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President
Xavier Martinez, DC
Vice President
Adam L. Ingles DC
Member



Benjamin S. Lurie, DC
Member
Jason O. Jaeger, DC
Member
Christian L. Augustin, Esq.
Consumer Member
Reza R. Ayazi, Esq.
Consumer Member
Julie Strandberg
Executive Director

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, January 11, 2024 **TIME:** 8:30 a.m.

LOCATION: Zoom

Join Zoom Meeting

<https://us06web.zoom.us/j/81259966648?pwd=cdQqvu5biSNlaqBIuotwdNymB0wYb4.1>

Meeting ID: 812 5996 6648

Passcode: 126479

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January 11, 2023

Meeting ID: 812 5996 6648

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Find your local number: <https://us06web.zoom.us/j/k6M2An7nZ>

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. Lurie

Statement of Purpose – Dr. Jaeger

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 November 2, 2023 Board Meeting Minutes. - For possible action.

Agenda Item 4 Legislative Matters – For possible action.

- A. Strategies 360 – Dan Musgrove

Agenda Item 5 Discussion and potential action regarding the Application for DC license for Marc Van Driessche, DC – For possible action. (Note: The Board may go into closed session pursuant to NRS 241.030 to consider the character alleged misconduct, or professional

January 11, 2023

competence of Mr. Van Driessche)

Agenda Item 6 Discussion and potential action regarding the reinstatement for DC license for Julio Olivares – 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 Mr. Olivares).

Agenda Item 7 Discussion and potential action relating to the discipline imposed on Michael Milman, DC in Case No. 20-07S - 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. Milman)

Agenda Item 8 Hearing and deliberation in the Matter of Casey Robinson, DC, License No. B01263, Complaint No. 23-11S – 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. Robinson.)

Agenda Item 9 PUBLIC HEARINGS: Public workshop to consider amendments to Nevada Administrative Code 634. – For possible action.

- A. R114-23 Revisions to NAC 634 pursuant to Executive Order 2023-003.
- B. R115-23 Board proposed revisions to NAC 634.

Agenda Item 10 NCA/NCC Report – No action

Agenda Item 11 Discussion and potential action regarding the current DC jurisprudence examination and potentially turning the administration of the DC jurisprudence examination over to the NBCE. – For possible action.

Agenda Item 12 Discussion and potential action regarding questions on the Self-Inspection Form and the License Renewal Form – For possible action.

Agenda Item 13 Discussion and potential action regarding issues related to multi-jurisdictional practices. – For possible action.

Agenda Item 14 Discussion and potential action regarding adding an attestation to the chiropractic physicians' renewal form to require that they attest to downloading or reviewing the currently available versions of NRS 634, NAC 634 and NAC 634. – For possible action.

Agenda Item 15 Discussion and potential action regarding Board staff to provide the currently available versions of NRS 634, NAC 634 and NRS 629 to the chiropractic physicians. – For possible action.

Agenda Item 16 Discussion and potential action regarding chiropractic assistants performing prescribed physiotherapy while the chiropractic physician is not present in the clinic. – For possible action.

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Agenda Item 17 – Discussion and potential action regarding a chiropractic clinic supplying and administering Narcan/Naloxone in the event of an accidental overdose. – For possible action.

Agenda Item 18 - Discussion and potential action regarding the Chiropractic Assistant program – For possible action.

Agenda Item 19 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 (Martinez)
- B. Complaint 21-31S (Lurie)
- C. Complaint 22-18S (Augustin)
- D. Complaint 22-19S (Lurie)
- E. Complaint 22-20S (Canada)
- F. Complaint 22-21N (Martinez)
- G. Complaint 22-23N (Martinez)
- H. Complaint 23-02N (Ingles)
- I. Complaint 23-10S (Jaeger)
- J. Complaint 23-11S (Ayazi)
- K. Complaint 23-12S (Lurie)
- L. Complaint 23-13S (Lurie)
- M. Complaint 23-15S (Nolle)
- N. Complaint 23-16S (Nolle)
- O. Complaint 23-18S (Jaeger)
- P. Complaint 23-19S (Canada)
- Q. Complaint 23-20S (Jaeger)
- R. Complaint 23-21S (Canada)
- S. Complaint 23-22S (Canada)
- T. Complaint 23-23S (Lurie)
- U. Complaint 23-24N (Martinez)
- V. Complaint 23-25N (Lurie)
- W. Complaint 23-26S (Canada)
- X. Complaint 23-27S (Lurie)
- Y. Complaint 23-28S (Canada)
- Z. Complaint 23-29S (Ingles)
- AA. Complaint 23-31S (Ingles)

Agenda Item 20 Board Counsel Report – No action

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

- A. Reassign Selection of Board's choice for FCLB Voting Delegate at the 97th Annual Educational Congress, May 1-5, 2024 – Phoenix, AZ
- B. Reassign Board Member to participate in the Fall National Board Part IV Exam - November 9-10, 2024
- C. Other FCLB/NBCE matters.

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Agenda Item 22 Consideration of potential additions, deletions, and/or amendments to NRS 634 and NAC 634– For possible action.

- A. NRS 634.090 (1)(b)
- B. NRS 634.100 (2)(b)

Agenda Item 23 Committee Reports

- A. Continuing Education Committee (Dr. Martinez) – For possible action.
- B. Legislative Committee (To be Re-assigned) – For possible action.
- C. Preceptorship Committee (Dr. Canada) – For possible action.
- D. Test Committee (Dr. Canada) - For possible action.

Agenda Item 24 Executive Director Reports:

- A. Status of Pending Complaints – No action.
- B. Status of Current Disciplinary Actions – No action.
- C. Legal/Investigatory Costs – No action.

Agenda Item 25 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 30, 2023 – No action.
- F. Budget to Actual at November 30, 2023 – No action.
- G. 2023 Board Audit – For possible action.

Agenda Item 26 Election of Officers – For possible action

Agenda Item 27 Reassignment of Committees – For possible action.

Agenda Item 28 Board Member Comments. – No 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 January 5, 2024 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

January 11, 2023

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

or by e-mailing a request to Julie Strandberg at: chirobd@chirobd.nv.gov

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: Nicole Canada, DC

MEETING DATE: January 11, 2024

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.

ACTION: _____Approved _____Approved w/Modifications _____Denied _____Continued

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 recommended motion.**

PRESENTED BY: **Nicole Canada, DC**

MEETING DATE: **January 11, 2024**

TIME REQUIRED: **2 minutes**

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

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 November 2, 2023 Board Meeting Minutes. - For possible action.

RECOMMENDED MOTION: **Approve the minutes of the November 2, 2023 meeting as drafted.**

PRESENTED BY: **Nicole Canada, DC**

MEETING DATE: **January 11, 2024**

TIME REQUIRED: **5 minutes**

BACKGROUND INFORMATION: **Please refer to the attached meeting minutes from July 13, 2023.**

ACTION: _____Approved _____Approved w/Modifications _____Denied _____Continued

Agenda Item 3

Joe Lombardo
Governor

Nicole Canada, DC
President
Xavier Martinez, DC
Vice President
Adam L. Ingles, DC
Member



Benjamin S. Lurie, DC
Member
Jason O. Jaeger, DC
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Consumer Member
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A meeting of the Chiropractic Physicians' Board was held on Thursday, November 2, 2023 at the Fairfield Inn & Suites, 355 E. Warm Springs Road, Mohave Room, Las Vegas, NV 89119

The following Board members were present at roll call:

Nicole Canada, DC, President
Xavier Martinez, DC, Vice President
James T. Overland, Sr., DC, Secretary-Treasurer
Benjamin S. Lurie, DC, Board Member
Jason O. Jaeger, 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. Canada led those present in the Pledge of Allegiance. Dr. Martinez 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. Lurie moved to approve the agenda with the exception of agenda item 11. Dr. Lurie stated that this item will be tabled in order for he and Dr. Overland to discuss. Dr. Overland seconded, and the motion passed with all in favor.

Agenda Item 3 Approval of the July 13, 2023 Board Meeting Minutes. - For possible action.

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

Agenda Item 4 Discussion and potential action regarding the Application for CA certificate for Victoria Correa – 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. Correa)

Dr. Canada welcomed Ms. Correa. Dr. Lurie moved to go into closed session. Dr. Martinez seconded, and the motion passed with all in favor. Dr. Canada asked Ms. Correa to discuss the discrepancies on her application. Ms. Correa provided her explanation to the Board. Dr. Canada opened up questioning to the Board. Dr. Lurie moved to go back to open session. Dr. Canada seconded, and the motion passed with all in favor. Dr. Martinez moved to deny the current application with the condition that Ms. Correa may reapply providing complete and accurate responses, which may be approved by staff. Dr. Overland seconded, and the motion passed with all in favor.

Agenda Item 5 Discussion and potential action regarding the Application for CA certificate for Melissa Andrade – 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. Andrade)

Dr. Canada welcomed Ms. Andrade. Dr. Lurie moved to go into closed session. Dr. Martinez seconded, and the motion passed with all in favor. Dr. Canada asked Ms. Andrade to discuss the discrepancies on her application. Ms. Andrade provided her explanation to the Board. Dr. Canada opened up questioning to the Board. Dr. Martinez moved to go back to open meeting. Mr. Ayazi seconded, and the motion passed with all in favor.

Dr. Martinez moved to reject Ms. Andrade's application for chiropractic assistant, until she can provide legal proof that she has successfully completed her probation. She may then reapply providing complete and accurate responses. Dr. Lurie seconded, and the motion passed with all in favor.

The Board confirmed with Ms. Andrade that she can no longer work as a CA.

Agenda Item 7 PUBLIC WORKSHOPS: Will begin at 9:00 a.m. at the Fairfield Inn & Suites, 355 E. Warm Springs Road, Mohave Room, Las Vegas, NV 89119. Public workshop to consider amendments to Nevada Administrative Code 634. – For possible action.

A. Revisions to NAC 634 pursuant to Executive Order 2023-003.

Dr. Canada asked for public comment and there was none. Mr. Ling explained the regulations being proposed for revision with respect to Executive Order 2023-003.

Mr. Ayazi made a motion to move the recommended language to hearing. Dr. Martinez seconded, and the motion passed with all in favor.

B. Board proposed revisions to NAC 634.

Mr. Ling explained the revisions to NAC 634, which were recommended by the Board. Dr. Lurie referred to NRS 7.045 and recommended that the word, "solicitation" be added to NAC 634.430, Section 3(a). Dr. Overland seconded, and the motion passed with all in favor.

Agenda Item 6 Disciplinary hearing and potential action in the Matter of The Joint, Complaint 22-18S – 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 Joint.)

Mr. Ling stated that he and Dr. Overland, Investigating Board Member just had a discussion with representatives from The Joint about a resolution to the Notice of Charges. Mr. Ling introduced Dr. Birkeland, owner of The Joint and the complainant, Alicia Valladolid. Mr. Ling stated that The Joint has agreed to the following terms: pay the Boards fees and costs, which should not exceed \$2,000, pay a \$500.00 fine for one cause of action, and within 30 days prepare and provide policies and procedures for the front desk and the x-ray and diagnostic request process. The policies and procedures will be disseminated to The Joint locations, and staff will be trained on the policies and procedures. Dr. Overland has requested to attend at least one training to confirm that the trainings are occurring. Mr. Ling asked Dr. Birkeland for his comments. Dr. Birkeland stated the he and Dr. Batencourt agree that it is not appropriate for an unlicensed person to provide any guidance or render any advice to a patient and apologized to the complainant and to the Board for taking their time. Dr. Birkeland stated that they had a conversation with Dr. Overland regarding the complaint and takes accountability for the administrative mistakes by not following up. Dr. Birkeland stated that The Joint wants to hold their team up to the standard of the Chiropractic Physicians' Board of Nevada.

Dr. Martinez asked how the discipline was determined. Mr. Ling stated that since this is the first public offense, he and Dr. Overland felt that their decision was fair. Mr. Augustin stated that he appreciates the policies and procedures, but since this is coming up by a consumer he has a sense that this has happened before. Mr. Ling stated that the primary purpose of discipline is to get the matter fixed to avoid future complaints of a similar nature. Mr. Ling said that if the Board offers a lower fine for the first offense the Board is saying, don't do it again, because if it happens again the discipline will be much more. This gives the Board a way to state publicly that there is concern. Fines are generally for administrative agencies to punish intentional, reckless behavior. Mr. Ling stated that the Board does not have evidence that this has happened to anyone else, so the Boards decision must be based on the evidence presented today, it is not appropriate to assume that this has happened before. Dr. Birkeland stated that he wanted to make it clear that The Joint does not have a formal process in place that allows unlicensed staff to order x-rays.

Mr. Augustin iterated that the same action took place at two separate Joint locations, which would appear to be an institutional issue. Mr. Augustin added that The Joint has 16 facilities and he believes a \$500 fine is quite lenient. Dr. Martinez stated that his understanding is that The Joint does not currently have a policies and procedures manual and confirmed with Dr. Overland that the manual was requested during the investigation. Dr. Birkeland stated that The Joint does have a policies and procedures manual, but it was not provided, because during their discussion with Dr. Overland they communicated that this behavior is not tolerated and at that point they thought the matter was done. Dr. Birkeland iterated that The Joint does not tolerate unlicensed staff to offer any healthcare guidance to patients and those individuals are no longer employed.

Dr. Lurie referred to the language written in the Notice of Charges, which indicated that The Joint had an unwritten policy allowing front office staff to order x-rays before a prospective patient would be allowed to see or speak to a chiropractic physician.

Mr. Ayazi explained that The Joint shouldn't accept something that they are not in agreement with, because if the Board accepted the settlement The Joint is admitting that there is a companywide policy in place that allows unlicensed staff to refer patients out for x-rays, but it doesn't sound like that is the case. Dr. Birkeland stated that his position is that he wants the Board to feel comfortable that The Joint does not have a policy that allows that. If this Board wants to

further investigate The Joint is completely transparent and The Joint does not allow unlicensed staff to give patient direction.

Dr. Lurie made a motion to deny the settlement agreement, continue the investigation and move to a hearing. Dr. Martinez seconded, and the motion passed with Dr. Canada in opposition.

Agenda Item 9 Discussion and potential action regarding the proposals for the Board lobbyist – For possible action.

Dr. Canada asked the Board if they had any questions regarding the lobbyist proposals from Strategies 360, Mr. Musgrove or Mr. McCann. Dr. Lurie made a motion to approve the contract with Strategies 360. Mr. Augustin seconded, and the motion passed with all in favor.

Mr. Musgrove thanked the Board for accepting the contract and provided an update on the legislature.

Agenda Item 8 Discussion and potential action regarding the report from the September 15, 2023 working group regarding the chiropractic assistant program – For possible action.

Julie Strandberg provided an overview of the documentation. Dr. Lurie made a motion to table this agenda item and that specific language be presented at the next Board meeting. Dr. Martinez seconded, and the motion passed with all in favor.

Agenda Item 10 Discussion and potential action regarding the auditing contract with Bertrand and Associates. – For possible action.

Julie Strandberg explained that this is an amendment to the existing contract with Bertrand & Associates to increase the amount of the contract due to the requirement to include the GASB 68 pension liability calculation.

Dr. Lurie made a motion to approve the amendment. Mr. Augustin seconded, and the motion passed with all in favor.

Agenda Item 11 Discussion and potential action regarding questions on the Self-Inspection Form and the License Renewal Form – For possible action.

Agenda Item 16 Discussion and potential action regarding whether a DC can advertise as a certified yoga instructor – For possible action.

Dr. Canada asked the Board if there were any comments or questions regarding advertising as a certified yoga instructor. Mr. Ling stated that the state does not license yoga and she has obtained a certification as a yoga instructor. Dr. Lurie stated that based on the Boards rules the yoga certification does not fit into the Boards regulations. Mr. Ling referred to NAC 634.521, which states that a licensee cannot be false or misleading and NAC 634.550, which prohibits a licensee from advertising as certified or an expert in practice of chiropractic and neither apply, so it appears that there is nothing in the regulations that states that a chiropractic physician cannot advertise yoga with the proper certification.

Dr. Martinez made a motion to not take action. Dr. Overland seconded for discussion. Dr. Overland asked if the Board was required to provide a response one way or the other. Mr. Ling informed the Board that if the chiropractic physician would like an answer they must submit an official request for an advisory opinion. The motion passed with all in favor.

Agenda Item 15 Discussion and potential action regarding whether the use of the Bioscan SRT by a DC is within the scope of practice – For possible action.

Dr. Kimberly Nelson was present by telephone and described the use of the Bioscan SRT.

Dr. Lurie made a motion to approve the use of the Bioscan SRT. Dr. Overland seconded, and the motion passed with all in favor.

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

Dr. Overland provided an overview of the states that require live and online continuing education. Dr. Overland stated that he would like the Board to consider a combination of online and in-person continuing education. Dr. Lurie expressed concern with requiring live seminars due to the changes in chiropractic practices, being that not all practices are hands on and not all individuals are comfortable being in a room with others. Dr. Overland recommended that the Board allow licensees to submit an exemption waiver to sit in a live seminar.

There was no motion taken.

Agenda Item 13 Discussion regarding correspondence between the Cooperative Association of Chiropractic Physicians (CACP) and the Physical Therapy Examiners – No action.

Dr. Overland shared that the CACP, is an arm of the culinary union and has determined that it is more cost effective to have the members of the CACP oversee their own clinic and employ physical therapists, acupuncturists and chiropractic physicians rather than have the union members go to selected providers. Dr. Overland stated that he talked with the Executive Director of the CACP and there are six physical therapists working in the clinic who are performing Grade IV mobilization, of which, five of the six are doctors of physical therapy. The Executive Director of the CACP wrote to the Physical Therapy Board and asked that the physical therapists refrain from adjusting a patient's neck or back when they are receiving chiropractic care and in turn chiropractic physicians will not perform physiotherapy on patients receiving care from a physical therapist. The physical therapy board responded, saying that pursuant to NRS 640.024 physical therapists are allowed to perform mobilization and indicated that it is not a chiropractic adjustment.

Dr. Lurie stated that the physical therapists could care less what this Board has done, what the Attorney General has said, what the Governor has said, what the House of Representatives has said, or what the Senate has said. Regardless of what they have been told they are going to do whatever they want to do within their laws, whether it says they can or cannot.

Agenda Item 14 Discussion regarding new legislative mandates as it relates to chiropractic physician PPD Raters – No action.

Dr. Overland shared that PPD raters use the AMA Guide to Impairment 5th Edition and currently chiropractic physicians' focus on musculoskeletal and medical doctors and osteopathic doctors are allowed to evaluate the whole spine, however there is a new bill that allows DC's, MD's and DO's to take a new review course and exam to be certified to evaluate the entire body, which will go into effect by July 2026. Prior to the legislative change there were two governing bodies that were allowed to credential PPD raters, which were, ABIME and NIRSAT. To be credentialed with ABIME you have to recredential every five years to use the acronym CICE. Dr. Overland referred to chiropractic physicians' that are using the credentials CICE without having the proper ABIME re-certification. This will change and there will no longer be the accreditation

agency. Dr. Overland stated that DC's must follow the advertising rules with respect to the accrediting agencies.

Agenda Item 17 NCA Report – No action.

Dr. Marcia Tinberg was not present, but provided a written report, which was shared with the Board. Dr. Overland noted that the NAC is sponsoring the PPD Ratings seminar on December 9-10, 2023.

Agenda Item 18 NCC Report – No action.

A representative from the NCC was not present.

Agenda Item 19 Board Counsel Report – No action.

Mr. Ling stated that he had nothing to report.

Agenda Item 20 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 (Overland)

Dr. Overland stated this complaint involved a criminal and civil component. The criminal complaint has been solved; however the civil case is ongoing.

B. Complaint 21-31S (Lurie)

Dr. Lurie stated that Mr. Ling is working on a revised Notice of Charges and this complaint will be set for hearing in the future.

C. Complaint 22-14S (Overland)

Dr. Overland stated that the complainant alleged that they were injured by the DC. The complainant stated that they inquired with an attorney regarding a malpractice claim, however has since decided to drop the complaint due to the stress involved. Dr. Overland reported that he does not feel that there was any wrongdoing by the DC and recommended that the complaint be dismissed. Dr. Lurie moved to dismiss complaint 22-14S. Mr. Ayazi seconded, and the motion passed with all in favor. Dr. Overland recused himself as the investigating board member.

D. Complaint 22-18S (Overland)

Dr. Overland stated this is the case against The Joint, and was heard under agenda item 6.

E. Complaint 22-19S (Lurie)

Dr. Lurie stated that the investigation for this complaint is ongoing.

F. Complaint 22-20S (Canada)

Dr. Canada stated that the complainant alleged inappropriate contact from the DC. Dr. Canada attempted to reach the DC, however was unsuccessful, but did speak with a DC that was in the office at the time of treatment, who indicated that the patient did not bring anything to their attention at the time of treatment. Dr. Canada stated that this investigation is ongoing.

G. Complaint 22-21N (Martinez)

Dr. Martinez stated that this is an alleged scope of practice violation and he and Mr.

- Ling are in the process of coming to a resolution, but if not, this case will go to hearing.
- H. Complaint 22-23N (Martinez)**
Dr. Martinez stated that this complaint is against the DC discussed in complaint 22-21N.
- I. Complaint 23-02N (Overland)**
Dr. Overland stated that the DC diagnosed the complainant with neuropathy. The complainant paid a large sum of money for this diagnosis and there is allegedly a misdiagnosis which is being investigated.
- J. Complaint 23-07S (Overland)**
Dr. Overland stated that the complainant felt that the DC did not provide a proper PPD rating. Dr. Overland stated that it was the opinion of the DC to provide the necessary rating and there was no wrongdoing, and recommended dismissal. Dr. Lurie moved to dismiss complaint 23-07S. Dr. Martinez seconded, and the motion passed with all in favor. Dr. Overland recused himself as the investigating board member.
- K. Complaint 23-08N (Lurie)**
Dr. Lurie stated that the complainant alleged that the chiropractic physician injured them. Dr. Lurie reviewed the records from the DC and records from other medical providers and an injury was not substantiated. Dr. Lurie stated that this is an outside malpractice case and recommended dismissal. Dr. Overland moved to dismiss complaint 23-08N. Dr. Martinez seconded, and the motion passed with all in favor. Dr. Lurie recused himself as the investigating board member.
- L. Complaint 23-09S (Overland)**
Dr. Overland stated that the chiropractic physician was advertising physical therapy, however did not have a physical therapist on staff. Dr. Overland spoke to the DC, who changed his advertising to remove physical therapy and recommended dismissal with a letter of instruction. Dr. Martinez moved to dismiss complaint 23-09S. Dr. Lurie seconded, and the motion passed with all in favor. Dr. Overland recused himself as the investigating board member.
- M. Complaint 23-10S (Jaeger)**
This agenda item was tabled.
- N. Complaint 23-11S (Overland) 1:06**
Julie Strandberg stated that a citation was issued to Dr. Robinson for practicing without an active license and he has until December 9, 2023 to contest the citation. Dr. Overland stated that the Division of Industrial Relations confirmed that Dr. Robinson performed six PPD's while his license was expired and the citation included a fine of \$3,000.00 or \$500.00 per PPD. Following discussion, Dr. Martinez made a motion to withdraw the citation and issue a notice of charges. Mr. Ayazi seconded, for discussion. The motion passed with all in favor.
- O. Complaint 23-12S (Lurie)**
Dr. Lurie stated that he filed this complaint as part of the investigation in complaint 22-19S.
- P. Complaint 23-13S (Lurie)**
Dr. Lurie stated that he filed this complaint as part of the investigation in complaint 22-19S.
- Q. Complaint 23-14S (Canada)**
Dr. Canada stated that the complainant alleged that the DC looked at them and felt

they needed to be treated for scoliosis, which was confirmed by the DC. Dr. Canada stated that there was not a violation and recommended dismissal. Dr. Martinez moved to dismiss complaint 23-14S. Dr. Overland seconded, and the motion passed with all in favor. Dr. Canada recused herself as the investigating board member.

R. Complaint 23-15S (Nolle)

Julie Strandberg stated that this complaint is still under investigation.

S. Complaint 23-16S (Nolle)

Julie Strandberg stated that this complaint is still under investigation.

T. Complaint 23-17N (Martinez)

Dr. Martinez stated that the complainant alleged that the chiropractic physician was an imposter and his x-ray machine was out of date. Dr. Martinez verified the chiropractic physician's license and that his x-ray machine is in compliance and recommended dismissal. Mr. Augustin moved to dismiss complaint 23-17N. Mr. Ayazi seconded, and the motion passed with all in favor. Dr. Martinez recused himself as the investigating board member.

U. Complaint 23-18S (Jaeger)

This agenda item was tabled.

V. Complaint 23-19S (Canada)

Dr. Canada stated that his complaint is under investigation.

W. Complaint 23-20S (Jaeger)

This agenda item was tabled.

X. Complaint 23-21S (Overland)

Dr. Overland stated that the complainant alleged that they were injured by the DC and is under investigation.

Agenda Item 21 Discussion and potential action to revise or release Casey Robinson, DC from probation. – For possible action.

Mr. Ayazi moved to table agenda item 21. Mr. Augustin seconded, and the motion passed with all in favor.

Agenda Item 22 Discussion and potential action regarding the Language Access Plan – For possible action.

Julie Strandberg provided an overview of the language access plan required pursuant to NRS 232.0081.

Agenda Item 23 FCLB/NBCE Matters – For possible action.

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

Dr. Overland 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. Lurie expressed interest in being the NBCE voting delegate.

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

Dr. Canada expressed interest in being the NBCE alternate delegate.

E. Attendance of Board Member(s) at the FCLB's 97th Annual Educational Congress May 1-5, 2024 Phoenix, AZ

- Dr. Canada, Dr. Overland and Julie Strandberg expressed interest in attending. Dr. Lurie expressed interest in attending on his own dime.
- F. **Selection of Board Member to participate in the Spring National Board Part IV Exam - May 18-19, 2024**
Dr. Martinez and Dr. Canada 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 8, 2024**
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 9-10, 2024**
Dr. Overland and Dr. Canada expressed interest in attending the Fall Part IV examination.
- I. **FCLB District Meeting – Keystone, SD – October 5-8, 2023**
Julie Strandberg, Dr. Overland and Dr. Canada shared information from the district meeting.
- J. **Other FCLB/NBCE matters.**
There were no other matters discussed.

Agenda Item 24 Consideration of potential additions, deletions, and/or amendments to NRS 634 and NAC 634– For possible action.

- A. **NRS 634.090 (1)(b) Except as otherwise provided in subsections 3 and 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 its successor organization, or an accrediting agency recognized by that organization; and**

Julie Strandberg explained that this is a list of potential revisions to NRS and NAC.

Agenda Item 25 Discussion and potential action regarding NRS 7.045 – For possible action.

Dr. Lurie stated that NRS 7.045 included new language that went into effect on October 1, 2023 as it relates to solicitation and defines what happens if a licensee is caught capping and soliciting car accident patients, personal injury patients, etc. Dr. Lurie stated that he wanted to ensure that the Board is making our doctors aware of the legal changes to NRS that could affect them.

Agenda Item 26 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 add.
- C. **Preceptorship Committee (Dr. Canada) – For possible action.**
Dr. Canada stated that there have been a number of preceptor application submitted.
- D. **Test Committee (Dr. Canada) - For possible action.**
Dr. Canada stated that she had nothing to report.

November 2, 2023

Agenda Item 27 Executive Director Reports:

- A. Status of Pending Complaints – No action.**
- B. Status of Current Disciplinary Actions – No action.**
- C. Legal/Investigatory Costs – No action.**

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

Agenda Item 28 Financial Status Reports:

- A. Current cash position & projections – No action.**
- B. Accounts Receivable Summary – No action.**
- C. Accounts Payable Summary – No action.**
- D. Employee Accrued Compensation – No action.**
- E. Income/Expense Actual to Budget Comparison as of September 30, 2023 – No action.**
- F. Budget to Actual at September 30, 2023 – No action.**

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

Agenda Item 29 Discussion and potential action regarding the Board's 2024 meeting schedule – For possible action.

The following meetings were scheduled for 2024: January 11-12, April 11, July 11 and October 10.

Agenda Item 30 Discussion and potential action regarding the chiropractic assistant exam dates for February, June and September – For possible action.

The following CA exam dates were set for 2024: February 22 (online & in-person), June 13 (online only) and September 19 (online & in-person).

Agenda Item 31 Board Member Comments. – No action.

Dr. Overland asked that the Board review the existing documents and provide feedback.

Agenda Item 32 Public Interest Comments – No action.

There were no public comments.

Agenda Item 33 Adjournment – For possible action.

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

January 11, 2024

Nicole Canada, DC
President

CHIROPRACTIC PHYSICIANS' BOARD OF NEVADA

AGENDA ACTION SHEET

TITLE: **Agenda Item 4** Legislative Matters – For possible action.

A. Strategies 360 – Dan Musgrove

RECOMMENDED MOTION: **No recommended motion.**

PREPARED BY: **Dan Musgrove**

MEETING DATE: **January 11, 2024**

TIME REQUIRED: **5 minutes**

BACKGROUND INFORMATION:

ACTION: _____Approved _____Approved w/Modifications _____Denied _____Continued

Agenda Item 4

CHIROPRACTIC PHYSICIANS' BOARD OF NEVADA

AGENDA ACTION SHEET

TITLE: Agenda Item 5 Discussion and potential action regarding the Application for DC license for Marc Van Driessche, DC – For possible action. (Note: The Board may go into closed session pursuant to NRS 241.030 to consider the character alleged misconduct, or professional competence of Dr. Van Driessche)

RECOMMENDED MOTION: No recommended motion.

PRESENTED BY: Nicole Canada, DC

MEETING DATE: January 11, 2023

TIME REQUIRED: 10 minutes

BACKGROUND INFORMATION: Please refer to the attached documentation.

ACTION: _____Approved _____Approved w/Modifications _____Denied _____Continued

Joe Lombardo
Governor

Nicole Canada, DC
President
Xavier Martinez, DC
Vice President
Adam L. Ingles, DC
Member



Benjamin S. Lurie, DC
Member
Jason O. Jacger, DC
Member
Christian L. Augustin, Esq.
Consumer Member
Reza R. Ayazi, Esq.
Consumer Member
Julie Strandberg
Executive Director

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

December 12, 2023

Via Electronic Mail and Certified Mail

CERTIFIED MAIL NO. 7022 3330 0002 1339 9007

Marc Van Driessche, D.C.
12704 Mukilteo Speedway, Suite C
Mukilteo, WA 98275
dmmyvddc@aol.com

VOLUNTARY WAIVER OF STATUTORY NOTICE OF A MEETING OF THE CHIROPRACTIC PHYSICIANS' BOARD OF NEVADA

I, Marc Van Driessche, D.C., 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 whereat the Board may 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 may consider one or more of the above matters when it reviews the Application for DC Licensure.

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, January 11, 2023, at :

Join Zoom Meeting

<https://us06web.zoom.us/j/81259966648?pwd=cdQquv5biSNlaqBIuotwdNymB0wYb4.1>

Meeting ID: 812 5996 6648

Marc Van Dricssche, D.C.
Page 2

Passcode: 126479

One tap mobile

+13462487799,,81259966648#,,,*126479# US (Houston)

+16694449171,,81259966648#,,,*126479# US

Dial by your location

• **+1 346 248 7799 US (Houston)**

• **+1 669 444 9171 US**

• **+1 669 900 6833 US (San Jose)**

• **+1 719 359 4580 US**

• **+1 253 205 0468 US**

• **+1 253 215 8782 US (Tacoma)**

• **+1 646 931 3860 US**

• **+1 689 278 1000 US**

• **+1 929 205 6099 US (New York)**

• **+1 301 715 8592 US (Washington DC)**

• **+1 305 224 1968 US**

• **+1 309 205 3325 US**

• **+1 312 626 6799 US (Chicago)**

• **+1 360 209 5623 US**

• **+1 386 347 5053 US**

• **+1 507 473 4847 US**

• **+1 564 217 2000 US**

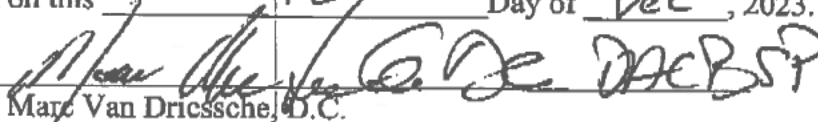
Meeting ID: 812 5996 6648

Passcode: 126479

Find your local number: <https://us06web.zoom.us/j/81259966648>

Marc Van Driessche, D.C.
Page 3

and I want the Board to address my Application for DC Licensure. 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 January 11, 2024 meeting.

Signed on this 12th Day of Dec, 2023.
By: 
Marc Van Driessche, D.C.

Please fax the signed form to (775) 688-1920 or email to chirobd@chirobd.nv.gov.

MARC YVON VAN DRIESSCHE, DC

Doctor of Chiropractic Degree

February 1996

Palmer College of Chiropractic

Examination

Dr. Van Driessche submitted an Application by Endorsement, as he does not meet the examination requirement, as defined in NRS 634.090 (c) (1). He does, however, meet the requirements of licensure by Endorsement, as defined in NRS 634.090 (2.):

“NRS 634.090 Licenses: Qualifications of applicants.

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

Dr. Van Driessche has passed the National Board of Chiropractic Examiners Examination Parts I-II and Physiotherapy in 1996.

Reasons for Board Appearance:

1. Dr. Van Driessche answered negatively to the declaration question regarding being arrested on the application for licensure:
“Have you ever been arrested for or 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 received information/documentation which conflicts with Dr. Van Driessche’s response to the above referenced declaration question.

- Please see Dr. Van Driessche’s addendum explanation regarding the 2017 arrest.
(Dr. Van Driessche is unable to provide court documentation regarding this incident, as he was released prior to any court proceedings.)

State Licensure

Dr. Van Driessche holds active licensure in Washington, indicating no disciplinary action.

The National Practitioner Data Bank and Federation of Chiropractic Licensing Boards do not reflect any derogatory information.

***Chiropractic Physicians’ Board of Nevada
January 11, 2024***

Application

MARC VAN DRIESSCHE

Download

This Record

Profile

Mailing Address

Military Service

Citizenship

Other Names

Files & Activities

Audit History

Files

Activities

Connections

Additional Info (CA)

Additional Info (DC)

Alerts

Applications

Profile

First Name *

MARC

Date of Birth

Oct-03-1962

Portal Access Credential

drmyvddc@aol.com

Middle Name

YVON

Gender

Male

Parent

Last Name *

VAN DRIESSCHE

Primary Telephone

(425) 422-8479

Is Parent? (Unused)

☐ Yes ☐ No ☒ Unset

Primary E-mail Address *

drmyvddc@aol.com

Mobile Telephone

(425) 422-8479

Preferred Localization

MARC VAN DRIESSCHE

Download

This Record

Profile

Mailing Address

Military Service

Citizenship

Other Names

Files & Activities

Audit History

Files

Activities

Connections

Additional Info (CA)

Additional Info (DC)

Alerts

Applications

Mailing Address

Address Line 1

12704 MUKILTEO SPEEDWAY

Province/Territory/State

Washington

Address Line 2

SUITE C

Country

United States of America

City

MUKILTEO

Longitude

Postal Code

98275

Latitude

MARC VAN DRIESSCHE

Download

Assistant References

Authorization Appli...

Authorized Orgs

Background Checks

CE Audits

Case Contact

Cases

Certifications

Child Support

Document Requests



Narrow results by keyword search

Profile	Educational Institution	Other Educational Instituti	Education Level	Program Name	Completion Date
Marc Van Driessche	Palmer College of Chiropractic	N/A	Bachelors	Science	Feb-16-1996
Marc Van Driessche	Other	N/A	High School	Biology	May-20-1988
Marc Van Driessche	Palmer College of Chiropractic	N/A	Doctorate	Chiropractic	Feb-16-1996
Marc Van Driessche	Other	N/A	Associate	Biology/Chemistry	Jan-05-1986

Education Hours and...
Place of Birth
Files & Activities
Audit History
Files
Activities
Connections

Education Hours and National Board Exams

Chiropractic college hours

4200

Date of D.C. degree

Feb-16-1996

National Board - Part I

☒ Yes ☐ No ☐ Unset

National Board - Part II

☒ Yes ☐ No ☐ Unset

National Board - Part III

☐ Yes ☐ No ☒ Unset

National Board - Part IV

☐ Yes ☐ No ☒ Unset

National Board - PT

☐ Yes ☐ No ☒ Unset

National Board - Spec

☐ Yes ☐ No ☒ Unset

Place of Birth

Place of Birth

Belgium

Other License

<div>Profile *</div> <div>MARC VAN DRIESSCHE</div>	<div>License Number</div> <div>3287</div>
<div>Jurisdiction</div> <div></div>	<div>Registration Date</div> <div>Feb-25-1996</div>
<div>Licensing Board</div> <div>Washington State</div>	<div>Expiration Date</div> <div>Oct-03-2024</div>
<div>Country</div> <div>United States of America</div>	<div>Type</div> <div>Doctor of Chiropractic</div>
<div>Province/State</div> <div>Washington</div>	<div>Status</div> <div>In good Standing</div>

Marc Van Driessche

Download

This Record

- Employment Details
- Non-Licensed Staff
- Employer
- Other Employer
- Files & Activities
- Audit History
- Files
- Activities
- Connections

Other Employer

<div>Other Employer Name</div> <div>Van Driessche Chiropractic</div>	<div>Postal Code</div> <div>98275</div>
<div>Address Line 1</div> <div>12704 MUKILTEO SPEEDWAY</div>	<div>Province/Territory/State</div> <div>Washington</div>
<div>Address Line 2</div> <div>SUITE C</div>	<div>Country</div> <div>United States of America</div>
<div>City</div> <div>MUKILTEO</div>	

Certifications

Profile	Certification Type	Certifying Body Text	Certification Number	Issue Date	Expiration Date
Marc Van Driessche	N/A	American Chiropractic Board of S...	402	Dec-05-2018	N/A
Marc Van Driessche	N/A	American Chiropractic Board of S...	5405	Nov-09-2013	N/A
Marc Van Driessche	N/A	Council of Chiropractic Extremit...	252	May-17-1998	N/A
Marc Van Driessche	N/A	International Association of Vet...	10174	Dec-31-2003	N/A
Marc Van Driessche	N/A	State of Washington	1903	Mar-01-2003	N/A

Child Support

Child Support Compliance Questions

Profile

MARC VAN DRIESSCHE

Not subject to a court order

☒ Yes ☐ No ☐ Unset

Subject to a court order and am in compliance with the order

☐ Yes ☒ No ☐ Unset

Subject to a court order and am not in compliance with the order

☐ Yes ☒ No ☐ Unset

Declarations

Declarations

Note:

All information with a red asterisk (*) is required.

1. Have you ever had disciplinary action brought against you by a State Board or any other governmental agency, or is there such action now pending? If yes, please give details and final disposition.*

☐ Yes ☒ No

2. Have you ever been arrested for or charged with any crime other than a traffic violation (include any DUIs)? 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 yes, please give details and final disposition.*

☐ Yes ☒ No

3. Have you ever been convicted of a crime other than a traffic violation (include DUIs)? 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 yes, please give details and final disposition.*

☐ Yes ☒ No

4. Have you ever defaulted on a HEAL (Health Education Assistance Loan)? If yes, give details and current status.*

☐ Yes ☒ No

5. Have you ever been drug or alcohol dependent and/or enrolled in a drug or alcohol rehabilitation program? If yes, give details.*

☐ Yes ☒ No

6. Do you hold Doctor of Chiropractic license(s) in other States? If yes, please upload photocopies of all the licenses.*

☒ Yes ☐ No

Please give details on the space provided below and attach copies of any relevant documents.*

Washington State Dept of Health Chiropractic License

7. Are you a resident of Nevada? If yes, how long?*

☐ Yes ☒ No

8. Are you currently working for a Nevada licensed chiropractic physician? If yes, give licensee's name, address, Date employed and Duties Performed.*

☐ Yes ☒ No

9. Do you have a Nevada business license? If yes, please provide license number.*

☐ Yes ☒ No

10. Have you been certified to perform dry needling? If yes, provide the certificate(s) to confirm 50 hours of continuing education.*

☐ Yes ☒ No

Dr. Van Driessche's
explanation to his negative
response to arrest declaration

From: dmdrvdr@aol.com
To: [Brett Canady](#)
Subject: Re: Application update
Date: Tuesday, November 28, 2023 1:33:33 PM

Ms. Brett Canady,

My response to the question was based on my Chiropractic License.

I will explain to you and the board that my youngest son at the time was 18(he is now 24), was asked to clean his room and objected to that. He called the police and because they were called in the state of Washington someone has to be arrested. I did not want someone that young to have that burden on him for the rest of his life and thus I took the responsibility as his Father and volunteered to go with the officers. I was released with no charge and understand that that is on my personal record. Those are the events that happened and the outcome.

If you need anything further please let me know

Respectfully,

Dr Marc Van Driessche

On Tuesday, November 28, 2023 at 12:39:10 PM PST, Brett Canady <cpbn@chirobd.nv.gov> wrote:

Dr. Van Driessche,

The Board is in receipt of documentation which conflicts with your response to the arrest question on your application for licensure.

