-Treasurer

Morgan Rovetti, DC  
Member  
Benjamin S. Lurie, DC  
Member  
Christian L. Augustin, Esq.  
Consumer Member  
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, April 6, 2023 by zoom conference.

The following Board members were present at roll call:

Nicole Canada, DC, President  
James T. Overland, Sr., DC, Secretary-Treasurer  
Benjamin S. Lurie, 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. Xavier Martinez, Dc, Vice President and Morgan Rovetti, DC were not in attendance.

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

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

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

There were no public interest comments.

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

Dr. Canada stated that the action sheet for agenda item 14 reflects 23-04N twice, however one should be 23-05S.

Dr. Lurie requested to hear agenda items 24 and 26 prior to hearing agenda item 10.

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

### **Agenda Item 3 Approval of the January 12, 2023 Board Meeting Minutes. - For possible action.**

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Dr. Lurie recommended that the minutes for agenda item 8 reflect that Dr. Overland referenced that to take a vote, a full board should be present.

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

**Agenda Item 4 Approval of the February 27, 2023 Board Meeting Minutes. - For possible action.**

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

**Agenda Item 5 Approval of the March 10, 2023 Board Meeting Minutes. - For possible action.**

Dr. Lurie stated that the minutes reflect that Dr. Martinez commented on the chiropractic physicians' program, however it should reflect chiropractic assistant's program.

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

**Agenda Item 7 – Discussion and potential action regarding Dr. Koeven's request to advertise the Certification in Chiropractic Pediatrics – For possible action.**

Dr. Canada welcomed Dr. Koeven and asked that he provide the Board with his request. Dr. Koeven explained the certification that he obtained in Chiropractic Pediatrics, which required over 200 hours and an examination.

Dr. Lurie moved to approve the certification in Chiropractic Pediatrics. Dr. Overland seconded, and the motion passed with all in favor.

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

**A. Strategies 360 Report – Dan Musgrove**

Mr. Musgrove, on behalf of Strategies 360, was present and shared that all bills must be voted out of committee by April 14<sup>th</sup>, otherwise they are considered dead, unless the bill has an exemption. Mr. Musgrove stated that the Governor's bill, SB431 to restructure state government has been introduced, and does have an exemption. Mr. Musgrove stated that he will reach out to Chair Flores to determine whether SB431 will have a hearing.

Mr. Musgrove stated that AB199 is the NCA's bill to allow a chiropractic physician to evaluate and treat a person who has sustained an injury to the head, has not received a hearing and was told by the speaker that his intent was to not give it a hearing. Although, there was a request to give the bill a hearing for informational purposes, to explain why chiropractic physicians should be considered under the provision of concussion protocol.

**B. Discussion and potential action on AB 153 and whether the Board wants to house the advisory committee for naprapathy seeking to be established in AB 153**

Dr. Overland stated that the Naprapathy bill states that the Osteopathic Board will be the regulatory Board for the Naprapathic Advisory Board, however the Osteopathic Board is not in favor of this. Dr. Overland stated that there was discussion to ask this Board if there was interest in being the regulatory body. Mr. Ling asked whether this Board is interested in being the host Board for the Naprapathy advisory committee? Mr.

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Ling clarified that this Board would manage their licensure, complaints and discipline. Dr. Overland stated that according to the President of the only accredited Naprapathy college located in New Mexico is a four-year program and was not aware of any doctors interested in practicing naprapathy in Nevada. Dr. Overland moved that this Board not become the advisory board until we find out more about the practice of Naprapathy. Dr. Lurie seconded, and the motion passed with all in favor.

**Agenda Item 8 - Discussion and potential action regarding the Application for DC license for Scott Diamond, DCE- For possible action. (Note: The Board may go into closed session pursuant to NRS 241.030 to consider the character alleged misconduct, or professional competence of Dr. Diamond)**

Dr. Canada welcomed Dr. Diamond and gave him the opportunity to move into a closed session and he declined. Dr. Canada referred to the question on the application that was not answered in accordance with Dr. Diamond's background results and asked that he provide the history of his background. Dr. Diamond provided a history of his background stating that his understanding was that he was cited for a traffic ticket rather than a DUI. Dr. Lurie clarified that the question on the application asks, "have you ever been arrested or convicted..." Dr. Diamond confirmed that when he was completing the application, he did not recall the incident.

Dr. Overland made a motion that Dr. Diamond's application be denied and advised that he resubmit a new application and answer all questions truthfully. Dr. Lurie seconded for discussion, and the motion passed with all in favor.

**Agenda Item 9 - Discussion and possible action regarding contested citations for failure to complete 36 hours of continuing education by December 31, 2022 - For possible action.**

Dr. Canada welcomed Dr. Julia Miller and asked that she provide her reason for appealing the citation. Dr. Miller confirmed that her concern with the citation is the language as written, otherwise she understands the citation and has paid the fine. Dr. Miller recommended that the Board look at revising the citation language as it relates to unprofessional conduct. Dr. Canada explained that the Board must be consistent with the language disclosed in the citation. Dr. Lurie inquired about the references made to NRS and NAC in the citation and Mr. Ling clarified that this is the citation that has been used in the past for CE violations, however if the Board would like to revise the language, it can be discussed at a future Board meeting.

Dr. Miller asked how a citation is reported. Julie Strandberg stated that, as it stands, a citation may be viewed by the public by searching for a licensee from the Board's website and is reported to CIN-BAD through the FCLB.

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

**Agenda Item 24 - Discussion and potential action regarding questions on the Self-Inspection Form – For possible action.**

Dr. Lurie stated that the self-inspection is being discussed due to the issues that have been brought up by the community and provided a historical overview of the self-inspection form. Dr. Lurie stated that he has always questioned the self-inspection and the purpose has been unclear. Dr. Lurie believes that the questions are overreaching and get into attorney-client privilege when it gets into contractual matters as far as ownership of the practice and who is in your practice. Dr. Lurie stated that he also believes that the self-inspection form would be legally

challenging due to some of the questions asked. Dr. Lurie stated that he asked Julie Strandberg to reach out to other Boards to see if they use a self-inspection form and confirmed that no other Boards require a self-inspection form. Dr. Canada asked Dr. Lurie if he is recommending that the self-inspection form go away or be revamped? Dr. Lurie stated that if the Board is going to keep the self-inspection, the form needs to be revamped and does not believe that it should be available to the public, but be used for administrative purposes such as investigating a complaint. Dr. Overland stated that he agrees with Dr. Lurie, and asked that they work together to revise the self-inspection form. Mr. Augustin asked when the last time the Board used a self-inspection form filled out by a chiropractic physician for any purpose? Julie Strandberg explained that Board staff reviews each self-inspection with respect to the ownership to ensure the business entity registration was submitted if applicable, affirmative responses to the criminally arrested question and the healthcare workers. As Dr. Lurie mentioned, these forms are provided to the investigating board member for investigative purposes. Dr. Canada shared stated that the information on the self-inspection form was helpful with respect to an investigation assigned to her that was heard before the Board.

Dr. Lurie asked Mr. Ling to guide the Board with respect to the licensees who contested their self-inspection citations. Mr. Ling stated that the handling of the contested citations is a separate issue from the concern with the existing self-inspection form. Mr. Ling explained that the Board has a statute that requires that the self-inspection be submitted, which is being followed under our existing authority and process.

Dr. Lurie moved that he and Dr. Overland work on the self-inspection form and bring it back to the board for discussion at its next meeting. Dr. Overland seconded, and the motion passed with all in favor.

**Agenda Item 26 Discussion and potential action regarding the reporting of an administrative citation – For possible action.**

Dr. Canada asked Julie Strandberg to address how the Board has been handling administrative citations. Julie Strandberg explained that an administrative citation is currently added to the Boards internal database, so when the public accesses the online license verification the citation is available for review and the citation is also reported to CINBAD through the FCLB, however the only people who have access are state chiropractic licensing boards. The question today is, how does the board wish to report administrative citations whether it be accessible to the public through the online license search or to CINBAD? Dr. Lurie believes that administrative violations should not be reported to the public. Dr. Canada agreed and noted that existing administrative citations that have been reported be removed. Dr. Lurie stated that the executive director can bring an agenda item regarding a citation before the Board to determine whether the aggression should be reportable.