At this time it is necessary for you to provide a statement to the Board regarding the circumstances in which you responded no to that question on the application, as well as provide a copy of the final disposition(s) of court for any cases that you may have had. This documentation must be submitted within the next 30 days.

If you need more information, please call the Board office.

Please be advised that you may be required to appear before the Full Board for determination of approval of your application. The next scheduled meeting is January 11, 2024.

Thank you,

Ms. Brett Canady

Licensing Specialist

Chiropractic Physicians' Board of Nevada

4600 Kietzke Lane, Ste. M245

CHIROPRACTIC PHYSICIANS' BOARD OF NEVADA

AGENDA ACTION SHEET

TITLE: Agenda Item 6 Discussion and potential action regarding the Application for DC license for Julio Olivares, DC – For possible action. (Note: The Board may go into closed session pursuant to NRS 241.030 to consider the character alleged misconduct, or professional competence of Dr. Olivares)

RECOMMENDED MOTION: No recommended motion.

PREPARED BY: Nicole Canada, DC

MEETING DATE: January 11, 2024

TIME REQUIRED: 10 minutes

BACKGROUND INFORMATION: Please refer to the attached documentation.

ACTION: _____ Approved _____ Approved w/Modifications _____ Denied _____ Continued

Agenda Item 6

Joe Lombardo
Governor

Nicole Canada, DC
President
Xavier Martinez, DC
Vice President
Adam L. Ingles, DC
Member



Benjamin S. Lurie, DC
Member
Jason O. Jaeger, DC
Member
Christian L. Augustin, Esq.
Consumer Member
Reza R. Ayazi, Esq.
Consumer Member
Julie Strandberg
Executive Director

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

December 21, 2023

Via Electronic Mail and Certified Mail

CERTIFIED MAIL NO. 7022 3330 0002 1339 9014

Julio Olivares, D.C.
625 Lacey Lane
Las Vegas, NV 89107
drochirovision@hotmail.com

VOLUNTARY WAIVER OF STATUTORY NOTICE OF A MEETING OF THE CHIROPRACTIC PHYSICIANS' BOARD OF NEVADA

I, Julio Olivares, D.C., 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 whereat the Board may 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 may consider one or more of the above matters when it reviews the Activation for DC Licensure.

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, January 11, 2023, at :

Join Zoom Meeting

<https://us06web.zoom.us/j/81259966648?pwd=cdOqvu5biSNlaqBIuotwdNymbB0wYb4.1>

Meeting ID: 812 5996 6648

Passcode: 126479

One tap mobile

+13462487799,,81259966648#,,, *126479# US (Houston)

+16694449171,,81259966648#,,, *126479# US

Dial by your location

- **+1 346 248 7799 US (Houston)**
- **+1 669 444 9171 US**
- **+1 669 900 6833 US (San Jose)**
- **+1 719 359 4580 US**
- **+1 253 205 0468 US**
- **+1 253 215 8782 US (Tacoma)**
- **+1 646 931 3860 US**
- **+1 689 278 1000 US**
- **+1 929 205 6099 US (New York)**
- **+1 301 715 8592 US (Washington DC)**
- **+1 305 224 1968 US**
- **+1 309 205 3325 US**
- **+1 312 626 6799 US (Chicago)**
- **+1 360 209 5623 US**
- **+1 386 347 5053 US**
- **+1 507 473 4847 US**
- **+1 564 217 2000 US**

Meeting ID: 812 5996 6648

Passcode: 126479

Find your local number: <https://us06web.zoom.us/j/81259966648>

Julio Olivares, D.C

Page 3

and I want the Board to address my Activation for DC Licensure. 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 January 11, 2024 meeting.

Signed on this December 26 Day of 2023, 2023.

By: 

Julio Olivares, D.C.

Please fax the signed form to (775) 688-1920 or email to chirobd@chirobd.nv.gov.

JULIO RENE OLIVARES, DC

Doctor of Chiropractic Degree April 1994 Los Angeles College of Chiropractic

Dr. Olivares submitted an Application for Re-Activation of License from Inactive to Active Status.

History

Dr. Olivares was subject to disciplinary action by the Nevada Board in September 2001. The case was closed in September 2003.

- Please see the Chiropractic Physicians' Board of Nevada disciplinary documentation regarding Dr. Olivares.

Reasons for Board Appearance:

1. Dr. Olivares answered affirmatively to question number 4 on the Application for Re-Activation:

#4: "Have you ever been the subject of disciplinary action in any other jurisdiction?"

- Please see Dr. Olivares' response to question number 4.
- Please see supporting documentation submitted by Dr. Olivares.
- Please see the Oregon Board of Chiropractic Examiners License Verification, reflecting disciplinary action.
- Please see the Oregon Board of Chiropractic Examiners disciplinary documentation regarding Dr. Olivares.

2. Dr. Olivares answered affirmatively to question number 6 on the Application for Re-Activation; however, he answered negatively to question number 7:

#6: "Have you ever been arrested for or 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."

#7: "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."

- Please see Dr. Olivares' addendum explanation regarding question number 7.
- Please see the State of Oregon vs. Julio Rene Olivares Register of Actions.

3. Dr. Olivares answered negatively to question number 9 on the Application for Re-Activation;

#9: "Have you ever been drug or alcohol dependent and/or enrolled in a drug or alcohol rehabilitation program?"

- Please see Dr. Olivares' addendum explanation regarding question number 9.
- Please see Dr. Olivares' Certificate of Completion from the Discovery diversion program.

Julio Rene Olivares, DC

Page 2

State Licensure

Dr. Olivares holds Cancelled licensure in California without disciplinary action indicated.

Dr. Olivares holds Inactive licensure in OR with disciplinary action indicated.

National Practitioner Data Bank

- Please see full report reflecting State Licensure action.

Federation of Chiropractic Licensing Boards

- Please see the full report reflecting disciplinary action taken by the Chiropractic Physicians' Board of Nevada and the Oregon State Board of Chiropractic Examiners.

Chiropractic Physicians' Board of Nevada

January 11, 2024

Application for Re-Activation

Joe Lombardo
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

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

To change your status from Inactive to Active visit the Boards website at chirobd.nv.gov, select Licensee Portal, login and select Status Change Request under Requests.

Please review the following instructions before you complete and submit the application.

The following must be completed and uploaded to your portal:

- The application for Re-Activation of License to Practice Chiropractic.
- Copies of certificates of completion, confirming 36 hours of continuing education completed during the 24 months immediately preceding the reinstatement.
- Payment in the amount of \$325.00

The following must be received directly from the issuing institutions:

- Completed, signed and sealed "Certification of Good Standing"/License Verification issued from the chiropractic licensing board(s) of all states in which the applicant has ever been licensed.

If you have not maintained practice in another state, territory or country within the preceding 5 years the Board shall hold a hearing to determine the applicant's professional competency and fitness and may require the applicant to pass the National Special Purposes Examination for Chiropractic prepared by the National Board of Chiropractic Examiners before placing the license on active status.

General Application Information:

- The Application must be submitted with all questions answered completely and truthfully.

Once the Board is in receipt of all the required documentation you will receive your renewal license card.

Review the Nevada Revised Statutes regarding reinstatement by selecting the link below:

[Refer to NRS 634.121 to review the law regarding the procedure to restore active status.](#)

DC licenses expire December 31st of every even numbered year.

CHIROPRACTIC PHYSICIANS' BOARD OF NEVADA

4600 Kietzke Lane, Suite M-245, Reno, NV 89502

775-688-1921 / 775-688-1920 (fax)

APPLICATION FOR RE-ACTIVATION OF LICENSE TO PRACTICE CHIROPRACTIC IN THE STATE OF NEVADA

Print clearly or type

Fee must accompany application

**PLEASE NOTE: FAILURE TO ANSWER ALL QUESTIONS COMPLETELY AND TRUTHFULLY WILL
RESULT IN DENIAL OF THIS APPLICATION AND THE FEE IS NOT REFUNDABLE**

Nevada License No.: B00747

Date granted: 06/23/1998

Name: Julio Rene Olivares

Phone No.: 702-672-1491

Address: 625 Lacy Ln Las Vegas, NV 89107

Email: drochirovision@hotmail.com

State in which currently actively practicing: Oregon

License No.: 4115 Date granted: 05/18/2011 Expiration: 09/30/2024

Address of current practice: _____

Date on which you began current active practice: _____

If not currently practicing, give date on which you ceased practicing: 10/18/2023

State in which you last practiced: Oregon

Other state in which you have been granted a license to practice chiropractic: California

Current status of other licenses: expired

1. Have you ever been denied a license by any other jurisdiction? ☐ Yes ☒ No If yes, give details: _____

2. Have you ever surrendered a license? ☐ Yes ☒ No If yes give details: _____

3. Are there any outstanding complaints or disciplinary actions pending against you in any other jurisdiction?
☐ Yes ☒ No If yes, give details: _____

4. Have you ever been the subject of disciplinary action in any other jurisdiction? ☒ Yes ☐ No If yes, give details:
2001 Nevada, Completed Probation. Oregon Unprofessional conduct, Took polygraph test indicated no unprofessional conduct occurred

5. Have you ever been named as a defendant in a professional malpractice suit? ☐ Yes ☒ No If yes, give details: _____

6. Have you ever been arrested for or charged with any crime other than a traffic violation (include any DUIs)? **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, give details and final disposition: _____
12/02/22 DUI Oregon, Completed Diversion program

7. Have you ever been convicted of a crime other than a traffic violation (include any DUIs)? **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, give details and final disposition: _____

8. Are you now or have you ever been found in default in the payment of a student loan? ☐ Yes ☒ No If yes give details: _____

9. Have you ever been drug or alcohol dependent and/or enrolled in a drug or alcohol rehabilitation program? ☐ Yes ☒ No If yes, give details: _____

Please mark the appropriate response regarding child support (FAILURE TO MARK ONE OF THE THREE 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 am in compliance with the order or 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.

Continuing Education seminar(s) attended during the past biennium (must total at least 36 hours):

Seminar Title: Guide to contemporary weight loss, Trigger point therapy, Pain Management

Seminar Sponsor: PACE

Date(s) Attended: 6/14/2023, 07/11/2023, 07/24/2023

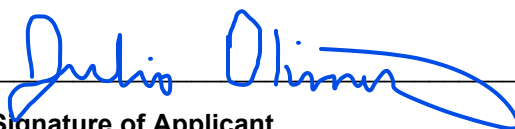
Number of Hours Attended: 36 Hrs

NOTE: The \$325.00 fee for restoration from inactive to active status must accompany this application. If restoring from suspended/expired to active, the fee is \$500.00 plus \$25.00 Administrative Fee & \$40.25 Background check fee.

AFFIDAVIT:

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.

12/05/2023
Date


Signature of Applicant

Chiropractic Physicians' Board
of Nevada disciplinary
documentation regarding
Dr. Olivares

*Filed 9/23/01
1:30 pm
Cindy Wade*

**BEFORE THE CHIROPRACTIC PHYSICIANS'
BOARD OF NEVADA**

In the Matter of:

JULIO RENE OLIVARES, D.C.

Respondent.

Complaint No. NCB-01-10

ORDER IMPOSING DISCIPLINE

On August 25 2001, the Chiropractic Physicians' Board of Nevada (hereinafter "Board") held a hearing regarding Complaint No. NCB-01-10, filed against Julio Rene Olivares, D.C. The following Board members were present during the hearing: Jeffrey Andrews, D.C., President; Bill J. Bailey, D.C., Secretary; Vivienne Kerns, Consumer Member; Clyde W. Porter, D.C., Member; and Stephanie Youngblood, D.C., Member. Absent from the hearing was Board member Lawrence R. Davis, D.C.

Present for the Board and prosecuting this action was Deputy Attorney General Gina Session. Also present at the hearing was Cindy Wade, Executive Director of the Board. Julio Rene Olivares, D.C. (hereinafter "Dr. Olivares") was present with his counsel Gregory Denué, Esq. Deputy Attorney General Robert Bryant sat as Board counsel for purposes of this disciplinary matter. Based upon the relevant provisions of NRS chapter 634 and NAC chapter 634 and pursuant to the relevant provisions of NRS chapter 233B, the Board hereby makes the following findings of fact, conclusions of law, and order.

FINDINGS OF FACT

1. Five of the six Board members were present at the August 25 2001, Board meeting.
2. Dr. Olivares acknowledged to the Board that he received the notices required by NRS 241.033 and NRS 233B.127(3).
3. The subject meeting was properly noticed pursuant to the provisions of NRS chapter 241.

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1 4. Deputy Attorney General Gina Session informed the Board that the parties had reached a
2 Stipulation of Fact and Liability.

3 5. Deputy Attorney General Gina Session represented to the Board that the parties agreed
4 to a stipulated set of facts and that the parties agreed that the facts constituted specific violations of
5 NRS chapter 634 and NAC chapter 634.

6 6. After proper motion, the Board met in closed session pursuant to NRS 241.030(1) to
7 allow the parties time to set forth reasons why the proposed Stipulations of Fact and Liability should be
8 accepted by the Board.

9 7. The Board was presented with a signed copy of the Stipulation of Fact and Liability.

10 8. Upon proper motion and pursuant to NRS 241.030(1), the Board returned to open
11 session and by unanimous vote found Dr. Olivares guilty based on the Stipulation of Fact and Liability,
12 which had been signed by the parties.

13 9. Upon proper motion and pursuant to NRS 241.030(1), the Board returned to closed
14 session to consider the appropriate level of discipline that should be imposed upon Dr. Olivares
15 pursuant to the Stipulation of Fact and Liability.

16 10. Upon proper motion and pursuant to NRS 241.030(1), the Board returned to open
17 session and ordered that, based upon the Stipulation of Fact and Liability, Dr. Olivares would:

18 a. Have his licensed suspended for a period of two (2) years with the suspension
19 being stayed;

20 b. Be placed on probation for a period of two (2) years.

21 c. During his probationary period, be required to provide the Board with an initial
22 assessment from a qualified counselor discussing the condition that lead to the acts specified in the
23 Stipulation of Fact and Liability and proper treatment therefore.

24 d. After completing counseling, have a counselor provide a letter to the Board
25 stating that the counseling has proven effective for the acts specified in the Stipulation of Fact and
26 Liability.

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1 e. Pay the Board investigative costs in an amount not to exceed Three Thousand
2 Dollars (\$3,000.00). Said costs shall be paid within a reasonable period of time after receipt of a billing
3 from the Board's Executive Director.

4 11. The specific stipulated facts giving rise to the Board's discipline as set forth in paragraph
5 10 are as follows:

6 On or between December 1, 1999, and December 31, 1999, Respondent
7 [Dr. Olivares] intentionally committed an act of open or gross lewdness by
8 fondling the buttock of Darlene Walker, an employee of Preferred
9 Chiropractic, during a company Christmas party.

10 On or about September 2000, Respondent intentionally committed an act
11 of open or gross lewdness by fondling the buttock of Sandra Velasquez, an
12 employee of Preferred Chiropractic, while in the office.

13 During 2000, Respondent, while giving chiropractic treatments to
14 Darlene Walker, held Walker's knee and rubbed her knee against is groin.

15 12. Andres Rappard, Esq., another attorney representing Dr. Olivares, made a request to
16 continue this matter. At the request of Mr. Denué, representing Dr. Olivares at the Board meeting, the
17 Board did not consider the request for a continuance.

18 CONCLUSIONS OF LAW

19 The meeting was properly and duly noticed as required by NRS 241.020. Dr. Olivares
20 acknowledged receipt of the notices required by NRS 233B.127(3) and NRS 241.033. The Board has
21 the authority to accept stipulated settlement agreements pursuant to NRS 233B.121(5). Because five
22 members of the Board were present at the August 25 2001, Board meeting, a quorum to conduct
23 business was established. See NRS 634.020(1)(the Board has six members). The Board has the
24 authority to impose discipline upon licensees including suspension, probation, and to order that costs be
25 recovered. See NRS 634.190(2)(a), (2)(d), and (2)(g).

26 The parties stipulated through the signed Stipulation of Fact and Liability that Dr. Olivares was
27 in violation of NRS chapter 634 and NAC chapter 634 as follows:

28 The Parties do acknowledge and stipulate that the acts or omissions of
Respondent [Dr. Olivares] constitutes [sic] a violation of the Nevada
Revised Statutes (NRS), chapter 634.018(10) Unprofessional Conduct,
including the acts found at NAC 634.430(1)(a), 634.430(3)(b) and
634.430(3)(c).

As the parties stipulated to the violations of law set forth above and as the Board adopted them, the
violations of law are hereby incorporated by this reference.

ORDER

NOW, THEREFORE, and based upon the preceding, it is hereby ORDERED that Dr. Olivares shall:

A. Have his licensed suspended for a period of two (2) years with the suspension being stayed.

B. Be placed on probation for a period of two (2) years and shall be required to receive counseling for the conduct specified in the Stipulation of Fact and Liability.

C. Provide the Board with an initial assessment from a qualified counselor regarding the condition that led to the acts specified in the Stipulation of Fact and Liability and the potential outcome of treatment.

D. Provide a letter to the Board stating that the counseling has proven effective for the acts specified in the Stipulation of Fact and Liability after counseling has been completed.

E. Pay the Board's investigative costs in an amount not to exceed Three Thousand Dollars (\$3,000.00). Said costs shall be paid within a reasonable time after receipt of a billing from the Board's Executive Director.

IT IS SO ORDERED this 12th day of SEPTEMBER, 2001.

STATE OF NEVADA
CHIROPRACTIC PHYSICIANS' BOARD OF NEVADA

By: J. D. Andrews DC
JEFFREY D. ANDREWS, D.C., President

CERTIFICATE OF SERVICE

I certify that I am an employee of the Board of Chiropractic Physicians, and that on Oct. 9, 2001, 2001, I deposited in the U.S. mail, postage prepaid, both First Class mail and Certified, Return Receipt Requested, a true and correct copy of the foregoing **Order Imposing Discipline** addressed as follows:

Julio Rene Olivares, D.C.

6563 Baywood Avenue

Las Vegas, NV 89103

Personal and Confidential

Certified Return Receipt No. 7000 1530 0000 8931 9870

DATED this 9th day of October, 2001.

Cliffy Wade

BEFORE THE CHIROPRACTIC PHYSICIANS'
BOARD OF NEVADA

*Filed 8/27/01
2:15 pm
Cindy Wade*

In the Matter of)
JULIO RENE OLIVARES, D.C.,) Complaint No. NCB-01-10
Respondent.)
_____)

STIPULATION OF FACT AND LIABILITY

Stipulation of Facts

COMES NOW the Chiropractic Physicians' Board of Nevada (hereinafter referred to as "Board") by and through its counsel, Gina C. Session, Deputy Attorney General, and Julio Rene Olivares (hereinafter referred to as "Respondent"), acknowledge and stipulate to the following facts: Respondent acknowledges that he has had the opportunity to consult with an attorney prior to signing this Settlement Agreement.

1. Respondent is licensed as a Chiropractor in the State of Nevada (#B-747) and was licensed at the time of the conduct described herein and is, therefore, subject to the jurisdiction of the Board.
2. Respondent admits there is substantial evidence for the purposes of an administrative hearing to establish the following facts:
 - a. On or between December 1, 1999, and December 31, 1999, Respondent intentionally committed an act of open or gross lewdness by fondling the buttock of Darlene Walker, an employee of Preferred Chiropractic, during a company Christmas party.
 - b. On or about September 2000, Respondent intentionally committed an act of open or gross lewdness by fondling the buttock of Sandra Velasquez, an employee of Preferred Chiropractic, while in the office.
 - c. During 2000, Respondent, while giving chiropractic treatments to Darlene Walker, held Walker's knee and rubbed her knee against his groin.

3. Respondent has agreed to enter into this Agreed Settlement as the way to resolve this matter.

Stipulation of Liability

The Parties do acknowledge and stipulate that the acts or omissions of Respondent constitutes a violation of the Nevada Revised Statutes (NRS), chapter 634.018(10) Unprofessional Conduct, including the acts found at NAC 634.430(1)(a), 634.430(3)(b) and 634.430(3)(c).

Acknowledgment and Voluntary Waiver of Rights

1. Respondent is aware of, and fully understands, his right to have a hearing on the allegations set forth in the Complaint, his rights to reconsideration, appeal, and all other rights which may be accorded by the Nevada Administrative Procedure Act, the Nevada Chiropractic Act and accompanying regulations, and the federal and state constitutions.
2. Respondent, hereby freely, voluntarily and intelligently waives the rights enumerated above, and instead chooses to enter into this Stipulation of Facts and Liability with the Board in accordance with NRS 233B.121(5).

WHEREFORE, based on the above Stipulations of Facts and Liability, the Parties hereto, request that the Board discipline the Respondent to NRS 634.190. The Board may use the Stipulation of Facts and Liability in any subsequent hearings. Respondent understands that the above Stipulation of

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Facts and Liability shall not be construed as excluding or reducing any criminal or civil penalties or sanction or other remedies that may be applicable under federal, state or local laws. Respondent asks that the Board act with justice and mercy.

RESPONDENT


ILIC RENE OLIVARES, D.C.,

Date: 8/25/01

CHIROPRACTIC PHYSICIANS' BOARD


JEFFREY D. ANDREWS, DC, President

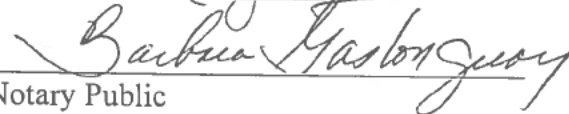
Date: 8-25-01

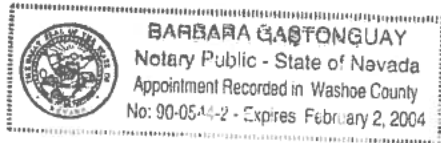

CINDY WADE, Executive Director

Date: 8/27/01

STATE OF NEVADA)
COUNTY OF Washoe) ss.

Signed and subscribed to before me this
27th day of August, 2001.


Notary Public



1 **BEFORE THE CHIROPRACTIC PHYSICIANS'**

2 **BOARD OF NEVADA**

3 In the Matter of:)

Complaint No. NCB-01-10

4 **JULIO RENE OLIVARES, DC**)

ORDER EXTENDING PROBATION

5 Respondent.)

6)
7 On September 25, 2003, the Chiropractic Physicians' Board of Nevada (hereinafter "Board") held
8 a meeting to address a request from Julio Rene Olivares, DC, for an extension of the probationary period
9 ordered by the Board in a disciplinary hearing on August 25, 2001 pursuant to Complaint No. NCB-01-10.
10 The following Board members were present during the meeting: Margaret Colucci, DC, Members,
11 Lawrence Davis, DC, President, Vivienne Kerns, Consumer Member, Clyde Porter, DC, Secretary, Ian
12 Yamane, DC, Member and Stephanie Youngblood, DC, Vice President.

13 Present for the Board as counsel was Deputy Attorney General George Campbell. Also present was
14 Cindy Wade, Executive Director of the Board. Based upon the relevant provisions of NRS chapter 634 and
15 NAC chapter 634, the Board hereby makes the following findings of fact, conclusions of law, and order.

16 **FINDINGS OF FACT**

- 17 1. All six Board members were present at the September 25, 2003 Board meeting.
- 18 2. The subject meeting was properly noticed pursuant to the provisions of NRS chapter 241.
- 19 3. Dr. Olivares submitted a written request to the Board for an extension of time in which to
- 20 reimburse the Board for its expenses incurred pursuant to the September 12, 2001 Order.
- 21 4. The Board determined that Dr. Olivares has satisfactorily completed the counseling required
- 22 in the Order dated September 12, 2001, but has failed to reimburse the Board for its
- 23 expenses in the matter.

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CONCLUSIONS OF LAW

The meeting was properly and duly noticed as required by NRS 241.020. Dr. Olivares submitted a written request that this matter be addressed by the Board. All six Board members were present at the September 25, 2003 Board meeting, therefore, a quorum to conduct business was established. See NRS 634.020(1) (the Board has six members). The Board has the authority to impose discipline upon licensees and to alter previously imposed discipline upon licensees.

ORDER

NOW, THEREFORE, and based upon the preceding, it is hereby ORDERED that Dr. Olivares shall:

- A. Be placed on probation for an additional period of one (1) year.
- B. Make monthly payments to the Board in the amount of \$250.00 until the full amount of \$2,948.74 is repaid. Failure to repay the total amount of \$2,948.74 by the end of the 12 month probationary period will result in enforcement of the suspension of Dr. Olivares's license pursuant to the Board's September 12, 2001 Order.

IT IS SO ORDERED this 30 day of September, 2003.

STATE OF NEVADA
CHIROPRACTIC PHYSICIANS' BOARD OF NEVADA

By: _____

Lawrence Davis, DC, President

- Dr. Olivares' supporting documentation
- Oregon Board of Chiropractic Examiners
License Verification
- Oregon Board of Chiropractic Examiners
disciplinary documentation



Sally Jo Donahue
Licensed Polygraph Examiner
P.O.B. 26
Albany, OR 97321
541-905-3629
sjpolygraph@gmail.com

October 15, 2023

James W. Hendry
Attorney at Law
1 SW Columbia St. Ste. 900
Portland, Oregon 97402

Polygraph Examination

Client: Dr. Julio R. Olivares
DOB: September 19, 1954
Type of Exam: Specific Issue
Date of exam: October 14, 2023

Procedure: On October 14, 2023, I met with 69-year-old Dr. Julio Olivares, in my office in Albany, for a polygraph examination. The polygraph procedure and instrumentation were explained. Dr. Olivares read and signed a Polygraph Waiver authorizing me to administer the polygraph examination and release the results to attorney James Hendry. I went through a medical history questionnaire with Dr. Olivares. Dr. Olivares did not report any medical conditions or medications that would adversely affect, or be aggravated by, a polygraph examination.

Issue: Alleged contact toward a patient, [REDACTED] that was sexual, or may have been construed as sexual, during treatment in April 2023.

Interview: Dr. Olivares reported that he is a chiropractor, and has a practice in Springfield, Oregon. He reported that he treated the complainant, [REDACTED] twice in his office, in April 2023.

Dr. Olivares reported that he did not touch [REDACTED] in any sexual manner. He denied engaging in any inappropriate conversations with [REDACTED]. Dr. Olivares denied having any sexual interest in [REDACTED]. He denied any sexual intent in his contact with [REDACTED].

Question: When treating [REDACTED], did you touch her for sexual purposes?

Answer: No.

Result: No Deception Indicated.

Question: Did you touch [REDACTED] for sexual purposes when she was in your office in April?

Answer: No.

Result: No Deception Indicated.

Other questions used in the polygraph examination were for comparison purposes only, and no determination of truthfulness or deception was rendered on any other questions. The polygraph examination was administered on a Stoelting CPS pro computerized polygraph instrument. The conclusions from this test were based on standardized numerical hand scoring as well as computerized scoring algorithm software.

Please contact me if you have any questions,

Sally Jo Donahue

Sally Jo Donahue

Sally Jo Donahue
Licensed Polygraph Examiner
P.O.B. 26
Albany, OR 97321
541-905-3629
sjpolygraph@comcast.net

EDUCATION:

High School Diploma
Kentridge High School

Associates of Technical Arts Degree
Tacoma Community College

Graduate of Polygraph Examiner School
Western Oregon Polygraph School

Over 2600 training hours in Law Enforcement Discipline

Over 400 hours continuing education regarding polygraph

Administered over 3900 polygraph examinations

WORK HISTORY:

02/2012 to present	Private Polygraph Examiner
01/1999 to 10/2015	Polygraph Examiner / Detective Linn County Sheriff's Office Specializing in Sexual Assault, Child Abuse and Elder Abuse
10/1996 to 01/1999	Detective - Linn County Sheriff's Office Specializing in Sexual Assault and Child Abuse
07/1994 to 10/1994	Police Officer - Billings Police

	Department
11/1990 to 07/1994	Deputy Sheriff - Linn County Sheriff's Office
12/1988 to 11/1990	Corrections Deputy - Linn County Sheriff's Office
02/1986 to 06/1988	Corrections Officer - Pierce County Sheriff's Office

LICENSES AND CERTIFICATES RECEIVED:

General Polygraph Examiner License - Oregon Department of Public Safety Standards and Training

Post-Conviction Sex Offender Polygraph - American Polygraph Association

Advanced Police Officer Certification - Oregon Department of Public Safety Standards and Training

Deputy Medical Examiner - Linn County

Corrections Officer Certification - Washington State

Corrections Officer Certification - Oregon State

MEMBERSHIPS:

Polygraph Examiner's Licensing Committee (past)

Member Northwest Polygraph Examiner Association

Linn County Child Abuse Multi-Disciplinary Team (past)

American Association of Police Polygraphists



LICENSE VERIFICATION

JULIO RENE OLIVARES, DC)
)
License Number: DC 23560)

I hereby certify that I am the Licensing Technician for the Board of Chiropractic Examiners (Board).

Further, I hereby certify that the records of the Board of Chiropractic Examiners show that on **January 23, 1995**, the Board issued license number **DC 23560** to **Julio Rene Olivares**, and the address of record is **6563 Baywood Avenue, Las Vegas, NV 89103**.

Further, I hereby certify that the records of the Board of Chiropractic Examiners show that said license **expired** on **September 30, 2001**.

Further, I hereby certify that the records of the Board of Chiropractic Examiners show that said license went into a **cancelled** status on **November 16, 2004**, for failure to pay the renewal.

Further, I hereby certify that the records of the Board of Chiropractic Examiners show that **no prior discipline** has been taken against the said license.

Witness My Hand and Seal of the
State Board of Chiropractic Examiners
This **21st** day of **December 2023**.

Susan Glover-Smith
Susan Glover-Smith, Office Technician

State Board Seal



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BEFORE THE
BOARD OF CHIROPRACTIC EXAMINERS
STATE OF OREGON

7 In the Matter of)
8)
9 Julio Olivares, D.C.) INTERIM CONSENT ORDER
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Licensee. **Case # 2023-5015**

14 The Oregon Board of Chiropractic Examiners (Board or OBCE) is the state agency
15 responsible for licensing, regulating, and disciplining chiropractic physicians and certified
16 chiropractic assistants in the State of Oregon. Julio Olivares, D.C. (Licensee), is a licensed
17 chiropractic physician in Oregon.

18 The Board became aware on April 23, 2023, of alleged inappropriate sexual contact with
19 a Patient on April 7, 2023, and investigated the case. On October 19, 2023, the Board issued an
20 Order for a Psycho-Sexual Evaluation to occur within 120 days.

21 Licensee has since submitted to a polygraph exam that indicated no unprofessional
22 conduct occurred. Licensee denies any inappropriate sexual conduct occurred.

23 Licensee hereby agrees effective November 18, 2023, he will not engage in the practice
24 of chiropractic in the State of Oregon until further order of the Board.

25 Licensee agrees that he is closing his Oregon chiropractic practice by November 18,
26 2023, and will agree not to treat female patients until that time.

27 Licensee further agrees that he will let his Oregon chiropractic license lapse and will not
28 reapply or renew his license in the future.

29 The parties have agreed to enter this Interim Consent Order. Licensee agrees that he is
30 aware of his right to a hearing with his attorney present to contest the charges and hereby waives
31 that right and agrees to entry of this order. Licensee agrees to waive any right to appeal.

1 Licensee denies the allegations but wishes to settle and resolve the above matter without further
2 proceedings.

3 Failure to abide by this Interim Consent Order may result in further discipline up to and
4 including revocation.

5 If, for any reason, the Board allows Licensee to reapply to the Oregon Board at any time
6 in the future, Licensee agrees that prior to such a request, he will complete a Board approved
7 psycho-sexual evaluation. Licensee will follow all recommendations made by the psychiatric
8 evaluator. When evaluating whether Licensee is fit to return to work, the Board will take into
9 consideration the psychiatrist's return-to-work recommendation, if given. The Board reserves
10 the right to interview Licensee upon completion of his requirements.

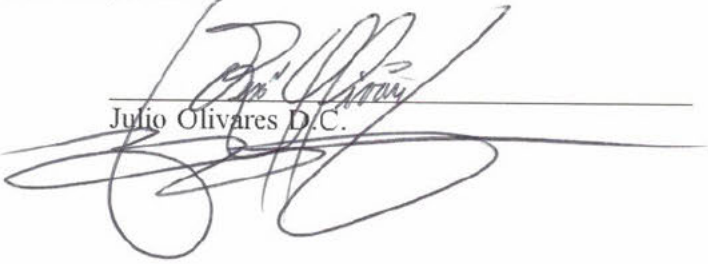
11
12
13 Dated this 1 ^{December} ~~November~~, 2023

14 BOARD OF CHIROPRACTIC EXAMINERS
15 State of Oregon

16
17 

18 Cassandra C. McLeod-Skinner, J.D.,
19 Executive Director
20

21
22 Dated this 16 of November, 2023.

23
24 
25 Julio Olivares D.C.
26

Certificate of Service

I, Cassandra McLeod-Skinner, certify that on the _____ day of November 2023, I served the foregoing Interim Consent Order upon the party hereto by mailing, certified mail, postage prepaid, a true, exact and full copy thereof to:

Julio Olivares

Accident and Back Pain Clinic

3831 Main St Suite 105

Springfield OR 97478

Jim Hendry

Brownstein Rask LLP

1 SW Columbia St Suite 900

Portland OR 97204

Lori H. Lindley

Department of Justice

General Counsel

1162 Court St. NE

Salem, OR 97301-4096

Cassandra C. McLeod- Skinner, J.D.
Executive Director
Oregon Board of Chiropractic Examiners

- State of Oregon Register of Actions

12/20/23, 4:50 PM

publicaccess.courts.oregon.gov/PublicAccessLogin/CaseDetail.aspx?CaseID=33664577

Sign In Menu Contact Us Log Out My Account Case Info Search Records Criminal Traffic and Parking Case Records Notice Register Location Linn Catalog Help

REGISTER OF ACTIONS

CASE NO. 22CR61051

State of Oregon vs JULIO RENE OLIVARES

Case Type: Offense Misdemeanor
Date Filed: 12/21/2022
Location: Linn
District Attorney Number: 22-3724

RELATED CASE INFORMATION

Related Cases

22VI122935 (Related - Same Defendant)

PARTY INFORMATION

Defendant

OLIVARES, JULIO RENE
3831 MAIN ST
SPRINGFIELD, OR 97478

Male White
DOB: 1954
5' 7", 220 lbs

Attorneys
RODOLFO A CAMACHO
Retained
503 362-2674(W)

Plaintiff

State of Oregon

Lindy Rae Brownback
541 967-3836(W)

CHARGE INFORMATION

Charges: OLIVARES, JULIO RENE

1. Driving Under the Influence of Intoxicants
2. Reckless Driving

Statute
813.010(4)
811.140

Level
Misdemeanor Class A
Misdemeanor Class A

Date
12/03/2022
12/03/2022

EVENTS & ORDERS OF THE COURT

DISPOSITIONS

01/11/2023 Plea (Judicial Officer: Wynhausen, Michael B)
1. Driving Under the Influence of Intoxicants
Guilty
Created: 01/11/2023 1:48 PM

01/11/2023 Disposition (Judicial Officer: Wynhausen, Michael B)
1. Driving Under the Influence of Intoxicants
Diverted
2. Reckless Driving
Dismissed
Created: 01/11/2023 1:48 PM

01/13/2023 Diversion (Judicial Officer: Wynhausen, Michael B)
1. Driving Under the Influence of Intoxicants
Fee Totals:
Amount Reduction Owed
DUI Diversion \$490.00
Fee Totals \$ \$490.00
Fee Modifier \$490.00
Created: 01/13/2023 10:36 AM

OTHER EVENTS AND HEARINGS

12/21/2022 Information
Created: 12/21/2022 11:08 AM

12/21/2022 Notes - Correspondence
/ printed diversion packet for court staff
Created: 12/21/2022 11:10 AM

01/10/2023 Notice - Representation
Created: 01/10/2023 2:43 PM

01/10/2023 Request - Discovery
Created: 01/10/2023 2:43 PM

01/11/2023 Hearing - Plea (1:15 PM) (Judicial Officer Wynhausen, Michael B)
Diversion Eligible / CTA/ Camacho priv. retained
Result: Held
Created: 12/21/2022 11:07 AM

01/11/2023 Arraignment (Judicial Officer: Wynhausen, Michael B)
INFO
Created: 01/11/2023 1:49 PM

01/11/2023 Petition - Guilty Plea (Judicial Officer: Wynhausen, Michael B)
Created: 01/11/2023 1:51 PM

01/11/2023 Declaration

CHIROPRACTIC PHYSICIANS'
BOARD OF NEVADA

DEC 21 2023

RECEIVED
RENO, NEVADA 89502

12/20/23, 4:50 PM

publicaccess.courts.oregon.gov/PublicAccessLogin/CaseDetail.aspx?CaseID=33664577

ELIGIBILITY
Created: 01/11/2023 1:51 PM

01/11/2023 Victim Impact - Panel Referral
LANE CO VIP WITHIN 90 DAYS
Created: 01/11/2023 1:52 PM

01/13/2023 Order - Enter Plea (Judicial Officer: Wynhausen, Michael B)
Signed: 01/11/2023
Created: 01/13/2023 10:36 AM

01/13/2023 Petition - Diversion Agreement
Created: 01/13/2023 10:37 AM

01/13/2023 Order - Diversion (Judicial Officer: Wynhausen, Michael B)
Signed: 01/11/2023
Created: 01/13/2023 10:38 AM

01/27/2023 Notice
/ Evaluation - Emergence
Created: 01/27/2023 9:30 AM

06/16/2023 Notice - Compliance
/ treatment completed
Created: 06/16/2023 3:27 PM

11/06/2023 Victim Impact - Panel Completion
Created: 11/06/2023 9:06 AM

FINANCIAL INFORMATION				
Defendant OLIVARES, JULIO RENE				
Total Financial Assessment				490.00
Total Payments and Credits				490.00
Balance Due as of 12/20/2023				0.00
01/13/2023	Transaction Assessment			490.00
04/17/2023	Mail Payment	Receipt # 2023-15893-TP	OLIVARES, JULIO RENE	(350.00)
06/13/2023	Counter Payment	Receipt # 2023-23902-TP	OLIVARES, JULIO RENE	(140.00)

- Dr. Olivares' addendum regarding being enrolled in an alcohol rehabilitation program
- Certificate of Completion from the Discovery diversion program

From : Julio R. Olivares, DC

December 19, 2023

Chiropractic Board of Nevada

4600 Kietzke Ln M-245

Reno, NV 89502

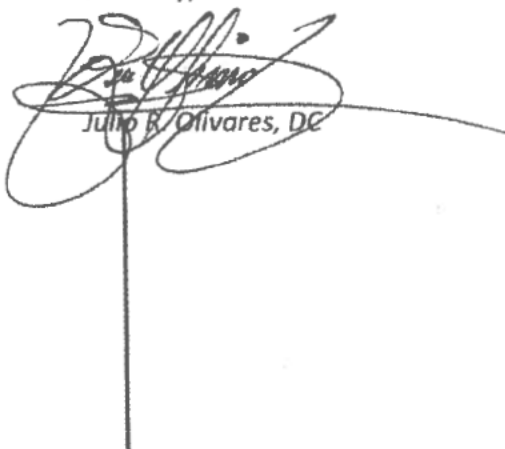
Re: Application for Status Change Questions:

First *apologized for the confusion explaining the questions regarding my DUI.*

Items:

1. CA verification has been sent the Board of California stated that it will take approximately 4 weeks.
 2. In regard to the question relating to my arrest and charge. I was confuse I finished my Diversion classes, but the diversion program ends by January 15, 2024, so is not final yet.
 3. Question #7 if I have convicted of a crime. The reason I answer NO was because I was arrested for DUI, but not convicted yet, the DUI is dismiss at the end of the Diversion program, when all requirements from the court are met, which it will be January 15, 2024.
 4. I have not completed the term, which is *one year since the first court date. The reason I answered not to be enrolled in a drug or alcohol program is because I asked the Diversion Instructor if the Diversion classes were part of a alcohol rehabilitation program and her answered was NO. That it is an alcohol education program mandated by the court. In my opinion it could be a rehabilitation program because I had to be sober for the entire program and I had to provide randomly an urine sample before most of the meetings, I am sorry for the confusion, I think I can say YES I have enrolled in an alcohol rehabilitation program. The instructor name is Alisha Bashor, Emergence and Behavioral Therapies 458-205-7669.*
 5. I will provide a copy of my successful completion of my OR Diversion Program as soon as I finished it.
- If you have any other question regarding this matter please do not hesitate to contact me.*

Sincerely,



Julio R. Olivares, DC

C e r t i f i c a t e o f C o m p l e t i o n

emergence
addiction and behavioral therapies

This Certifies That

Julio Olivares

*Has earned special recognition and is hereby
granted this Certificate of Completion for*

Discovery

Given this 15th day of July 2023

[Signature]
Board of Directors

Alaska Basher
Counselor

[Signature]
Executive Director

To whom it may concern. Julio Olivares completed the Discovery Diversion Program effective 6/15/2023. The purpose of the Discovery Diversion Program is to provide court mandated clients DUII education around drinking and driving as well as coping skills to use if they chose to drink after completing treatment in order to avoid drinking and driving in the future.