Mr. Ayazi moved those administrative citations are not reported publicly or to CIN-BAD unless the citation is specifically agendized and decided on by the Board. Mr. Augustin seconded, and the motion passed with all in favor.

**Agenda Item 10 - Discussion and possible action regarding contested citations for failure to submit the self-inspection by December 31, 2022 - For possible action.**

Dr. Canada stated that there are seven DC's that want to explain why their self-inspection was not submitted by the deadline. Julie Strandberg gave a brief overview of the self-inspection process and the documentation included in the Board packet. Mr. Augustin asked if the process

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changed and Julie Strandberg affirmed that this was the first time the self-inspection was due by December 31 versus March 31<sup>st</sup>.

**1. Wendy Scheer, DC**

Dr. Canada welcomed Dr. Scheer and asked her to address the Board regarding her reason for contesting the citation. Dr. Scheer stated that she works as a vacation relief doctor and has completed the self-inspection over the last 23 years. She stated that she reviewed the beginning of the form and determined that it did not apply to her and didn't look at the remainder of the form. Dr. Scheer requested that the fine be waived as she does not do that much work in Nevada. Dr. Lurie stated that as Dr. Scheer said, the questions on the self-inspection do not fit the nature of every single licensee. Dr. Lurie asked if there were instructions sent out to explain how to go through the new database and the self-inspection. Julie Strandberg stated that licensees were mailed a reminder postcard and emails were sent providing instructions. Dr. Scheer stated that she was not unclear and the appropriate notifications were sent, but her issue was that the questions did not apply.

Mr. Ayazi made a motion to dismiss the citation Mr. Augustin seconded, and the motion passed with all in favor.

**Shadia Koury, DC**

Dr. Canada welcomed Dr. Koury and asked her to address the Board regarding her reason for contesting the citation. Dr. Koury stated that she completed the self-inspection form in mid-December, however the form was not submitted. Dr. Koury recommended that the Board send a final email reminding DC's that their self-inspection needs to be submitted.

Mr. Ayazi made a motion to dismiss the citation. Dr. Lurie seconded, and the motion passed with all in favor.

**Bradley Pastro, DC**

Dr. Canada welcomed Dr. Pastro and asked him to address the Board regarding his reason for contesting the citation. Dr. Pastro stated that he has been in good standing with the Board for thirty years and submitted the self-inspection form. Dr. Pastro stated that he called the Board indicating issues with the portal and thought he completed and submitted the self-inspection. He stated that his understanding was that the self-inspection was part of the renewal.

Mr. Ayazi made a motion to dismiss the citation. Mr. Augustin seconded, and the motion passed with all in favor.

**Shaun Waldman, DC**

Dr. Canada welcomed Dr. Waldman and asked him to address the Board regarding his reason for contesting the citation. Dr. Waldman echoed some of the comments that have already been made. Dr. Waldman stated that he has been licensed in Nevada since 2005 and has always completed the self-inspection. Dr. Waldman stated that the new process does not provide you with a link following the renewal, so he thought he had fulfilled his obligations for renewal. Dr. Waldman shared his concern regarding how a citation is viewed by the public.

Dr. Lurie made a motion to dismiss the citation. Mr. Ayazi seconded, and the motion passed with all in favor.

**Glaee Valencia-Lopez, DC**

Dr. Canada welcomed Dr. Valencia-Lopez and asked her to address the Board regarding her reason for contesting the citation. Dr. Valencia-Lopez stated that she understood that the self-inspection was part of the license renewal process, so upon receipt of the confirmation email she thought she had completed the process.

Dr. Lurie made a motion to dismiss the citation. Mr. Ayazi seconded, and the motion passed with all in favor.

Victor Helo, DC and Chuang Yu Lin, DC contested their citations, however were not in attendance and will be addressed at the Boards next meeting.

**Agenda Item 11 NCA Reporte- No action**

Dr. Marcia Tinberg submitted an NCA update in writing. A copy was provided to each board member to review.

**Agenda Item 12 NCC Report – No action**

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

**Agenda Item 13 Board Counsel Report – No action**

Mr. Ling stated that he had nothing to report.

**Agenda Item 14 Status report regarding anonymous profiles of possible disciplinary actions. Board action will be limited to either dismissing the matter if the Board determines there is no violation, it has no jurisdiction over the subject, or providing direction to pursue the matter further – For possible action.**

**A. Complaint 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, so she was waiting for the court's decision. Dr. Canada stated that the DC did not renew his license for 2023/2024 and asked if it's necessary to proceed with the complaint. Dr. Overland referred to the law that allows the Board to continue pursuing the complaint and Mr. Ling confirmed that the Board could continue adjudicating the complaint. Mr. Ling then confirmed through the online court database that the DC passed away, so this case can be dismissed. Mr. Ayazi moved to dismiss 21-03S. Dr. Lurie seconded, and the motion passed with all in favor.

**D. Complaint 21-29N (Canada)**

Dr. Canada stated that an employee filed a complaint against three DC's and an attorney has been retained.

**E. Complaint 21-31S (Lurie)**

Dr. Lurie stated that Mr. Ling is preparing formal charges to be provided to the DC.

**F. Complaint 22-11S (Overland)**

Dr. Overland stated that a licensed massage therapist was allegedly performing chiropractic manipulation and following the hearing before the Board of Massage Therapists, the massage therapist was found in violation of practicing outside his scope of practice. This Board issued a citation to the massage therapist to include a fine in the amount of \$500.00, which has been paid. Dr. Overland recommended that this complaint be closed. Dr. Lurie made a motion to close complaint 22-11S. Mr. Augustin seconded, and the motion passed with all in favor. Dr. Overland recused himself as the investigating board member.

**G. Complaint 22-12S (Overland)**

Dr. Overland stated that a licensed massage therapist was allegedly performing chiropractic manipulation. On March 30, 2023 the Board of Massage Therapists held a hearing and found the massage therapist in violation of practicing outside his scope of practice. Dr. Overland recommended that a citation be issued to the massage therapist to include a fine in the amount of \$500.00. Mr. Augustin moved to approve the recommendation to issue a citation to include a \$500 fine. Dr. Lurie seconded and stated that if we do not receive the fine in a timely manner then Julie Strandberg notifies the Board of Massage Therapists. Mr. Augustine added as amended. Dr. Lurie seconded, and the motion passed with all in favor. Dr. Overland recused himself as the investigating board member.

**H. Complaint 22-13S (Overland)**

Dr. Overland stated that this complaint was issued by a third party on behalf of the patient who indicated sexual improprieties against the chiropractic physician. Dr. Overland spoke with the patient to set up a meeting and numerous attempts were made to follow-up, with no response. A follow-up letter was sent to the patient and the third party indicating that if there was no contact by March 30, 2023 the complaint would be dismissed. There was no response from the patient and the third party indicated that if the patient was not responding, then further action was not needed. Dr. Overland recommended that this complaint be dismissed for non-compliance. Mr. Ayazi made a motion to dismiss complaint 22-13S. Mr. Augustin seconded, and the motion passed with all in favor. Dr. Overland recused himself as the investigating board member.

**I. Complaint 22-14S (Overland)**

Dr. Overland stated that the complainant alleged that they were injured by a chiropractic physician. Dr. Overland spoke to the chiropractic physician and the patient and their spouse. The patient's allegations of injuries are voluminous compared to what the original complaint identified. Dr. Overland stated that he has advised the patient that they file a malpractice claim. Dr. Overland recommended that this complaint be held in abeyance until the patient notifies the Board of their decision to file a claim or not.

**J. Complaint 22-15N (Martinez)**

Dr. Martinez was not present to report.

**K. Complaint 22-16N (Martinez)**

Dr. Martinez was not present to report.

**L. Complaint 22-17N (Canada)**

Dr. Canada stated that this is a financial issue where the patient purchased a package of treatments, however they were not getting better. Dr. Canada reviewed the patient's

records and found no issues then spoke with the chiropractic physician who reimbursed the patient. Dr. Canada recommended that this complaint be dismissed. Dr. Lurie made a motion to dismiss complaint 22-17N. Dr. Overland seconded, and the motion passed with all in favor. Dr. Canada recused herself as the investigating board member.