Alisha Bashor- BS, CADC-1, QMHA-1
Emergency Addiction & Behavioral Therapies
☎ 458-205-7669
📠 541-687-9279

C e r t i f i c a t e o f C o m p l e t i o n



This Certifies That

Julio Olivares

*Has earned special recognition and is hereby
granted this Certificate of Completion for*

Discovery

Given this 15th day of June 2023

[Signature]
Board of Directors

[Signature]
Counselor

[Signature]
Executive Director

To whom it may concern. Julio Olivares completed the Discovery Diversion Program effective 6/15/2023. The purpose of the Discovery Diversion Program is to provide court mandated clients DUI education around drinking and driving as well as coping skills to use if they chose to drink after completing treatment in order to avoid drinking and driving in the future.

Alisha Bashor- BS, CADC-1, QMHA-1
Emergence Addiction & Behavioral Therapies

📞 458-205-7669

📠 541-687-9279

The National Practitioner Data Bank

Federation of Chiropractic
Licensing Boards



OLIVARES, JULIO RENE - ONE-TIME QUERY RESPONSE

A. SUBJECT IDENTIFICATION INFORMATION (Recipients should verify that subject identified is, in fact, the subject of interest.)

Practitioner Name: OLIVARES, JULIO RENE
Date of Birth: 09/19/1954 **Gender:** MALE
Organization Type: CHIROPRACTIC GROUP/PRACTICE (361)
Work Address: 625 LACEY LANE, LAS VEGAS, NV 89107
Home Address: 625 LACY LN, LAS VEGAS, NV 89107-4453
Social Security Number: ***-**-4837
License: CHIROPRACTOR, B00747, NV
CHIROPRACTOR, 23560, CA
CHIROPRACTOR, 4115, OR
Professional School(s): LOS ANGELES COLLEGE OF CHIROPRACTIC (1994)

B. QUERY INFORMATION

Statutes Queried: Title IV; Section 1921; Section 1128E
Query Type: This is a One-Time query response. Your organization will only receive future reports on this practitioner if another query is submitted.
Entity Name: CHIROPRACTIC PHYSICIANS BOARD OF NEVADA (DBID ending in ...20)
Authorized Submitter: JULIE STRANDBERG, EXECUTIVE DIRECTOR, (775) 688-1923

C. SUMMARY OF REPORTS ON FILE WITH THE NPDB AS OF 01/05/2024

The following report types have been searched:

Medical Malpractice Payment Report	No Reports	Health Plan Action(s):	No Reports
State Licensure or Certification Action	Yes, See Below	Professional Society Action(s):	No Reports
Exclusion or Debarment Action(s):	No Reports	DEA/Federal Licensure Action(s):	No Reports
Government Administrative Action(s):	No Reports	Judgment or Conviction Report(s):	No Reports
Clinical Privileges Action(s):	No Reports	Peer Review Organization Action(s):	No Reports

OR STATE BOARD OF CHIROPRACTIC EXAMINERS

STATE LICENSURE OR CERTIFICATION

Basis for Action: - SEXUAL MISCONDUCT

Initial Action:	- LIMITATION OR RESTRICTION ON LICENSE	Date of Action:	12/01/2023
DCN:	5500000223579888		

CHIROPRACTIC PHYSICIANS BOARD OF NEVADA

STATE LICENSURE OR CERTIFICATION

Basis for Action: - UNPROFESSIONAL CONDUCT

Initial Action:	- PROBATION OF LICENSE	Date of Action:	09/12/2001
DCN:	5500000043538134		
Subsequent Action:	- PROBATION OF LICENSE - PUBLICLY AVAILABLE FINE/MONETARY PENALTY - EXTENSION OF PREVIOUS LICENSURE ACTION	Date of Action:	09/30/2003
DCN:	5500000057344363		
Subsequent Action:	- PROBATION OF LICENSE - PUBLICLY AVAILABLE FINE/MONETARY PENALTY - LICENSE RESTORED OR REINSTATED, COMPLETE - EXTENSION OF PREVIOUS LICENSURE ACTION	Date of Action:	09/30/2004
DCN:	5500000057344599		



National Practitioner Data Bank
Health Resources and Services Administration
U.S. Department of Health and Human Services
P.O. Box 10832
Chantilly, VA 20153-0832
<https://www.npdb.hrsa.gov>

DCN: 5500000224780793
Process Date: 01/05/2024
Page: 2 of 2
OLIVARES, JULIO RENE
For authorized use by:
CHIROPRACTIC PHYSICIANS BOARD OF
NEVADA

CHIROPRACTIC PHYSICIANS BOARD OF NEVADA

STATE LICENSURE OR CERTIFICATION

Basis for Action: - UNPROFESSIONAL CONDUCT

Initial Action: - PROBATION OF LICENSE
DCN: 5500000043538138

Date of Action: 09/12/2001

CHIROPRACTIC PHYSICIANS BOARD OF NEVADA

STATE LICENSURE OR CERTIFICATION

Basis for Action: - UNPROFESSIONAL CONDUCT

Initial Action: - PROBATION OF LICENSE
DCN: 5500000043538136

Date of Action: 09/12/2001

----- **Unabridged Report(s) Follow** -----



National Practitioner Data Bank
Health Resources and Services Administration
U.S. Department of Health and Human Services
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<https://www.npdb.hrsa.gov>

DCN: 5500000223579888
Process Date: 12/19/2023
Page: 1 of 3
OLIVARES, JULIO RENE
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CHIROPRACTIC PHYSICIANS BOARD OF
NEVADA

OLIVARES, JULIO RENE

OR STATE BOARD OF CHIROPRACTIC EXAMINERS

STATE LICENSURE OR CERTIFICATION ACTION Date of Action: 12/01/2023

Initial Action

Basis for Initial Action

- LIMITATION OR RESTRICTION ON LICENSE

- SEXUAL MISCONDUCT

A. REPORTING ENTITY

Entity Name: OR STATE BOARD OF CHIROPRACTIC EXAMINERS
Address: 530 CENTER ST NE STE 620
City, State, Zip: SALEM, OR 97301-3791
Country:
Name or Office: MIRIAM LARA
Title or Department: ADMINISTRATIVE SPECIALIST 2
Telephone: (503) 373-1579
Entity Internal Report Reference: 2023-5015
Type of Report: INITIAL

B. SUBJECT IDENTIFICATION INFORMATION (INDIVIDUAL)

Subject Name: OLIVARES, JULIO RENE
Other Name(s) Used:
Gender: MALE
Date of Birth: 09/19/1954
Organization Name:
Work Address: 3831 MAIN ST STE 105
City, State, ZIP: SPRINGFIELD, OR 97478-5801
Organization Type:
Home Address:
City, State, ZIP:
Deceased: NO
Federal Employer Identification Numbers (FEIN):
Social Security Numbers (SSN): ***-**-4837
Individual Taxpayer Identification Numbers (ITIN):
National Provider Identifiers (NPI):
Professional School(s) & Year(s) of Graduation: SOUTHERN CALIFORNIA UNIVERSITY OF HEALTH SCIENCES
(1994)
Occupation/Field of Licensure: CHIROPRACTOR
State License Number, State of Licensure: 4115, OR
Drug Enforcement Administration (DEA) Numbers:
Unique Physician Identification Numbers (UPIN):
Name(s) of Health Care Entity (Entities) With Which Subject Is
Affiliated or Associated (Inclusion Does Not Imply Complicity in
the Reported Action):
Business Address of Affiliate:
City, State, ZIP:
Nature of Relationship(s):



National Practitioner Data Bank
Health Resources and Services Administration
U.S. Department of Health and Human Services
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<https://www.npdb.hrsa.gov>

DCN: 5500000223579888
Process Date: 12/19/2023
Page: 2 of 3
OLIVARES, JULIO RENE
For authorized use by:
CHIROPRACTIC PHYSICIANS BOARD OF
NEVADA

C. INFORMATION REPORTED

Type of Adverse Action: STATE LICENSURE OR CERTIFICATION
Basis for Action: SEXUAL MISCONDUCT (D1)
Name of Agency or Program
That Took the Adverse Action
Specified in This Report: OR STATE BOARD OF CHIROPRACTIC EXAMINERS
Adverse Action
Classification Code(s): LIMITATION OR RESTRICTION ON LICENSE (1147)
Date Action Was Taken: 12/01/2023
Date Action Became Effective: 12/01/2023
Length of Action: PERMANENT

Total Amount of Monetary Penalty,
Assessment and/or Restitution:

Is the subject automatically reinstated
after the adverse action period is completed?:

Description of Subject's Act(s) or Omission(s) or Other
Reasons for Action(s) Taken and Description of Action(s) Taken
by Reporting Entity:

The Board became aware on April 23, 2023, of alleged inappropriate sexual contact with a Patient on April 7, 2023, and investigated the case. On October 19, 2023, the Board issued an Order for a Psycho-Sexual Evaluation to occur within 120 days. Licensee has since submitted to a polygraph exam that indicated no unprofessional conduct occurred. Licensee denies any inappropriate sexual conduct occurred. Licensee hereby agrees effective November 18, 2023, he will not engage in the practice of chiropractic in the State of Oregon until further order of the Board. Licensee agrees that he is closing his Oregon chiropractic practice by November 18, 2023, and will agree not to treat female patients until that time. Licensee further agrees that he will let his Oregon chiropractic license lapse and will not reapply or renew his license in the future. The parties have agreed to enter this Interim Consent Order. Licensee agrees that he is aware of his right to a hearing with his attorney present to contest the charges and hereby waives that right and agrees to entry of this order. Licensee agrees to waive any right to appeal.

☐ Subject identified in Section B has appealed the reported adverse action.

D. SUBJECT STATEMENT

If the subject identified in Section B of this report has submitted a statement, it appears in this section.

E. REPORT STATUS

Unless a box below is checked, the subject of this report identified in Section B has not contested this report.

☐ This report has been disputed by the subject identified in Section B.

☐ At the request of the subject identified in Section B, this report is being reviewed by the Secretary of the U.S. Department of Health and Human Services to determine its accuracy and/or whether it complies with reporting requirements. No decision has been reached.



National Practitioner Data Bank
Health Resources and Services Administration
U.S. Department of Health and Human Services
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DCN: 5500000223579888
Process Date: 12/19/2023
Page: 3 of 3
OLIVARES, JULIO RENE
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CHIROPRACTIC PHYSICIANS BOARD OF
NEVADA

☐ At the request of the subject identified in Section B, this report was reviewed by the Secretary of the U.S. Department of Health and Human Services and a decision was reached. The subject has requested that the Secretary reconsider the original decision.

☐ At the request of the subject identified in Section B, this report was reviewed by the Secretary of the U.S. Department of Health and Human Services. The Secretary's decision is shown below:

Date of Original Submission: 12/19/2023

Date of Most Recent Change: 12/19/2023

**F. SUPPLEMENTAL
SUBJECT
INFORMATION ON
FILE WITH DATA
BANK**

The following information was not provided by the reporting entity identified in Section A of this report. The information was submitted to the Data Bank from other sources and is intended to supplement the information contained in this report.

Subject Name(s): OLIVARES, JULIO RENE

This report is maintained under the provisions of: Section 1921

The information contained in this report is maintained by the National Practitioner Data Bank for restricted use under the provisions of Section 1921 of the Social Security Act, and 45 CFR Part 60. All information is confidential and may be used only for the purpose for which it was disclosed. Disclosure or use of confidential information for other purposes is a violation of federal law. For additional information or clarification, contact the reporting entity identified in Section A.

END OF REPORT



OLIVARES, JULIO RENE

CHIROPRACTIC PHYSICIANS BOARD OF NEVADA

STATE LICENSURE OR CERTIFICATION ACTION **Date of Action: 09/12/2001**

Initial Action

Basis for Initial Action

- PROBATION OF LICENSE

- UNPROFESSIONAL CONDUCT

This action has related reports:

Initial Action: **[This Action]**

Subsequent Action: - PROBATION OF LICENSE **Date of Action:** 09/30/2003 **DCN:** 5500000057344363
- PUBLICLY AVAILABLE FINE/MONETARY
PENALTY
- EXTENSION OF PREVIOUS LICENSURE
ACTION

Subsequent Action: - PROBATION OF LICENSE **Date of Action:** 09/30/2004 **DCN:** 5500000057344599
- PUBLICLY AVAILABLE FINE/MONETARY
PENALTY
- LICENSE RESTORED OR REINSTATED,
COMPLETE
- EXTENSION OF PREVIOUS LICENSURE
ACTION

A. REPORTING ENTITY

Entity Name: CHIROPRACTIC PHYSICIANS BOARD OF NEVADA *

Address: 4600 KIETZKE LANE, SUITE M-245

City, State, Zip: RENO, NV 89502-5000

Country:

Name or Office: JULIE STRANDBERG

Title or Department: EXECUTIVE DIRECTOR

Telephone: (775) 688-1923

Entity Internal Report Reference:

Type of Report: INITIAL

*The reporting entity has changed its name or address on file with the NPDB. The following is the entity's most recent contact information reported to the NPDB on 05/02/2023:

Entity Name: CHIROPRACTIC PHYSICIANS BOARD OF NEVADA

Address: 4600 KIETZKE LN STE M245

City, State, Zip: RENO, NV 89502-5000

Country:

B. SUBJECT IDENTIFICATION INFORMATION (INDIVIDUAL)

Subject Name: OLIVARES, JULIO RENE

Other Name(s) Used:

Gender: MALE

Date of Birth: 09/19/1954

Organization Name:

Work Address: 2300 S. RANCHO DRIVE, SUITE 21

City, State, ZIP: LAS VEGAS, NV 89102

Organization Type:

Home Address:

City, State, ZIP:



National Practitioner Data Bank
Health Resources and Services Administration
U.S. Department of Health and Human Services
P.O. Box 10832
Chantilly, VA 20153-0832
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DCN: 5500000043538134
Process Date: 10/03/2006
Page: 2 of 3
OLIVARES, JULIO RENE
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NEVADA

Deceased: UNKNOWN
Federal Employer Identification Numbers (FEIN):
Social Security Numbers (SSN): ***-**-4837
Individual Taxpayer Identification Numbers (ITIN):
National Provider Identifiers (NPI):
Professional School(s) & Year(s) of Graduation: SOUTHERN CA UNIV OF HEALTH SCIENCES - LO (1994)
Occupation/Field of Licensure: CHIROPRACTOR
State License Number, State of Licensure: B-747, NV
Drug Enforcement Administration (DEA) Numbers:
Unique Physician Identification Numbers (UPIN):
Name(s) of Health Care Entity (Entities) With Which Subject Is
Affiliated or Associated (Inclusion Does Not Imply Complicity in
the Reported Action):
Business Address of Affiliate:
City, State, ZIP:
Nature of Relationship(s):

C. INFORMATION REPORTED

Type of Adverse Action: STATE LICENSURE OR CERTIFICATION
Basis for Action: UNPROFESSIONAL CONDUCT (10)
Name of Agency or Program
That Took the Adverse Action
Specified in This Report: CHIROPRACTIC PHYSICIANS' BOARD OF NEVADA
Adverse Action
Classification Code(s): PROBATION OF LICENSE (1125)
Date Action Was Taken: 09/12/2001
Date Action Became Effective: 09/12/2001
Length of Action: SPECIFIC PERIOD
Years: 2
Months: 0
Days: 0
Total Amount of Monetary Penalty,
Assessment and/or Restitution:
Is the subject automatically reinstated
after the adverse action period is completed?: YES
Description of Subject's Act(s) or Omission(s) or Other
Reasons for Action(s) Taken and Description of Action(s) Taken
by Reporting Entity: SEXUAL MISCONDUCT VIOLATIONS.

☐ Subject identified in Section B has appealed the reported adverse action.

D. SUBJECT STATEMENT

If the subject identified in Section B of this report has submitted a statement, it appears in this section.

E. REPORT STATUS

Unless a box below is checked, the subject of this report identified in Section B has not contested this report.

- ☐ This report has been disputed by the subject identified in Section B.
- ☐ At the request of the subject identified in Section B, this report is being reviewed by the Secretary of the U.S. Department of Health and Human Services to determine its accuracy and/or whether it complies with reporting requirements. No decision has been reached.



National Practitioner Data Bank
Health Resources and Services Administration
U.S. Department of Health and Human Services
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DCN: 5500000043538134
Process Date: 10/03/2006
Page: 3 of 3
OLIVARES, JULIO RENE
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NEVADA

☐ At the request of the subject identified in Section B, this report was reviewed by the Secretary of the U.S. Department of Health and Human Services and a decision was reached. The subject has requested that the Secretary reconsider the original decision.

☐ At the request of the subject identified in Section B, this report was reviewed by the Secretary of the U.S. Department of Health and Human Services. The Secretary's decision is shown below:

Date of Original Submission: 10/03/2006

Date of Most Recent Change: 10/03/2006

**F. SUPPLEMENTAL
SUBJECT
INFORMATION ON
FILE WITH DATA
BANK**

The following information was not provided by the reporting entity identified in Section A of this report. The information was submitted to the Data Bank from other sources and is intended to supplement the information contained in this report.

Subject Name(s): OLIVARES, JULIO RENE

This report is maintained under the provisions of: Section 1921

The information contained in this report is maintained by the National Practitioner Data Bank for restricted use under the provisions of Section 1921 of the Social Security Act, and 45 CFR Part 60. All information is confidential and may be used only for the purpose for which it was disclosed. Disclosure or use of confidential information for other purposes is a violation of federal law. For additional information or clarification, contact the reporting entity identified in Section A.

END OF REPORT



National Practitioner Data Bank
Health Resources and Services Administration
U.S. Department of Health and Human Services
P.O. Box 10832
Chantilly, VA 20153-0832
<https://www.npdb.hrsa.gov>

DCN: 5500000057344363
Process Date: 07/10/2009
Page: 1 of 3
OLIVARES, JULIO RENE
For authorized use by:
CHIROPRACTIC PHYSICIANS BOARD OF
NEVADA

OLIVARES, JULIO RENE

CHIROPRACTIC PHYSICIANS BOARD OF NEVADA

STATE LICENSURE OR CERTIFICATION ACTION **Date of Action: 09/30/2003**

Subsequent Action

Basis for Initial Action

- PROBATION OF LICENSE
- PUBLICLY AVAILABLE FINE/MONETARY PENALTY
- EXTENSION OF PREVIOUS LICENSURE ACTION

- UNPROFESSIONAL CONDUCT

This action has related reports:

Initial Action: - PROBATION OF LICENSE **Date of Action:** 09/12/2001 **DCN:** 5500000043538134

Subsequent Action: [This Action]

Subsequent Action: - PROBATION OF LICENSE **Date of Action:** 09/30/2004 **DCN:** 5500000057344599
- PUBLICLY AVAILABLE FINE/MONETARY PENALTY
- LICENSE RESTORED OR REINSTATED, COMPLETE
- EXTENSION OF PREVIOUS LICENSURE ACTION

A. REPORTING ENTITY

Entity Name: CHIROPRACTIC PHYSICIANS BOARD OF NEVADA *
Address: 4600 KIETZKE LANE, SUITE M-245
City, State, Zip: RENO, NV 89502-5000
Country:
Name or Office: JULIE STRANDBERG
Title or Department: EXECUTIVE DIRECTOR
Telephone: (775) 688-1923
Entity Internal Report Reference: 01-10
Type of Report: REVISION
Related Report Number: 5500000043538134

*The reporting entity has changed its name or address on file with the NPDB. The following is the entity's most recent contact information reported to the NPDB on 05/02/2023:

Entity Name: CHIROPRACTIC PHYSICIANS BOARD OF NEVADA
Address: 4600 KIETZKE LN STE M245
City, State, Zip: RENO, NV 89502-5000
Country:

B. SUBJECT IDENTIFICATION INFORMATION (INDIVIDUAL)

Subject Name: OLIVARES, JULIO RENE
Other Name(s) Used:
Gender: MALE
Date of Birth: 09/19/1954
Organization Name:
Work Address: 2300 S. RANCHO DRIVE, SUITE 21
City, State, ZIP: LAS VEGAS, NV 89102
Organization Type:
Home Address:
City, State, ZIP:
Deceased: UNKNOWN



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Process Date: 07/10/2009
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OLIVARES, JULIO RENE
For authorized use by:
CHIROPRACTIC PHYSICIANS BOARD OF
NEVADA

Federal Employer Identification Numbers (FEIN):
Social Security Numbers (SSN): ***-**-4837
Individual Taxpayer Identification Numbers (ITIN):
National Provider Identifiers (NPI):
Professional School(s) & Year(s) of Graduation: SOUTHERN CA UNIV OF HEALTH SCIENCES - LO (1994)
Occupation/Field of Licensure: CHIROPRACTOR
State License Number, State of Licensure: B00747, NV
Drug Enforcement Administration (DEA) Numbers:
Unique Physician Identification Numbers (UPIN):
Name(s) of Health Care Entity (Entities) With Which Subject Is
Affiliated or Associated (Inclusion Does Not Imply Complicity in
the Reported Action):
Business Address of Affiliate:
City, State, ZIP:
Nature of Relationship(s):

C. INFORMATION REPORTED

Type of Adverse Action: STATE LICENSURE OR CERTIFICATION
Name of Agency or Program
That Took the Adverse Action
Specified in This Report: CHIROPRACTIC PHYSICIANS' BOARD OF NEVADA
Adverse Action
Classification Code(s): PROBATION OF LICENSE (1125)
PUBLICLY AVAILABLE FINE/MONETARY PENALTY (1173)
EXTENSION OF PREVIOUS LICENSURE ACTION (1296)
Date Action Was Taken: 09/30/2003
Date Action Became Effective: 09/30/2003
Length of Action: SPECIFIC PERIOD
Years: 1
Months:
Days:
Total Amount of Monetary Penalty,
Assessment and/or Restitution: \$ 2,948.74
Is the subject automatically reinstated
after the adverse action period is completed?: NO
Description of Subject's Act(s) or Omission(s) or Other
Reasons for Action(s) Taken and Description of Action(s) Taken
by Reporting Entity: LICENSEE'S PROBATION WAS EXTENDED FOR AN
ADDITIONAL YEAR BASED ON SEXUAL MISCONDUCT
VIOLATIONS.

☐ Subject identified in Section B has appealed the reported adverse action.

D. SUBJECT STATEMENT

If the subject identified in Section B of this report has submitted a statement, it appears in this section.

Date Submitted: 08/05/2009
licensee's probation was extended for an additional year, not based on sexual misconduct violations as stated in the National Practitioner Data Bank Report (NPDBR), but because licensee was not able to pay the entire fine within the ordered allowed time of two (2) years. Licensee's license was never reinstated because the license was never revoked or suspended as stated in the NPDBR'S report. There was an allegation of sexual misconduct but no evidence confirming sexual misconduct. There wasn't a trial or a conviction of guilt regarding the allegations of sexual misconduct.



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Process Date: 07/10/2009
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OLIVARES, JULIO RENE
For authorized use by:
CHIROPRACTIC PHYSICIANS BOARD OF
NEVADA

E. REPORT STATUS

Unless a box below is checked, the subject of this report identified in Section B has not contested this report.

- ☐ This report has been disputed by the subject identified in Section B.
- ☐ At the request of the subject identified in Section B, this report is being reviewed by the Secretary of the U.S. Department of Health and Human Services to determine its accuracy and/or whether it complies with reporting requirements. No decision has been reached.
- ☐ At the request of the subject identified in Section B, this report was reviewed by the Secretary of the U.S. Department of Health and Human Services and a decision was reached. The subject has requested that the Secretary reconsider the original decision.
- ☐ At the request of the subject identified in Section B, this report was reviewed by the Secretary of the U.S. Department of Health and Human Services. The Secretary's decision is shown below:

Date of Original Submission: 07/10/2009

Date of Most Recent Change: 07/10/2009

F. SUPPLEMENTAL SUBJECT INFORMATION ON FILE WITH DATA BANK

The following information was not provided by the reporting entity identified in Section A of this report. The information was submitted to the Data Bank from other sources and is intended to supplement the information contained in this report.

Subject Name(s): OLIVARES, JULIO RENE

This report is maintained under the provisions of: Section 1921

The information contained in this report is maintained by the National Practitioner Data Bank for restricted use under the provisions of Section 1921 of the Social Security Act, and 45 CFR Part 60. All information is confidential and may be used only for the purpose for which it was disclosed. Disclosure or use of confidential information for other purposes is a violation of federal law. For additional information or clarification, contact the reporting entity identified in Section A.

END OF REPORT



National Practitioner Data Bank
Health Resources and Services Administration
U.S. Department of Health and Human Services
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DCN: 5500000057344599
Process Date: 07/10/2009
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OLIVARES, JULIO RENE
For authorized use by:
CHIROPRACTIC PHYSICIANS BOARD OF
NEVADA

OLIVARES, JULIO RENE

CHIROPRACTIC PHYSICIANS BOARD OF NEVADA

STATE LICENSURE OR CERTIFICATION ACTION **Date of Action:** 09/30/2004

Subsequent Action

Basis for Initial Action

- PROBATION OF LICENSE
- PUBLICLY AVAILABLE FINE/MONETARY PENALTY
- LICENSE RESTORED OR REINSTATED, COMPLETE
- EXTENSION OF PREVIOUS LICENSURE ACTION

- UNPROFESSIONAL CONDUCT

This action has related reports:

Initial Action:	- PROBATION OF LICENSE	Date of Action: 09/12/2001	DCN: 5500000043538134
Subsequent Action:	- PROBATION OF LICENSE - PUBLICLY AVAILABLE FINE/MONETARY PENALTY - EXTENSION OF PREVIOUS LICENSURE ACTION	Date of Action: 09/30/2003	DCN: 5500000057344363
Subsequent Action:	[This Action]		

A. REPORTING ENTITY

Entity Name: CHIROPRACTIC PHYSICIANS BOARD OF NEVADA *
Address: 4600 KIETZKE LANE, SUITE M-245
City, State, Zip: RENO, NV 89502-5000
Country:
Name or Office: JULIE STRANDBERG
Title or Department: EXECUTIVE DIRECTOR
Telephone: (775) 688-1923
Entity Internal Report Reference: 01-10
Type of Report: REVISION
Related Report Number: 5500000057344363

*The reporting entity has changed its name or address on file with the NPDB. The following is the entity's most recent contact information reported to the NPDB on 05/02/2023:

Entity Name: CHIROPRACTIC PHYSICIANS BOARD OF NEVADA
Address: 4600 KIETZKE LN STE M245
City, State, Zip: RENO, NV 89502-5000
Country:

B. SUBJECT IDENTIFICATION INFORMATION (INDIVIDUAL)

Subject Name: OLIVARES, JULIO RENE
Other Name(s) Used:
Gender: MALE
Date of Birth: 09/19/1954
Organization Name:
Work Address: 2300 S. RANCHO DRIVE, SUITE 21
City, State, ZIP: LAS VEGAS, NV 89102
Organization Type:
Home Address:
City, State, ZIP:
Deceased: UNKNOWN

Federal Employer Identification Numbers (FEIN):



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DCN: 5500000057344599
Process Date: 07/10/2009
Page: 2 of 3
OLIVARES, JULIO RENE
For authorized use by:
CHIROPRACTIC PHYSICIANS BOARD OF
NEVADA

Social Security Numbers (SSN): ***-**-4837
Individual Taxpayer Identification Numbers (ITIN):
National Provider Identifiers (NPI):
Professional School(s) & Year(s) of Graduation: SOUTHERN CA UNIV OF HEALTH SCIENCES - LO (1994)
Occupation/Field of Licensure: CHIROPRACTOR
State License Number, State of Licensure: B00747, NV
Drug Enforcement Administration (DEA) Numbers:
Unique Physician Identification Numbers (UPIN):
Name(s) of Health Care Entity (Entities) With Which Subject Is
Affiliated or Associated (Inclusion Does Not Imply Complicity in
the Reported Action):
Business Address of Affiliate:
City, State, ZIP:
Nature of Relationship(s):

C. INFORMATION REPORTED

Type of Adverse Action: STATE LICENSURE OR CERTIFICATION
Name of Agency or Program
That Took the Adverse Action
Specified in This Report: CHIROPRACTIC PHYSICIANS' BOARD OF NEVADA
Adverse Action
Classification Code(s): PROBATION OF LICENSE (1125)
PUBLICLY AVAILABLE FINE/MONETARY PENALTY (1173)
LICENSE RESTORED OR REINSTATED, COMPLETE (1280)
EXTENSION OF PREVIOUS LICENSURE ACTION (1296)
Date Action Was Taken: 09/30/2004
Date Action Became Effective: 09/30/2004
Length of Action: INDEFINITE
Total Amount of Monetary Penalty,
Assessment and/or Restitution: \$ 2,948.74
Is the subject automatically reinstated
after the adverse action period is completed?: YES
Description of Subject's Act(s) or Omission(s) or Other
Reasons for Action(s) Taken and Description of Action(s) Taken
by Reporting Entity: LICENSE WAS REINSTATED / END OF PROBATION.

☐ Subject identified in Section B has appealed the reported adverse action.

D. SUBJECT STATEMENT

If the subject identified in Section B of this report has submitted a statement, it appears in this section.

E. REPORT STATUS

Unless a box below is checked, the subject of this report identified in Section B has not contested this report.

- ☐ This report has been disputed by the subject identified in Section B.
- ☐ At the request of the subject identified in Section B, this report is being reviewed by the Secretary of the U.S. Department of Health and Human Services to determine its accuracy and/or whether it complies with reporting requirements. No decision has been reached.
- ☐ At the request of the subject identified in Section B, this report was reviewed by the Secretary of the U.S. Department of Health and Human Services and a decision was reached. The subject has requested that the Secretary reconsider the original decision.



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OLIVARES, JULIO RENE
For authorized use by:
CHIROPRACTIC PHYSICIANS BOARD OF
NEVADA

☐ At the request of the subject identified in Section B, this report was reviewed by the Secretary of the U.S. Department of Health and Human Services. The Secretary's decision is shown below:

Date of Original Submission: 07/10/2009

Date of Most Recent Change: 07/10/2009

**F. SUPPLEMENTAL
SUBJECT
INFORMATION ON
FILE WITH DATA
BANK**

The following information was not provided by the reporting entity identified in Section A of this report. The information was submitted to the Data Bank from other sources and is intended to supplement the information contained in this report.

Subject Name(s): OLIVARES, JULIO RENE

This report is maintained under the provisions of: Section 1921

The information contained in this report is maintained by the National Practitioner Data Bank for restricted use under the provisions of Section 1921 of the Social Security Act, and 45 CFR Part 60. All information is confidential and may be used only for the purpose for which it was disclosed. Disclosure or use of confidential information for other purposes is a violation of federal law. For additional information or clarification, contact the reporting entity identified in Section A.

END OF REPORT



National Practitioner Data Bank
Health Resources and Services Administration
U.S. Department of Health and Human Services
P.O. Box 10832
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DCN: 5500000043538138
Process Date: 10/03/2006
Page: 1 of 3
OLIVARES, JULIO RENE
For authorized use by:
CHIROPRACTIC PHYSICIANS BOARD OF
NEVADA

OLIVARES, JULIO RENE

CHIROPRACTIC PHYSICIANS BOARD OF NEVADA

STATE LICENSURE OR CERTIFICATION ACTION Date of Action: 09/12/2001

Initial Action

Basis for Initial Action

- PROBATION OF LICENSE

- UNPROFESSIONAL CONDUCT

A. REPORTING ENTITY

Entity Name: CHIROPRACTIC PHYSICIANS BOARD OF NEVADA *

Address: 4600 KIETZKE LANE, SUITE M-245

City, State, Zip: RENO, NV 89502-5000

Country:

Name or Office: JULIE STRANDBERG

Title or Department: EXECUTIVE DIRECTOR

Telephone: (775) 688-1923

Entity Internal Report Reference:

Type of Report: INITIAL

*The reporting entity has changed its name or address on file with the NPDB. The following is the entity's most recent contact information reported to the NPDB on 05/02/2023:

Entity Name: CHIROPRACTIC PHYSICIANS BOARD OF NEVADA

Address: 4600 KIETZKE LN STE M245

City, State, Zip: RENO, NV 89502-5000

Country:

B. SUBJECT IDENTIFICATION INFORMATION (INDIVIDUAL)

Subject Name: OLIVARES, JULIO RENE

Other Name(s) Used:

Gender: MALE

Date of Birth: 09/19/1954

Organization Name:

Work Address: 2300 S. RANCHO DRIVE, SUITE 21

City, State, ZIP: LAS VEGAS, NV 89102

Organization Type:

Home Address:

City, State, ZIP:

Deceased: UNKNOWN

Federal Employer Identification Numbers (FEIN):

Social Security Numbers (SSN): ***-**-4837

Individual Taxpayer Identification Numbers (ITIN):

National Provider Identifiers (NPI):

Professional School(s) & Year(s) of Graduation: SOUTHERN CA UNIV OF HEALTH SCIENCES - LO (1994)

Occupation/Field of Licensure: CHIROPRACTOR

State License Number, State of Licensure: B-747, NV

Drug Enforcement Administration (DEA) Numbers:

Unique Physician Identification Numbers (UPIN):

Name(s) of Health Care Entity (Entities) With Which Subject Is
Affiliated or Associated (Inclusion Does Not Imply Complicity in
the Reported Action):

Business Address of Affiliate:

City, State, ZIP:



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Health Resources and Services Administration
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DCN: 5500000043538138
Process Date: 10/03/2006
Page: 2 of 3
OLIVARES, JULIO RENE
For authorized use by:
CHIROPRACTIC PHYSICIANS BOARD OF
NEVADA

Nature of Relationship(s):

**C. INFORMATION
REPORTED**

Type of Adverse Action: STATE LICENSURE OR CERTIFICATION
Basis for Action: UNPROFESSIONAL CONDUCT (10)
Name of Agency or Program
That Took the Adverse Action
Specified in This Report: CHIROPRACTIC PHYSICIANS' BOARD OF NEVADA
Adverse Action
Classification Code(s): PROBATION OF LICENSE (1125)
Date Action Was Taken: 09/12/2001
Date Action Became Effective: 09/12/2001
Length of Action: SPECIFIC PERIOD
Years: 2
Months: 0
Days: 0
Total Amount of Monetary Penalty,
Assessment and/or Restitution:
Is the subject automatically reinstated
after the adverse action period is completed?: YES
Description of Subject's Act(s) or Omission(s) or Other
Reasons for Action(s) Taken and Description of Action(s) Taken
by Reporting Entity: SEXUAL MISCONDUCT VIOLATIONS.

☐ Subject identified in Section B has appealed the reported adverse action.

**D. SUBJECT
STATEMENT**

If the subject identified in Section B of this report has submitted a statement, it appears in this section.

E. REPORT STATUS

Unless a box below is checked, the subject of this report identified in Section B has not contested this report.

- ☐ This report has been disputed by the subject identified in Section B.
- ☐ At the request of the subject identified in Section B, this report is being reviewed by the Secretary of the U.S. Department of Health and Human Services to determine its accuracy and/or whether it complies with reporting requirements. No decision has been reached.
- ☐ At the request of the subject identified in Section B, this report was reviewed by the Secretary of the U.S. Department of Health and Human Services and a decision was reached. The subject has requested that the Secretary reconsider the original decision.
- ☐ At the request of the subject identified in Section B, this report was reviewed by the Secretary of the U.S. Department of Health and Human Services. The Secretary's decision is shown below:

Date of Original Submission: 10/03/2006

Date of Most Recent Change: 10/03/2006

**F. SUPPLEMENTAL
SUBJECT
INFORMATION ON
FILE WITH DATA
BANK**

The following information was not provided by the reporting entity identified in Section A of this report. The information was submitted to the Data Bank from other sources and is intended to supplement the information contained in this report.

Subject Name(s): OLIVARES, JULIO RENE

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Health Resources and Services Administration
U.S. Department of Health and Human Services
P.O. Box 10832
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DCN: 5500000043538138
Process Date: 10/03/2006
Page: 3 of 3
OLIVARES, JULIO RENE
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NEVADA

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END OF REPORT



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NEVADA

OLIVARES, JULIO RENE

CHIROPRACTIC PHYSICIANS BOARD OF NEVADA

STATE LICENSURE OR CERTIFICATION ACTION Date of Action: 09/12/2001

Initial Action

Basis for Initial Action

- PROBATION OF LICENSE

- UNPROFESSIONAL CONDUCT

A. REPORTING ENTITY

Entity Name: CHIROPRACTIC PHYSICIANS BOARD OF NEVADA *

Address: 4600 KIETZKE LANE, SUITE M-245

City, State, Zip: RENO, NV 89502-5000

Country:

Name or Office: JULIE STRANDBERG

Title or Department: EXECUTIVE DIRECTOR

Telephone: (775) 688-1923

Entity Internal Report Reference:

Type of Report: INITIAL

*The reporting entity has changed its name or address on file with the NPDB. The following is the entity's most recent contact information reported to the NPDB on 05/02/2023:

Entity Name: CHIROPRACTIC PHYSICIANS BOARD OF NEVADA

Address: 4600 KIETZKE LN STE M245

City, State, Zip: RENO, NV 89502-5000

Country:

B. SUBJECT IDENTIFICATION INFORMATION (INDIVIDUAL)

Subject Name: OLIVARES, JULIO RENE

Other Name(s) Used:

Gender: MALE

Date of Birth: 09/19/1954

Organization Name:

Work Address: 2300 S. RANCHO DRIVE, SUITE 21

City, State, ZIP: LAS VEGAS, NV 89102

Organization Type:

Home Address:

City, State, ZIP:

Deceased: UNKNOWN

Federal Employer Identification Numbers (FEIN):

Social Security Numbers (SSN): ***-**-4837

Individual Taxpayer Identification Numbers (ITIN):

National Provider Identifiers (NPI):

Professional School(s) & Year(s) of Graduation: SOUTHERN CA UNIV OF HEALTH SCIENCES - LO (1994)

Occupation/Field of Licensure: CHIROPRACTOR

State License Number, State of Licensure: B-747, NV

Drug Enforcement Administration (DEA) Numbers:

Unique Physician Identification Numbers (UPIN):

Name(s) of Health Care Entity (Entities) With Which Subject Is
Affiliated or Associated (Inclusion Does Not Imply Complicity in
the Reported Action):

Business Address of Affiliate:

City, State, ZIP:



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OLIVARES, JULIO RENE
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NEVADA

Nature of Relationship(s):

**C. INFORMATION
REPORTED**

Type of Adverse Action: STATE LICENSURE OR CERTIFICATION
Basis for Action: UNPROFESSIONAL CONDUCT (10)
Name of Agency or Program
That Took the Adverse Action
Specified in This Report: CHIROPRACTIC PHYSICIANS' BOARD OF NEVADA
Adverse Action
Classification Code(s): PROBATION OF LICENSE (1125)
Date Action Was Taken: 09/12/2001
Date Action Became Effective: 09/12/2001
Length of Action: SPECIFIC PERIOD
Years: 2
Months: 0
Days: 0
Total Amount of Monetary Penalty,
Assessment and/or Restitution:
Is the subject automatically reinstated
after the adverse action period is completed?: YES
Description of Subject's Act(s) or Omission(s) or Other
Reasons for Action(s) Taken and Description of Action(s) Taken
by Reporting Entity: SEXUAL MISCONDUCT VIOLATIONS.

☐ Subject identified in Section B has appealed the reported adverse action.

**D. SUBJECT
STATEMENT**

If the subject identified in Section B of this report has submitted a statement, it appears in this section.

E. REPORT STATUS

Unless a box below is checked, the subject of this report identified in Section B has not contested this report.

- ☐ This report has been disputed by the subject identified in Section B.
- ☐ At the request of the subject identified in Section B, this report is being reviewed by the Secretary of the U.S. Department of Health and Human Services to determine its accuracy and/or whether it complies with reporting requirements. No decision has been reached.
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- ☐ At the request of the subject identified in Section B, this report was reviewed by the Secretary of the U.S. Department of Health and Human Services. The Secretary's decision is shown below:

Date of Original Submission: 10/03/2006

Date of Most Recent Change: 10/03/2006

**F. SUPPLEMENTAL
SUBJECT
INFORMATION ON
FILE WITH DATA
BANK**

The following information was not provided by the reporting entity identified in Section A of this report. The information was submitted to the Data Bank from other sources and is intended to supplement the information contained in this report.