**M. Complaint 22-18S (Overland)**

Dr. Overland stated that this complaint is from an individual who entered a clinic that is owned by an out-of-state group. The patient was told by the front desk person that they needed x-rays prior to seeing the chiropractic physician. The complainant proceeded to visit another clinic owned by the same out-of-state group and was tagged in the system indicating that they would need to have an x-ray prior to treatment. Over the last several months Dr. Overland has requested information from the group and they have failed to provide the requested information. Mr. Ling is in the process of preparing formal charges against this group.

**N. Complaint 22-19S (Lurie)**

Dr. Lurie stated that the chiropractic physician has retained an attorney, but is moving forward. More information will follow at the next board meeting.

**O. Complaint 22-20S (Canada)**

Dr. Canada stated that the patient received an adjustment from a chiropractic physician and alleged that they were sexually assaulted. The complainant filed a police report, so Dr. Canada reached out to the detective and was told that they could not provide any further information. Dr. Canada has a call into the complainant to obtain more information and will report at the next meeting.

**P. Complaint 22-21N (Martinez)**

Dr. Martinez was not present to report.

**Q. Complaint 22-22S (Canada)**

Dr. Canada stated that the complainant identified several allegations against a chiropractic physician. The Advantage Group interviewed the complainant who confessed that they lied and withdrew the complaint. Dr. Canada contacted the police to inquire about filing a report against the complainant for filing a false complaint and was told that this is a civil matter. Dr. Canada recommended that this complaint be dismissed. Dr. Lurie made a motion to dismiss complaint 22-22S. Mr. Augustin seconded. The motion passed with all in favor. Dr. Canada recused herself as the investigating board member.

**R. Complaint 22-23N (Martinez)**

Dr. Martinez was not present to report.

**S. Complaint 23-01N (Rovetti)**

Dr. Rovetti was not present to report.

**T. Complaint 23-02N (Rovetti)**

Dr. Rovetti was not present to report.

**U. Complaint 23-03S (Canada)**

Julie Strandberg stated that a typed note was received by the Board that made claims against a chiropractic practice without a return address or contact information. Dr. Canada recommended that this complaint be dismissed since there was no contact information. Dr. Lurie made a motion to dismiss complaint 23-03S. Mr. Augustin seconded, and the motion passed with all in favor. Dr. Canada recused



herself as the investigating board member.

**V. Complaint 23-04N (Canada)**

Dr. Canada stated that the Board received a complaint regarding a marketing website that showed a video of an alleged Reno chiropractic physician, however the name of the doctor was not found in the Board's database. The Advantage Group investigated the website and confirmed that the website is not tied to a licensee. Dr. Canada recommended dismissal. Dr. Lurie made a motion to dismiss complaint 23-04N. Dr. Augustin seconded, and the motion passed with all in favor. Dr. Canada recused herself as the investigating board member.

**W. Complaint 23-05S (Canada)**

Dr. Canada asked Julie Strandberg to explain this situation. Julie Strandberg stated the chiropractic physician let his license expire on December 31, 2022, so a cease-and-desist letter was mailed. The chiropractic physician submitted the reinstatement application and the responses on the application were inconsistent with the background check results. Dr. Canada recommended that disciplinary action be taken. Dr. Overland asked if the licensee should come before the Board to explain what happened as opposed to receiving a citation? Dr. Canada stated that she has not been able to contact the chiropractic physician to obtain their understanding of why they answered incorrectly. Dr. Canada stated that she will report at the next Board meeting.

**Agenda Item 15 - Discussion and potential action to revise or release Casey Robinson, DC from probation in accordance with the satisfaction of his California Board Order. – For possible action.**

Dr. Overland stated that when Dr. Robinson obtained his Nevada license his California license was on probation, so this Board ordered that he also be on probation. Effective June 2021 Dr. Robinson voluntarily surrendered his California license. Dr. Overland recommended that Dr. Robinson be removed from probation since he had not had any issues since he became licensed in Nevada over fifteen years ago. Dr. Overland continued stating that during his recent conversation with Dr. Robinson it was determined that his chiropractic license expired, however he was unaware, and had been performing PPD evaluations. The Department of Industrial Relations has been informed and it is within their jurisdiction to determine whether the PPD evaluations performed are subject to disciplinary action. Dr. Overland confirmed with Julie Strandberg that Dr. Robinson is in the process of reinstating his license. Dr. Lurie stated that in order to perform PPD's a chiropractic physician must have an active license and it does not appear that Dr. Robinson followed through with the requirements of the California order. Dr. Lurie recommended that the Board file a complaint against Dr. Robinson for not being licensed and not dismiss the probation. Mr. Ling stated that what Dr. Overland is recommending makes sense, because since Dr. Robinson is no longer under discipline in California he doesn't need to be on probation in Nevada. If it is determined that Dr. Robinson performed PPD's then a new case be opened for investigation.

Dr. Lurie moved that this case remain open to conduct further investigation. Mr. Augustin seconded. Julie Strandberg confirmed that in her discussion with the California Board, Dr. Robinson completed his California Order except for passing the law exam.

The motion passed with all in favor.

**Agenda Item 16 Discussion and potential action regarding the psychometric analysis of the**

**Board's chiropractic assistant materials completed by the NBCE. – For possible action**

Dr. Canada referred to the letter from Dr. Shott's, indicating that one of the issues discussed was the loss of exam fee revenue, however the NBCE indicated that their exam fee is less than the Boards exam fee, so the NBCE could reimburse the Board the difference. Dr. Canada stated that it makes sense to turn the examinations over to the NBCE, since they are experts in this area. Dr. Lurie reminded the Board that he was the District IV Director on the National Board and has insight into the business dealings: Dr. Lurie stated that the NBCE, gives an appearance that they are giving a kick-back to the Board. Dr. Canada asked if the attorneys view this as a kick-back? Mr. Augustin stated that you can view it both ways, and based on the original discussion, the Board was concerned with the questions being fair and appropriate to the content and consistency. Dr. Overland stated that he is not in favor of turning the examinations over to the NBCE since the CA program is going to be reviewed and may be with or without an examination.

Dr. Overland moved to table the NBCE taking over the examinations until the Board decides on the revisions to the CA program. Mr. Augustin seconded, and the motion passed with all in favor.

**Agenda Item 17 Discussion and potential action regarding a chiropractic physician's obligation regarding the obtaining of consent before treating a minor patient – For possible action.**

Dr. Lurie stated that he brought this issue before the board and the Board requested that Mr. Ling provide an analysis. Mr. Ling explained his analysis regarding the consent to treat a minor patient. Dr. Lurie stated that a minor can visit an urgent care without a parent or guardian present and due to today's environment why can't chiropractic physicians be afforded the same option. Mr. Ling stated that there is a statute that states that a chiropractic physician is prohibited to treat an individual under 18 years of age without consent from a parent or legal guardian. Dr. Overland moved to ask Mr. Ling to investigate how other medical professions can treat a minor. Dr. Lurie seconded for discussion. Dr. Lurie recommended that the Board reach out to the attorney general to determine the repercussion's if a chiropractic physician were to treat a minor without a parent or guardians' consent. The motion passed with in all favor.

**Agenda Item 18 Discussion and potential action regarding requiring PACE-approved providers to apply with the Board. For possible action.**

Dr. Lurie recommended that providers apply to this Board for course review, because there are courses that are approved by PACE that may not fit into our scope. Dr. Overland shared Dr. Lurie's recommendation. Dr. Lurie moved that the Board assess the \$50.00 application fee for approval by this Board. The Board will continue to work on the regulations and direct Mr. Ling to make the changes to be heard through a regulatory workshop. Dr. Overland seconded, and the motion passed with all in favor.

**Agenda Item 19 - Discussion and potential action regarding an individual taking a live (in-person) seminar and taking an online seminar simultaneously. - For possible action.**

Dr. Lurie stated that he attended an in-person seminar and watched a chiropractic physician take an on-line seminar while attending the in-person seminar and wanted to bring this to the Boards attention for discussion. Dr. Canada stated that while this is wrong, the Board's rules and regulations do not speak to not accepting seminars on the same date. Dr. Overland also

stated that while this is wrong, it is difficult to regulate.