Subject Name(s): OLIVARES, JULIO RENE

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National Practitioner Data Bank
Health Resources and Services Administration
U.S. Department of Health and Human Services
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DCN: 5500000043538136
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Page: 3 of 3
OLIVARES, JULIO RENE
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NEVADA

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END OF REPORT



Federation of Chiropractic Licensing Boards

DATABANK ACTION REPORT

CHIROPRACTIC REGULATORY BOARD ACTIONS

QUERY REPORT: CIN-BAD

Questions? Janelle Grier, CIN-BAD Administrator (970) 356-3500 / FAX / E-mail jgrier@fclb.org

Search Criteria

Last Name: Olivares

First Name: Julio

Alias:

SUBJECT NAME	Julio Rene Olivares	Date of Birth	No Information Reported
Other names used	Julio	Deceased	N
		Gender	Male
		U.S. NPI #	1699132514
Categories	Doctor of Chiropractic		

CONTACT INFORMATION:

Address 1: 2300 S Rancho Dr Ste 21, Las Vegas, NV 89102

Address 2: 305 W 7th Ave, Eugene, OR 97401-2510

EDUCATION INFORMATION:

Doctor of Chiropractic (DC)

DC College	Southern CA Univ of Health Sciences - Los Angeles Coll of Chiro
DC Year Degree Received	No Information Reported

LICENSURE INFORMATION:

Jurisdiction	License #	Licensed Since
California	23560	No Information Reported
California	23560	1/23/1995

Nevada

B00747

1/1/1998

Oregon

4115

5/18/2011

Certifications:

No certification information reported

PRIMARY SOURCE VERIFIED DATA FOLLOWS

BOARD ACTIONS:

Nevada

Date of Action:

9/12/2001

Effective Date:

9/12/2001

Appeal Date:

Reference #01-10

	Description	Fine	Length	Auto Reinstate
Basis 1:	Unprofessional Conduct			
Action 1:	Fine / Monetary Penalty	\$2,949.00	Permanent	N
Action 2:	Other Board Action - Contact Board Note: Counseling			N
Action 3:	Probation		2 years	Y
Action 4:	Probation			N
Comments	Dr. Olivares' license was placed on a two-year probation, he was fined \$2,948.74, and he is required to receive counseling based on sexual misconduct violations.			

Nevada

Date of Action:

9/30/2003

Effective Date:

9/30/2003

Appeal Date:

Reference #01-10

	Description	Fine	Length	Auto Reinstate
Basis 1:	Revision to Action			
Action 1:	Extension of a Previous Action (Briefly Describe)		1 year	N
Action 2:	Extension of a Previous Action (Briefly Describe) Note: Probation extended; pay \$250/mo			N
Action 3:	Fine / Monetary Penalty	\$2,949.00	Permanent	N

Comments

Probation has been extended. Dr. Olivares was fined \$2,948.74 and ordered to pay \$250/month.

Nevada

Reference #01-10

Date of Action: 9/30/2004

Effective Date: 9/30/2004

Appeal Date:

	Description	Fine	Length	Auto Reinstate
Action 1:	License Restored or Reinstated / End of Probation - Unconditional		Indefinite	Y
Action 2:	License Restored or Reinstated / End of Probation - Unconditional		Indefinite	Y
	Note: End of probation			

Comments

Dr. Olivares has successfully completed all of the provisions of the 9/12/2001 Board's Order Imposing Discipline and its 9/30/2003 Order Extending Probation.

Oregon

Reference #2023-5015

Date of Action: 12/1/2023

Effective Date: 12/1/2023

Appeal Date:

	Description	Fine	Length	Auto Reinstate
Basis 1:	Unprofessional Conduct			

Action 1:	Stipulation or Consent Order / Limitation or Restriction on License	Permanent	N
	Note: The Board became aware on April 23, 2023, of alleged inappropriate sexual contact with a Patient on April 7, 2023, and investigated the case. On October 19, 2023, the Board issued an Order for a Psycho-Sexual Evaluation to occur within 120 days. Licensee has since submitted to a polygraph exam that indicated no unprofessional conduct occurred. Licensee denies any inappropriate sexual conduct occurred. Licensee hereby agrees effective November 18, 2023, he will not engage in the practice of chiropractic in the State of Oregon until further order of the Board. Licensee agrees that he is closing his Oregon chiropractic practice by November 18, 2023, and will agree not to treat female patients until that time. Licensee further agrees that he will let his Oregon chiropractic license lapse and will not reapply or renew his license in the future. The parties have agreed to enter this Interim Consent Order. Licensee agrees that he is aware of his right to a hearing with his attorney present to contest the charges and hereby waives that right and agrees to entry of this order. Licensee agrees to waive any right to appeal.		

MEDICARE SANCTIONS:

No Medicare actions reported

REMEMBER: Do not take official actions without consulting the board(s) which took action.
Information is copyrighted by the Federation of Chiropractic Licensing Boards, all rights reserved

Please note that not being listed in the database does not guarantee that actions have not been taken by regulatory boards. Reports can be in process and not yet received by the FCLB. It is strongly urged that you contact the board(s) to verify: (1) if the doctor has a license in good standing; (2) has any pending or previous actions; (3) has any complaints filed against him/her. It is the responsibility of the person initiating the search to query at a later date to see if new actions have been reported after the date of the search. This Chiropractic Information Network-Board Action Databank (CIN-BAD) is a "red-flag" service designed to bring attention to matters of potential concern or positive status. Any subsequent actions taken as a result of this report must be based on complete information obtained directly from the licensing authority(ies) which took the original board action(s), or other authorities as noted in this report. It is understood that CIN-BAD is compiled from information provided by sources including international state and provincial licensing authorities, US Department of Health and Human Services (DHHS), and others. The FCLB is not responsible for any inaccurate or incomplete information provided to it by these sources.

CHIROPRACTIC PHYSICIANS' BOARD OF NEVADA

AGENDA ACTION SHEET

TITLE: Agenda Item 7 Discussion and potential action relating to the discipline imposed on Michael Milman, DC in Case No. 20-07S - 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. Milman)

RECOMMENDED MOTION: Monitoring remains in place.

PRESENTED BY: Xavier Martinez, DC

MEETING DATE: January 11, 2024

TIME REQUIRED: 15 minutes

BACKGROUND INFORMATION:

On November 9, 2020 Dr. Milman entered into the attached Findings of Fact, Conclusions of Law, and Order with this Board, due to being convicted in CA for submitting false or fraudulent insurance claims. The Nevada Board order included the following:

- 1. Pay fees and costs in the amount of \$1,380.00 (Paid)**
- 2. Successfully complete Ethics and Boundaries (Completed)**
- 3. Five years of probation (ends 11/9/2025) and throughout this period Dr. Milman shall:**
 - a. Obtain and maintain malpractice insurance**
 - b. Obtain and maintain all applicable state, county, or city business licensure**
 - c. Not bill any insurances, but work on a cash basis**
 - d. Not accept or treat any patients seeking care due to a personal injury claim**
- 4. Obtain a practice monitor**

On April 22, 2022 Dr. Milman began employment with the Joint.

On October 17, 2022 Dr. Milman entered into a contract with Affiliated Monitors.

On July 14, 2022 per his request, Dr. Milman appeared before the Board to request termination of his probation. The Board voted to deny Dr. Milman's request to terminate his probation, since the Board ordered practice monitoring reports and that process had not started.

On February 2, 2023 the Board received the first monitoring report for the period of July – September 2023 and October – December 2023.

On April 27, 2023 the Board received the second monitoring report for the period of January – March 2023. You will note that Dr. Yamane found concern with the EMR generated SOAP note not including a diagnosis code and Dr. Milman submitted the attached addendum.

On July 13, 2023 Per his request, Dr. Milman appeared before the Board to request termination of his probation. The Board voted to deny Dr. Milman's request until the Board receives a report indicating that Dr. Milman is in compliance with his record keeping.

On August 2, 2023 the Board received the third monitoring report for the period of April through June 2023.

On November 8, 2023 the Board received the fourth monitoring report for the period of July through September 2023.

On December 21, 2023 Dr. Milman submitted a request to appear before the Board at its January 11, 2024 meeting.

ACTION: _____ Approved _____ Approved w/Modifications _____ Denied _____ Continued

Agenda Item 7

From: [Michael Milman](#)
To: [Julie Strandberg](#)
Subject: January's Agenda
Date: Thursday, December 21, 2023 4:48:42 PM

Mrs. Julie,

I am hoping this email finds you well!

The reason of my email is to kindly ask you to be included in the agenda for January to discuss the possible removal of my probation terms.

Thank you so much for your prompt response

Truly yours,
Dr. Michael Milman

CHIROPRACTIC PHYSICIANS' BOARD OF NEVADA

AGENDA ACTION SHEET

TITLE: Agenda Item 8 Hearing and deliberation in the Matter of Casey Robinson, DC, License No. B01263, Complaint No. 23-11S – 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. Robinson.)

RECOMMENDED MOTION: No recommended motion.

PRESENTED BY: Reza Ayazi, Esq./Louis Ling, Esq.

MEETING DATE: January 11, 2024

TIME REQUIRED: 15 minutes

BACKGROUND INFORMATION: During the review of Dr. Robinson's probation in accordance with his California Board Order it was determined that Dr. Robinson's Nevada license expired and he had performed five PPD evaluations. The Board filed a complaint against Dr. Robinson for performing PPD evaluations without a license and issued a Notice of Charges. To date, Dr. Robinson has not been in contact with the Board. Please see the attached documentation.

ACTION: _____ Approved _____ Approved w/Modifications _____ Denied _____ Continued

BEFORE THE CHIROPRACTIC PHYSICIANS' BOARD OF NEVADA

IN THE MATTER OF:

CASEY ROBINSON, DC

Respondent.

Case No. 22-11S

NOTICE OF HEARING

PLEASE TAKE NOTICE that at its regular meeting on July 13, 2023, the Board set the hearing regarding the Notice of Charges filed in the above-captioned matter to be held at the following place and time:

Thursday, January 11, 2024 commencing at 10:00 a.m.

Join Zoom Meeting

<https://us06web.zoom.us/j/81259966648?pwd=cdQqu5biSNlaqBIuotwdNymB0wYb4.1>

Meeting ID: 812 5996 6648

Passcode: 126479

One tap mobile

+13462487799,,81259966648#,,, *126479# US (Houston)

+16694449171,,81259966648#,,, *126479# US

Dial by your location

• +1 346 248 7799 US (Houston)

• +1 669 444 9171 US

• +1 669 900 6833 US (San Jose)

• +1 719 359 4580 US

• +1 253 205 0468 US

• +1 253 215 8782 US (Tacoma)

• +1 646 931 3860 US

• +1 689 278 1000 US

• +1 929 205 6099 US (New York)

• +1 301 715 8592 US (Washington DC)

• +1 305 224 1968 US

• +1 309 205 3325 US

• +1 312 626 6799 US (Chicago)

- +1 360 209 5623 US
- +1 386 347 5053 US
- +1 507 473 4847 US
- +1 564 217 2000 US

Meeting ID: 812 5996 6648

Passcode: 126479

Find your local number: <https://us06web.zoom.us/j/k6M2An7nZ>

Signed this 12th day of December, 2023.



JULIE STRANDBERG, Executive Director

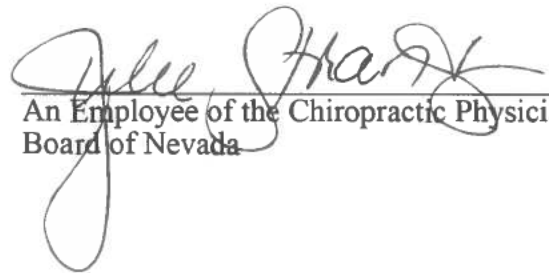
CERTIFICATE OF SERVICE

I certify that I am an employee of the Chiropractic Physicians' Board of Nevada and that on this day I deposited in the United State Mail, postage prepaid, the attached document to:

CASEY ROBINSON, DC
4988 Mt. Almagosa Dr.
Las Vegas, Nevada 89211

LING LTD.
Louis Ling
933 Gear Street
Reno, Nevada 89503

Dated this 12th day of December, 2023.



An Employee of the Chiropractic Physicians'
Board of Nevada

BEFORE THE CHIROPRACTIC PHYSICIANS' BOARD OF NEVADA
CHIROPRACTIC PHYSICIANS'
BOARD OF NEVADA

DEC 05 2023

IN THE MATTER OF:

CASEY ROBINSON, D.C.
License No. B1263,

Respondent.

Case No. 23-11S

NOTICE OF CHARGES

RECEIVED
RENO, NEVADA 89502

The Chiropractic Physicians' Board of Nevada (hereinafter "the Board"), by and through its Board Counsel Louis Ling, makes the following, which shall serve as a notice of intended action pursuant to NRS 233B.121 and as a notice of charges pursuant to NRS 634.170, related to Respondent Casey Robinson, D.C. (License No. B1263). The pertinent facts and law regarding this notice of charges are as follows:

I.

On September 14, 2007, Dr. Casey Robinson became licensed as a chiropractic physician in Nevada (License No. B1263). Dr. Robinson's address of record with the Board is 500 E. Windmill Lane, Suite 115, Las Vegas, Nevada 89123.

II.

On April 7, 2023, Valerie K. Hall, Chief Administrative Officer for the Nevada Division of Industrial Relations Workers' Compensation Section, contacted by e-mail Julie Strandberg, Executive Director for the Board. Ms. Hall was seeking information regarding the status of the Nevada license of Dr. Robinson. Subsequent conversations and inquiries between Ms. Hall and Ms. Strandberg revealed that Dr. Robinson had not renewed his license in 2022, resulting in his license expiring as of January 1, 2023, and that while Dr. Robinson's license was expired, he had performed six permanent partial disability (PPD) ratings for Nevada patients who were pursuing workers compensation claims.

III.

Dr. Robinson reinstated his license online on April 11, 2023.

FIRST CHARGE

IV.

The performance of PPDs is the practice of chiropractic in Nevada, and as such, can only be performed by a Nevada chiropractic physician with a valid and active license from the Board. Pursuant to NRS 634.130(12), Dr. Robinson's license expired on January 1, 2023 when it was not timely renewed. Dr. Robinson did not have a valid and active license until April 11, 2023 when he reinstated his license through the Board's online reinstatement process. Thus, Dr. Robinson violated Nevada Revised Statutes (NRS) 634.140(1) and/or NRS 634.018(10) and/or NRS 634.018(11) and/or NRS 634.227(2) and/or Nevada Administrative Code (NAC) 634.430(1)(n). Each PPD performed by Dr. Robinson on an expired license is a separate violation of the above statutes and regulations, and pursuant to NAC 634.360(5), each may be subject to separate discipline.

WHEREFORE, the Board's Staff requests that the Board impose such discipline as it deems just, necessary, and appropriate in this matter.

Signed this 5th day of December, 2023.


LOUIS LING, Board Counsel

STATEMENT OF RESPONDENT'S RIGHTS

As the Respondent in this action, you have the following rights:

1. A hearing regarding this matter will be held no sooner than 30 days from the date of this Notice of Charges. The time and date will be made by a separate Notice of Hearing once it has been set. The intent of the hearing of this matter is to determine whether the allegations made against you in the Notice of Charges have been proven by substantial evidence, and if so, what discipline is appropriate.
2. You may appear at the hearing of this matter. You may be represented by your counsel of choice. The hearing shall be conducted at an open and public meeting of the Board and shall be conducted in conformance with NRS chapter 233B and 634 and NAC chapter 634, including your right to present testimony and evidence in support of your case and your right to cross-examine witnesses presented by Board Staff.
3. The Board shall attempt to hold your hearing at the time set, but you should be aware that the Board retains the discretion to conduct its meeting as it deems best and your case may be heard later than the time set.

- 1 4. You may file an Answer to the Notice of Charges in this matter pursuant to NAC 634.650.
2 To do so, you must file your Answer in writing with the Board's office within 15 days of your
3 receipt of this Notice of Charges. Your failure to timely file an Answer to the Notice of
4 Charges may be deemed by the Board to be an admission to the contents of the Notice of
5 Charges.
- 6 5. You may request that the Board issue subpoenas to compel the attendance of witnesses or the
7 production of evidence at the hearing of the matter pursuant to NRS 634.196 and NAC
8 634.660.
- 9 6. Should you choose not to appear at the hearing of the matter, the Board may enter a default
10 against you and still proceed with the hearing of the matter in your absence pursuant to NAC
11 634.715.
- 12 7. You may seek to negotiate a settlement regarding this matter. If you desire to discuss a
13 potential settlement of the matter, you may contact Louis Ling, Board Counsel, pursuant to
14 the contact information contained on this Notice of Charges.
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CERTIFICATE OF SERVICE

I certify that I am an employee of the Chiropractic Physicians' Board of Nevada and that on this day I hand-delivered a true and correct copy of the foregoing document to Paul Rovetti, D.C. while he was present at the Board's office located at 4600 Kietzke Lane, Building M, Suite 245 in Reno, Nevada.

CASEY ROBINSON, DC
4988 MT. ALMAGOSA DR.
SAN DIEGO, CA 92111

Dated this 5th day of December, 2023.



JULIE STRANDBERG, Executive Director

Tracking Number:
70223330000213398994

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Dr. Casey Robinson, D.C., C.I.C.E.
(Mail Correspondence Address)
4988 Mt. Almagosa Dr.
San Diego, CA 92111
(888) 213-4215

TK-0

Tax ID# 560-79-8888 Nevada License # B-01263 Email: [REDACTED]

February 27, 2023

Case Particulars:

Patient: [REDACTED]
Date of Birth: [REDACTED]
Social Security Number: [REDACTED]
Employer: [REDACTED]
Claim Number: 5012-1694-2022-0257 ✓
Date of Injury: 10-4-21
Date of Evaluation: 2-27-23
Evaluating Physician: Dr. Casey Robinson, D.C., C.I.C.E.

Claims Administrator/Insurer:

Assoc. Risk Mgmt., Inc.
Teri Kinne, Claims Specialist
800-935-0640 x104

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MAR 21 2023

ASSOCIATED RISK
MANAGEMENT, INC.

PPD REPORT

I performed an evaluation of [REDACTED] left shoulder and left arm on 2-27-23 in my Las Vegas, NV office per your request. The following report contains my impairment rating recommendations for the above referenced date of injury/claim.

DESCRIPTION OF INJURY

[REDACTED] reported that he suffered an injury to his left shoulder/arm when a large, heavy plank of wood fell over and onto his shoulder/arm. He states he was subsequently hit again with another plank immediately after he was hit by the first.

MAR 21 2023

ASSOCIATED RISK
MANAGEMENT, INC.REVIEW OF MEDICAL RECORDS

- 10-4-21: C4 report indicates left scapular fracture
- 10-4-21: Initial report by Obert indicates CT left shoulder shows displaced fracture of mid body of scapula with no involvement of the joint spaces, degenerative changes of the AC joint. Shoulder X-ray normal.
- 10-8-21: Operative Report by Pietryga, MD indicates procedures performed as being ORIF left scapula.
- 10-26-21: Progress report by Ferrer, PA-C indicates left shoulder no erythema, no swelling, mild tenderness, limited motion all planes with pain. Left elbow/forearm/wrist full motion, no tenderness, normal appearance, normal strength.
- 11-8-21: Office Visit Note by Dr Hancock indicates left shoulder motion is flex-130, ER-15, IR to sacrum. He complains of hypoesthesia in the axillary nerve distribution, and more non-dermatomal hypoesthesia in the entire left upper extremity. He can weakly fire his deltoid.
- 12-14-21: Office Visit Note by Dr Hancock indicates left shoulder motion is flex-130, ER-15, IR to sacrum. He complains of hypoesthesia in the axillary nerve distribution, and more non-dermatomal hypoesthesia in the entire hand today. He can feel light touch in the axillary, median, ulnar, and radial nerve distribution although abnormal. Positive Hawkins and Neer's test. X-rays today show scapular neck fracture post ORIF, with a small frag plate and screw construct with stable appearance of likely fractured plate. Diagnosis: Impingement syndrome of left shoulder, Displaced fracture of neck of scapula left shoulder sequelae. Subacromial corticosteroid injection given today.
- 12-20-21: Initial PT Eval report by Robina, PT indicates left shoulder motion as flex-145, ext-32, abd-130, ER-45, IR-12
- 1-12-22: PT Re-eval report by Robina, PT indicates moderate tenderness at infraspinatus and teres minor, left shoulder motion as flex-165, ext-60, abd-165, ER-88, IR-65. Manual muscle testing is 3/5 all.
- 1-13-22: NCV report by Dr Germin indicates a normal study for all left upper extremity.
- 2-9-22: PT Re-Eval Report by Walker, PT indicates moderate tenderness at infraspinatus and teres minor, left shoulder motion as flex-140, ext-60, abd-110, ER-80, IR-75. Manual muscle testing is 4/5 all.

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MAR 21 2023

ASSOCIATED RISK
MANAGEMENT, INC.

- 4-1-22: CT scan report indicates impression of healed prior scapula fracture status post ORIF with plate and screws in place with no evidence of hardware loosening, there is a 7mm osseous fragment adjacent to the glenoid, mild degenerative change of the AC joint, minimal degenerative change of the glenohumeral joint.
- 4-1-22: MRI report indicates left shoulder moderate tendinopathy and partial thickness tearing of the insertion of the supraspinatus tendon with tear of 7mm, advanced tendinopathy and low grade partial thickness tearing of the subscapularis tendon, moderate tendinopathy of the infraspinatus tendon, advanced tendinopathy of the intra articular portion of the long biceps tendon, mild degeneration of AC joint.
- 5-5-22: Operative Report by Dr Hancock indicates procedures performed as being left shoulder rotator cuff repair, **AC joint resection (AKA distal clavicle resection)**, subacromial decompression, biceps tenodesis, extensive debridement.
- 5-27-22: PT Re-eval report by Robina, PT indicates shoulder motion as flex-125, abd-115, ER-37, IR-55
- 5-28-22: Office Visit report by Dr Hancock indicates passive motion is flex-140, ER-35, IR-L5. Sensation intact axillary, median, radial, and ulnar nerve distributions. Fires deltoid, biceps, triceps, wrist, grip.
- 7-8-22: PT Re-Eval Report by Walker, PT indicates left shoulder motion as flex-125, abd-100, ER-35, IR-65.
- 7-27-22: Office Visit Note by Dr Hancock indicates left shoulder motion is flex-160, ER-30, IR to T12. Sensation intact in the axillary, median, ulnar, and radial nerve distribution. Fires deltoid, biceps, triceps, wrist, grip.
- 8-5-22: PT Re-Eval Report by Walker, PT indicates left shoulder motion as flex-110, abd-135, ER-65, IR-50. Muscle testing results in Abd-3+/5, flex-3+/5, ER- 3+/5, and IR- 4-/5.
- 8-22-22: PT Re-Eval Report by Walker, PT indicates left shoulder motion as flex-145, abd-150, ER-70, IR-75. Muscle testing results in Abd-4+/5, flex-4+/5, ER- 4/5, and IR- 4+/5.
- 9-23-22: PT Re-Eval Report by Walker, PT indicates left shoulder motion as flex-160, abd-157, ER-75, IR-75. Muscle testing results in Abd-5-/5, flex-5-/5, ER- 5-/5, and IR- 5-/5.
- 10-25-22: PT Re-Eval Report by Walker, PT indicates left shoulder motion as flex-160, abd-158, ER-75, IR-77. Muscle testing results in Abd-5-/5, flex-5-/5, ER- 5-/5, and IR- 5-/5.
- 10-26-22: Post-op check report by Dr Hancock indicates findings of mild tenderness at greater tuberosity, motion is flex-170, abd-170,

ER-45, IR-T6. Sensation intact to light touch in all dermatomes. Fires all motor groups with good strength with 5/5 for abduction, ER, and IR. He is now stable, ratable, and at MMI

- 12-21-22: PPD rating report by Dr Shannon indicates an impairment rating of 13% WPI based on combination of motion loss and strength loss.
- 1-6-23: PPD Review report by Dr Betz points out the large discrepancy between Dr Shannon's ROM measurements and ROM measurements by the PT and by Dr Hancock, as well as Dr Shannon's failure to make mention of a possible reason for this discrepancy. Also, he notes that Dr Shannon combines motion loss with loss of strength to get her final impairment rating, which the AMA Guides states cannot be done on page 508.
- 1-13-23: Review of Medical Records and Opinion by Dr Hancock states that Dr Hancock believes there is "no clear medical explanation as to why there would be such a large decrease in documented range of motion and strength testing between my exams which were corroborated by the PT exams in comparison to the subsequent eval performed by Dr Shannon". He also states that "it may be of benefit to obtain an additional impairment rating, however, many of these exam findings are reliant on patient influence and patient effort and this may affect results".

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**ASSOCIATED RISK
MANAGEMENT, INC.**

MEDICAL HISTORY

- Patient denies any past injuries or accidents involving the left shoulder/arm

PHYSICAL COMPLAINTS/EFFECTS ON ADL'S

- Patient complains of motion loss, strength loss, and a sharp radiating pain down the left bicep.
- He states there is nothing wrong with his arm except for the pain that radiates down into his bicep

PHYSICAL EXAMINATION RESULTS

Age: 41 Height: 5'6" Weight: 180 lbs Body Part (s): L Shoulder/Arm

Inspection:

Inspection of left shoulder and left arm reveals no significant difference when compared to uninvolved side.

Palpation:

Moderate tenderness at AC joint.
No tenderness at shoulder or biceps insertion point.
Arm is non-tender.

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MAR 21 2023

**ASSOCIATED RISK
MANAGEMENT, INC.**

AROM (Greater of three measurements using a goniometer):

	Right	Left
Flex	180/180	75/180
Ext	50/40	15/40
Int rot	80/80	10/80
Ext rot	90/90	36/90
Abd	180/180	89/180
Add	30/30	20/30
Pronation	90/90	80/80
Supination	90/90	80/80

Orthopedic testing:

Shoulder stability test - neg

Empty Can test - neg

Apprehension test - neg

Drop Arm test - neg

Elbow stability lat & med - neg

Muscle Testing (using the Van Allen scale):

	Right	Left
Shoulder abduction	5/5	4/5
Shoulder flexion	5/5	4/5
Shoulder extension	5/5	5/5
Internal rotation	5/5	4/5
External rotation	5/5	4/5
Supination	5/5	5/5
Pronation	5/5	5/5
Arm flexion	5/5	5/5
Arm extension	5/5	5/5

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MAR 21 2023

ASSOCIATED RISK
MANAGEMENT, INC.

Reflexes (using the Wexler scale):

	R	L
C5	2/2	2/2
C6	2/2	2/2
C7	1/2	1/2

Dermatome Testing:

There is normal sensation to the left upper extremity.

He does complain, however, of pain that radiates from left shoulder into the left bicep.

DIAGNOSTIC IMPRESSION

- Status-post left shoulder arthroscopic repair and AC joint resection

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MAR 21 2023

ASSOCIATED RISK
MANAGEMENT, INC.

IMPAIRMENT RATING = 8% W.P.I.

It is my opinion that [REDACTED] current left shoulder condition justifies a ratable impairment according to the AMA Guides for the Evaluation of Permanent Impairment, 5th Edition.

My exam revealed loss of motion and loss of strength. However, according to the AMA Guides book, loss of strength cannot be considered in the presence of motion loss, therefore loss of strength will not be considered here.

The medical records reveal that [REDACTED] underwent an A/C joint resection procedure on 5/5/22. An A/C joint resection is synonymous with a distal clavicle resection, and as such will be included in this rating.

****Special Note:** [REDACTED] had a previous PPD rating on 12-21-22 by Dr Shannon. During her evaluation, Dr Shannon recommended a 13% WPI rating based on motion loss combined with loss of strength.

The first issue with Dr Shannon's report is that, according to the AMA Guides, loss of strength cannot be considered for impairment in the presence of motion loss. So motion loss and strength loss never should have been combined. This was most likely just an oversight on Dr Shannon's part. Secondly, there seems to be quite a difference between the motion measurements taken by Dr Shannon as compared with the motion measurements taken by Dr Hancock on all of his reports since the surgery on 5/5/22, as well as all of the shoulder motion measurements on all of the PT reports generated after the surgery on 5/5/22. In my experience, I find that this type of situation usually indicates that either the patient had re-injured his shoulder just prior to the PPD rating performed by Dr. Shannon and neglected to mention this fact during the evaluation, or the patient was exaggerating his motion loss during the evaluation.

During my evaluation of shoulder motion on 2/27/23, I observed similar measurements to the measurements observed by Dr Shannon. Since the patient never mentioned to me any recent accidents or injuries to his shoulder, it is my estimation based on many years of experience that the very low degree motion measurements I took were the result of the patient not giving his best effort during my exam.

In that case, I am always inclined to use the last motion measurements of the orthopedic surgeon or PT's in the medical records. And since there is such a large discrepancy between theirs and my motion measurements without any valid reasoning for the discrepancy, I am confident in using the shoulder motion measurements taken by Walker, PT on 10/25/22, as I believe that these motion measurements are the closest estimation to the current actual shoulder motion.

Please note, however, that the PT did not take motion measurements for shoulder extension or shoulder adduction. In this case I feel confident in assigning a 1% UE value for both shoulder extension and shoulder adduction as I believe that [REDACTED] did qualify for some mild functional loss in these two ranges of motion, just not the moderate functional loss that I observed during my evaluation.

Finally, Dr Shannon's PPD report failed to include the distal clavicle resection procedure as part of the impairment rating. I have included it below..

For motion loss:

Using Figure 16-40, 160 degrees of flexion equates to a 1% Upper Extremity value, and **35 degrees of extension** equates to a 1% Upper Extremity value.

Using Figure 16-43, 158 degrees abduction equates to a 1% upper extremity value, and **30 degrees of adduction** equates to a 1% Upper Extremity value.

Using Figure 16-46, 77 degrees internal rotation equates to a 0% upper extremity value, and 75 degrees external rotation equates to a 0% upper extremity value.

These values for motion loss are added ($1+1+1+1=4\%$) to get a 4% total Upper Extremity value.

For A/C joint resection (distal clavicle resection) procedure:

Table 16-27 indicates a 10% Upper Extremity impairment value for a distal clavicle resection procedure.

Referring to Figure 16-1b, the 4% UE value for motion loss is combined with the 10% UE value for distal clavicle resection, resulting in a 14% UE total value. Using Table 16-3, a 14% UE value converts to an 8% Whole Person Impairment value, which is the final rating in this case.

RECEIVED

MAR 21 2023

ASSOCIATED RISK
MANAGEMENT, INC.

CAUSATION/APPORTIONMENT

It appears that the mechanism of injury in this case is consistent with the reported injury. Additionally, [REDACTED] has not experienced any prior accident/injury to his left shoulder, so apportionment is not an issue.

AMA GUIDELINE/AGREEMENT STATEMENT

Examination findings performed in this office substantiate the examinee's subjective complaints and/or condition. It appears that a significant amount of time has passed to classify this condition as being of a permanent nature. Based on the aforementioned requirements, it is appropriate to perform an impairment rating. Every narrative section of this report was read to the examinee at the time of this evaluation for accuracy. The examinee agreed with the descriptions of injury and the areas to be evaluated. This impairment rating evaluation was performed in accordance with the AMA Guides to the Evaluation of Permanent Impairment, the 2nd printing of the 5th Edition. All measurements taken during the examination process were made with either a goniometer or inclinometer as indicated in the 5th Edition. Variations in the evaluation process, which deviate from the AMA Guides, may be present in this report. These variations are changes mandated by the Division of Industrial Relations on behalf of the State of Nevada.

Thank you for allowing me to participate in [REDACTED] evaluation. Should you have any additional questions or require any additional information, please do not hesitate to contact me directly.

Signed February 27, 2023 by:

Dr. Casey Robinson, D.C., C.I.C.E.

RECEIVED

MAR 21 2023

**ASSOCIATED RISK
MANAGEMENT, INC.**

Dr. Casey Robinson, D.C., C.I.C.E.
(Mail Correspondence Address)
4988 Mt. Almagosa Dr.
San Diego, CA 92111
(888) 213-4215

Tax ID# 560-79-8888 Nevada License # B-01263 Email: [REDACTED]

January 23, 2023

Case Particulars:

Patient: [REDACTED]
Date of Birth: [REDACTED]
Social Security Number: [REDACTED]
Employer: [REDACTED]
Claim Number: 22388K034510
Date of Injury: 2-2-22
Date of Evaluation: 1-23-23
Evaluating Physician: Dr. Casey Robinson, D.C., C.I.C.E.

Claims Administrator/Insurer:

CCMSI
Louise Garcia, claims administrator
775-828-3372

PPD REPORT

I performed an evaluation of [REDACTED] right wrist on 1-23-23 in my Las Vegas, NV office per your request. The following report contains my impairment rating recommendations for the above referenced date of injury/claim.

DESCRIPTION OF INJURY

[REDACTED] reported that he suffered a right wrist injury as a result of falling to the ground and his wrist bent backwards.

REVIEW OF MEDICAL RECORDS

- 2-3-22: Initial Progress Note by Laut, PA-C indicates right wrist motion as flex-30, ext-20, and supination 90. Tender across entire anatomic wrist and flexor digitorum compartment. Full grip 5/5. Motor and sensory intact. Impression: right wrist sprain.
- 2-14-22: Initial Progress Note by Dr. Klausner indicates right wrist motion as flex-20, ext-30, supination-90. Tender across entire anatomic wrist and moderate tenderness at flexor digitorum compartment. Mild swelling on dorsal wrist. Full grip 5/5. Motor and sensory intact. Impression: right wrist sprain.
- 2-16-22: MRI report indicates right wrist degeneration radial aspect articular disc at the radial attachment, mild capitulate joint arthritis
- 3-3-22: Progress Note by Dr. Klausner indicates right wrist motion as flex-50, ext-60, supination-90. Tender over dorsal radiolunar and scapholunate joint, tender over 1st extensor digitorum compartment. Mild induration to 1st CMC and 1st EPL tendon sheath. Mild swelling on dorsal wrist. Full grip 5/5. Motor and sensory intact. Impression: right wrist sprain.
- 3-9-22: SOAP Note by Dr Bronstein indicates tenderness at 4th dorsal compartment, tender along terminal branch of the posterior interosseous nerve, ROM is flex-20, ext-30. Diagnosis: Contusion of wrist, Superficial radial nerve lesion, sprain of wrist.
- 4-4-22: Initial Eval PT report by Viner, OT indicates wrist motion as flex-45, ext-55, pronation-85, supination-80, rad dev-15, ulnar dev-25. Grip strength is 70lbs vs 115 lbs on left.
- 4-6-22: EMG Report by Dr Diaz indicates findings of 1) moderate degree of carpal tunnel syndrome bilaterally, more on left than right 2) mod ulnar neuropathy at Guyon's canal bilat, more on left than right, 3) mild to mod cubital tunnel syndrome in right upper extremity
- 5-4-22: Re-evaluation PT report by Viner, OT indicates wrist motion as flex-53, ext-55, pronation-85, supination-80, rad dev-15, ulnar dev-30. Grip strength is 80lbs vs 118 lbs on left.
- 5-31-22: SOAP Note by Dr Bronstein indicates tenderness at 4th dorsal compartment, tender along terminal branch of the posterior interosseous nerve, ROM is flex-45, ext-60. Diagnosis: Contusion of wrist, Superficial radial nerve lesion, sprain of wrist, Pain in left wrist.
- 6-27-22: Re-evaluation PT report by Viner, OT indicates wrist motion as flex-54, ext-52, pronation-85, supination-80, rad dev-15, ulnar dev-30. Grip strength is 105lbs vs 118lbs on left.

- 7-19-22: Re-evaluation PT report by Viner, OT indicates wrist motion as flex-54, ext-52, pronation-85, supination-80, rad dev-15, ulnar dev-30. Grip strength is 90lbs vs 118lbs on left.
- 9-1-22: SOAP Note by Dr Bronstein indicates less tenderness, no signs of CRPS, good grip, ROM is flex-60, ext-60. Diagnosis: Contusion of wrist, Superficial radial nerve lesion, sprain of wrist, Pain in left wrist.
- 10-4-22: SOAP Note by Dr Truong indicates less tenderness, no signs of CRPS, good grip, ROM is flex-60, ext-60. Overall improvement from initial evaluation. Diagnosis: Contusion of wrist, Superficial radial nerve lesion, sprain of wrist, Pain in left wrist. Plan: he has achieved MMI, stable and ratable.

MEDICAL HISTORY

- Patient denies any prior injury or accident involving the right wrist

PHYSICAL COMPLAINTS/EFFECTS ON ADL'S

- Patient reports that he is capable of performing all ADL's
- Patient complains of pain when pressure/force is exerted on wrist
- Patient states that he still gets swelling in his wrist after he uses it too much

PHYSICAL EXAMINATION RESULTS

Age: 44 Height: 6'2" Weight: 290 lbs. Body Part (s): Right wrist

Inspection:

Small area of swelling at distal dorsum of forearm

Palpation:

Mild tenderness at dorsum of right wrist, no tenderness to hand

AROM (Greater of three measurements using a goniometer):

Wrist	Right	Left
Flexion	56/60	60/60
Extension	42/70	70/70
Ulnar dev.	30/30	30/30
Radial dev.	18/20	20/20

Orthopedic testing:

Phalen's - negative

Reverse Phalen's - negative

Finkelstein's - negative

Muscle Testing (using the Van Allen scale):

	R	L
Wrist flexion	5/5	5/5
Wrist extension	5/5	5/5
Pronation	5/5	5/5
Supination	5/5	5/5
Finger Abd	5/5	5/5
Finger flexion	5/5	5/5

Grip Strength:

grip strength is normal and equal bilaterally

Reflexes (using the Wexler scale):

	R	L
C5	2/2	2/2
C6	2/2	2/2
C7	1/2	1/2

Mensuration Testing:

	R	L
Forearm -	32.5cm	33.0cm

Dermatome (Pinwheel) Testing:

Normal sensory exam to light touch at right hand and fingers.

Patient complains of occasional pins and needles feeling in right hand/fingers which occurs mainly at night, but states that he can move his hand/wrist around and make it go away.

DIAGNOSTIC IMPRESSION

- Status-post right wrist sprain

IMPAIRMENT RATING = 3% W.P.I.

It is my opinion that [REDACTED] current wrist condition justifies a ratable impairment according to the AMA Guides for the Evaluation of Permanent Impairment, 5th Edition.

My exam revealed decreased motion.

Figure 16-28 indicates a 1% Upper Extremity impairment for 56 degrees of wrist flexion, and a 4% Upper Extremity impairment for 42 degrees of wrist extension.

The 4% UE value and the 1% UE value for motion loss are added for a total 5% UE value, which is then converted to a 3% Whole Person Impairment.

Since there are no other means by which impairment of the wrist can be rated in this case, the final WPI rating is 3%.

CAUSATION/APPORTIONMENT

It appears that the mechanism of injury in this case is consistent with the reported injury. Additionally, given that [REDACTED] has reportedly not experienced any previous injury or pre-existing disability/impairment in the right wrist, apportionment does not appear to be an issue in this case.

AMA GUIDELINE/AGREEMENT STATEMENT

Examination findings performed in this office substantiate the examinee's subjective complaints and/or condition. It appears that a significant amount of time has passed to classify this condition as being of a permanent nature. Based on the aforementioned requirements, it is appropriate to perform an impairment rating. Every narrative section of this report was read to the examinee at the time of this evaluation for accuracy. The examinee agreed with the descriptions of injury and the areas to be evaluated. This impairment rating evaluation was performed in accordance with the AMA Guides to the Evaluation of Permanent Impairment, the 2nd printing of the 5th Edition. All measurements taken during the examination process were made with either a goniometer or inclinometer as indicated in the 5th Edition. Variations in the evaluation process, which deviate from the AMA Guides, may be present in this report. These variations are changes mandated by the Division of Industrial Relations on behalf of the State of Nevada.

Thank you for allowing me to participate in [REDACTED] evaluation. Should you have any additional questions or require any additional information, please do not hesitate to contact me directly.

Signed January 23, 2023 by:

Dr. Casey Robinson, D.C., C.I.C.E.

Dr. Casey Robinson, D.C., C.I.C.E.

4988 Mt. Almagosa Dr.

San Diego, CA 92111

NV License # B-01263 (888) 213-4215 Email: [REDACTED]

February 27, 2023

Case Particulars:

Patient:

Date of Birth:

Social Security Number:

Employer:

Claim Number:

FWH1431

Date of Injury:

3-14-22

Date of Evaluation:

2-27-23

Evaluating Physician:

Dr. Casey Robinson, D.C., C.I.C.E.

Claims Administrator/Insurer:

Travelers

Jerilee Castrillo, claims representative

702-726-3029

PPD REPORT

I performed an evaluation of [REDACTED]' cervical spine on 2-27-23 in my Las Vegas, NV office per your request. The following report contains my impairment rating recommendations for the above referenced date of injury/claim.

DESCRIPTION OF INJURY

[REDACTED] reported that he suffered a neck injury when he banged his head into his truck while throwing tools into the back.

REVIEW OF MEDICAL RECORDS

- 3-25-22: C-4 form indicates cervical spine strain. X-ray report indicates normal cervical spine.
- 4-1-22: MRI report indicates multilevel degenerative changes worse at C3-4(moderate neuroforaminal narrowing) and C5-6(mod right and severe left neuroforaminal narrowing).
- 4-28-22: Office Visit Note by Dr. Perry indicates tender at left paraspinal muscle, radiation to left 4th and 5th digits, no spasms, Spurlings test positive, motion is flex- to chest, ext-30, rt rot-45, left rot-60, bilateral lat flex- 20. Diagnosis: cervical disc disorder, cervical radiculopathy left, strain of muscle fascia and tendon at neck level.
- 5-25-22: Operative Report by Dr Park indicates procedure performed as Cervical Transforaminal Epidural Injection.
- 7-5-22: Office Visit Note by Dr Park indicates tender at left paraspinal muscle, radiation to left 4th and 5th digits, no spasms, Spurlings test positive, motion is flex- to chest, ext-30, rt rot-45, left rot-60, bilateral lat flex- 20. Diagnosis: cervical radiculopathy left.
- 8-11-22: Office Visit report by Williams, PA-C indicates tender at left paraspinal muscle, radiation to left 4th and 5th digits, no spasms, Spurlings test positive, motion is flex- to chest, ext-30, rt rot-45, left rot-60, bilateral lat flex- 20. Diagnosis: cervical radiculopathy left, cervical disc herniation, Cervical disc disorder.
- 8-16-22: Operative report by Dr Perry indicates procedures performed as Partial inferior corpectomy C5 C6, Wide anterior decompression C5-C7, Anterior fusion C5-C7, Placement of interbody device C5-7, Placement of anterior instrumentation C5-7.
- 10-20-22: Report by Brashear, PA-C indicates that patient states he has no pain where the surgery was done but has pain below it. He also notes that his PT intentionally "cracked" his back/neck making his pain worse. Exam reveals upper extremity intact and motor and sensory function baseline. Patient is now 8 weeks post-op and doing very well. He is not having any pain(?). Follow up in 4 weeks.
- 11-17-22: Report by Swanson, PA-C indicates that patient reports significant improvement since surgery, but does not feel he is able to return to his job. X-rays today show that implants are in good position without loosening. At this time we will proceed with FCE. He will return in 4 weeks.
- There were no more medical records after 11-17-22.