**Agenda Item 20. Discussion and potential action regarding whether chiropractic assistants are allowed under NRS 634/NAC 634 to perform muscle work on focal regions of the body without being licensed as a massage therapist. For Possible Action.**

Dr. Lurie stated that when he employs a massage therapist, they are required to become certified as a chiropractic assistant by the Chiropractic Physicians Board, because they are performing ancillary services that are prescribed by a chiropractic physician to perform on a patient. Dr. Lurie stated, that he understands that this is not required, because the massage therapist can perform massage services at the direction of the chiropractic physician without needing to become a chiropractic assistant. Dr. Lurie referred to a discussion several years ago brought up by Dr. Overland on behalf of the NCA. Dr. Lurie said that Dr. Overland stated that chiropractic assistants who were trained could perform trigger point therapy on patients and work on different regions of the body without having a massage therapist license. Dr. Canada stated that her understanding is that a licensed massage therapist performing massage therapy operates under the scope of the Nevada State Board of Massage Therapists, however if they are for example, performing muscle stimulation or ultrasound then they need to apply as a chiropractic assistant. Dr. Overland stated that the term vibratory massage is used and CA's can use a G5 or any type of vibration device. Mr. Ling reiterated his opinion from the September 2015 Board meeting, which stated that a CA may do massage on an area of a patient's body utilizing a mechanical vibration, impulse devices, or manual pressure and massage work as long as the area of the body being worked on is a focal area of concern for the supervising DC and not a full, general, non-focal, relaxation-type massage. If they are performing a comfort massage, which is what massage therapists are allowed to do then they would need to be licensed. As long as the DC has ordered the work that needs to be done by the CA they can perform that work. Dr. Lurie stated that he is hearing that certified chiropractic assistants will not come under discipline with the Massage Board for practicing massage without having a license. Dr. Lurie moved that Mr. Ling write a memorandum summarizing what chiropractic assistant are allowed to do, and mention that licensed massage therapists are not required to be certified as a chiropractic assistant unless they will be performing ancillary services. Dr. Overland seconded, and the motion passed with all in favor.

**Agenda Item 21 Discussion and potential action regarding whether a massage therapist is required to be certified by the chiropractic physicians board to provide "ancillary services" pursuant to NAC 634.348 to chiropractic patients. For Possible Action.**

Dr. Canada stated that this topic was discussed under agenda item 20. Dr. Lurie confirmed that this agenda item be combined in the memorandum under agenda item 20.

**Agenda Item 22 - Discussion and potential action regarding whether a licensed athletic trainer is defined as a person who can perform ancillary services on chiropractic patients and whether a chiropractic physician must supervise a licensed athletic trainer, including whether the chiropractic physician must be at the practice while an athletic trainer performs services on a patient of the chiropractic physician. For Possible Action.**

Dr. Lurie stated that he found an online advertisement by a chiropractic physician who employs athletic trainers and found that under NRS/NAC 640B athletic trainers are not required to work under supervision and can perform grade 5 mobilization, which is a chiropractic

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adjustment. Dr. Lurie stated that this may solve the issue the NCA has been trying to fix for several years, which would allow their patients to continue being treated for rehabilitation and other therapies while the doctor is out of the office. If an athletic trainer can perform therapies under their own license without the DC being on the property, Dr. Lurie thought it was a topic to discuss. Mr. Ling stated that pursuant to NRS 640B.055 an athletic trainer may perform joint mobilization, but cannot perform grade 5 mobilization as it is mentioned under, "The term does not include" and athletic trainers can only perform their work on an athlete named under 640B.015 and an athletic injury pursuant to 640B.021.

Dr. Lurie asked for confirmation whether an athletic trainer working in a chiropractic practice should be required to be registered as a certified chiropractic assistant? Dr. Lurie stated that it doesn't sound like they do, and it also sounds like if I give them direction, they are able to work on my patient and I don't need to be on the property. Mr. Ling stated that if the athletic trainer is going to perform any of the duties that they are prohibited from under their statute, but prohibited by ours then they have to apply to be a CA. If the DC wants to bill for the services done by the athletic trainer, you may not be able to bill unless that person is a CA under our licensure.