MEDICAL HISTORY

- Patient reports no prior accidents or injuries to his cervical spine

PHYSICAL COMPLAINTS/EFFECTS ON ADL'S

- Patient complains of constant sharp pain and aching left side neck, constant dull ache across base of skull
- Patient also complains of constant burning sensation at upper thoracic spine just below where the fusion surgery was done
- Patient reports having difficulty sleeping at night, can't exercise or jog and is gaining weight due to inactivity, difficulty reclining and lying flat, difficulty standing/walking/sitting for extended periods due to neck pain and also lower back pain that he states only began due to lack of activity/exercise since his injury and subsequent surgery

PHYSICAL EXAMINATION RESULTS

Age: 56 Height: 6'1" Weight: 240 lbs. Body Part (s): C-spine

Inspection:

Patient actually exhibits fairly good posture even for someone his age who hasn't had cervical fusion.

Palpation:

Palpation reveals moderate tenderness at T3 spinous process. No tenderness anywhere else.

AROM (Greater of three measurements using a goniometer):

<u>Cervical</u>	
Flexion	20/50
Extension	3/60
R Lateral bend	20/45
L Lateral bend	22/45
R Rotation	30/80
L Rotation	30/80

Orthopedic testing:

Compression test- neg

Distraction test- neg

Shoulder depression test- negative bilaterally (NOTE: loud joint cavitations can be heard in his spine on both sides during test)

Deep Tendon Reflexes:

	R	L
C5	2/4	2/4
C6	2/4	1/4
C7	1/4	1/4

Muscle Testing (using the Van Allen scale):

	Right	Left
Shoulder abduction	5/5	5/5
Elbow flex	5/5	5/5
Elbow extension	5/5	5/5
Wrist flex	5/5	5/5
Wrist extension	5/5	5/5
Finger flex	5/5	5/5
Finger Ab/Adduction	5/5	5/5

Dermatome Testing:

Patient reports no loss of sensation to bilateral upper extremities.
Sensory testing today is normal to light touch.

Mensuration Testing:

	R	L
Forearm -	33.0cm	31.5cm

DIAGNOSTIC IMPRESSION

- Status-post cervical spine fusion x2

IMPAIRMENT RATING = 27% W.P.I.

It is my opinion that [REDACTED]' current cervical spine condition justifies a ratable impairment according to the AMA Guides for the Evaluation of Permanent Impairment, 5th Edition. It is appropriate to use the DRE method for evaluating the spine in this case.

[REDACTED] qualifies for DRE Cervical Category IV with 25% impairment of the whole person, due to undergoing a surgical arthrodesis procedure. Since [REDACTED] qualifies for an additional 2% WPI due to moderate difficulty with ADL's.

CAUSATION/APPORTIONMENT

It appears that the mechanism of injury in this case is consistent with the reported injury. Additionally, there is no need for any apportionment in this case based on [REDACTED]' medical history.

AMA GUIDELINE/AGREEMENT STATEMENT

Examination findings performed in this office substantiate the examinee's subjective complaints and/or condition. It appears that a significant amount of time has passed to classify this condition as being of a permanent nature. Based on the aforementioned requirements, it is appropriate to perform an impairment rating. Every narrative section of this report was read to the examinee at the time of this evaluation for accuracy. The examinee agreed with the descriptions of injury and the areas to be evaluated. This impairment rating evaluation was performed in accordance with the AMA Guides to the Evaluation of Permanent Impairment, the 2nd printing of the 5th Edition. All measurements taken during the examination process were made with either a goniometer or inclinometer as indicated in the 5th Edition. Variations in the evaluation process, which deviate from the AMA Guides, may be present in this report. These variations are changes mandated by the Division of Industrial Relations on behalf of the State of Nevada.

Thank you for allowing me to participate in [REDACTED] evaluation. Should you have any additional questions or require any additional information, please do not hesitate to contact me directly.

Signed February 27, 2023 by:

Dr. Casey Robinson, D.C., C.I.C.E.

Dr. Casey Robinson, D.C., C.I.C.E.
(Mail Correspondence Address)
4988 Mt. Almagosa Dr.
San Diego, CA 92111
(888) 213-4215

Tax ID# 560-79-8888 Nevada License # B-01263 Email: [REDACTED]

February 27, 2023

Case Particulars:

Patient: [REDACTED]
Date of Birth: [REDACTED]
Social Security Number: [REDACTED]
Claim Number: Y2ZC86796
Date of Injury: 1-6-22
Date of Evaluation: 2-27-23
Evaluating Physician: Dr. Casey Robinson, D.C., C.I.C.E.

Claims Administrator/Insurer:

The Hartford
Jake Runyon, Claims Specialist
463-333-5908

PPD REPORT

I performed an evaluation of [REDACTED]' right shoulder on 2-27-23 in my Las Vegas, NV office per your request. The following report contains my impairment rating recommendations for the above referenced date of injury/claim.

DESCRIPTION OF INJURY

[REDACTED] reported that he injured his right shoulder/arm when he fell from back of work truck onto trailer hitch.

REVIEW OF MEDICAL RECORDS

- 1-13-22: C-4 report indicates right shoulder/upper arm contusion. Preliminary x-rays negative.
- 1-13-22: Initial report by Dr Yang indicates right shoulder appearance normal, tender in deltoid/trapezius/lateral shoulder, full motion with pain, normal motor bilaterally, sensation intact to light touch in all dermatomes, no weakness. Assessment: Contusion of multiple sites of right shoulder and upper arm.
- 2-2-22: Progress Report by Kidwell, PA indicates right shoulder appears with ecchymosis, tender at AC/deltoid/trapezius/lateral shoulder, limited motion in all planes flex-35, abduction-20 (**last week he had full motion without hesitation**) motor strength normal, sensation intact to light touch. Assessment: sprain of right shoulder.
- 5-31-22: Orthopedic Evaluation by Dr Ashman indicates no gross deformity, no atrophy, motion is flex-175, abduction-175, IR-60, ER-60. Diminished strength with MMT. Drop Arm test - positive.
- 7-1-22: MRI report indicates full thickness tear of supraspinatus and infraspinatus tendon with retraction to the glenohumeral joint, greater than 4cm.
- 7-29-22: PT Initial Eval Report by Goforth, PT indicates right shoulder motion as flex-55, abd-50, ER-20. Ext/Int rot strength 3/5.
- 8-18-22: Orthopedic Evaluation report by Dr Ashman indicates no gross deformity, no atrophy, motion is flex-175, abduction-175, IR-60, ER-60. Diminished strength with MMT.
- 9-12-22: PT Re-Eval Report by Goforth, PT indicates right shoulder motion as flex-65, abd-60, ER-20. Ext/Int rot strength 3/5.
- 9-26-22: PT Re-Eval Report by Bales, PT indicates right shoulder motion as flex-70, abd-60, ER-20. Ext/Int rot strength 3/5.
- 11-22-22: Orthopedic Evaluation report by Dr Ashman indicates no gross deformity, no atrophy, motion is flex-175, abduction-175, IR-60, ER-60. Strength in flexion and abduction is 4-/5, strength in Int/Ext rot is 5-/5. Patient is declining surgery for his rotator cuff tear. Patient is ratable, he is at MMI.

MEDICAL HISTORY

- No prior injury involving the right arm/shoulder

PHYSICAL COMPLAINTS/EFFECTS ON ADL'S

- Patient complains of constant pain in shoulder and at the medial bicep up into his armpit. Also complains of loss of strength.

PHYSICAL EXAMINATION RESULTS

Age: 62 Height: 6'0" Weight: 175 lbs Body Part (s): R Shoulder

Inspection:

Right shoulder appears normal compared to left side. No atrophy.

Palpation:

He exhibits mild tenderness globally at anterior and posterior right shoulder.

AROM (Greater of three measurements using a goniometer):

	Right	Left
Flex	72/180	180/180
Ext	25/50	50/50
Int rot	25/80	80/80
Ext rot	45/90	90/90
Abd	90/180	180/180
Add	31/30	30/30

Muscle Testing (using the Van Allen scale):

Patient was exhibiting cogwheeling behavior and a lack of effort during manual muscle testing.

Due to there being loss of motion at the right shoulder, I did not pursue this part of the evaluation any further since loss of strength cannot be considered in the presence of motion loss anyway.

Special Testing:

Empty Can test - neg

Drop Arm test - neg

Apprehension test - neg

Reflexes (using the Wexler scale):

	R	L
C5	2/2	2/2
C6	2/2	2/2
C7	1/2	1/2

Mensuration Testing:

	R	L
Forearm-	27.5cm	27.5cm

Dermatome (2-pt discrimination) Testing:

He reports no loss of sensation in the right upper extremity.

DIAGNOSTIC IMPRESSION

- Status-post right shoulder sprain/contusion

IMPAIRMENT RATING = 11% W.P.I.

It is my opinion that [REDACTED]' current right shoulder condition justifies a ratable impairment according to the AMA Guides for the Evaluation of Permanent Impairment, 5th Edition.

My exam reveals motion loss:

Figure 16-40 equates 72 degrees of fwd flexion with a 7% upper extremity impairment value, and 25 degrees extension with a 2% upper extremity impairment value.

Figure 16-43 equates 90 degrees of abduction with a 4% upper extremity impairment value.

Figure 16-46 equates 25 degrees of internal rotation with a 4% upper extremity impairment value, and 45 degrees of external rotation with a 1% upper extremity impairment value.

The upper extremity impairment values are added (7+2+4+4+1=18) resulting in an 18% Upper Extremity value. This converts to a 11% Whole Person Impairment value using Table 16-3.

As motion loss is the only way to rate impairment in this case, the final Whole Person Impairment rating is thus 11%.

(Special Note: I compared my motion measurements to all previous motion measurements by Dr Ashman and various PT's who treated [REDACTED]. The results varied wildly, more so than I think I have ever seen. And the measurements also were consistent in their variation as well. I have no explanation for why this is. But considering that my motion measurements were very similar to prior measurements of multiple PT's, I am comfortable basing my impairment rating off of the measurements I took. Of course this necessarily means that I must ignore the motion measurements taken by Dr Ashman, especially those measurements listed on his final report dated 11-22-22.

Again, I have no explanation as to why all of the motion measurements are so wildly different. I do, however, believe that the rating I have recommended, based upon his medical history and my exam findings, is the

most accurate reflection of the state of permanent impairment in which [REDACTED]
[REDACTED] currently finds himself regarding his shoulder injury.)

CAUSATION/APPORTIONMENT

It appears that the mechanism of injury in this case is consistent with the reported injury. Additionally, given that [REDACTED] has reportedly not experienced any previous injury or pre-existing disability/impairment in the right shoulder and right arm, apportionment does not appear to be an issue in this case.

AMA GUIDELINE/AGREEMENT STATEMENT

Examination findings performed in this office substantiate the examinee's subjective complaints and/or condition. It appears that a significant amount of time has passed to classify this condition as being of a permanent nature. Based on the aforementioned requirements, it is appropriate to perform an impairment rating. Every narrative section of this report was read to the examinee at the time of this evaluation for accuracy. The examinee agreed with the descriptions of injury and the areas to be evaluated. This impairment rating evaluation was performed in accordance with the AMA Guides to the Evaluation of Permanent Impairment, the 2nd printing of the 5th Edition. All measurements taken during the examination process were made with either a goniometer or inclinometer as indicated in the 5th Edition. Variations in the evaluation process, which deviate from the AMA Guides, may be present in this report. These variations are changes mandated by the Division of Industrial Relations on behalf of the State of Nevada.

Thank you for allowing me to participate in [REDACTED]' evaluation. Should you have any additional questions or require any additional information, please do not hesitate to contact me directly.

Signed February 27, 2023 by:

Dr. Casey Robinson, D.C., C.I.C.E.

From: WCClaims
Sent: 2/14/2023 4:18:59 PM
To: WCDocs
Subject: WC617-A31882

Dr. Casey Robinson, D.C., C.I.C.E.
(Mail Correspondence Address)
4988 Mt. Almagosa Dr.
San Diego, CA 92111
(888) 213-4215

Tax ID# 560-79-8888 Nevada License # B-01263 Email: [REDACTED]

January 23, 2023

Case Particulars:

Patient:	[REDACTED]
Date of Birth:	[REDACTED]
Social Security Number:	[REDACTED]
Claim Number:	WC617- A31882
Date of Injury:	8-20-22
Date of Evaluation:	1-23-23
Evaluating Physician:	Dr. Casey Robinson, D.C., C.I.C.E.

Claims Administrator/Insurer:

Name:	Liberty Mutual Ins. Alicia Wilbert, Claims Examiner
Address:	P.O. Box 95577 Las Vegas, NV 89193
Phone/Fax:	702-963-9650

PPD REPORT

Dear Ms. Wilbert:

I performed an evaluation of [REDACTED] left ring finger on 1-23-23 in my Las Vegas, NV office per your request. The following report contains my impairment rating recommendations for the above referenced date of injury/claim.

DESCRIPTION OF INJURY

██████████ reported that he suffered an injury to his left ring finger when he smashed his finger between two heavy pipes.

A REVIEW OF THE MEDICAL FILE

- 8-20-22: A C-4 form indicates partial amputation left 4th fingertip, tuft fracture, nail injury. X-rays indicate left 4th finger comminuted tuft fracture
- 8-20-22: Emergency report by Dr. Stirling indicates diagnosis of partial amputation left tuft 4th finger, comminuted fracture distal phalanx with laceration. Laceration was sutured. Patient was told he might lose his fingertip.
- 9-2-22: Operative Report by Dr. Jones indicates procedures performed as 1: open reduction and pinning of left ring finger distal phalanx fracture, nail bed repair of left ring finger.
- 9-15-22: SOAP note by Dr Jones indicates sensitive to light touch with 2-pt discrimination testing, no atrophy, no significant swelling.
- 10-13-22: Occupational Therapy Initial Exam by Isaac Lee, OT indicates decreased motion of the left ring finger, decreased strength of left hand.
- 11-3-22: SOAP note by Strobehn, APRN indicates sensitive to light touch with 2-pt discrimination testing, no atrophy, no significant swelling. X-rays today indicate healed distal phalanx fracture of left ring finger.
- 11-22-22: Occupational Therapy Progress Note by Nuessle, OTR indicates left ring finger MP motion as 0/85, PIP motion as 0/105, and DIP motion as 0/62. Grip and Pinch strength are equal bilaterally now as L-80/22 and R-70/24.
- 12-2-22: SOAP note by Strobehn, APRN indicates sensitive to light touch, no atrophy, no significant swelling, fingertip is mildly sensitive to palpation, good nail growth. Work full duty without restrictions. Stable and ratable.

MEDICAL HISTORY

- Non-contributory

PHYSICAL COMPLAINTS/EFFECTS ON ADL'S

- Patient states that he has no difficulty performing ADL's
- Patient complains that his finger tip is still sensitive, and that it's very hypersensitive to being hit or touched

PHYSICAL EXAMINATION RESULTS

Age: 23 Height: 5'7" Weight: 156lbs Sex: M
Body Part (s): left ring finger

Palpation/Observation:

He has scarring and slight deformity of finger tip. Mild tenderness.

AROM (Greater of three measurements using a goniometer):

Fourth digit:	R	L
MP joint-	85/90	86/90
PIP joint-	106/100	106/100
DIP joint flex-	74/70	68/70
DIP joint ext-	0/0	0/0

Sensory (2 point discrimination) testing:

Patient exhibits hypersensitivity to touch at distal fingertip.

Grip Strength testing:

Grip strength equal and normal bilaterally.

DIAGNOSTIC IMPRESSION

- Status-post laceration/fracture injury to distal left 4th digit

IMPAIRMENT RATING = 0% W.P.I.

It is my opinion that [REDACTED] condition does not justify a ratable impairment according to the AMA Guides for the Evaluation of Permanent Impairment, 5th Edition.

My exam revealed partial sensory loss at the fingertip. According to Table 16-7, partial transverse loss to both digital nerves at 10% of digit length is equal to a 3% digit impairment.

Using Table 16-1 for conversion of impairment of digits to impairment of the hand, we see that a 3% digit impairment converts to a 0% hand impairment, which of course converts to a 0% upper extremity and whole person impairment as well.

There are no other means by which to rate impairment in this case, therefore the final rating is 0% WPI.

CAUSATION/APPORTIONMENT

It appears that the mechanism of injury in this case is consistent with the reported injury. Additionally, given that [REDACTED] has reportedly not experienced any previous injury or pre-existing disability/impairment in the left hand/fingers, apportionment does not appear to be an issue in this case.

AMA GUIDELINE/AGREEMENT STATEMENT

Examination findings performed in this office substantiate the examinee's subjective complaints and/or condition. It appears that a significant amount of time has passed to classify this condition as being of a permanent nature. Based on the aforementioned requirements, it is appropriate to perform an impairment rating. Every narrative section of this report was read to the examinee at the time of this evaluation for accuracy. The examinee agreed with the descriptions of injury and the areas to be evaluated. This impairment rating evaluation was performed in accordance with the AMA Guides to the Evaluation of Permanent Impairment, the 2nd printing of the 5th Edition. All measurements taken during the examination process were made with either a goniometer or inclinometer as indicated in the 5th Edition. Variations in the evaluation process, which deviate from the AMA Guides, may be present in this report. These variations are changes mandated by the Division of Industrial Relations on behalf of the State of Nevada.

Thank you for allowing me to participate in [REDACTED] evaluation. Should you have any additional questions or require any additional information, please do not hesitate to contact me directly.

Signed January 23, 2023 by:

Dr. Casey Robinson, D.C., C.I.C.E.

Dr. Casey Robinson, D.C., C.I.C.E.
(Mail Correspondence Address)
4988 Mt. Almagosa Dr.
San Diego, CA 92111
(888) 213-4215

Tax ID# 560-79-8888 Nevada License # B-01263 Email: [REDACTED]

January 23, 2023

Case Particulars:

Patient: [REDACTED]
Date of Birth: [REDACTED]
Social Security Number: [REDACTED]
Claim Number: WC617- A31882
Date of Injury: 8-20-22
Date of Evaluation: 1-23-23
Evaluating Physician: Dr. Casey Robinson, D.C., C.I.C.E.

Claims Administrator/Insurer:

Name: Liberty Mutual Ins.
Alicia Wilbert, Claims Examiner
Address: P.O. Box 95577
Las Vegas, NV 89193
Phone/Fax: 702-963-9650

NV01000 Review of records, testing, evaluation and report \$912.62

Total Due and Payable: \$912.62

AMA GUIDELINE/AGREEMENT STATEMENT

Examination findings performed in this office substantiate the examinee's subjective complaints and/or condition. It appears that a significant amount of time has passed to classify this condition as being of a permanent nature. Based on the aforementioned requirements, it is appropriate to perform an impairment rating. Every narrative section of this report was read to the examinee at the time of this evaluation for accuracy. The examinee agreed with the descriptions of injury and the areas to be evaluated. This impairment rating evaluation was performed in accordance with the AMA Guides to the Evaluation of Permanent Impairment, the 2nd printing of the 5th Edition. All measurements taken during the examination process were made with either a goniometer or inclinometer as indicated in the 5th Edition. Variations in the evaluation process, which deviate from the AMA Guides, may be present in this report. These variations are changes mandated by the Division of Industrial Relations on behalf of the State of Nevada.

Thank you for allowing me to participate in [REDACTED] evaluation. Should you have any additional questions or require any additional information, please do not hesitate to contact me directly.

Signed January 23, 2023 by:



Dr. Casey Robinson, D.C., C.I.C.E.

CHIROPRACTIC PHYSICIANS' BOARD OF NEVADA

AGENDA ACTION SHEET

TITLE: Agenda Item 9 PUBLIC HEARING: Will begin at 8:45 a.m. by Zoom. Discussion to consider amendments to Nevada Administrative Code 634 – For possible action.

A. R114-23 Revisions to NAC 634 pursuant to Executive Order 2023-003.

B. R115-23 Board proposed revisions to NAC 634.

RECOMMENDED MOTION: Approve the regulation changes to NAC 634 as drafted.

PREPARED BY: Nicole Canada, DC

MEETING DATE: January 11, 2024

TIME REQUIRED: 45 minutes

BACKGROUND INFORMATION: Please refer to the attached documentation.

REVIEWED BY: __X__ President __X__ Secretary __X__ Executive Director

ACTION: ____Approved ____Approved w/Modifications ____Denied ____Continued

LCB File No. R114-23

Joe Lombardo
Governor

Nicole Canada, DC
President
Xavier Martinez, DC
Vice President
Adam Ingles, DC
Member



Benjamin S. Lurie, DC
Member
Jason O. Jaeger, DC
Member
Christian L. Augustin, Esq.
Consumer Member
Reza R. Ayazi, Esq.
Consumer Member
Julie Strandberg *Executive Director*

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 INTENT TO ACT UPON A PROPOSED REGULATION **R114-23**

Notice of Hearing for the Adoption of a Regulation of the Chiropractic Physicians' Board of Nevada

Intent to Adopt Regulation

NOTICE IS HEREBY GIVEN that the Chiropractic Physicians' Board of Nevada will hold a public hearing to consider amendments to Nevada Administrative Code (NAC) 634. The hearing is scheduled to begin at **8:45 a.m. on Thursday, January 11, 2024 at**

Join Zoom Meeting

<https://us06web.zoom.us/j/81259966648?pwd=cdQgvu5biSNlaqBlutwdNymB0wYb4.1>

Meeting ID: 812 5996 6648

Passcode: 126479

One tap mobile

+13462487799,,81259966648#,,,*126479# US (Houston)

+16694449171,,81259966648#,,,*126479# US

Dial by your location

- +1 346 248 7799 US (Houston)**
- +1 669 444 9171 US**
- +1 669 900 6833 US (San Jose)**
- +1 719 359 4580 US**
- +1 253 205 0468 US**
- +1 253 215 8782 US (Tacoma)**
- +1 646 931 3860 US**
- +1 689 278 1000 US**

- +1 929 205 6099 US (New York)
- +1 301 715 8592 US (Washington DC)
- +1 305 224 1968 US
- +1 309 205 3325 US
- +1 312 626 6799 US (Chicago)
- +1 360 209 5623 US
- +1 386 347 5053 US
- +1 507 473 4847 US
- +1 564 217 2000 US

Meeting ID: 812 5996 6648

Passcode: 126479

Find your local number: <https://us06web.zoom.us/j/k6M2An7nZ>

The purpose of the hearing is to receive comments from all interested persons regarding the adoption of a regulation that pertains to Chapter 634 of the Nevada Administrative Code, LCB File No. R114-23.

The following information is provided pursuant to the requirements of NRS 233B.0603:

1. The need for and the purpose of the proposed regulation.

The purpose of the proposed regulation is to reorganize and combine certain provisions governing advertising; revise provisions relating to examinations required for applicants for a license to practice chiropractic or certification as a chiropractic assistant; repeal provisions relating to chiropractic services and meetings of and practice before the Chiropractic Physicians' Board of Nevada; and providing other matters properly relating thereto. In all cases, it is the Board's intent to make the regulations less burdensome and clearer.

2. Either the terms or substance of the proposed regulation or a description of the subjects and issues involved.

NAC 634 *Existing law requires the Chiropractic Physicians' Board of Nevada to adopt reasonable regulations for the transaction of business and to enable the Board to carry out its duties under the provisions of law governing chiropractic physicians and chiropractic assistants. (NRS 634.030) Existing regulations prescribe certain requirements relating to advertising, specifically: (1) prohibiting a licensee from communicating in a false or misleading manner; (2) requiring a licensee to clearly designate himself or herself as a licensee in any advertisement; and (3) limiting the circumstances under which a licensee can advertise that he or she is an expert or specialist.*

Section 1 *of this regulation reorganizes and combines these provisions.*

- NAC 634 *Existing regulations require an applicant for a license to practice chiropractic who fails on two occasions to pass any portion of an examination prescribed by the Board to either: (1) refrain from supervised practice; or (2) submit a new application for examination. (NAC 634.300) **Section 2** of this regulation eliminates the latter option and instead requires such an applicant who fails twice to pass any portion of such an examination to refrain from supervised practice.*
- NAC 634 ***Sections 3 and 4** of this regulation lower the passing score for an open-book examination from 90 percent to 75 percent for an applicant for a certificate as a chiropractic assistant. **Section 3** also: (1) revises the timeframe in which an applicant for a certificate as a chiropractic assistant may retake a failed examination without payment of an additional fee; and (2) eliminates provisions that allow such an applicant who fails to pass the required examinations after two attempts to continue to work as a chiropractic assistant trainee.*
- NAC 634 *Existing regulations authorize the Board, for good cause shown, to extend the training period of a chiropractic assistant trainee and allow the trainee to take a later scheduled examination. (NAC 634.360) **Section 5** of this regulation eliminates this authorization. Existing regulations authorize an interested party to appear, introduce evidence and, at the discretion of the Board, otherwise participate in a hearing before the Board. (NAC 634.620) **Section 8** of this regulation eliminates these provisions.*
- NAC 634 *Existing law requires the Board to hold regular meetings in this State at a place designated by the President and Secretary of the Board to transact business semiannually. Existing law also requires written notice of such meetings to include the time, place, location and agenda of the meeting. (NRS 634.040) Existing regulations provide that regular meetings of the Board will be held at its principal office or any other place specified by the Board. (NAC 634.130) **Section 10** of this regulation repeals these provisions.*
- NAC 634 *Existing law requires each applicant for a license to practice chiropractic or to practice as a chiropractic assistant, or an applicant for the reinstatement of an expired license, to submit a complete set of fingerprints to the Board. (NRS 634.093, 634.131) Existing regulations also require each applicant for examination or reinstatement to submit fingerprints to the Board and agree to a background investigation. (NAC 634.220) **Section 10** repeals this provision as it duplicates provisions of the Nevada Revised Statutes.*
- NAC 634 *Existing regulations set forth specific criteria relating to advertising and other communications by licensees, which includes: (1) requiring a licensee to maintain a copy of all documents relating to his or her advertisements for at least 2 years; (2) prohibiting a licensee from representing that he or she is affiliated with certain providers of health care under certain circumstances; (3) requiring that advertisements and written communication contain certain contact information of the licensee; (4) prohibiting certain false and deceptive advertising; (5) requiring a licensee to honor, for certain durations of time, an advertised fee or range of fees and to provide a statement of disclosure to a patient under certain circumstances regarding free or discounted services; and (6) prohibiting a licensee from advertising 24-hour service unless the licensee is available at all times. (NAC 634.515-634.565) **Section 10** repeals all such provisions relating to advertising and other communications. **Section 6** of this regulation makes conforming changes relating to the repeal of these provisions.*

NAC 634 Existing regulations set forth a number of additional provisions relating to the rules of practice and hearings before the Board. (NAC 634.615-634.775) Existing regulations provide that the staff of the Board may appear at any hearing and have all the rights of participation of a party to the proceeding. (NAC 634.625) **Section 10** repeals this provision.

NAC 634 Existing law requires the Board to file a written complaint with the Executive Director of the Board if the Board becomes aware that grounds for initiating disciplinary may exist as to a person practicing chiropractic or a business entity providing chiropractic services. (NRS 634.160) Existing regulations specify that a written complaint may be made against a licensee for possible disciplinary action. (NAC 634.635) **Section 10** repeals this provision as it duplicates provisions of Nevada Revised Statutes.

NAC 634 Existing regulations establish certain procedures governing hearings before the Board and set forth: (1) who will preside over a hearing; (2) the process for resetting a hearing that has been continued; and (3) the location of where a hearing will be held. (NAC 634.710) Existing regulations also establish provisions concerning hearings in relation to: (1) the preliminary procedure; (2) testimony; (3) the order of presentation of evidence; (4) stipulations; (5) rules of evidence; (6) offers of proof; (7) continuances; (8) transcripts; and (9) the submission of matters for decision and the dissemination of orders. (NAC 634.720, 634.730, 634.735, 634.745, 634.750, 634.755, 634.760, 634.770, 634.775) **Section 10** repeals all such provisions. **Sections 7 and 9** of this regulation make conforming changes relating to the repeal of these provisions.

NAC 634 Existing regulations authorize the Board to initiate proceedings relating to certain violations even if the public is not harmed and no complaint has been filed against: (1) a licensee; (2) a chiropractic assistant; (3) an applicant for a license to practice chiropractic under certain circumstances; (4) a student who is authorized to perform chiropractic pursuant to the preceptor program; and (5) a person who holds a temporary license to practice chiropractic. (NAC 634.810) **Section 10** also repeals this provision.

3. If the proposed regulation is a permanent regulation, a statement explaining how to obtain the approved or revised text of the proposed regulation prepared by the Legislative Counsel pursuant to NRS 233B.063.

The text of the proposed regulation may be inspected and copied at the office of the Chiropractic Physicians' Board of Nevada, 4600 Kietzke Lane, Suite M245, Reno, NV 89502. Text of the proposed regulation may also be inspected online at <http://chirobd.nv.gov> or <http://leg.state.nv.us/register/2022Register/R115-23P.pdf>.

4. A statement of the estimated economic effect of the regulation on the business which it is to regulate and on the public. These must be stated separately and, in each case, must include:

(a) Both adverse and beneficial effects.

There are no anticipated adverse or beneficial economic effects on the chiropractic profession or public.

(b) Both immediate and long-term effects.

There are no anticipated immediate or long-term economic effects on the chiropractic profession or public.

5. A statement identifying the methods used by the Chiropractic Physicians' Board in determining the impact on a small business prepared pursuant to subsection 3 of NRS

233B.0608:

The CPBN's intent to consider potential additions, deletions, and amendments to NAC Chapter 634 was published on the agenda for the November 2, 2023 meeting. There was no testimony raised with the proposed regulations.

Copies of the November 2, 2023 Notice of Public Workshop to Consider the Proposed Regulation Changes and the Proposed Regulation Changes were e-mailed to all licensee's and chiropractic assistants, whose email addresses are on file with the CPBN and were posted at the Nevada Attorney General's Office and the State of Nevada Library and Archives.

6. The estimated cost to the agency for enforcement of the proposed regulation.

There will be no significant cost to the Chiropractic Physicians' Board for enforcement of the proposed regulation.

7. A description of any regulations of other state or local government agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary. If the regulation overlaps or duplicates a federal regulation, the notice must include the name of the regulating federal agency.

The Chiropractic Physicians' Board is not aware of any similar regulations of other state or government agencies that the proposed regulations overlap or duplicate.

8. If the regulation is required pursuant to federal law, a citation and description of the federal law.

This proposed regulation is not required by federal law.

9. If the regulation includes provisions which are more stringent than a federal regulation that regulates the same activity, a summary of such provisions.

This proposed regulation does not include any provision that is more stringent than a federal regulation that regulates the same activity.

10. The time when, the place where and the manner in which interested persons may present their views regarding the proposed regulation.

Persons wishing to comment upon the proposed action of the Chiropractic Physicians' Board of Nevada may appear and make oral comment at the scheduled public hearing, or may address their comments, data, views, or arguments, in written form, to the Chiropractic Physicians' Board of Nevada, Attention: Julie Strandberg, 4600 Kietzke Lane, Suite M245, Reno, Nevada 89502-5000, by fax at 775-688-1920, or by email: chirobd@chirobd.nv.gov. Written submissions must be received by the Chiropractic Physicians' Board on or before December 31, 2023. If no person who is directly affected by the proposed action appears to request to make an oral presentation, the Chiropractic Physicians' Board may proceed immediately to act upon any written submission.

Copies of the notice and the regulations to be adopted or amended will be available at the Chiropractic Physicians' Board of Nevada, 4600 Kietzke Lane, Suite M245, Reno, NV 89502. A copy of this notice and the regulation to be adopted or amended has been submitted for posting for inspection by members of the public during business hours at the Nevada State Library and Archives, 100 Stewart Street, Carson City, NV 89701. Copies of this notice and the proposed regulation will be mailed to members of the public upon

request.

This notice and the text of the proposed regulation has been submitted to the State of Nevada Register of Administrative Regulations, which is prepared and published monthly by the Legislative Counsel Bureau pursuant to NRS 233B.0653, and on the Internet at <http://www.leg.state.us>. This information is also available at the Chiropractic Physicians' Boards' website at <http://chirobd.nv.gov>.

Upon adoption of any regulation, the agency, if requested to do so by an interested person either before adoption within 30 days thereafter, will issue a concise statement of the principal reasons for and against its adoption and incorporate therein its reason for overruling the consideration urged against its adoption.

A copy of this notice of intent to act upon a regulation has been emailed to all licensees and chiropractic assistants whose email addresses are registered with the Chiropractic Physicians' Board, and mailed to all persons who have requested in writing that they be placed upon a mailing list, which is maintained by the Chiropractic Physicians' Board for this purpose.

Copies may be obtained in person, by mail, or by calling 775-688-1923.

**PROPOSED REGULATION OF THE
CHIROPRACTIC PHYSICIANS' BOARD OF NEVADA**

LCB File No. R114-23

December 8, 2023

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

AUTHORITY: § 1, NRS 634.018 and 634.030; § 2, NRS 634.030 and 634.070; §§ 3 and 6-9, NRS 634.030; §§ 4 and 5, NRS 634.030 and 634.123; § 10, NRS 634.018, 634.030, 634.040, 634.131, 634.140 and 634.160.

A REGULATION relating to chiropractic; reorganizing and combining certain provisions governing advertising; revising provisions relating to examinations required for applicants for a license to practice chiropractic or certification as a chiropractic assistant; repealing provisions relating to chiropractic services and meetings of and practice before the Chiropractic Physicians' Board of Nevada; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Chiropractic Physicians' Board of Nevada to adopt reasonable regulations for the transaction of business and to enable the Board to carry out its duties under the provisions of law governing chiropractic physicians and chiropractic assistants. (NRS 634.030) Existing regulations prescribe certain requirements relating to advertising, specifically: (1) prohibiting a licensee from communicating in a false or misleading manner; (2) requiring a licensee to clearly designate himself or herself as a licensee in any advertisement; and (3) limiting the circumstances under which a licensee can advertise that he or she is an expert or specialist. (NAC 634.521, 634.536, 634.550) **Section 1** of this regulation reorganizes and combines these provisions.

Existing regulations require an applicant for a license to practice chiropractic who fails on two occasions to pass any portion of an examination prescribed by the Board to either: (1) refrain from supervised practice; or (2) submit a new application for examination. (NAC 634.300) **Section 2** of this regulation eliminates the latter option and instead requires such an applicant who fails twice to pass any portion of such an examination to refrain from supervised practice.

Sections 3 and 4 of this regulation lower the passing score for an open-book examination from 90 percent to 75 percent for an applicant for a certificate as a chiropractic assistant. **Section 3** also: (1) revises the timeframe in which an applicant for a certificate as a chiropractic assistant may retake a failed examination without payment of an additional fee; and (2) eliminates provisions that allow such an applicant who fails to pass the required examinations after two attempts to continue to work as a chiropractic assistant trainee.

Existing regulations authorize the Board, for good cause shown, to extend the training period of a chiropractic assistant trainee and allow the trainee to take a later scheduled examination. (NAC 634.360) **Section 5** of this regulation eliminates this authorization.

Existing regulations authorize an interested party to appear, introduce evidence and, at the discretion of the Board, otherwise participate in a hearing before the Board. (NAC 634.620) **Section 8** of this regulation eliminates these provisions.

Existing law requires the Board to hold regular meetings in this State at a place designated by the President and Secretary of the Board to transact business semiannually. Existing law also requires written notice of such meetings to include the time, place, location and agenda of the meeting. (NRS 634.040) Existing regulations provide that regular meetings of the Board will be held at its principal office or any other place specified by the Board. (NAC 634.130) **Section 10** of this regulation repeals these provisions.

Existing law requires each applicant for a license to practice chiropractic or to practice as a chiropractic assistant, or an applicant for the reinstatement of an expired license, to submit a complete set of fingerprints to the Board. (NRS 634.093, 634.131) Existing regulations also require each applicant for examination or reinstatement to submit fingerprints to the Board and agree to a background investigation. (NAC 634.220) **Section 10** repeals this provision as it duplicates provisions of the Nevada Revised Statutes.

Existing regulations set forth specific criteria relating to advertising and other communications by licensees, which includes: (1) requiring a licensee to maintain a copy of all documents relating to his or her advertisements for at least 2 years; (2) prohibiting a licensee from representing that he or she is affiliated with certain providers of health care under certain circumstances; (3) requiring that advertisements and written communication contain certain contact information of the licensee; (4) prohibiting certain false and deceptive advertising; (5) requiring a licensee to honor, for certain durations of time, an advertised fee or range of fees and to provide a statement of disclosure to a patient under certain circumstances regarding free or discounted services; and (6) prohibiting a licensee from advertising 24-hour service unless the licensee is available at all times. (NAC 634.515-634.565) **Section 10** repeals all such provisions relating to advertising and other communications. **Section 6** of this regulation makes conforming changes relating to the repeal of these provisions.

Existing regulations set forth a number of additional provisions relating to the rules of practice and hearings before the Board. (NAC 634.615-634.775) Existing regulations provide that the staff of the Board may appear at any hearing and have all the rights of participation of a party to the proceeding. (NAC 634.625) **Section 10** repeals this provision.

Existing law requires the Board to file a written complaint with the Executive Director of the Board if the Board becomes aware that grounds for initiating disciplinary may exist as to a person practicing chiropractic or a business entity providing chiropractic services. (NRS 634.160) Existing regulations specify that a written complaint may be made against a licensee for possible disciplinary action. (NAC 634.635) **Section 10** repeals this provision as it duplicates provisions of Nevada Revised Statutes.

Existing regulations establish certain procedures governing hearings before the Board and set forth: (1) who will preside over a hearing; (2) the process for resetting a hearing that has been continued; and (3) the location of where a hearing will be held. (NAC 634.710) Existing regulations also establish provisions concerning hearings in relation to: (1) the preliminary procedure; (2) testimony; (3) the order of presentation of evidence; (4) stipulations; (5) rules of evidence; (6) offers of proof; (7) continuances; (8) transcripts; and (9) the submission of matters

for decision and the dissemination of orders. (NAC 634.720, 634.730, 634.735, 634.745, 634.750, 634.755, 634.760, 634.770, 634.775) **Section 10** repeals all such provisions. **Sections 7 and 9** of this regulation make conforming changes relating to the repeal of these provisions.

Existing regulations authorize the Board to initiate proceedings relating to certain violations even if the public is not harmed and no complaint has been filed against: (1) a licensee; (2) a chiropractic assistant; (3) an applicant for a license to practice chiropractic under certain circumstances; (4) a student who is authorized to perform chiropractic pursuant to the preceptor program; and (5) a person who holds a temporary license to practice chiropractic. (NAC 634.810) **Section 10** also repeals this provision.

Section 1. Chapter 634 of NAC is hereby amended by adding thereto a new section to read as follows:

A licensee shall not advertise in such a manner that the advertising:

1. Includes any false claim;

2. Is intended or has the tendency to:

(a) Deceive or mislead the public; or

(b) Create unrealistic expectations in any particular case;

3. Fails to clearly identify the licensee as a holder of a license to practice chiropractic in this State; or

4. Holds the licensee out as being:

(a) Certified; or

(b) An expert or specialist other than an expert witness,

↪ in a field of chiropractic unless the licensee is registered with and approved by the Board as holding the applicable professional credentials in that field.

Sec. 2. NAC 634.300 is hereby amended to read as follows:

634.300 1. Except as otherwise provided in subsection 2 and NAC 634.215:

(a) If a person applies for a license to practice chiropractic in Nevada, the application remains open for 1 year after the date of the first examination that the person is eligible to take.

(b) Subject to the limitations set forth in this section, during the period in which an application is open, an applicant may take any required examination at such times as may be allowed by the Board and the testing vendor, if any.

(c) If an applicant does not, on the first attempt, pass an examination that is administered by the Board, the applicant may retake the examination one time without paying an additional fee.

2. If an applicant provides evidence satisfactory to the Board that the applicant failed to appear for an examination because of exceptional circumstances, the Board may:

(a) Allow the applicant to take the next scheduled examination without the payment of an additional fee; and

(b) If necessary, extend the period during which the application is open.

3. If an applicant for a license to practice chiropractic fails on two occasions to pass any portion of the examinations administered pursuant to NRS 634.070, the applicant shall ~~fr~~:

~~—(a) Refrain~~ *refrain* from supervised practice . ~~fr~~

~~—(b) Submit a new application for examination in accordance with NRS 634.080.]~~

4. An applicant for a license to practice chiropractic who fails to appear for examination within 1 year after being first qualified therefor:

(a) Shall be deemed to have withdrawn his or her application; and

(b) Forfeits the application fee.

➔ If the applicant applies thereafter for a license, he or she must establish eligibility for that license in accordance with the provisions of this chapter and chapter 634 of NRS.

Sec. 3. NAC 634.305 is hereby amended to read as follows:

634.305 1. At least once each year, the Board will administer an examination to applicants for a certificate as a chiropractic assistant.

2. The examination will consist of the following subjects, including, without limitation:
 - (a) Radiographic technology, protection, quality control and positioning of the patient;
 - (b) Ancillary procedures and applications relating to chiropractic; and
 - (c) The provisions of NRS and NAC that are related to the practice of chiropractic.
3. An applicant who receives a score of at least 75 percent for a closed-book *or open-book* examination ~~[for a score of at least 90 percent for an open book examination]~~ is entitled to a certificate as a chiropractic assistant.
4. If an applicant fails to receive a score of at least 75 percent for a closed-book *or open-book* examination ~~[for a score of at least 90 percent for an open book examination]~~ the first time he or she takes the examination, the applicant may retake the examination ~~[within 1 year]~~ *at the time of the next scheduled exam* without payment of an additional fee.
5. If an applicant who receives training and employment as a chiropractic assistant trainee pursuant to subparagraph (2) of paragraph (a) of subsection 2 of NAC 634.355 fails to receive a score of at least 75 percent for a closed-book *or open-book* examination ~~[for a score of at least 90 percent for an open book examination]~~ after two attempts , ~~[and wishes to continue working as a chiropractic assistant trainee, the supervising licensee must, within 30 days after the date of the notice from the Board of the results of the examination, submit a plan for additional training to the Board. The chair of the test committee will:~~
 - ~~—(a) Approve or deny the plan; and~~
 - ~~—(b) Determine whether the chiropractic assistant trainee may continue working as a chiropractic assistant trainee.~~~~—6. If, pursuant to paragraph (b) of subsection 5, the chair of the test committee determines that a chiropractic assistant trainee may continue working as a chiropractic assistant trainee, the~~

~~chiropractic assistant trainee may continue working as a chiropractic assistant trainee if he or she:~~

~~—(a) Pursuant to NAC 634.350, submits a new application for a certificate as a chiropractic assistant and pays the required fee; and~~

~~—(b) Provides the chair of the test committee with proof that the chiropractic assistant trainee is enrolled in an educational course in a subject described in subsection 2.~~

~~—7. If a chiropractic assistant trainee who has submitted an application pursuant to paragraph (a) of subsection 6 fails to receive a score of at least 75 percent for a closed-book examination or a score of at least 90 percent for an open-book examination after two attempts,]~~ the chiropractic assistant trainee shall not work as a chiropractic assistant trainee until the chiropractic assistant trainee has received a score of at least 75 percent for a closed-book *or open-book* examination .
~~[or a score of at least 90 percent for an open-book examination.~~

~~8.]~~ **6.** An applicant for a certificate as a chiropractic assistant who fails on two occasions to appear for an examination that he or she has been scheduled to take:

- (a) Shall be deemed to have withdrawn his or her application;
- (b) Forfeits any application fees paid to the Board; and
- (c) Must, if he or she has been receiving training and employment as a chiropractic assistant trainee pursuant to subparagraph (2) of paragraph (a) of subsection 2 of NAC 634.355, cease working as a chiropractic assistant trainee.

↪ If the applicant applies thereafter for a certificate, the applicant must establish eligibility for the certificate in accordance with the provisions of this chapter and chapter 634 of NRS.

~~[9. — As used in this section, “chair of the test committee” means the member of the Board who is assigned by the Board to serve as the chair of the committee that is created by the Board to administer an examination to applicants for a certificate as a chiropractic assistant.]~~

Sec. 4. NAC 634.355 is hereby amended to read as follows:

634.355 1. An applicant for a certificate as a chiropractic assistant must, in addition to fulfilling the requirements of NAC 634.350, furnish evidence satisfactory to the Board that he or she:

(a) Is 18 years of age or older; and

(b) Has received a score of at least 75 percent for a closed-book *or open-book* examination ~~[or a score of at least 90 percent for an open-book examination]~~ administered by the Board on the provisions of NRS and NAC that are related to the practice of chiropractic.

2. In addition to the requirements set forth in subsection 1 and NAC 634.350, an applicant for a certificate as a chiropractic assistant must furnish evidence satisfactory to the Board that he or she:

(a) Satisfies one of the following:

(1) Has successfully completed an educational program offered by a high school, community college, state university or private post-secondary school that is approved by the Board; or

(2) Has had 6 months of full-time, or 12 months of part-time, training and employment as a chiropractic assistant trainee from a licensee.

(b) Has received a score of at least 75 percent for a closed-book *or open-book* examination ~~[or a score of at least 90 percent for an open-book examination]~~ for certification required pursuant to NAC 634.305.

3. Evidence of an applicant's completion of approved training pursuant to subparagraph (2) of paragraph (a) of subsection 2 must consist of a certification by each licensee who supervised the work and training of the applicant.

4. The Board may, at its discretion:

(a) Waive one or more of the requirements of this section for good cause shown.

(b) Upon receipt from an applicant of documentation demonstrating that the applicant has received additional formal training, education or experience, grant the applicant credit toward fulfilling the requirements of subparagraph (2) of paragraph (a) of subsection 2.

Sec. 5. NAC 634.360 is hereby amended to read as follows:

634.360 1. A person may not be employed and trained for more than 15 days as a chiropractic assistant trainee for the purposes of satisfying subparagraph (2) of paragraph (a) of subsection 2 of NAC 634.355 unless the person, within the first 15 days during which he or she performs any duties as a chiropractic assistant trainee, applies to the Board by submitting a form provided by the Board.

2. ~~[Except as otherwise provided in subsection 3, an]~~ **An** applicant for a certificate as a chiropractic assistant who completes training pursuant to subparagraph (2) of paragraph (a) of subsection 2 of NAC 634.355 shall, upon the completion of the training:

(a) Apply to the Board to sit for the next scheduled examination; and

(b) Submit the fees required by the Board pursuant to NAC 634.200.

~~[3. For good cause shown, the Board may, at its discretion, extend the training period of a chiropractic assistant trainee and authorize the trainee to take a later scheduled examination.]~~

Sec. 6. NAC 634.515 is hereby amended to read as follows:

634.515 The following information included in an advertisement or written communication shall be deemed to be in compliance with ~~[NAC 634.515 to 634.565, inclusive:]~~ *this section and section 1 of this regulation:*

1. Information relating to the licensee or chiropractic office, including, but not limited to:
 - (a) The name of the licensee or chiropractic office;
 - (b) A list of licensees associated with a chiropractic office and their designations, such as doctor of chiropractic, chiropractor or chiropractic physician;
 - (c) The address and telephone number of the office; and
 - (d) The hours during which the office will be open or the licensee will be available.
2. The date on which a license was issued to the licensee by the Board or by the licensing agency of another state.
3. Technical and professional licenses granted by this or any other state.
4. The ability of the licensee or persons employed by the licensee or in the chiropractic office to speak a language other than English.
5. The fields of chiropractic in which the licensee is certified or is a specialist, subject to the restrictions of ~~[NAC 634.550:]~~ *section 1 of this regulation.*
6. Information regarding prepaid or group plans for health care services in which the licensee participates.
7. The types of credit cards, if any, which are accepted.
8. The fee for an initial consultation or a schedule of fees . ~~[provided in accordance with NAC 634.556:]~~
9. The use of the name and address of a licensee or chiropractic office in a public service announcement or in connection with a charitable, civic or community program or event.

Sec. 7. NAC 634.610 is hereby amended to read as follows:

- 634.610 1. NAC 634.610 to ~~[634.775,]~~ **634.765**, inclusive, *and section 1 of this regulation* govern all practice and procedure before the Chiropractic Physicians' Board of Nevada, except as otherwise directed by the Board.
2. Each provision of NAC 634.610 to ~~[634.775,]~~ **634.765**, inclusive, *and section 1 of this regulation* must be liberally construed to secure a just, speedy and economical determination of all issues presented to the Board.
3. In special cases, for good cause shown and when not contrary to statute, the Board may permit deviation from a provision of NAC 634.610 to ~~[634.775,]~~ **634.765**, inclusive, *and section 1 of this regulation* if it finds that compliance is impractical or unnecessary.

Sec. 8. NAC 634.620 is hereby amended to read as follows:

- 634.620 1. ~~[An interested party who is or may be directly and substantially affected by a hearing may appear, introduce evidence and, at the discretion of the Board, otherwise participate in the proceeding.~~
- ~~—2.— A party shall appear at the beginning of a hearing, or at a time designated by the presiding officer, by giving his or her name and address and stating his or her position or interest in the hearing to the presiding officer. This information must be recorded in the transcript of the hearing.~~
- ~~—3.]~~ A party who is entitled to appear may appear in person or by an attorney.
- ~~[4.]~~ **2.** An attorney who appears as counsel in any proceeding must be an attorney at law who is admitted to practice and is in good standing before the highest court of any state. If the attorney is not admitted to practice in the State of Nevada, he or she must be associated with a Nevada attorney.

~~[5.]~~ 3. Any attorney of record who wishes to withdraw from a proceeding before the Board must immediately notify the Board or the presiding officer in writing of that fact and name the party whom he or she represents.

~~[6.—As used in this section, “interested party” means a person who believes that he or she may be affected by a proceeding but who does not seek to participate in the proceeding.]~~

Sec. 9. NAC 634.715 is hereby amended to read as follows:

634.715 1. If the party who filed the complaint or the licensee fails to appear at the hearing scheduled by the Board and no continuance has been requested or granted, the Board may hear the evidence of those witnesses who have appeared and proceed to consider the matter and dispose of it on the basis of the evidence before it in the manner required by NAC ~~[634.720 to 634.775,]~~ **634.725 634.740 and 634.765. [inclusive.]**

2. Where, because of accident, sickness or other reasonable cause, a person fails to appear for a hearing scheduled by the Board or fails to request a continuance thereof, he or she may, within a reasonable time, but not more than 15 days, apply to the Secretary of the Board at the office of the Board to reopen the proceedings. The Board, if it finds that the cause for failing to appear is sufficient and reasonable, will immediately fix a time and place for the hearing and give the person notice thereof. At the time and place fixed by the Board, the person may testify in his or her own behalf or present other evidence. Witnesses who have previously testified are not required to appear at the second hearing unless so directed by the Board.

Sec. 10. NAC 634.130, 634.220, 634.311, 634.518, 634.521, 634.525, 634.530, 634.536, 634.541, 634.545, 634.550, 634.556, 634.565, 634.625, 634.635, 634.710, 634.720, 634.730, 634.735, 634.745, 634.750, 634.755, 634.760, 634.770, 634.775 and 634.810 are hereby repealed.

TEXT OF REPEALED SECTIONS

634.130 Regular meetings. (NRS 634.030, 634.040) Regular meetings of the Board will be held at its principal office or at any other place and time as the Board may specify.

634.220 Fingerprinting and investigation of applicants. (NRS 634.030, 634.131) Each applicant for examination and each applicant for reinstatement of an expired license to active status pursuant to NRS 634.131 must:

1. Submit one set of his or her fingerprints on a standard fingerprint card with his or her application and pay any associated costs; and
2. Agree to a background investigation.

634.311 Retention and destruction of records. (NRS 634.030)

1. Except as otherwise provided in this section, the Board:
 - (a) May destroy the records of examination for a successful applicant not earlier than 90 days after granting a license to the applicant.
 - (b) Will retain the records of examination for an unsuccessful applicant until the examination has been given two additional times.

2. The Board may extend the period of retention for records of examination for good cause shown.

634.518 Maintenance of documents relating to advertisements. (NRS 634.030) A licensee shall maintain a copy of all documents relating to his or her advertisements for at least 2 years after the first date that the advertisement is broadcast or disseminated.

634.521 False or misleading communications prohibited. (NRS 634.030) A licensee shall not make any false or misleading communications about himself or herself or his or her services. A communication shall be deemed to be misleading if it contains:

1. A material misrepresentation of fact or law, or omits a fact necessary to make the statement, considered as a whole, not misleading; or
2. A testimonial or endorsement representing that a person is a patient of the licensee made by a person who is not in fact a patient of the licensee.

634.525 Advertisements for electronic media. (NRS 634.030)

1. An advertisement for any electronic media may contain the same factual information and illustrations which are allowed in advertisements for any printed media.
2. A person who appears in an advertisement for any electronic media as a licensee or appears in such a manner as to imply that he or she is a licensee must be:
 - (a) A licensee who holds a license in good standing to practice chiropractic in this State; and
 - (b) The licensee who will provide the services advertised or who is associated with the practice which is advertising the service.
3. A person who appears in an advertisement on electronic media as an employee of a licensee or chiropractic practice must be an actual employee of the licensee or chiropractic

practice whose services are being advertised, unless the advertisement discloses that such a person is an actor.

4. If an actor appears in an advertisement in accordance with this section, the advertisement must disclose that the person is an actor.

634.530 Advertisement of affiliation with provider of health care. (NRS 634.030) A licensee shall not represent that he or she is affiliated within the same office with a provider of health care who is not licensed pursuant to chapter 634 of NRS unless that provider of health care spends at least 20 percent of his or her time in the licensee's office.

634.536 Designation as licensee. (NRS 634.018, 634.030) The failure of a licensee in any advertising to clearly designate himself or herself as a licensee shall be deemed to be false and misleading for the purposes of subsection 4 of NRS 634.018.

634.541 Inclusion of name of licensee, referral bureau responsible for content or telephone number and Internet address of licensee. (NRS 634.030) All advertisements and written communication must include the:

1. Name of at least one licensee;
2. Name of a referral bureau for licensees that is responsible for the content of the advertisement or communication; or
3. Telephone number and Internet address of the website that identifies at least one licensee.

634.545 Advertisement of affiliation with research project. (NRS 634.018, 634.030) If a licensee advertises any affiliation with a research project, he or she must make a written statement of the objectives, cost and budget of the project and the persons conducting the research available on request to the Board, to scientific organizations and to the general public.

Any willful failure to comply with the requirements of this section shall be deemed to be false and deceptive advertising for the purposes of subsection 4 of NRS 634.018.

634.550 Advertisement as expert or specialist. (NRS 634.030) Except as otherwise provided in NAC 634.515 to 634.565, inclusive, a licensee shall not hold himself or herself out in any advertisement as being:

1. Certified; or
2. An expert or specialist other than an expert witness,

↪ in a field of chiropractic unless he or she is registered with and approved by the Board as holding the applicable professional credentials in that field.

634.556 Advertisement of fees. (NRS 634.030)

1. Except as otherwise provided in this section, a licensee who advertises a specific fee or range of fees shall honor the advertised fee or range of fees for at least 90 days after the last date that the advertisement is broadcast or disseminated, unless the advertisement specifies a shorter period. If a specific fee or range of fees is advertised in a telephone directory or other type of media which is not published more frequently than annually, the licensee shall honor that fee or range of fees for at least 1 year after the publication of the telephone directory or other type of media.

2. If an advertisement states that a chiropractic service is being offered free of charge or at a discounted rate:

(a) The service must be provided at the advertised rate regardless of whether the service is to be paid for by the patient or a third party, such as an insurer.

(b) The licensee who advertises the service shall ensure that:

(1) A patient to whom the service is provided receives and signs a statement of disclosure which sets forth:

(I) A detailed description of the service that will be provided free of charge or at a discounted rate.

(II) The amount that will be charged for any additional services that will be provided.

(III) If the offer to provide a service free of charge or at a discounted rate is valid for a limited time, the date on which that offer will end.

(2) A statement of disclosure that is required pursuant to subparagraph (1) is placed and maintained in the record of a patient to whom a service is provided free of charge or at a discounted rate.

3. If a licensee provides diagnostic services, including, without limitation, examinations and radiographs, free of charge or at a discounted rate pursuant to an advertisement, the licensee shall provide those services in a sufficiently complete and thorough manner so as to allow the licensee to make a proper diagnosis.

4. No separate charge may be made for the professional evaluation of diagnostic tests or procedures which are provided free of charge or at a discount, regardless of whether the professional evaluation is made at the time of the initial office visit or at a later time.

634.565 Advertisement of 24-hour service. (NRS 634.030) No licensee or referral bureau for licensees may advertise 24-hour service unless a licensee is available at all times to perform any chiropractic service which may be needed.

634.625 Participation by staff of Board. (NRS 634.030) The staff of the Board may appear at any hearing and has all of the rights of participation of a party to the proceeding.

634.635 Pleadings: Complaints. (NRS 634.030, 634.160)

1. A complaint as described in NRS 634.160 may be made against a licensee charging him or her with one or more of the causes set forth in chapter 634 of NRS for which he or she is subject to disciplinary action.

2. The original complaint must be in writing and filed with the Executive Director of the Board.

634.710 Persons presiding; resetting after continuance; location. (NRS 634.030)

1. Hearings will be held before one or more members of the Board.

2. A hearing which has been previously continued may be reset upon a notice of not less than 10 days.

3. Hearings will be held at a place in the State as designated by the Board in the notice of hearing.

634.720 Preliminary procedure. (NRS 634.030) The presiding officer of the Board will call the proceeding or hearing to order, proceed with each party's appearance and act upon any pending motions. The parties may then make opening statements.

634.730 Testimony: Oath or affirmation required. (NRS 634.030) All testimony considered by the Board in formal hearings, except matters officially noticed or entered by stipulation, must be sworn. Before testifying, each person shall swear or affirm that he or she will testify truthfully.

634.735 Order of presentation. (NRS 634.030)

1. Evidence at the hearing must be presented in the following order:

(a) Opening statements by counsel for complainant and respondent. Respondent may defer his or her opening statement until the completion of the complainant's case.

(b) Presentation of complainant's case, which may be followed by cross-examination.

(c) Presentation of respondent's case, which may be followed by cross-examination.

(d) Rebuttal testimony, if any.

(e) Argument by respective counsel, in the following order:

(1) Opening argument for complainant.

(2) Argument for respondent.

(3) Closing argument for complainant.

2. As used in this section:

(a) "Complainant" means a person who complains to the Board of any act. If the Board initiates a proceeding, it may be a complainant.

(b) "Respondent" means a person against whom a complaint has been filed or of whom an investigation has been commenced.

634.745 Stipulations. (NRS 634.030)

1. With the approval of the presiding officer, the parties may stipulate any fact at issue, either by written stipulation introduced in evidence as an exhibit or by oral statements shown upon the record.

2. A stipulation is binding upon all parties so stipulating and may be regarded by the Board as evidence at the hearing.

3. The Board may require proof by evidence of the facts stipulated in addition to the stipulation of the parties.

634.750 Rules of evidence. (NRS 634.030)

1. In conducting any investigation, inquiry or hearing, the Board, its officers or employees are not bound by the technical rules of evidence and any informality in a proceeding or in the

manner of taking testimony does not invalidate any order, decision, rule or regulation made, approved or confirmed by the Board.

2. Rules of evidence recognized by the courts of Nevada will be followed generally but may be relaxed by the Board when deviation from the technical rules of evidence will aid in ascertaining the facts.

3. When an objection is made to the admissibility of evidence, the evidence may be received subject to a later ruling by the Board.

4. The Board may exclude inadmissible, incompetent, cumulative or irrelevant evidence, or order that presentation of that evidence be discontinued.

5. A party objecting to the introduction of evidence shall state briefly the grounds of objection at the time the evidence is offered.

6. Evidence must be material and relevant to the issues involved to be admitted at the hearing.

634.755 Offer of proof. (NRS 634.030) An offer of proof for the record consists of a statement of the substance of the evidence to which an objection has been sustained.

634.760 Continuances. (NRS 634.030) The Board, before or during a hearing, on proper showing, may grant continuances for the submission of further proof of any subject matter.

634.770 Transcripts. (NRS 634.030) The Board will have a transcript made of all formal hearings. Parties desiring copies of the transcript may obtain them from the transcriber upon payment of the fees fixed therefor.

634.775 Submission of matters for decision; dissemination of orders. (NRS 634.030)

1. A proceeding is submitted for decision to the Board after the taking of evidence, the filing of briefs or the presentation of oral argument as prescribed by the Board or the presiding officer unless otherwise specifically approved.

2. Orders of the Board will be served by the Secretary by mailing a copy to each party of record or their representatives or by personal service. Additional copies of orders issued by the Board may be obtained upon written request.

634.810 Authority of Board. (NRS 634.030, 634.137, 634.140, 634.190) The Board may begin proceedings against:

1. A licensee;
2. A chiropractic assistant;
3. An applicant for a license to practice chiropractic who is authorized to perform chiropractic pursuant to NRS 634.105;
4. A student who is authorized to perform chiropractic pursuant to the preceptor program; or
5. A person who holds a temporary license to practice chiropractic pursuant to NRS 634.115,

↪ for a violation of any provision of this chapter or of chapter 634 of NRS even though no member of the public is actually harmed by the violation and there is no complaint from any other person.

LCB File No. R115-23

Joe Lombardo
Governor

Nicole Canada, DC
President
Xavier Martinez, DC
Vice President
Adam Ingles, DC
Member



Benjamin S. Lurie DC
Member
Jason O. Jaeger, 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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NOTICE OF INTENT TO ACT UPON A PROPOSED REGULATION **R115-23**

Notice of Hearing for the Adoption of a Regulation of the Chiropractic Physicians' Board of Nevada

Intent to Adopt Regulation

NOTICE IS HEREBY GIVEN that the Chiropractic Physicians' Board of Nevada will hold a public hearing to consider amendments to Nevada Administrative Code (NAC) 634. The hearing is scheduled to begin at **8:45 a.m. on Thursday, January 11, 2024 at**

Join Zoom Meeting

<https://us06web.zoom.us/j/81259966648?pwd=cdQqvu5biSNlaqBIuotwdNymB0wYb4.1>

Meeting ID: 812 5996 6648

Passcode: 126479

One tap mobile

+13462487799,,81259966648#,,, *126479# US (Houston)

+16694449171,,81259966648#,,, *126479# US

Dial by your location

- +1 346 248 7799 US (Houston)**
- +1 669 444 9171 US**
- +1 669 900 6833 US (San Jose)**
- +1 719 359 4580 US**
- +1 253 205 0468 US**
- +1 253 215 8782 US (Tacoma)**
- +1 646 931 3860 US**
- +1 689 278 1000 US**

- +1 929 205 6099 US (New York)
- +1 301 715 8592 US (Washington DC)
- +1 305 224 1968 US
- +1 309 205 3325 US
- +1 312 626 6799 US (Chicago)
- +1 360 209 5623 US
- +1 386 347 5053 US
- +1 507 473 4847 US
- +1 564 217 2000 US

Meeting ID: 812 5996 6648

Passcode: 126479

Find your local number: <https://us06web.zoom.us/j/k6M2An7nZ>

The purpose of the hearing is to receive comments from all interested persons regarding the adoption of a regulation that pertains to Chapter 634 of the Nevada Administrative Code, LCB File No. R115-23.

The following information is provided pursuant to the requirements of NRS 233B.0603:

1. The need for and the purpose of the proposed regulation.

The purpose of the proposed regulation is to remove the Providers of Approved Continuing Education from the list of entities from which a chiropractic physician or chiropractic assistant may complete such education and training, provides that the Board will award credit for continuing education, not to exceed 4 hours per calendar year, requires a chiropractic physician or chiropractic assistant to provide the Board with the electronic mail address used for professional practice, remove the biennial submittal of the self-inspection, however requires the self-inspection form be submitted to the Board in relation to a complaint made against the licensee, removes from the list, explicit reference to an act which involves the performance of any chiropractic service on a patient who is under the age of 18 years without proper consent and replaces the reference to certification in the specialty of the management of pain with certification in the subspecialty of pain medicine to reflect the specialty and subspecialty certificates currently offered by the American Board of Medical Specialties. In all cases, it is the Board's intent to make the regulations less burdensome and clearer.

2. Either the terms or substance of the proposed regulation or a description of the subjects and issues involved.

- NAC 634 ***Section 2** of this regulation removes the Providers of Approved Continuing Education from the list of entities from which a chiropractic physician may complete such education and training.*
- NAC 634 ***Section 3** of this regulation requires a chiropractic or chiropractic assistant to additionally provide the Board with the electronic mail address that he or she uses for professional practice.*
- NAC 634 *Existing law requires a licensee to biennially submit to the Board a self-inspection form on or before December 31 of each numbered year.*
***Section 4** of this regulation removes this requirement and instead requires a licensee within 10 business days after receipt of a self-inspection form in relation to a complaint made against the licensee, to complete and submit the form to the Board. **Section 4** also provides that a failure to complete and submit such form is grounds for disciplinary action by the Board.*
- NAC 634 ***Section 5** of this regulation removes the requirement for the Board to approve and endorse the attendance of a licensee or a holder of a certificate at an educational seminar or seminars under such circumstances. Existing regulations additionally provide the manner in which a licensee or holder of a certificate may receive credit for continuing education.*
***Section 5** of this regulation provides that the Board will award continuing education, not to exceed 4 hours per calendar year, to a licensee or holder of a certificate for his or her attendance at a meeting of the Board during a calendar year.*
- NAC 634 ***Section 6** of this regulation removes from the list explicit reference to an act which involves the performance of any chiropractic service on a patient who is under the age of 18 years without proper consent. **Section 6** additionally revises the definition of “capping” to include the use by a licensee of the services of a person who, with or without remuneration, refers a prospective new patient to the licensee: (1) at the scene of a traffic crash; (2) at a county jail or detention facility; or (3) within 72 hours after the prospective new patient has been involved in a motor vehicle accident or been injured as a result of the actions of another person, if the person who refers the prospective new patient is not licensed or certified as a provider of health care.*
- NAC 634 *Existing regulations authorize a chiropractic physician who is licensed by the Board to perform manipulation on a patient who is under conscious sedation in the office of a physician who is currently certified by a specialty board of the American Board of Medical Specialties in the specialty of anesthesiology, emergency medicine or the management of pain, if the office is approved by the Board for the administration, monitoring and control of conscious sedation by a licensee.*
***Section 1** of this regulation replaces the reference to certification in the specialty of the management of pain with certification in the subspecialty of pain medicine to reflect the specialty and subspecialty certificates currently offered by the American Board of Medical Specialties.*

3. If the proposed regulation is a permanent regulation, a statement explaining how to obtain the approved or revised text of the proposed regulation prepared by the Legislative Counsel pursuant to NRS 233B.063.

The text of the proposed regulation may be inspected and copied at the office of the Chiropractic Physicians' Board of Nevada, 4600 Kietzke Lane, Suite M245, Reno, NV 89502. Text of the proposed regulation may also be inspected online at <http://chirobd.nv.gov> or <http://leg.state.nv.us/register/2022Register/R115-23P.pdf>.

4. A statement of the estimated economic effect of the regulation on the business which it is to regulate and on the public. These must be stated separately and, in each case, must include:

- (a) Both adverse and beneficial effects.

There are no anticipated adverse or beneficial economic effects on the chiropractic profession or public.

- (b) Both immediate and long-term effects.

There are no anticipated immediate or long-term economic effects on the chiropractic profession or public.

5. A statement identifying the methods used by the Chiropractic Physicians' Board in determining the impact on a small business prepared pursuant to subsection 3 of NRS 233B.0608:

The CPBN's intent to consider potential additions, deletions, and amendments to NAC Chapter 634 was published on the agenda for the November 2, 2023 meeting. There was no testimony raised with the proposed regulation.

Copies of the November 2, 2023 Notice of Public Workshop to Consider the Proposed Regulation Changes and the Proposed Regulation Changes were e-mailed to all licensee's and chiropractic assistants, whose email addresses are on file with the CPBN and were posted at the Nevada Attorney General's Office and the State of Nevada Library and Archives.

6. The estimated cost to the agency for enforcement of the proposed regulation.

There will be no significant cost to the Chiropractic Physicians' Board for enforcement of the proposed regulation.

7. A description of any regulations of other state or local government agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary. If the regulation overlaps or duplicates a federal regulation, the notice must include the name of the regulating federal agency.

The Chiropractic Physicians' Board is not aware of any similar regulations of other state or government agencies that the proposed regulations overlap or duplicate.

8. If the regulation is required pursuant to federal law, a citation and description of the federal law.

This proposed regulation is not required by federal law.

9. If the regulation includes provisions which are more stringent than a federal regulation that regulates the same activity, a summary of such provisions.

This proposed regulation does not include any provision that is more stringent than a federal regulation that regulates the same activity.

10. The time when, the place where and the manner in which interested persons may present their views regarding the proposed regulation.

Persons wishing to comment upon the proposed action of the Chiropractic Physicians' Board of Nevada may appear and make oral comment at the scheduled public hearing, or may address their comments, data, views, or arguments, in written form, to the Chiropractic Physicians' Board of Nevada, Attention: Julie Strandberg, 4600 Kietzke Lane, Suite M245, Reno, Nevada 89502-5000, by fax at 775-688-1920, or by email: chirobd@chirobd.nv.gov. Written submissions must be received by the Chiropractic Physicians' Board on or before December 31, 2023. If no person who is directly affected by the proposed action appears to request to make an oral presentation, the Chiropractic Physicians' Board may proceed immediately to act upon any written submission.

Copies of the notice and the regulations to be adopted or amended will be available at the Chiropractic Physicians' Board of Nevada, 4600 Kietzke Lane, Suite M245, Reno, NV 89502. A copy of this notice and the regulation to be adopted or amended has been submitted for posting for inspection by members of the public during business hours at the Nevada State Library and Archives, 100 Stewart Street, Carson City, NV 89701. Copies of this notice and the proposed regulation will be mailed to members of the public upon request.

This notice and the text of the proposed regulation has been submitted to the State of Nevada Register of Administrative Regulations, which is prepared and published monthly by the Legislative Counsel Bureau pursuant to NRS 233B.0653, and on the Internet at <http://www.leg.state.us>. This information is also available at the Chiropractic Physicians' Boards' website at <http://chirobd.nv.gov>.

Upon adoption of any regulation, the agency, if requested to do so by an interested person either before adoption within 30 days thereafter, will issue a concise statement of the principal reasons for and against its adoption and incorporate therein its reason for overruling the consideration urged against its adoption.

A copy of this notice of intent to act upon a regulation has been emailed to all licensees and chiropractic assistants whose email addresses are registered with the Chiropractic Physicians' Board, and mailed to all persons who have requested in writing that they be placed upon a mailing list, which is maintained by the Chiropractic Physicians' Board for this purpose.

Copies may be obtained in person, by mail, or by calling 775-688-1923.

**PROPOSED REGULATION OF THE
CHIROPRACTIC PHYSICIANS' BOARD OF NEVADA**

LCB File No. R115-23

December 7, 2023

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

AUTHORITY: §§ 1 and 3, NRS 634.030; § 2, NRS 634.030 and 634.035; § 4, NRS 634.030 and 634.160; § 5, NRS 634.030 and 634.130; § 6, NRS 634.018 and 634.030.

A REGULATION relating to chiropractic; revising provisions relating to manipulation under anesthesia; revising provisions relating to education and training in dry needling; requiring a chiropractic physician or chiropractic assistant to provide certain information to the Chiropractic Physicians' Board of Nevada; revising requirements relating to self-inspection forms; revising provisions relating to credits for continuing education; revising provisions relating to actions which are grounds for disciplinary action; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Chiropractic Physicians' Board of Nevada to adopt regulations establishing the qualifications a chiropractic physician must obtain before he or she is authorized to perform dry needling, which must include, without limitation, the successful completion of didactic education and training in dry needling. (NRS 634.035) Existing regulations: (1) require a chiropractic physician who wishes to obtain certification to perform dry needling to have completed at least 50 hours of didactic education and training in dry needling offered or certified by certain entities; and (2) provide a list of such entities, which includes the Providers of Approved Continuing Education. (NAC 634.3668) **Section 2** of this regulation removes the Providers of Approved Continuing Education from the list of entities from which a chiropractic physician may complete such education and training.

Existing regulations require a chiropractic physician or chiropractic assistant who is licensed or certified by the Board to: (1) provide the Board with the address of his or her current legal residence; and (2) notify the Board, in writing, of any change in his or her legal residence within 15 days after the change. (NAC 634.380) **Section 3** of this regulation requires a chiropractic physician or chiropractic assistant to additionally provide the Board with the electronic mail address that he or she uses in the course of his or her professional practice.

Existing regulations require a licensee to biennially submit to the Board a self-inspection form prescribed by the Board on or before December 31 of each even-numbered year. (NAC 634.384) **Section 4** of this regulation removes this requirement and instead requires a licensee, within 10 business days after the receipt of a self-inspection form in relation to a complaint made

against the licensee, to complete and submit the form to the Board. **Section 4** also provides that a failure to complete and submit such a form is grounds for disciplinary action by the Board.

Existing law requires, with certain exceptions, a licensee in active practice within this State and a holder of a certificate as a chiropractic assistant in active practice within this State to attend certain hours of continuing education as a condition of renewing his or her license or certificate. (NRS 634.130) Existing regulations prescribe the circumstances under which the Board may approve or endorse an educational class or seminar for continuing education and attendance at such a seminar. Existing regulations additionally provide that as an alternative to the requirements prescribed for the approval or endorsement of attendance at such seminars, the Board will approve and endorse the attendance of a licensee or holder of a certificate at an educational seminar or seminars if the seminar or seminars have been granted recognition status by the Providers of Approved Continuing Education of the Federation of Chiropractic Licensing Boards and concern certain subjects. (NAC 634.385) **Section 5** of this regulation removes the requirement for the Board to approve and endorse the attendance of a licensee or a holder of a certificate at an educational seminar or seminars under such circumstances. Existing regulations additionally provide the manner in which a licensee or holder of a certificate may receive credit for continuing education. (NAC 634.385) **Section 5** provides that the Board will award credit for continuing education, not to exceed 4 hours per calendar year, to a licensee or holder of a certificate for his or her attendance at a meeting of the Board during the calendar year.

Existing law provides that certain actions including, among other things, unprofessional conduct, are grounds for initiating disciplinary action against a licensee or registrant pursuant to chapter 634 of the Nevada Revised Statutes. (NRS 634.140) Existing law defines “unprofessional conduct” to mean, among other things, conduct unbecoming a person licensed to practice chiropractic or detrimental to the best interests of the public. (NRS 634.018) Existing regulations provide a nonexhaustive list of actions which the Board will interpret as “conduct unbecoming a person licensed to practice chiropractic or detrimental to the best interests of the public.” Among other things, the Board includes in the list, participation in any verbal or written arrangement that involves capping or fee splitting and the performance of any chiropractic service on a patient who is under the age of 18 years without first obtaining the consent of the parent or legal guardian of that patient if the consent is required by existing law. (NRS 129.030, NAC 634.430) **Section 6** of this regulation removes from the list explicit reference to an act which involves the performance of any chiropractic service on a patient who is under the age of 18 years without proper consent. **Section 6** additionally revises the definition of “capping” to include the use by a licensee of the services of a person who, with or without remuneration, refers a prospective new patient to the licensee: (1) at the scene of a traffic crash; (2) at a county jail or detention facility; or (3) within 72 hours after the prospective new patient has been involved in a motor vehicle accident or been injured as a result of the actions of another person, if the person who refers the prospective new patient is not licensed or certified as a provider of health care.

Existing regulations authorize a chiropractic physician who is licensed by the Board to perform manipulation on a patient who is under conscious sedation in the office of a physician who is currently certified by a specialty board of the American Board of Medical Specialties in the specialty of anesthesiology, emergency medicine or the management of pain, if the office is approved by the Board for the administration, monitoring and control of conscious sedation by a licensee. (NAC 634.3665) **Section 1** of this regulation replaces the reference to certification in the specialty of the management of pain with certification in the subspecialty of pain medicine to

reflect the specialty and subspecialty certificates currently offered by the American Board of Medical Specialties.

Section 1. NAC 634.3665 is hereby amended to read as follows:

634.3665 1. A licensee shall not perform manipulation on a patient under anesthesia unless the licensee performs the manipulation at a medical facility or office described in subsection 2 and:

(a) Has obtained certification to perform such manipulation from:

(1) A college of chiropractic that is accredited by the Council on Chiropractic Education;

or

(2) Another program approved by the Board; or

(b) Is enrolled in a program to obtain the certification described in paragraph (a) at the time the manipulation is performed and the licensee performs the manipulation under the direct supervision of a qualified instructor approved by the Board.

2. The manipulation described in subsection 1 may be performed:

(a) On a patient who is under general anesthesia or deep sedation, only in a hospital or surgical center for ambulatory patients that is licensed by the Division of Public and Behavioral Health of the Department of Health and Human Services and accredited by:

(1) The Joint Commission ; ~~for Accreditation of Healthcare Organizations;~~ or

(2) The National Committee for Quality Assurance; or

(b) On a patient who is under conscious sedation:

(1) In a medical facility described in paragraph (a); or

(2) In the office of a physician licensed pursuant to chapter 630 of NRS or osteopathic physician licensed pursuant to chapter 633 of NRS who is currently certified by a specialty board

of the American Board of Medical Specialties in the specialty of anesthesiology ~~H~~ *or* emergency medicine or ~~the management of pain,~~ *the subspecialty of pain medicine*, if the office is approved by the Board for the administration, monitoring and control of conscious sedation by a licensee.

3. As used in this section:

(a) “Conscious sedation” means a minimally depressed level of consciousness, produced by a pharmacologic or nonpharmacologic method, or a combination thereof, in which the patient retains the ability independently and continuously to maintain an airway and to respond appropriately to physical stimulation and verbal commands.

(b) “Deep sedation” means a controlled state of depressed consciousness, produced by a pharmacologic or nonpharmacologic method, or a combination thereof, and accompanied by a partial loss of protective reflexes and the inability to respond purposefully to verbal commands.

(c) “General anesthesia” means a controlled state of unconsciousness, produced by a pharmacologic or nonpharmacologic method, or a combination thereof, and accompanied by partial or complete loss of protective reflexes and the inability independently to maintain an airway and respond purposefully to physical stimulation or verbal commands.

(d) “Hospital” has the meaning ascribed to it in NRS 449.012.

(e) “Surgical center for ambulatory patients” has the meaning ascribed to it in NRS 449.019.

Sec. 2. NAC 634.3668 is hereby amended to read as follows:

634.3668 1. A chiropractic physician who wishes to obtain certification to perform dry needling must submit to the Board an application in the form prescribed by the Board. The application must include, without limitation, proof that the applicant has completed at least 50 hours of didactic education and training in dry needling offered or certified by:

- (a) The Federation of Chiropractic Licensing Boards, or its successor organization;
- (b) The American Chiropractic Association, or its successor organization;
- (c) The International Chiropractors Association, or its successor organization;
- (d) ~~The Providers of Approved Continuing Education, or its successor organization;~~
- ~~(e)~~ The American Medical Association, or its successor organization;
- ~~(f)~~ (e) The American Osteopathic Association, or its successor organization;
- ~~(g)~~ (f) The Accreditation Council for Continuing Medical Education, or its successor organization;
- ~~(h)~~ (g) The State Board of Oriental Medicine; or
- ~~(i)~~ (h) A school of chiropractic.

2. Except as otherwise provided in this subsection, a chiropractic physician who wishes to renew a certificate issued pursuant to this section must submit to the Board with each application to renew his or her license to practice chiropractic proof that he or she completed at least 4 hours of continuing education in dry needling during the immediately preceding biennium. A chiropractic physician is not required to complete such continuing education during the biennium in which the certificate is issued.

3. A chiropractic physician may perform dry needling only if he or she is certified pursuant to this section. A chiropractic assistant shall not perform dry needling.

Sec. 3. NAC 634.380 is hereby amended to read as follows:

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

- (a) Provide the Board with the ~~{address}~~ :
(1) *Address* of his or her current legal residence; and

(2) Electronic mail address that he or she uses in the course of his or her professional practice; and

(b) Notify the Board, in writing, of any change in his or her legal residence within 15 days after the change.

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 chiropractic assistant may provide the number of a post office box which is to be used as his or her mailing address.

Sec. 4. NAC 634.384 is hereby amended to read as follows:

634.384 ~~{Each}~~ A licensee shall ~~{biennially}~~, *within 10 business days after receiving a self-inspection form from the Board relating to a complaint, as described in NRS 634.160, made against the licensee, complete and* submit ~~{a}~~ *the* self-inspection form ~~{prescribed by}~~ *to* the Board. ~~{The}~~ *A failure to complete and submit the* self-inspection form ~~{must be received by the Board on or before December 31 of each even-numbered year. The Board will reject a self-inspection form submitted pursuant to this section if the form is incomplete.}~~ *is grounds for disciplinary action by the Board.*

Sec. 5. NAC 634.385 is hereby amended to read as follows:

634.385 1. Except as otherwise provided in subsection ~~{7}~~ *6*, the Board may approve or endorse an educational class or a seminar if it concerns:

- (a) The practice of chiropractic;
- (b) Performing chiropractic adjustment;
- (c) Avoiding unprofessional conduct or malpractice including, without limitation, gross malpractice;

- (d) Performing manipulation;
- (e) Diagnosis and treatment of subluxation complex;
- (f) Compliance with this chapter or chapter 629 or 634 of NRS; or
- (g) Lifesaving skills, as described in subsection 4 of NRS 634.130.