Mr. Ayazi asked whether the Board could add a regulation that would require an athletic trainer to work under the DCs supervision if they were working in a chiropractic physician's office. Mr. Ling stated that the Board could add a regulation that defines how a DC employs other licensed medical professionals. Mr. Ling recommended that the Executive Directors have a conversation to determine if there is an issue.

Dr. Lurie moved to allow Mr. Ling and Julie Strandberg to work with the Athletic Trainers Board and bring back information with respect to their discussion. Mr. Ayazi seconded, and the motion passed with all in favor.

**Agenda Item 23 Discussion and potential action whether a licensed athletic trainer can perform "ancillary services" under their license (NRS ch. 640B / NAC ch. 640B) or would the licensed athletic trainer need to be licensed as a chiropractic assistant under NRS ch. 634 / NAC ch. 634. For Possible Action.**

Dr. Lurie stated that this agenda item be combined with agenda item 22.

**Agenda Item 25 Discussion and potential action regarding the chiropractic assistant program – For possible action.**

Dr. Canada stated that this item will be tabled until Dr. Martinez is in attendance at the next meeting.

**Agenda Item 27 Consideration of potential additions, deletions, and/or amendments to NRS 634 and NAC 634– For possible action.**

**A. 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.**

Dr. Canada referred to Julie Strandberg. Julie Strandberg provided an overview of the legislation and indicated that this language was acquired from Arizona. Mr. Augustin moved to impose a fine in the amount of \$300.00 against a registrant who does not comply with subsection 4 of AB210, Section 3(5). Mr. Ayazi seconded, and the motion passed with all in favor.

**Agenda Item 28 Committee Reports**

- A. Continuing Education Committee (Dr. Martinez) – For possible action.**  
Dr. Martinez was not present to report.
- B. Legislative Committee (Dr. Overland) – For possible action.**  
Dr. Overland stated that he had nothing further 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 further to report.

**Agenda Item 29 FCLB/NBCE Matters – For possible action.**

**A. Other FCLB/NBCE matters.**

Dr. Canada stated that the annual FCLB conference will be held in Florida and Dr. Jaeger will be running for an NBCE seat. Dr. Overland asked for input on the candidates running for NBCE office. Dr. Canada confirmed with Dr. Overland that she reserves her right to provide feedback until after she has heard from the candidates. Dr. Lurie stated that it has been best practice that Dr. Overland, as the voting delegate listen to all the information and make a decision based on the facts presented.

**Agenda Item 30 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 to March 2023 – No action.**
- E. CA certificates to applicants who passed the examination on February 16, 2023.**  
Julie Strandberg gave an overview of the executive director's reports.

**Agenda Item 31 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 February 28, 2023 – No action.**
- F. Proposed FY 2024/2025 Budgete- For possible action.**

Julie Strandberg gave an overview of the executive director's reports. Dr. Overland moved to approve the Fiscal Year 2024/2025 Board budget. Mr. Augustin seconded, and the motion passed with all in favor.

**Agenda Item 32 Correspondence – For possible action**

**1. Directive to the Executive Director**

- a. All agenda items should be reviewed by ED and a historical accounting of the topic / subject matter be provided in the packets sent to current board members for review. This would include any and all minutes, transcripts/recordings, handouts, electronic communication, photographs, attorney opinions or memorandums issued in the past. For Possible Action.**

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- b. Review all minutes from previous chiropractic board meeting listing all items the board is approving or recognizing as “physiotherapy” that is allowed under NRS and NAC 634. For Possible Action.**
- c. Place all Board counsel and Attorney General opinions, memorandums, etc. on the official board website for review.**

Dr. Lurie explained the importance of retaining historical information and asked that this information be added to the website to avoid the repetitive discussion of related topics as this creates more time for the Board.

Dr. Lurie moved that Julie Strandberg investigate ways to add historical information to the Boards website and bring the information back to the next Board meeting. Mr. Augustin seconded, and the motion passed with all in favor.

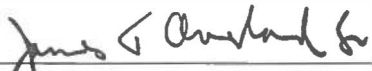
**Agenda Item 33 Public Interest Comments – No action.**

There were no public comments.

**Agenda Item 34 Adjournment – For possible action.**

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

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James T. Overland Sr., DC  
Secretary-Treasurer