2. The Board may approve or endorse the attendance by licensees or holders of certificates, in person or on-line, of an educational seminar or seminars if:

(a) The syllabus and curriculum of the instructors of the seminar or seminars and the required fee are submitted to the Board;

(b) The seminar or seminars provide instruction in conformity with subsection 3 or 4 of NRS 634.130, as applicable;

(c) The seminar or seminars concern a subject described in subsection 1;

(d) The sponsor of the seminar or seminars ensures that each licensee and holder of a certificate who requests credit for continuing education to satisfy the requirement set forth in subsection 3 or 4 of NRS 634.130, as applicable, attends at least 50 minutes of each hour of instruction; and

(e) The seminar or seminars are sponsored by:

(1) A chiropractic college which has been accredited by:

(I) The Council on Chiropractic Education; or

(II) Another educational entity that has been approved by the Board;

(2) A state chiropractic board or association;

(3) The American Chiropractic Association, the International Chiropractors Association or the successor of either;

(4) A major hospital, as defined in NRS 439B.115;

- (5) An accredited university or college; or
- (6) A regulatory body as defined in NRS 622.060.
3. ~~{As an alternative to the method of approval and endorsement provided in subsection 2, the Board will approve and endorse the attendance by licensees or holders of certificates, as applicable, in person or on line, of an educational seminar or seminars if the seminar or seminars have been granted recognition status by the Providers of Approved Continuing Education of the Federation of Chiropractic Licensing Boards and concern a subject described in subsection 1.~~
- ~~—4.}~~ 4. The sponsor of the seminar or seminars shall ensure that each licensee or holder of a certificate, as applicable, attending that seminar is in attendance in a timely manner at the start of each lecture. If the sponsor fails to maintain the proper monitoring procedure, such failure may constitute grounds for the Board to withdraw its approval of a current or future seminar or seminars hosted or arranged by that sponsor.
- ~~{5.}~~ 4. The sponsor of a seminar shall allow any representative of the Board to attend all or part of the seminar in order to monitor the content of the course or lecture and the procedures for taking attendance. A representative who is taking the seminar to satisfy the requirements of subsection 3 or 4 of NRS 634.130, as applicable, shall pay the full registration fee.
- ~~{6.}~~ 5. The sponsor of a seminar which has received the approval of the Board shall report to the Board all changes in the seminar as soon as possible.
- ~~{7.}~~ 6. Except as otherwise provided in this subsection, the Board will not award credit for continuing education to a licensee or holder of a certificate, as applicable, for an educational class or seminar that is of a nonclinical nature, including, without limitation, an educational class or seminar regarding the building or management of a chiropractic practice. For the purposes of this subsection, an educational class or seminar regarding proper billing procedures shall not be

deemed to be an educational class or seminar regarding the building or management of a chiropractic practice.

~~18.1~~ 7. The Board will not award credit for continuing education to an instructor of an educational class or seminar unless the instructor obtained from the Board approval for such credit before teaching the educational class or seminar.

~~19.1~~ 8. Continuing education hours earned through the completion of a specific educational class or seminar may be counted only once during a calendar year toward the hours of continuing education required by subsection 3 or 4 of NRS 634.130, as applicable, even if the licensee or holder of a certificate completes that class or seminar more than once during that calendar year.

~~110.1~~ 9. The Board will award credit for continuing education to a licensee or a holder of a certificate for all educational classes or seminars which are approved and endorsed by the Board pursuant to this section and are attended by the licensee or holder of a certificate.

10. The Board will award credit for continuing education, not to exceed 4 hours per calendar year, to a licensee or a holder of a certificate for attending a meeting of the Board during the calendar year.

Sec. 6. NAC 634.430 is hereby amended to read as follows:

634.430 1. As used in subsection 10 of NRS 634.018, the Board will interpret the phrase “conduct unbecoming a person licensed to practice chiropractic or detrimental to the best interests of the public” to include, without limitation:

- (a) Engaging in or soliciting sexual misconduct.
- (b) ~~Performing any chiropractic service on a patient who is under the age of 18 years without first obtaining the consent of the parent or legal guardian of that patient if the consent is required pursuant to NRS 129.030.~~

~~(e)~~ Performing manipulation on a patient under anesthesia without complying with the requirements set forth in NAC 634.3665.

~~(d)~~ (c) Entering into a financial agreement or making a financial arrangement with a potential or existing patient as an inducement to enter into or continue care. This paragraph does not prohibit a licensee from providing complimentary chiropractic services to an existing patient.

~~(e)~~ (d) Participating in any verbal or written arrangement that involves capping or fee splitting.

~~(f)~~ (e) Engaging in practices regarding the billing of patients or the making of claims under a contract of insurance that are abusive or fraudulent, or both, including, without limitation:

(1) Billing patients or making claims under a contract of insurance for chiropractic services that have not been performed.

(2) Billing patients or making claims under a contract of insurance in a manner which misrepresents the nature of the chiropractic services that have been performed.

(3) Submitting to patients or carriers of insurance bills or claims which fail to disclose pertinent information or which contain false information, including, without limitation:

(I) Failing to disclose to a patient that a bill has already been paid, in full or in part, by a carrier of insurance.

(II) 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.

(III) Stating falsely that the injury of a patient is the result of an accident or work-related incident.

~~(e)~~ (f) Engaging in a practice of waiving, abrogating or rebating the deductible or copayment required to be paid by a policy of insurance or a third party if the practice is used as a device for advertising or marketing, or both.

~~(h)~~ (g) Failing to make any report or record available to the Board upon lawful request, failing to cooperate with any investigation by the Board or knowingly giving false information to the Board, including, without limitation, falsifying documentation concerning continuing education.

~~(i)~~ (h) Failing to make any report or record available to another licensee, practitioner, patient or institution upon a lawful request to do so in compliance with the provisions of chapter 629 of NRS.

~~(j)~~ (i) Being delinquent in the payment of a judgment for the payment of child support pursuant to chapter 425 of NRS or being subject to a court order for the support of one or more children and not complying 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.

~~(k)~~ (j) Being in default on the payment of a student loan.

~~(l)~~ (k) Violating the rules or regulations of a federal program that relates to the practice of chiropractic.

~~(m)~~ (l) Engaging in fraud, misrepresentation or deception in any business affairs that relate to the practice of chiropractic.

~~(n)~~ (m) Allowing a person to:

- (1) Perform chiropractic services; or
- (2) Engage in any aspect of the provision of chiropractic care to patients,

↪ if that person is not authorized to perform such services or provide such care pursuant to this chapter and chapter 634 of NRS. The prohibition set forth in this paragraph does not apply to a person who is licensed or certified as a provider of health care pursuant to one or more of the chapters of title 54 of NRS.

~~(n)~~ (n) Engaging with a patient in a romantic or dating relationship unless the patient is the spouse of the licensee.

~~(o)~~ (o) Examining or treating the anus, breast or genitalia of a patient without first:

(1) Obtaining from the patient an informed consent that refers to the specific procedures that will be performed on those parts of the body of the patient; and

(2) Making a note of such consent in the record of the patient.

~~(p)~~ (p) Violating a provision of a chapter of title 54 of NRS other than chapter 634 of NRS pursuant to which the licensee holds a license or certificate as a provider of health care.

~~(q)~~ (q) Knowingly giving a false or factually unsupported opinion in a peer review, records review, independent medical examination or chiropractic examination for the purpose of reducing a payment or reimbursement to a licensee for the care or treatment of a patient.

~~(r)~~ (r) Failing to either post a written disclosure or give a written disclosure to a patient and maintain the written disclosure concerning a lack of maintaining professional liability insurance in accordance with the requirements of NRS 634.1295 and NAC 634.445.

~~(s)~~ (s) Practicing chiropractic while impaired by alcohol, the use of illicit drugs, the unauthorized or improper use of a prescription drug or controlled substance, or any known or diagnosed mental illness or cognitive deficit.

~~(a)~~ (f) Paying or receiving any remuneration in such a manner and amount as would constitute a violation of 42 U.S.C. § 1320a-7b(b), regardless of whether the patient for whom the remuneration is paid or received is a patient under a federal health care program.

2. A patient's consent to, initiation of or participation in sexual behavior or involvement in a romantic or dating relationship with a licensee does not excuse the conduct of the licensee.

3. As used in this section:

(a) "Capping" means the use by a licensee of the services of ~~fat~~:

(1) A person who is remunerated for referring to the licensee a new patient who has been involved in a motor vehicle accident or who has been injured as a result of the actions of another person.

(2) A person who, with or without remuneration, refers a prospective new patient to the licensee:

(I) At the scene of a traffic crash;

(II) At a county or city jail or detention facility; or

(III) Within 72 hours after the prospective new patient has been involved in a motor vehicle accident or been injured as a result of the actions of another person, if the person who refers the prospective new patient is not a person who is licensed or certified as a provider of health care pursuant to one or more of the chapters of title 54 of NRS or the laws of another state or the District of Columbia.

(b) "Fee splitting" means the acceptance of remuneration by a licensee for referring a patient to another provider of health care or a health care facility or the provision of remuneration by a licensee for a referral to the business of the licensee.

(c) "Sexual misconduct" means:

(1) Sexual relations between a licensee and a patient of that licensee, regardless of whether the patient initiated or consented to those sexual relations.

(2) Conduct by a licensee, in regard to a patient, that is sexual in nature, sexually suggestive or sexually demeaning to the patient.

(3) The commission by a licensee of one or more of the offenses defined in NRS 200.368, 200.730, 201.210 and 201.220.

(4) The use by a licensee of deception, misrepresentation or force for the purpose of engaging in sexual conduct with a patient in:

(I) A clinical setting; or

(II) A setting that is used ordinarily for the provision of chiropractic services.

↪ The term does not include sexual conduct or sexual relations that take place between a licensee and his or her spouse or between a licensee and a person who was a patient after the chiropractic physician-patient relationship has been terminated for a reasonable time.

(d) “Sexual relations” means:

(1) Sexual intercourse.

(2) Any touching of sexual or other intimate parts of a person or causing such person to touch the sexual or other intimate parts of the licensee for the purpose of arousing or gratifying the sexual desire of either the licensee or the patient.

CHIROPRACTIC PHYSICIANS' BOARD OF NEVADA

AGENDA ACTION SHEET

TITLE: **Agenda Item 10** NCA/NCC Report – No action.

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

PRESENTED BY: **TBA**

MEETING DATE: **January 11, 2024**

TIME REQUIRED: **10 minutes**

BACKGROUND INFORMATION:

ACTION: _____ Approved _____ Approved w/Modifications _____ Denied _____ Continued

CHIROPRACTIC PHYSICIANS' BOARD OF NEVADA

AGENDA ACTION SHEET

TITLE: Agenda Item 11 Discussion and potential action regarding the current DC jurisprudence examination and turning the DC jurisprudence examination over to the NBCE. – For possible action.

RECOMMENDED MOTION: No recommended motion.

PREPARED BY: Nicole Canada, DC

MEETING DATE: January 11, 2023

TIME REQUIRED: 5 minutes

BACKGROUND INFORMATION: The CA and DC exams were submitted to the NBCE to conduct a psychometric analysis. At the Boards January 12, 2023 meeting Dr. Bruce Schotts presented the results of the NBCE's analysis of the Board's examinations and the Board voted to table this agenda item. At the Boards April 6, 2023 meeting this agenda item was discussed and the Board voted to hold off until decisions were made regarding the CA program.

ACTION: _____Approved _____Approved w/Modifications _____Denied _____Continued

From: [Dr. Bruce Shotts](#)
To: [Julie Strandberg](#)
Subject: RE: Exam analysis
Date: Thursday, January 19, 2023 1:55:54 PM
Attachments: [image001.png](#)

Julie,

Thank you for allowing the time for me to talk with your board during their most recent meeting. As I mentioned, most state boards don't generate a lot of income from exams and they refer their testing to us because they don't want to spend the time and effort to maintain these exams. Although these exams are necessary to practice, they aren't considered high-stakes exams simply because they can be taken at any time and as often as needed, so it doesn't create much of a barrier to practice. Since the NBCE has established processes for developing these exams, we can accomplish this in a relatively efficient way, but it still requires some of our resources for every exam that we develop, administer and score. Our board has directed me to offer these exams to the state boards without consideration of many of the peripheral expenses that it takes to run this business simply because it is considered a service to the primary stakeholders that we serve. This is the rationale for why we charge such a small fee to cover development, updating, scoring and the additional steps in the process.

During the meeting, Dr. Lurie requested an estimate on the cost to write items, monitor the progress of the exam and to update the exam as necessary, which I have discussed with NBCE CEO, Dr. Norman Ouzts. Our concern is that if we provide partial services instead of what we are designed to do, then we will no longer be able to be in control of maintaining the quality of the product and we will also consume our resources without fulfilling the directives of our board. Since we utilize all of our subject matter experts in reviews of our exams, as well as the IT department with managing the testing engine and score reporting, and the Psychometric department with the scoring and reporting process, to charge for those services would be close to the same amount as what we charge for the administration of the exams. Additionally, it would be more difficult to organize and we would not be able to carry the responsibility of a legally defensible exam.

We are still offering to develop, administer, and score the exams as we have discussed, but unfortunately, we won't be able to perform only selected portions of the examination process. I understand that your board would like to maintain revenue from these exams, and hopefully they also see the benefits of letting the NBCE manage the exam process.

I notice on your website that the fee to take the DC jurisprudence exam is \$125 and the CA exam is \$75, which is above what we would require to manage the exam process. I would suggest that your board consider allowing us to manage the exams, collect the full fee as listed on your website when the examinee applies to take the test, and then the NBCE could cut a check quarterly to the Nevada board for their portion of the fees. We don't typically offer this option, and we would probably change our exam fee to \$60 in order to compensate for this service, but it would provide revenue to the Nevada board and allow them to get away from the test development process.

Let me know your thoughts after you present this to your board. Hopefully this can be a win-win

solution for everyone involved.

Thank you!

Bruce L Shotts, DC, Dipl Ac, MS
Vice President of Testing
National Board of Chiropractic Examiners
901 54th Avenue, Greeley, CO 80634
Tel: 970.356.9100 x: 137



From: Julie Strandberg <chirobd@chirobd.nv.gov>
Sent: Friday, January 6, 2023 11:47 AM
To: Dr. Bruce Shotts <bshotts@NBCE.org>
Subject: RE: Exam analysis

Hi Dr. Shotts,

Please find attached the agenda for the CPBN meeting on Thursday, January 12, 2023. You are agenda item 9 and I will include the attachments that you provided to the board.

Thank you,
Julie

From: Dr. Bruce Shotts <bshotts@NBCE.org>
Sent: Thursday, January 5, 2023 9:58 AM
To: Julie Strandberg <chirobd@chirobd.nv.gov>
Cc: Nicole Harmel <drcanada@chirobd.nv.gov>; Julie Strandberg <chirobd@chirobd.nv.gov>
Subject: RE: Exam analysis

Sounds good, thanks!

Bruce L Shotts, DC, Dipl Ac, MS
Vice President of Testing
National Board of Chiropractic Examiners
901 54th Avenue, Greeley, CO 80634
Tel: 970.356.9100 x: 137



1. The NBCE can return exam results within 7 days.
2. Test Price: Un-proctored is \$55 and proctored at Prometric centers in \$100.
That's simply a passthrough cost.
3. Would NBCE entertain a contract to Nevada. How long of a term would NBCE ask? Two years, five years? Would there be any option to cancel the contract if the party is not satisfied?
Yes, we have contracts with each state we currently administer exams. The term is individually negotiated. All contracts have opt out clause.
4. If either party chose to cancel a contract could all Nevada related test material be returned to Nevada?
All current contracts state that NBCE owns the material, however, it also states that the state will be given all test material if the contract is dissolved.
5. Do we know why Colorado is currently not using NBCE for its DC testing?
I'm not aware of them currently requiring an exam. I (Norman Ouzts) was never asked to take one with my application.
6. Does the NBCE know why some states in the US have abandoned doing jurisprudence testing for DC's?
I do not know the answer to this question. I think most of the states that don't require it never required it. Some require just a simple affidavit stating that you read and understand.
7. Why does the NBCE want to do jurisprudence examinations for DC's?
As a service to the state boards. To provide them psychometrically sound, valid and defensible exams. We do not make any money off of the exams. The fee is our breakeven cost.
8. Would there ever be a possibility that NBCE would offer free Jurisprudence examination testing for applicants?
We currently do not make any money on these exams due to developmental, administrative, and scoring cost. As we continue to identify cost savings these savings will be enjoyed by the state boards.
9. Expenses incurred by the NBCE in developing a test for Nevada, would those costs ever be passed back to Nevada through a current contract or a subsequent contract renewal?
NBCE assumes all cost related to the development of the exam.

Best,
Dr. Jaeger
Chiropractic Physician

CHIROPRACTIC PHYSICIANS' BOARD OF NEVADA

AGENDA ACTION SHEET

TITLE: Agenda Item 12 Discussion and potential action regarding questions on the Self-Inspection Form and the License Renewal Form – For possible action.

RECOMMENDED MOTION: No recommended motion.

PREPARED BY: Benjamin S. Lurie, DC

MEETING DATE: January 11, 2024

TIME REQUIRED: 15 minutes

BACKGROUND INFORMATION: Please refer to the attached revisions to the questions for the DC renewal and self-inspection forms.

ACTION: _____Approved _____Approved w/Modifications _____Denied _____Continued

SELF INSPECTION REPORT

_____, DC

First Name Last Name

Address

City, State, Zip

Phone Number

The chiropractic physician must be the person who actually completes this form in its entirety. Pursuant to NAC 634.384, each actively practicing chiropractic physician is require to complete this form in its entirety upon board request.

1. YOUR WORK E-MAIL ADDRESS (required): _____

2. Is the above address the physical location of your practice? Yes _____ No If no, give the address of your practice:

3. Office Phone #: _____ Cell Phone # _____

Best phone number to reach you at? _____ Best hour to reach you in the AM or PM? _____

4. Are you the 100% owner of the practice? [☐] Yes [☐] No

If no, give the name, address and telephone number of owner(s):

5. Are you or the chiropractic practice incorporated? [☐] Yes [☐] No

If yes, give the corporation's name and T.I.N., and address and telephone number of corporate headquarters or resident agent (attorney): _____

List names and addresses of corporate officers:

If you are not the owner of the practice at the address on the label at the top of this page, indicate if you are an:

[☐] Employee [☐] Associate [☐] Other (Describe): _____

6. The following is required pursuant to NRS 634.1295 and NAC 634.445:

Do you carry malpractice insurance? *[☐] Yes [☐] No

If no, is the Disclosure that you DO NOT MAINTAIN PROFESSIONAL LIABILITY INSURANCE posted or is a written disclosure provided to each patient [☐] Posted [☐] Written Disclosure

7. Have you been criminally arrested or convicted or had any malpractice judgments or settlements Yes No
(Including out-of-court settlements or sealed records) that you have not previously reported to the CPBN? *[☐] [☐]

8. Have you become drug or alcohol dependent and/or enrolled in a drug or alcohol rehabilitation program that you have not previously reported to the CPBN? If yes, give details and current status. * ☐ ☐
9. Have you been licensed to practice chiropractic in any other state that you have not previously reported to the CPBN? Yes No
* ☐ ☐ ☐ ☐
If yes, list state(s) and active/inactive status: _____
10. If licensed in another state, have you received discipline from that state that has not previously been reported to the CPBN? * ☐ ☐
11. Have you been licensed in any other health care field that you have not previously reported to the CPBN? ☐ ☐
If yes, give health care field and date: _____
12. If licensed in another health care field, has that license received discipline that has not previously been reported to the CPBN? * ☐ ☐
- ~~13. Are you delinquent in the payment of a judgment for the payment of a student loan? * ☐ ☐~~
Moved to the Renewal Application.

*Explanation for [YES] Question Nos. 6, 7, 8, 9, 10, 11 and 12:

13. List **all persons who perform chiropractic services** including any partners, chiropractors (active or inactive), chiropractic assistance (certified or in training) and employees **of the office listed on the label or at the corrected address under Question 2 on Page 1:**

Name	Date Began Working	License or Certificate #	Date CA Training	A	B	C	D	E	F	G
_____	_____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
_____	_____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
_____	_____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
_____	_____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
_____	_____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
_____	_____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Fill in all blanks that are appropriate for each individual:

A- Active or Inactive Licensed Nevada D.C.

B- Applicant or approved Nevada Preceptor D.C.

C- Certified Chiropractic Assistant

D- Chiropractic Assistant in Training (Application on file after 15 days)

E. front office/clerical

F. Partners

G. Other: _____ (explain)

A front office/clerical	E assist DC with massage therapy
B assist DC with patient records	F licensee DC
C assist DC with physiotherapy	G unlicensed DC
D assist DC with x ray exposure	H independent contractor (describe services)
or other diagnostic procedure	I other (describe services):

~~14. Do you utilize the services of an independent Radiologist? [] []~~

~~If yes, provide their name and Nevada license number: _____~~

[Moved to the Renewal Application](#)

14. List all and all chiropractic satellite offices in which you work or that you own or have a financial interest:

Address _____ Work _____ Own _____

Telephone No. _____ Supervising DC _____

Address _____ Work _____ Own _____

Telephone No. _____ Supervising DC _____

Address _____ Work _____ Own _____

Telephone No. _____ Supervising DC _____

The above information is correct to the best of my knowledge. I have personally completed this form.

SIGN: _____, DC **License Number:** _____

Date: _____ **Time:** _____ A.M. / P.M. (PST) (MST) (CST) (EST) circle one

DC LICENSE RENEWAL

- * Update Mailing address
- * Telephone
- * Email

Employment Information

- * Update employment information

Child Support

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.

Declarations

Since your last renewal or recent licensure, have you had a judgement, ruling, or settlement of a claim, court case, administrative proceeding, or other adjudication based upon a claim of malpractice, negligence, incompetence, unprofessional conduct, or sexual misconduct? ☐ Yes ☐ No

no contest, deferred sentencing, or deferred prosecution) of any felony, crime involving or related to your practice of chiropractic medicine, or any crime involving moral turpitude? ☐ Yes ☐ No

Do you have a Nevada business license? If yes, please provide license number and license name.

Are you Incorporated? ☐ Yes ☐ No

If yes, give the incorporated name and Tax Identification Number (T.I.N), address and telephone number of the corporate headquarters or resident agent (attorney):

List the names and addresses of the corporate officers:

Are you the 100% owner of the chiropractic practice? ☐ Yes ☐ No

If you are NOT the owner of the practice at the address you have listed, indicate if you are an: ☐ Employee ☐ Associate ☐ Other

List the name, address and telephone number of the owners:

Is the entity (ownership) on file with the Chiropractic Physicians Board of Nevada? ☐ Yes ☐ No

The following is required pursuant to NRS 634.1295 and NAC 634.445:

Do you carry chiropractic malpractice insurance? *[☐ Yes ☐ No

If NO, is the Disclosure that you DO NOT MAINTAIN PROFESSIONAL LIABILITY INSURANCE posted or is a written disclosure provided to each patient ☐ Posted ☐ Written disclosure. Please upload a copy of the Disclosure posted or written.

☐ No

If yes, please explain and upload all arrest and conviction documents?

Since your last renewal or recent licensure, have you had any malpractice judgements or settlements (including out-of-court settlements or sealed records) that you have not previously reported to the CPBN? *☐ Yes ☐ No. If YES, please upload a copy of the judgement or settlement.

Since your last renewal or recent licensure, have you become drug or alcohol dependent and/or enrolled in drug or alcohol rehabilitation program in-patient or out patient program you have not previously reported to the CPBN? *☐ Yes ☐ No
If YES, please explain your current program status.

Since your renewal or recent licensure, have you been licensed to practice chiropractic in any other state that you have not previously reported to the CPBN? ☐ Yes ☐ No. If YES, is your license active or inactive? ☐ Active ☐ Inactive. Please upload a copy of your out of state status,

If you are licensed in another state other than Nevada, have you received any discipline or order from that state that has not previously been reported to the CPBN? ☐ Yes ☐ No. If YES, please upload a copy of the discipline, board order or settlement agreement.

Since your last renewal or recent licensure, have you been licensed in any other health care field that you have not previously reported to the CPBN? ☐ Yes ☐ No. If yes, please upload a copy of your State License and list the area of practice.

If you are licensed in another health care field other than chiropractic, have you received any discipline, board order or settlement agreement previously not reported to the CPBN? *☐ Yes ☐ No. If yes, please explain and upload a copy of the report.

Since your last renewal or recent licensure, are you delinquent in the payment of a judgement for the payment of a student loan? *☐ Yes ☐ No.

Do you utilize the services of an independent radiologist? *☐ Yes ☐ No. If yes, please upload a copy of the active Radiologist Board License.

ATTESTATION

* I have been informed that I am required by law to report the abuse or neglect of a child to an agency which 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.

* I certify that I have completed 36 hours of continuing education in this renewal period.

Nevada Administrative Code Chapter 634 (NAC 634) and Nevada Revised Statutes Chapter 629 (NRS 629):

* I certify that all owners and employees who perform any chiropractic services are properly registered with the CPBN and have current applications on file with the CPBN? If you have not registered an owner or employee with the CPBN that requires a certification or license, please explain why.

CHIROPRACTIC PHYSICIANS' BOARD OF NEVADA

AGENDA ACTION SHEET

TITLE: **Agenda Item 13** Discussion and potential action regarding issues related to multi-jurisdictional practices. – For possible action.

RECOMMENDED MOTION: **No recommended motion.**

PREPARED BY: **Benjamin S. Lurie, DC**

MEETING DATE: **January 11, 2024**

TIME REQUIRED: **10 minutes**

BACKGROUND INFORMATION:

ACTION: _____Approved _____Approved w/Modifications _____Denied _____Continued

CHIROPRACTIC PHYSICIANS' BOARD OF NEVADA

AGENDA ACTION SHEET

TITLE: Agenda Item 14 Discussion and potential action regarding adding an attestation to the chiropractic physicians' renewal form to require that they attest to downloading or reviewing the currently available versions of NRS 634, NAC 634 and NAC 634. – For possible action.

RECOMMENDED MOTION: No recommended motion.

PREPARED BY: Benjamin S. Lurie, DC

MEETING DATE: January 11, 2024

TIME REQUIRED: 10 minutes

BACKGROUND INFORMATION:

ACTION: _____Approved _____Approved w/Modifications _____Denied _____Continued

CHIROPRACTIC PHYSICIANS' BOARD OF NEVADA

AGENDA ACTION SHEET

TITLE: Agenda Item 15 Discussion and potential action regarding Board staff to provide the currently available versions of NRS 634, NAC 634 and NRS 629 to the chiropractic physicians. – For possible action.

RECOMMENDED MOTION: No recommended motion.

PREPARED BY: Benjamin S. Lurie, DC

MEETING DATE: January 11, 2024

TIME REQUIRED: 10 minutes

BACKGROUND INFORMATION:

ACTION: _____Approved _____Approved w/Modifications _____Denied _____Continued

CHIROPRACTIC PHYSICIANS' BOARD OF NEVADA

AGENDA ACTION SHEET

TITLE: Agenda Item 16 Discussion and potential action regarding chiropractic assistants performing prescribed physiotherapy while the chiropractic physician is not present in the clinic. – For possible action.

RECOMMENDED MOTION: No recommended motion.

PREPARED BY: Benjamin S. Lurie, DC

MEETING DATE: January 11, 2024

TIME REQUIRED: 10 minutes

BACKGROUND INFORMATION: Please refer to the attached:

- **NRS 634.125**
- **NAC 634.119**
- **NAC 634.348**

ACTION: _____ Approved _____ Approved w/Modifications _____ Denied _____ Continued

NRS 634.125 Chiropractic assistant: Authorized services. A chiropractic assistant may perform such ancillary services relating to chiropractic as he or she is authorized to perform under the terms of a certificate issued by the Board. Those services must be rendered under the supervision and control of a chiropractic physician.

NAC 634.119 “Direct supervision” defined. ([NRS 634.030](#)) “Direct supervision” means that the supervising licensee or licensed provider of health care, as appropriate, is actually present in the chiropractic facility during the period of supervision.

NAC 634.348 Performance of ancillary services. ([NRS 634.030](#), [634.125](#))

1. A person who desires to perform ancillary services must obtain a certificate as a chiropractic assistant.
 2. A person who holds a certificate as a chiropractic assistant may perform ancillary services, including, without limitation:
 - (a) Administering to patients by means of physiotherapeutic equipment;
 - (b) Taking and developing radiographs;
 - (c) Assisting with the education of a patient concerning his or her health;
 - (d) Assisting a patient with exercise or rehabilitation activities;
 - (e) Taking the history of the health of a patient; and
 - (f) Assisting the supervising licensee with an examination of a patient.
 3. A person who holds a certificate as a chiropractic assistant may take and develop radiographs only after the supervising licensee has:
 - (a) Determined that radiographs are appropriate for the patient; and
 - (b) Ordered the person to take and develop radiographs for the patient.
- (Added to NAC by Chiropractic Physicians’ Bd. by R030-98, eff. 9-10-98; A by R095-03, 10-22-2003; R101-08, 12-17-2008; R150-13, 3-28-2014)

CHIROPRACTIC PHYSICIANS' BOARD OF NEVADA

AGENDA ACTION SHEET

TITLE: Agenda Item 17 Discussion and potential action regarding a chiropractic clinic supplying and administering Narcan/Naloxone in the event of an accidental overdose. – For possible action.

RECOMMENDED MOTION: No recommended motion.

PREPARED BY: Benjamin S. Lurie, DC

MEETING DATE: January 11, 2024

TIME REQUIRED: 10 minutes

BACKGROUND INFORMATION:

ACTION: _____Approved _____Approved w/Modifications _____Denied _____Continued

CHIROPRACTIC PHYSICIANS' BOARD OF NEVADA

AGENDA ACTION SHEET

TITLE: Agenda Item 18 Discussion and potential action regarding the Chiropractic Assistant program – For possible action.

RECOMMENDED MOTION: No recommended motion.

PREPARED BY: Nicole Canada, DC

MEETING DATE: January 11, 2024

TIME REQUIRED: 5 minutes

BACKGROUND INFORMATION: The Board should decide on the following:

- 1. Should the chiropractic assistant program move to a registration versus certification?**
- 2. Does the Board wish to continue or eliminate the CA and Law examinations?**
- 3. Determine how to address chiropractic assistants taking and developing radiographs, i.e. Radiograph exam**
 - a. Please refer to SB130, which is attached. Section 32 excludes chiropractic physicians and chiropractic assistants. Section 36 identifies the training required to engage in radiologic imaging.**
- 4. Incorporate language from Arizona, which is attached?**

ACTION: _____Approved _____Approved w/Modifications _____Denied _____Continued

CHIROPRACTIC ASSISTANTS
Nevada Revised Statutes

NRS 634.123 Chiropractic assistant: Qualification; certification; supervision.

1. The Board may issue a certificate to a properly qualified applicant to perform ancillary services relating to chiropractic, other than chiropractic adjustment, under the supervision of a chiropractor. The Board shall specify the formal training, including at least **12 months of study** or **the equivalent**, which such an applicant must have completed before the Board awards the applicant a certificate as a Chiropractic assistant.

2. An application for the issuance of a certificate as a Chiropractic assistant must include all information required to complete the application.

(Added to NRS by [1981, 1150](#); A [1997, 2131](#); [2005, 2730, 2807](#))

NRS 634.125 Chiropractic assistant: Authorized services. A Chiropractic assistant may perform such ancillary services relating to chiropractic as he or she is authorized to perform under the terms of a certificate issued by the Board. Those services must be rendered under the supervision and control of a chiropractor.

(Added to NRS by [1981, 1150](#))

NRS 634.127 Chiropractic assistant: Limitation on number supervised by chiropractor. No chiropractor may supervise more than four Chiropractic assistants at the same time.

(Added to NRS by [1981, 1150](#); A [1991, 2084](#); [2001, 6](#))

CHIROPRACTIC ASSISTANTS
Nevada Administrative Code

~~**NAC 634.305 Examination for certification as Chiropractic assistant: passing score; failure to pass; failure to appear. ([NRS 634.030](#))**~~

~~1. At least once each year, the Board will administer an examination to applicants for a certificate as a Chiropractic assistant.~~

~~2. The examination will consist of the following subjects, including, without limitation:~~

~~(a) Radiographic technology, protection, quality control and positioning of the patient;~~

~~(b) Ancillary procedures and applications relating to chiropractic; and~~

~~(c) The provisions of NRS and NAC that are related to the practice of chiropractic.~~

~~3. An applicant who receives a score of at least 75 percent for a closed-book examination or a score of at least 90 percent for an open-book examination is entitled to a certificate as a Chiropractic assistant.~~

~~4. If an applicant fails to receive a score of at least 75 percent for a closed-book examination or a score of at least ~~90~~ 75 percent for an open-book examination the first~~

Exam
scores
Revised
in E.O.
2023-

time he or she takes the examination, the applicant may retake the examination ~~[within 1 year]~~ **at the next scheduled exam** without payment of an additional fee.

5. If an applicant who receives training and employment as a Chiropractic assistant trainee pursuant to subparagraph (2) of paragraph (a) of subsection 2 of [NAC 634.355](#) fails to receive a score of at least 75 percent for a closed-book examination or a score of at least ~~[90]~~ **75** percent for an open-book examination after two attempts ~~[and wishes to continue working as a Chiropractic assistant trainee, the supervising licensee must, within 30 days after the date of the notice from the Board of the results of the examination, submit a plan for additional training to the Board. The chair of the test committee will:~~

—(a) Approve or deny the plan; and

—(b) ~~Determine whether the Chiropractic assistant trainee may continue working as a Chiropractic assistant trainee.~~

6. ~~If, pursuant to paragraph (b) of subsection 5, the chair of the test committee determines that a Chiropractic assistant trainee may continue working as a Chiropractic assistant trainee, the Chiropractic assistant trainee may continue working as a Chiropractic assistant trainee if he or she:~~

—(a) ~~Pursuant to [NAC 634.350](#), submits a new application for a certificate as a Chiropractic assistant and pays the required fee; and~~

—(b) ~~Provides the chair of the test committee with proof that the Chiropractic assistant trainee is enrolled in an educational course in a subject described in subsection 2.~~

7. ~~If a Chiropractic assistant trainee who has submitted an application pursuant to paragraph (a) of subsection 6 fails to receive a score of at least 75 percent for a closed-book examination or a score of at least 90 percent for an open book examination after two attempts, the Chiropractic assistant trainee shall not work as a Chiropractic assistant trainee until the Chiropractic assistant trainee has received a score of at least 75 percent for a closed book examination or a score of at least 90 percent for an open book examination.~~

8. An applicant for a certificate as a Chiropractic assistant who fails ~~[on two occasions]~~ **twice** to appear for an examination that he or she has been scheduled to take:

(a) Shall be deemed to have withdrawn his or her application;

(b) Forfeits any application fees paid to the Board; and

(c) Must, if he or she has been receiving training and employment as a Chiropractic assistant trainee pursuant to subparagraph (2) of paragraph (a) of subsection 2 of [NAC 634.355](#), cease working as a Chiropractic assistant trainee.

→ If the applicant applies thereafter for a certificate, the applicant must establish eligibility for the certificate in accordance with the provisions of this chapter and [chapter 634](#) of NRS.

9. ~~As used in this section, “chair of the test committee” means the member of the Board who is assigned by the Board to serve as the chair of the committee that is created~~

~~by the Board to administer an examination to applicants for a certificate as a Chiropractic assistant.~~

(Added to NAC by Bd. of Chiropractic Exam'rs, eff. 5-13-82; A 1-31-94; A by Chiropractic Physicians' Bd. by R030-98, 9-10-98; R095-03, 10-22-2003; R014-10, 5-5-2011; R064-17, 2-27-2018)

NAC 634.3475 “Detrimental to the best interests of the public” interpreted. (NRS 634.030)

1. As used in subsection 10 of [NRS 634.018](#), the Board will interpret the phrase “detrimental to the best interests of the public” as applied to a Chiropractic assistant to include, without limitation:

- (a) Unlawful disclosure of information about a patient.
- (b) Willful or careless disregard for the health, welfare or safety of patients, regardless of whether proof of actual injury is established.
- (c) Engaging in any conduct or verbal behavior that is inappropriately sexual with or towards a current patient.
- (d) Engaging in any conduct or verbal behavior that is sexually or racially demeaning or offensive with or towards a current patient.
- (e) Engaging in or soliciting sexual misconduct.
- (f) Engaging with a patient in a romantic or dating relationship unless the patient is the spouse of the Chiropractic assistant.
- (g) Use of protected or privileged information obtained from a patient to the detriment of the patient.
- (h) Performing services which the Chiropractic assistant is not authorized to perform under the terms of a certificate issued by the Board as provided by [NRS 634.125](#).
- (i) Billing or charging a patient for the services of the Chiropractic assistant.
- (j) Intentionally causing physical or emotional injury to a patient.
- (k) Aiding, abetting or assisting any person in violating any provision of this chapter or [chapter 634](#) of NRS.
- (l) Engaging in fraudulent or deceitful conduct in the capacity of a Chiropractic assistant.
- (m) Obtaining any certificate through fraud, misrepresentation or deceit.
- (n) Impersonating an applicant or acting as a proxy for the applicant in any examination.
- (o) Disclosing the contents of an examination given by the Board or soliciting, accepting or compiling information regarding the contents of an examination before, during or after the administration of an examination given by the Board.
- (p) Failing to provide the Board or its agents with any documents lawfully requested by the Board, whether by subpoena or otherwise.
- (q) Failing to cooperate fully with the Board during the course of an investigation.

(r) Claiming or making representations of the attainment of any academic degree or award not actually received.

(s) Disobeying an order of the Board.

(t) Splitting fees or giving or receiving a commission in the referral of patients for services.

(u) The suspension or revocation of a license or certificate or other disciplinary action taken by another state against the Chiropractic assistant based on a license or certificate issued by that state for an act that would constitute grounds for disciplinary action in this State. A certified copy of the suspension, revocation or other disciplinary action taken by another state against the Chiropractic assistant based on a license or certificate issued by that state is conclusive evidence of that action.

(v) Performing a task for which the Chiropractic assistant has not been trained or which the Chiropractic assistant is not clinically competent to perform.

2. A supervising licensee is responsible for all of the acts performed by a Chiropractic assistant whom he or she supervises. A supervising licensee may be subject to disciplinary action for any violations of law or regulation committed by his or her Chiropractic assistant.

3. A supervising licensee shall notify the Board in writing of any dismissal of a Chiropractic assistant for cause within 10 days after the dismissal.

4. A patient's consent to, initiation of or participation in sexual behavior or involvement in a romantic or dating relationship with a Chiropractic assistant does not excuse the conduct of the Chiropractic assistant.

5. As used in this section:

(a) "Sexual misconduct" means:

(1) Sexual relations between a Chiropractic assistant and a patient, regardless of whether the patient initiated or consented to those sexual relations.

(2) Conduct by a Chiropractic assistant, in regard to a patient, that is sexual in nature, sexually suggestive or sexually demeaning to the patient.

(3) The commission by a Chiropractic assistant of one or more of the offenses defined in [NRS 200.368](#), [200.730](#), [201.210](#) and [201.220](#).

(4) The use by a Chiropractic assistant of deception, misrepresentation or force for the purpose of engaging in sexual conduct with a patient in:

(I) A clinical setting; or

(II) A setting that is used ordinarily for the provision of chiropractic services.

↪ The term does not include sexual conduct or sexual relations that take place between a Chiropractic assistant and his or her spouse or between a Chiropractic assistant and a person who was a patient after the Chiropractic assistant-patient relationship has been terminated for a reasonable time.

(b) "Sexual relations" means:

(1) Sexual intercourse.

(2) Any touching of sexual or other intimate parts of a person or causing such person to touch the sexual or other intimate parts of the Chiropractic assistant for the purpose of arousing or gratifying the sexual desire of either the Chiropractic assistant or the patient.

(Added to NAC by Chiropractic Physicians' Bd. by R150-13, eff. 3-28-2014)

NAC 634.348 Performance of ancillary services. ([NRS 634.030](#), [634.125](#))

1. A person who desires to perform ancillary services must obtain a certificate as a Chiropractic assistant.

2. A person who holds a certificate as a Chiropractic assistant may perform ancillary services, including, without limitation:

- (a) Administering to patients by means of physiotherapeutic equipment;
- (b) Taking and developing radiographs;
- (c) Assisting with the education of a patient concerning his or her health;
- (d) Assisting a patient with exercise or rehabilitation activities;
- (e) Taking the history of the health of a patient; and
- (f) Assisting the supervising licensee with an examination of a patient.

3. A person who holds a certificate as a Chiropractic assistant may take and develop radiographs only after the supervising licensee has:

- (a) Determined that radiographs are appropriate for the patient; and
- (b) Ordered the person to take and develop radiographs for the patient.

(Added to NAC by Chiropractic Physicians' Bd. by R030-98, eff. 9-10-98; A by R095-03, 10-22-2003; R101-08, 12-17-2008; R150-13, 3-28-2014)

NAC 634.350 Application for certification: Filing; requirements; expiration; waiver of requirements. ([NRS 634.030](#), [634.123](#))

1. An applicant for a certificate as a Chiropractic assistant must file an application with the Board on a form furnished by the Board and pay the required fee within 15 days after the date on which the applicant has begun performing duties as a Chiropractic assistant. An applicant who has not begun performing duties as a Chiropractic assistant may file an application at any time after completing his or her formal training required pursuant to [NRS 634.123](#).

2. The application must set forth:

- (a) The date of the application.
- (b) The applicant's date and place of birth and two personal references based upon 5 years' acquaintance.
- (c) The applicant's name, age, social security number, sex and current residence.
- (d) The name and mailing address of the applicant's current employer, if any.
- (e) If applicable, the date on which he or she was hired to perform the duties of a Chiropractic assistant.

(f) Whether or not the applicant has ever applied for certification as a Chiropractic assistant in another state. If the applicant has so applied, he or she must state when and where he or she applied and the result of that application.

(g) If the applicant has been certified in another state, whether any proceeding to discharge, dismiss or discipline him or her or other similar proceeding has ever been instituted against him or her and the disposition of each such proceeding.

(h) Any other documentation.

3. An application expires after 1 year.

4. For good cause shown, the Board may, at its discretion, waive one or more of the requirements of this section.

(Added to NAC by Bd. of Chiropractic Exam'rs, eff. 5-13-82; A 11-23-93; A by Chiropractic Physicians' Bd. by R030-98, 9-10-98; R095-03, 10-22-2003; R034-05, 10-31-2005; R101-08, 12-17-2008)

NAC 634.355 Certification: Additional requirements; waiver of requirements. (NRS 634.030, 634.123)

1. An applicant for a certificate as a Chiropractic assistant must, in addition to fulfilling the requirements of [NAC 634.350](#), furnish evidence satisfactory to the Board that he or she:

(a) Is 18 years of age or older; and

~~(b) Has received a score of at least 75 percent for a closed-book examination or a score of at least ~~[90]~~ 75 percent for an open-book examination administered by the Board on the provisions of NRS and NAC that are related to the practice of chiropractic.~~

2. In addition to the requirements set forth in subsection 1 and [NAC 634.350](#), an applicant for a certificate as a Chiropractic assistant must furnish evidence satisfactory to the Board that he or she:

(a) Satisfies one of the following:

(1) Is certified as a Chiropractic assistant by a program for Chiropractic assistants that is approved by the Board; or

(2) Has had 6 months of full-time, or 12 months of part-time, training and employment as a Chiropractic assistant trainee from a licensee.

~~(b) Has received a score of at least 75 percent for a closed-book examination or a score of at least ~~[90]~~ percent for an open-book examination for certification required pursuant to [NAC 634.305](#).~~

3. Evidence of an applicant's completion of approved training pursuant to subparagraph (2) of paragraph (a) of subsection 2 must consist of a certification by each licensee who supervised the work and training of the applicant.

4. The Board may, at its discretion:

(a) Waive one or more of the requirements of this section for good cause shown.

(b) Upon receipt from an applicant of documentation demonstrating that the applicant has received additional formal training, education or experience, grant the

applicant credit toward fulfilling the requirements of subparagraph (2) of paragraph (a) of subsection 2.

(Added to NAC by Bd. of Chiropractic Exam'rs, eff. 5-13-82; A 7-29-88; 1-31-94; A by Chiropractic Physicians' Bd. by R030-98, 9-10-98; R095-03, 10-22-2003; R034-05, 10-31-2005; R101-08, 12-17-2008; R150-13, 3-28-2014; R064-17, 2-27-2018)

NAC 634.357 Adherence to standards of practice; duties to recognize and respond to emergencies and demonstrate professionalism. ([NRS 634.030](#)) A Chiropractic assistant shall:

1. Adhere to the ethical and legal standards of professional practice for chiropractors;
2. Recognize and respond to emergencies arising in the course of chiropractic procedures; and
3. Demonstrate characteristics of professionalism.

(Added to NAC by Chiropractic Physicians' Bd. by R150-13, eff. 3-28-2014)

NAC 634.360 Employment and training as Chiropractic assistant trainee. ([NRS 634.030](#), [634.123](#))

1. A person may not be employed and trained for more than 15 days as a Chiropractic assistant trainee for the purposes of satisfying subparagraph (2) of paragraph (a) of subsection 2 of [NAC 634.355](#) unless the person, within the first 15 days during which he or she performs any duties as a Chiropractic assistant trainee, applies to the Board by submitting a form provided by the Board.

2. Except as otherwise provided in subsection 3, an applicant for a certificate as a Chiropractic assistant who completes training pursuant to subparagraph (2) of paragraph (a) of subsection 2 of [NAC 634.355](#) shall, upon the completion of the training:

- (a) ~~Apply to the Board to sit for the next scheduled examination; and~~
- (b) Submit the fees required by the Board pursuant to [NAC 634.200](#).

~~3. For good cause shown, the Board may, at its discretion, extend the training period of a Chiropractic assistant trainee and authorize the trainee to take a later scheduled examination. [Must be received prior to the exam.](#)~~

~~(Added to NAC by Bd. of Chiropractic Exam'rs, eff. 11-23-93; A by Chiropractic Physicians' Bd. by R030-98, 9-10-98; R095-03, 10-22-2003; R034-05, 10-31-2005; R101-08, 12-17-2008)~~

Article 11. Chiropractic Assistants R4-7-1101. Use of the Term "Chiropractic Assistant"

Only a chiropractic assistant as defined in A.R.S. § 32-900 who assists a chiropractor by performing basic health care duties, shall use the term "chiropractic assistant" or "C.A."

R4-7-1102. Chiropractic Assistant Training

A. A C.A. shall complete 24 clock hours of coursework, with a minimum of four hours in each of the following subjects: chiropractic principles, management of common diseases, history taking, recordkeeping, professional standards of conduct, and CPR. If a chiropractor supervising a C.A. is certified in physiotherapy under A.R.S. § 32-922.02, the C.A. shall complete 12 hours of training in physiotherapy in addition to the 24 hours of coursework. If a chiropractor supervising a C.A. is certified in acupuncture under A.R.S. § 32-922.02, the C.A. shall complete two hours of training in acupuncture in addition to the 24 hours of coursework.

B. A C.A. shall take coursework from a Board-approved facility or chiropractor. The facility or chiropractor providing coursework shall submit documentation that describes each subject listed in subsection (A) to the Board for approval prior to offering the course.

C. A chiropractor shall inform the Board, in writing, that the chiropractor has employed a chiropractic assistant within seven days of hiring the C.A. by submitting the name of the C.A., the name and license number of the supervising chiropractor, the address and phone number where the C.A. is employed, and the initial date of hire. A C.A. shall begin Board-approved coursework within three months of initial employment with a supervising chiropractor, and shall complete the coursework within one year of initial employment with the supervising chiropractor.

D. A C.A. shall register with the Board upon completing required coursework. A C.A. shall submit a separate registration form for each place of employment and each supervisor. A C.A. shall register by submitting documentation to the Board on a Board-approved form, signed by the supervising chiropractor, showing the date that the C.A. completed each required subject. The Board shall issue the C.A.'s registration upon approval of the registration form.

E. A chiropractor supervising a C.A. shall maintain at the C.A.'s place of employment a copy of the C.A.'s registration.

R4-7-1103. Scope of Practice

A. A C.A. may only perform clinical duties that are:

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1. Consistent with a supervising chiropractor's licensure and certification; and
2. Delegated by the supervising chiropractor.

B. Clinical duties that a chiropractic assistant may perform as directed by the supervising chiropractor under subsection (A) include, but are not limited to:

1. 2. 3. 4. 5.

6.

Asepsis and infection control,

Taking patient histories and vital signs,

Performing first aid and CPR,

Preparing patients for procedures,

Assisting the supervising chiropractor with examinations and treatments, and

Collecting and processing specimens.

C. A chiropractic assistant who meets the education requirements for physiotherapy under R4-7-1102(A) may administer, under the direct supervision of a chiropractor certified in physiotherapy, but is not limited to administering:

1. Whirlpool treatments,
2. Diathermy treatments,
3. Electronic galvanization stimulation treatments,
4. Ultrasound therapy,
5. Massage therapy,
6. Traction treatments,
7. Transcutaneous nerve stimulation unit treatments, and
8. Hot and cold pack treatments.

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D. A chiropractic assistant that meets the education requirements for acupuncture under R4-7-1102(A) may prepare and sterilize instruments and may remove acupuncture needles under the direct supervision of a chiropractor certified in acupuncture.

E. A C.A. shall not:

1. Take an x-ray,
2. Perform an independent examination,
3. Diagnose a patient,
4. Determine a regimen of patient care,
5. Change the regimen of patient care set by the supervising chiropractor,
6. Perform an adjustment, or
7. Perform acupuncture by needle insertion.

F. A person who has had a license to practice chiropractic or any other health care profession suspended, revoked, or denied for any reason other than failing to meet education or licensing examination

requirements in this or any other jurisdiction shall not perform the clinical duties of a chiropractic assistant.

G. As per A.R.S. § 32-900(3), a chiropractic assistant shall not be licensed to practice chiropractic in this or any other jurisdiction.

H. A supervising chiropractor shall be responsible for all acts or omissions of a C.A.

I. A person who does not meet the requirements of R4-7-1102 shall perform only clerical or administrative duties. Thank you,

CHIROPRACTIC PHYSICIANS' BOARD OF NEVADA

AGENDA ACTION SHEET

TITLE: **Agenda Item 19** 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 (Martinez)
- B. Complaint 21-31S (Lurie)
- C. Complaint 22-18S (Augustin)
- D. Complaint 22-19S (Lurie)
- E. Complaint 22-20S (Canada)
- F. Complaint 22-21N (Martinez)
- G. Complaint 22-23N (Martinez)
- H. Complaint 23-02N (Ingles)
- I. Complaint 23-10S (Jaeger)
- J. Complaint 23-11S (Ayazi)
- K. Complaint 23-12S (Lurie)
- L. Complaint 23-13S (Lurie)
- M. Complaint 23-15S (Nolle)
- N. Complaint 23-16S (Nolle)
- O. Complaint 23-18S (Jaeger)
- P. Complaint 23-19S (Canada)
- Q. Complaint 23-20S (Jaeger)
- R. Complaint 23-21S (Canada)
- S. Complaint 23-22S (Canada)
- T. Complaint 23-23S (Lurie)
- U. Complaint 23-24N (Martinez)
- V. Complaint 23-25N (Lurie)
- W. Complaint 23-26S (Canada)
- X. Complaint 23-27S (Lurie)
- Y. Complaint 23-28S (Canada)
- Z. Complaint 23-29S (Ingles)
- AA. Complaint 23-31S (Ingles)

RECOMMENDED MOTION: **No recommended motion.**

PRESENTED BY: **Nicole Canada, DC**

MEETING DATE: **January 11, 2024**

TIME REQUIRED: **60 minutes**

ACTION: ____ Approved ____ Approved w/Modifications ____ Denied ____ Continued

CHIROPRACTIC PHYSICIANS' BOARD OF NEVADA

AGENDA ACTION SHEET

TITLE: Agenda Item 19A 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. Martinez)

RECOMMENDED MOTION: No recommended motion.

PREPARED BY: Xavier Martinez, DC

MEETING DATE: January 11, 2024

TIME REQUIRED: 3 minutes

BACKGROUND INFORMATION: The complainant alleged unprofessional conduct.

ACTION: _____Approved _____Approved w/Modifications _____Denied _____Continued

Agenda Item 19A

CHIROPRACTIC PHYSICIANS' BOARD OF NEVADA

AGENDA ACTION SHEET

TITLE: **Agenda Item 19B** 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 21-31S (Dr. Lurie)

RECOMMENDED MOTION: **No recommended motion.**

PREPARED BY: **Benjamin S. Lurie, DC**

MEETING DATE: **January 11, 2024**

TIME REQUIRED: **3 minutes**

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

ACTION: _____ Approved _____ Approved w/Modifications _____ Denied _____ Continued

Agenda Item 19B

CHIROPRACTIC PHYSICIANS' BOARD OF NEVADA

AGENDA ACTION SHEET

TITLE: **Agenda Item 19C** 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 22-18S (Mr. Augustin)

RECOMMENDED MOTION: **No recommended motion.**

PREPARED BY: **Christian L. Augustin, Esq.**

MEETING DATE: **January 11, 2024**

TIME REQUIRED: **3 minutes**

BACKGROUND INFORMATION: **The complainant alleged a violation of NAC 634.348 Performance of ancillary services.**

ACTION: ____ Approved ____ Approved w/Modifications ____ Denied ____ Continued

Agenda Item 19C

CHIROPRACTIC PHYSICIANS' BOARD OF NEVADA

AGENDA ACTION SHEET

TITLE: **Agenda Item 19D** 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 22-19S (Dr. Lurie)

RECOMMENDED MOTION: **No recommended motion.**

PREPARED BY: **Benjamin S. Lurie, DC**

MEETING DATE: **January 11, 2024**

TIME REQUIRED: **3 minutes**

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

ACTION: _____ Approved _____ Approved w/Modifications _____ Denied _____ Continued

Agenda Item 19E

CHIROPRACTIC PHYSICIANS' BOARD OF NEVADA

AGENDA ACTION SHEET

TITLE: Agenda Item 19E 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 22-20S (Dr. Canada)

RECOMMENDED MOTION: Recommend dismissal.

PREPARED BY: Nicole Canada, DC

MEETING DATE: January 11, 2024

TIME REQUIRED: 3 minutes

BACKGROUND INFORMATION: The complainant alleged unprofessional conduct.

ACTION: _____ Approved _____ Approved w/Modifications _____ Denied _____ Continued

Agenda Item 19E

CHIROPRACTIC PHYSICIANS' BOARD OF NEVADA

AGENDA ACTION SHEET

TITLE: **Agenda Item 19F** 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 22-21N (Dr. Martinez)

RECOMMENDED MOTION: **No recommended motion.**

PREPARED BY: **Xavier Martinez, DC**

MEETING DATE: **January 11, 2024**

TIME REQUIRED: **3 minutes**

BACKGROUND INFORMATION: **The complainant alleged that the chiropractic physician is working outside the scope of chiropractic.**

ACTION: _____ Approved _____ Approved w/Modifications _____ Denied _____ Continued

Agenda Item 19F

CHIROPRACTIC PHYSICIANS' BOARD OF NEVADA

AGENDA ACTION SHEET

TITLE: Agenda Item 19G 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 22-23N (Dr. Martinez)

RECOMMENDED MOTION: No recommended motion.

PREPARED BY: Xavier Martinez, DC

MEETING DATE: January 11, 2024

TIME REQUIRED: 3 minutes

BACKGROUND INFORMATION: The complainant alleged that the chiropractic physician is working outside the scope of chiropractic.

ACTION: _____ Approved _____ Approved w/Modifications _____ Denied _____ Continued

Agenda Item 19G

CHIROPRACTIC PHYSICIANS' BOARD OF NEVADA

AGENDA ACTION SHEET

TITLE: Agenda Item 19H 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 23-02S (Dr. Ingles)

RECOMMENDED MOTION: No recommended motion.

PREPARED BY: Adam L. Ingles, DC

MEETING DATE: January 11, 2024

TIME REQUIRED: 3 minutes

BACKGROUND INFORMATION: The complainant alleged unprofessional conduct.

ACTION: _____Approved _____Approved w/Modifications _____Denied _____Continued

Agenda Item 19H

CHIROPRACTIC PHYSICIANS' BOARD OF NEVADA

AGENDA ACTION SHEET

TITLE: **Agenda Item 19I** 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 23-10S (Dr. Jaeger)

RECOMMENDED MOTION: **Recommend dismissal**

PREPARED BY: **Jason O. Jaeger, DC**

MEETING DATE: **January 11, 2024**

TIME REQUIRED: **3 minutes**

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

ACTION: _____ Approved _____ Approved w/Modifications _____ Denied _____ Continued

Agenda Item 19I

CHIROPRACTIC PHYSICIANS' BOARD OF NEVADA

AGENDA ACTION SHEET

TITLE: Agenda Item 19J 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 23-11S (Mr. Ayazi)

RECOMMENDED MOTION: No recommended motion.

PREPARED BY: Reza R. Ayazi, DC

MEETING DATE: January 11, 2024

TIME REQUIRED: 3 minutes

BACKGROUND INFORMATION: This complaint was filed at the recommendation of the Board at its July 13, 2023 meeting following discussion regarding Dr. Robinson completing PPD reports without an active license. The attached Notice of Charges were issued to Dr. Robinson and the Board received the certified mail confirmation dated December 9, 2023.

ACTION: _____ Approved _____ Approved w/Modifications _____ Denied _____ Continued

Agenda Item 19J

CHIROPRACTIC PHYSICIANS' BOARD OF NEVADA

AGENDA ACTION SHEET

TITLE: **Agenda Item 19K** 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 23-12S (Dr. Lurie)

RECOMMENDED MOTION: **No recommended motion.**

PREPARED BY: **Benjamin S. Lurie, DC**

MEETING DATE: **January 11, 2024**

TIME REQUIRED: **3 minutes**

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

ACTION: _____ Approved _____ Approved w/Modifications _____ Denied _____ Continued

Agenda Item 19K

CHIROPRACTIC PHYSICIANS' BOARD OF NEVADA

AGENDA ACTION SHEET

TITLE: **Agenda Item 19L** 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 23-13S (Dr. Lurie)

RECOMMENDED MOTION: **No recommended motion.**

PREPARED BY: **Benjamin S. Lurie, DC**

MEETING DATE: **January 11, 2024**

TIME REQUIRED: **3 minutes**

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

ACTION: _____ Approved _____ Approved w/Modifications _____ Denied _____ Continued

Agenda Item 19L

CHIROPRACTIC PHYSICIANS' BOARD OF NEVADA

AGENDA ACTION SHEET

TITLE: **Agenda Item 19M** 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:

M. Complaint 23-15S (Dr. Nolle)

RECOMMENDED MOTION: **No recommended motion.**

PREPARED BY: **Jack Nolle, DC**

MEETING DATE: **January 11, 2024**

TIME REQUIRED: **3 minutes**

BACKGROUND INFORMATION: **The complainant alleged improper billing.**

ACTION: _____Approved _____Approved w/Modifications _____Denied _____Continued

Agenda Item 19M

CHIROPRACTIC PHYSICIANS' BOARD OF NEVADA

AGENDA ACTION SHEET

TITLE: **Agenda Item 19N** 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:

N. Complaint 23-16S (Dr. Nolle)

RECOMMENDED MOTION: **No recommended motion.**

PREPARED BY: **Jack Nolle, DC**

MEETING DATE: **January 11, 2024**

TIME REQUIRED: **3 minutes**

BACKGROUND INFORMATION: **The complainant alleged improper billing.**

ACTION: _____Approved _____Approved w/Modifications _____Denied _____Continued

Agenda Item 19N

CHIROPRACTIC PHYSICIANS' BOARD OF NEVADA

AGENDA ACTION SHEET

TITLE: Agenda Item 190 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:

O. Complaint 23-18S (Dr. Jaeger)

RECOMMENDED MOTION: No recommended motion.

PREPARED BY: Jason O. Jaeger, DC

MEETING DATE: January 11, 2024

TIME REQUIRED: 3 minutes

BACKGROUND INFORMATION: The complainant alleged unprofessional conduct.

ACTION: _____ Approved _____ Approved w/Modifications _____ Denied _____ Continued

CHIROPRACTIC PHYSICIANS' BOARD OF NEVADA

AGENDA ACTION SHEET

TITLE: **Agenda Item 19P** 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:

P. Complaint 23-19S (Dr. Canada)

RECOMMENDED MOTION: **No recommended motion.**

PREPARED BY: **Nicole Canada, DC**

MEETING DATE: **January 11, 2024**

TIME REQUIRED: **3 minutes**

BACKGROUND INFORMATION: **The complainant alleged sexual misconduct.**

ACTION: _____ Approved _____ Approved w/Modifications _____ Denied _____ Continued

Agenda Item 19P

CHIROPRACTIC PHYSICIANS' BOARD OF NEVADA

AGENDA ACTION SHEET

TITLE: Agenda Item 19Q 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:

Q. Complaint 23-20S (Dr. Jaeger)

RECOMMENDED MOTION: No recommended motion.

PREPARED BY: Jason O. Jaeger, DC

MEETING DATE: January 11, 2024

TIME REQUIRED: 3 minutes

BACKGROUND INFORMATION: The complainant alleged sexual misconduct.

ACTION: _____ Approved _____ Approved w/Modifications _____ Denied _____ Continued

Agenda Item 19Q

CHIROPRACTIC PHYSICIANS' BOARD OF NEVADA

AGENDA ACTION SHEET

TITLE: Agenda Item 19R 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:

R. Complaint 23-21S (Dr. Canada)

RECOMMENDED MOTION: No recommended motion.

PREPARED BY: Nicole Canada, DC

MEETING DATE: January 11, 2024

TIME REQUIRED: 3 minutes

BACKGROUND INFORMATION: The complainant alleged malpractice.

ACTION: _____ Approved _____ Approved w/Modifications _____ Denied _____ Continued

Agenda Item 19R

CHIROPRACTIC PHYSICIANS' BOARD OF NEVADA

AGENDA ACTION SHEET

TITLE: Agenda Item 19S 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:

S. Complaint 23-22S (Dr. Canada)

RECOMMENDED MOTION: No recommended motion.

PREPARED BY: Nicole Canada, DC

MEETING DATE: January 11, 2024

TIME REQUIRED: 3 minutes

BACKGROUND INFORMATION: The complainant alleged malpractice.

ACTION: _____ Approved _____ Approved w/Modifications _____ Denied _____ Continued

Agenda Item 19S

CHIROPRACTIC PHYSICIANS' BOARD OF NEVADA

AGENDA ACTION SHEET

TITLE: Agenda Item 19T 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:

T. Complaint 23-23S (Dr. Lurie)

RECOMMENDED MOTION: No recommended motion.

PREPARED BY: Benjamin S. Lurie, DC

MEETING DATE: January 11, 2024

TIME REQUIRED: 3 minutes

BACKGROUND INFORMATION: The complainant alleged unprofessional conduct.

ACTION: _____ Approved _____ Approved w/Modifications _____ Denied _____ Continued

Agenda Item 19T

CHIROPRACTIC PHYSICIANS' BOARD OF NEVADA

AGENDA ACTION SHEET

TITLE: Agenda Item 19U 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:

U. Complaint 22-24N (Dr. Martinez)

RECOMMENDED MOTION: No recommended motion.

PREPARED BY: Xavier Martinez, DC

MEETING DATE: January 11, 2024

TIME REQUIRED: 3 minutes

BACKGROUND INFORMATION: The complainant alleged unprofessional conduct.

ACTION: _____Approved _____Approved w/Modifications _____Denied _____Continued

Agenda Item 19U

CHIROPRACTIC PHYSICIANS' BOARD OF NEVADA

AGENDA ACTION SHEET

TITLE: **Agenda Item 19V** 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:

V. Complaint 23-25S (Dr. Lurie)

RECOMMENDED MOTION: **No recommended motion.**

PREPARED BY: **Benjamin S. Lurie, DC**

MEETING DATE: **January 11, 2024**

TIME REQUIRED: **3 minutes**

BACKGROUND INFORMATION: **The complainant alleged malpractice.**

ACTION: _____ Approved _____ Approved w/Modifications _____ Denied _____ Continued

Agenda Item 19V

CHIROPRACTIC PHYSICIANS' BOARD OF NEVADA

AGENDA ACTION SHEET

TITLE: **Agenda Item 19W** 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:

W. Complaint 23-26S (Dr. Canada)

RECOMMENDED MOTION: **No recommended motion.**

PREPARED BY: **Nicole Canada, DC**

MEETING DATE: **January 11, 2024**

TIME REQUIRED: **3 minutes**

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

ACTION: _____ Approved _____ Approved w/Modifications _____ Denied _____ Continued

Agenda Item 19W

CHIROPRACTIC PHYSICIANS' BOARD OF NEVADA

AGENDA ACTION SHEET

TITLE: **Agenda Item 19X** 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:

X. Complaint 23-27S (Dr. Lurie)

RECOMMENDED MOTION: **No recommended motion.**

PREPARED BY: **Benjamin S. Lurie, DC**

MEETING DATE: **January 11, 2024**

TIME REQUIRED: **3 minutes**

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

ACTION: _____ Approved _____ Approved w/Modifications _____ Denied _____ Continued

Agenda Item 19X

CHIROPRACTIC PHYSICIANS' BOARD OF NEVADA

AGENDA ACTION SHEET

TITLE: **Agenda Item 19Y** 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:

Y. Complaint 23-28S (Dr. Canada)

RECOMMENDED MOTION: **No recommended motion.**

PREPARED BY: **Nicole Canada, DC**

MEETING DATE: **January 11, 2024**

TIME REQUIRED: **3 minutes**

BACKGROUND INFORMATION: **The complainant alleged malpractice.**

ACTION: _____ Approved _____ Approved w/Modifications _____ Denied _____ Continued

Agenda Item 19Y

CHIROPRACTIC PHYSICIANS' BOARD OF NEVADA

AGENDA ACTION SHEET

TITLE: **Agenda Item 19Z** 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:

Z. Complaint 23-29S (Dr. Ingles)

RECOMMENDED MOTION: **No recommended motion.**

PREPARED BY: **Adam L. Ingles, DC**

MEETING DATE: **January 11, 2024**

TIME REQUIRED: **3 minutes**

BACKGROUND INFORMATION: **The complainant alleged that the chiropractic physician failed to release patient records in a timely manner.**

ACTION: _____ Approved _____ Approved w/Modifications _____ Denied _____ Continued

Agenda Item 19Z

CHIROPRACTIC PHYSICIANS' BOARD OF NEVADA

AGENDA ACTION SHEET

TITLE: **Agenda Item 19AA** 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:

AA. Complaint 23-31S (Dr. Ingles)

RECOMMENDED MOTION: **No recommended motion.**

PREPARED BY: **Adam L. Ingles, DC**

MEETING DATE: **January 11, 2024**

TIME REQUIRED: **3 minutes**

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

ACTION: _____Approved _____Approved w/Modifications _____Denied _____Continued

Agenda Item 19AA

CHIROPRACTIC PHYSICIANS' BOARD OF NEVADA
AGENDA ACTION SHEET

TITLE: **Agenda Item 20 Board Counsel Report – No action.**

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

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

MEETING DATE: **January 11, 2024**

TIME REQUIRED: **10 minutes**

BACKGROUND INFORMATION:

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.**

- A. Reassign Selection of Board's choice for FCLB Voting Delegate at the 97th Annual Educational Congress, May 1-5, 2024 – Phoenix, AZ
- B. Reassign Board Member to participate in the Fall National Board Part IV Exam - November 9-10, 2024
- C. Other FCLB/NBCE matters.

RECOMMENDED MOTION: **No recommended motion.**

PREPARED BY: **Nicole Canada, DC**

MEETING DATE: **January 11, 2024**

TIME REQUIRED: **5 minutes**

BACKGROUND INFORMATION: **At it's November 2, 2023 meeting Dr. Overland was selected to be the FCLB voting delegate and was selected to attend the Part IV Exam scheduled for November 9-10, 2024, so these seats need to be reassigned.**

ACTION: _____ Approved _____ Approved w/Modifications _____ Denied _____ Continued

Agenda Item 21

CHIROPRACTIC PHYSICIANS' BOARD OF NEVADA
AGENDA ACTION SHEET

TITLE: **Agenda Item 22** Consideration of potential additions, deletions, and/or amendments to NRS 634 and NAC 634– For possible action.

A. NRS 634.090 (1)(b)

B. NRS 634.100 (2)(b)

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

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

MEETING DATE: **January 11, 2024**

TIME REQUIRED: **10 minutes**

BACKGROUND INFORMATION:

ACTION: _____Approved _____Approved w/Modifications _____Denied _____Continued

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 3 and 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 its successor organization, or an accrediting agency recognized by that organization; and

(c) Except as otherwise provided in subsection 2, that the applicant has successfully 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) An examination that is required to graduate from a college of chiropractic which is accredited by the Council on Chiropractic Education, or 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.

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

3. 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 its successor organization, or an accrediting agency recognized by that organization.

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

5. 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 4.

6. If an applicant has received his or her training and education at a school or college located in a foreign country and the course of study leading to his or her degree of doctor of chiropractic consisted of not less than 4,000 hours of instruction, 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, or its successor organization, waive the requirement that an applicant attend or graduate from a college that is accredited by the Council on Chiropractic Education, or its successor organization, or an accrediting agency recognized by that organization.

NRS 634.100 Payment of fee for application for license or certificate; passing scores on examination; reexamination.

1. An applicant for a license to practice chiropractic in this State must pay the required fee to the Secretary of the Board before the date of the examination.

2. Except as otherwise provided in [NRS 622.090](#):

(a) For a written, closed-book examination which is administered in person by the Board, a score of 75 percent or higher in all subjects taken on the examination is a passing score.

(b) For a written, open-book examination which is administered in person by the Board or an examination that is taken online, a score of ~~90~~ 75 percent or higher in all subjects taken on the examination is a passing score.

3. If an applicant fails to pass the first examination, the applicant may take a second examination within 1 year without payment of any additional fees. Except as otherwise provided in [NRS 622.090](#), credit must be given on this examination for all subjects previously passed.

4. An applicant for a certificate as a chiropractic assistant must pay the required fee to the Secretary of the Board before the application may be considered.

CHIROPRACTIC PHYSICIANS' BOARD OF NEVADA

AGENDA ACTION SHEET

TITLE: **Agenda Item 23 Committee Reports**

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

RECOMMENDED MOTION: **No recommended motion.**

PREPARED BY: **Nicole Canada, DC**

MEETING DATE: **January 11, 2024**

TIME REQUIRED: **15 minutes**

BACKGROUND INFORMATION:

ACTION: _____ Approved _____ Approved w/Modifications _____ Denied _____ Continued

CHIROPRACTIC PHYSICIANS' BOARD OF NEVADA

AGENDA ACTION SHEET

TITLE: **Agenda Item 24** Executive Director Reports:

- A. Status of Pending Complaints – No action.
- B. Status of Current Disciplinary Actions – No action.
- C. Legal/Investigatory Costs – No action.

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

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

MEETING DATE: **January 11, 2024**

TIME REQUIRED: **5 minutes**

BACKGROUND INFORMATION: **Please refer to the attached reports.**

ACTION: _____ Approved _____ Approved w/Modifications _____ Denied _____ Continued

STATUS OF PENDING COMPLAINTS – January 11, 2024

Complaint No.	Date Received	Investigator	Nature of Complaint	Current Status	Costs To Date
19-12S	9/18/2019	Martinez	Alleged unprofessional conduct	Pending Court Case	\$480.00
21-31S	11/8/2021	Lurie	Alleged unprofessional conduct	Under Investigation	\$8,435.00
22-18N	12/1/2022	Augustin	Alleged unprofessional conduct	Under Investigation	\$647.50
22-19S	12/1/2022	Lurie	Alleged Unprofessional Conduct	Under Investigation	\$1,895.09
22-20S	12/6/2022	Canada	Alleged Unprofessional Conduct	Under Investigation	
22-21N	12/14/2022	Martinez	Allegedly practicing outside the scope of chiropractic	Under Investigation	\$7,371.48
22-23N	12/15/2022	Martinez	Allegedly practicing outside the scope of chiropractic	Under Investigation	
23-02N	1/18/2023	Ingles	Alleged Unprofessional Conduct	Under Investigation	
23-10S	7/13/2023	Jaeger	Alleged unprofessional conduct	Under Investigation	
23-11S	7/17/2023	Ayazi	Allegedly practicing without a valid license	Under Investigation	
23-12S	7/19/2023	Lurie	Alleged unprofessional conduct	Under Investigation	\$70.00
23-13S	7/19/2023	Lurie	Alleged unprofessional conduct	Under Investigation	
23-15S	8/17/2023	Nolle	Alleged billing fraud	Under Investigation	
23-16S	9/6/2023	Nolle	Alleged billing fraud	Under Investigation	
23-18S	9/26/2023	Jaeger	Alleged unprofessional conduct	Under Investigation	
23-19S	9/28/2023	Canada	Alleged unprofessional conduct	Under Investigation	

<u>Complaint No.</u>	<u>Date Received</u>	<u>Investigator</u>	<u>Nature of Complaint</u>	<u>Current Status</u>	<u>Costs To Date</u>
23-20S	10/4/2023	Jaeger	Alleged unprofessional conduct	Under Investigation	
23-21S	10/24/2023	Canada	Alleged malpractice	Under Investigation	
23-22S	11/1/2023	Canada	Alleged unprofessional conduct	Under Investigation	
23-23S	11/6/2023	Lurie	Alleged unprofessional conduct	Under Investigation	
23-24N	11/8/2023	Martinez	Alleged unprofessional conduct	Under Investigation	
23-25N	11/9/2023	Lurie	Alleged malpractice	Under Investigation	
23-26S	11/11/2023	Canada	Alleged unprofessional conduct	Under Investigation	
23-27S	11/13/2023	Lurie	Alleged unprofessional conduct	Under Investigation	
23-28S	11/15/2023	Canada	Alleged unprofessional conduct	Under Investigation	
23-29S	11/16/2023	Ingles	Alleged failure to provide records.	Under Investigation	
23-31S	12/7/2023	Ingles	Alleged failure to comply with child support.	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 November 2, 2023

Disciplinary Action with Probation

1. Casey D. Robinson, DC, License No. B1263

Dr. Robinson was granted a Nevada license on September 14, 2007 under the condition that he comply with all the terms and conditions of his Agreement on Conditions for Licensure with California and monitoring of his practice by Board-appointed Compliance Monitor. 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, which was addressed at the June 4, 2011 meeting and a new Agreed Settlement was approved by this Board to extend his probation for another five years concurrent with and under the same terms and conditions as his settlement agreement with California.

Pursuant to the attached California Board order Dr. Robinson voluntarily surrendered his license effective June 26, 2021. Confirmation was received from the California Board that Dr. Robinson satisfied the terms his California Order with the exception of receiving a passing score on the California law exam.

April 2023 it was realized that Dr. Robinson was practicing without an expired license. A Notice of Charges were issued to Dr. Robinson, however there has been no response.

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. The Board is in receipt of the 4th practice monitoring report.**

Disciplinary Action

3. Mark Taylor, DC, License No. B000460

On February 22, 2023 Dr. Mark Taylor entered into Findings of Fact, Conclusions of Law, and Order with the Board. Dr. Taylor was ordered to pay a total fine of \$5,000 (\$1,250 per violation) and pay the Board's fees and costs in the amount of \$3,220.23, both within 60 days of the effective date of this order. Dr. Taylor's license was put in inactive status unless and until Dr. Taylor chooses to reactivate his license, at which time he is required to appear before the Board. Dr. Taylor agreed to pay \$500.00 per month until the amount is paid in full. To date, Dr. Taylor has not paid towards his fees and Board costs.

Probation Only**4. 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**5. 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 \$12,871.00. Dr. Raines is in compliance with the terms of the Order.**

Deann Conroy, J.D.
dconroy@affiliatedmonitors.com

November 8, 2023

Julie Strandberg
Executive Director
Chiropractic Physicians' Board
of Nevada

Sent to: chirobd@chirobd.nv.gov

RE: **Michael Milman, D.C.**
License No.: B1618
Case No.: 20-07S

FOURTH MONITORING REPORT
THIRD QUARTER 2023
July – August - September 2023

Dear Ms. Strandberg:

Michael Milman, D.C. (Dr. Milman), retained Affiliated Monitors, Inc. (AMI) to monitor his compliance with the terms of a Findings of Fact, Conclusions of Law, and Order (Order), issued by the Chiropractic Physicians' Board of Nevada (Board) with an effective date of November 9, 2020. Dr. Milman was licensed to practice chiropractic by the Board on September 12, 2016. He was also similarly licensed in the State of California.

On December 8, 2017, Dr. Milman pled guilty to and was convicted of violating California Penal Code section 550(b)(1) for submitting false or fraudulent insurance claims or statements, which is a criminal felony conviction. The underlying facts involved several medical providers and an attorney by which billing fraud was perpetrated in personal injury actions. A full administrative hearing took place and the California Administrative Law Judge (ALJ) found that the criminal felony conviction and underlying facts merited a revoked chiropractic license for Dr. Milman. The California Board adopted the ALJ decision. On February 18, 2019, Dr. Milman's California chiropractic license was revoked.

That California criminal conviction triggers violations of the Nevada Revised Statutes and the Nevada Administrative Code. Dr. Milman failed to inform the Board of the revocation of his California chiropractic license, which is an additional violation. This Board issued the Order based upon the criminal conviction and the failure to report it to the Nevada Board.

The following report sets forth an overview of the Order, which requires a review of patient care and treatment sufficient to allow the monitor to form an opinion as to whether Dr. Milman is practicing chiropractic with reasonable skill and safety to patients. I also described the methodology used in the review, the findings for the record review, and a summary with AMI's conclusions and recommendations.

Overview of Requirements of the Order

Pursuant to the Board Order, Dr. Milman's license was placed on probation for at least five years. During probation, Dr. Milman is subject to the following monitoring requirements:

- A chiropractic physician practice monitor will be appointed and will serve as the monitor throughout the probationary period.
- The practice monitor shall be provided with a copy of the Board's Order and is expected to visit Dr. Milman's practice facilities.
- The viewing of the practice sites as well as the review of fifteen, randomly selected patient records to assure that the practice complies with all laws applicable to the practice of chiropractic in the State of Nevada.
- The practice monitor will submit quarterly reports to the Board on his or her findings.

The Orders contain other conditions, waivers, and statements of law for failure to comply.

Methodology

AMI's monitor, Ian Yamane, D.C. (Dr. Yamane) serves as the monitor in this matter. His credentials were submitted to the Board and approved. AMI proceeded with the training process for monitoring by Dr. Yamane.

Dr. Milman now resides in Nevada and is practicing at nine different sites for the franchise entitled "The Joint." It is a 100% cash-only basis for treatment. There are 11 locations in the Las Vegas valley. The company utilizes several chiropractors in the treatment of patients and has the chiropractors change locations several times during each week.

At the site visit for this review, the front office provided Dr. Yamane with a list of all patients treated by Dr. Milman for the last 90 days. From that list, while on site, Dr. Yamane made random selections for each location worked. The review of the 15 EMR records occurred while Dr. Yamane was physically at The Joint site.

The following report details Dr. Yamane's findings and then provides a summary and recommendations.

Monitor's Findings

Description of Patient Records

The patient records were kept in an Electronic Medical Record (EMR). The records were organized and easily searched. Record entries contained essential information about the patient, provider, and the date of service. Emergency contact information for the patient was present in the record. The EMR also contained signed HIPAA acknowledgements.

Problem and Medication Lists

The reviewed patient records included a list of any concurrent health problems. For this review, information about the current status of each problem and how it was being addressed was present in the records. This is an improvement. Records included a list of medications, including

homeopathic medicines or nutritional supplements. However, there were no details about dosage, frequency of use, reason for use, and the patient's assessment of effectiveness.

Nature and History of Presenting Problem

The nature and history of each patient's presenting problem or chief complaint was documented in all of the reviewed files. The records included the nature and location of the patient's presenting symptoms. The severity of symptoms, when the symptoms began, and the event which first produced the symptoms was included in the record. It also included factors which affect the symptom occurrence or the level of severity. Additionally, how each patient's symptoms affected their daily functioning was found in the patient's records. Potentially relevant patient responses to questions about the patient's symptoms were recorded.

The record contained sufficient information about any prior treatment (including home remedies) for the presenting problem. The record included an appropriate and sufficient Review of Systems (ROS) given the nature of the patient's presenting problem.

Medical History and Updates

Patient records included appropriate and sufficient information about the patient's past medical history. Relevant details, such as dates of occurrence, nature of any treatment received, and outcome or current status were captured for each past medical history event recorded. Potentially relevant negative responses to questions about the patient's past medical history were recorded. However, no questions were asked or recorded concerning any prior mental health issues or substance abuse. There was evidence that patient medical information was reviewed, and updates were provided.

The social history taken included information about the patient's exercise and activity level, occupational activities, and illness/injury related concerns. The patient's marital status was also recorded. There was no other information recorded in social history. The family medical history did not include questions concerning genetics or addiction.

Patient history was signed by the patient who provided the information. The records demonstrated that Dr. Milman reviewed the medical history with the patient.

Diagnostic Examination

Records documenting a description of findings derived from appropriate physical examination procedures (palpation, percussion, auscultation) were present in nearly all of the reviewed files. Palpation is the main evaluation method. No vitals were taken. There were findings derived from the visual observation of the patient (problems with posture and gait) recorded in patient files. However, the reviewed record for this past quarter did not include documentation of performances and results of appropriate evaluation of ranges of motion in any of the patient records. The recorded examination findings included narrative descriptions of significant details.

Assessments and Problem Formulation

Most of the reviewed files contained appropriately documented formulation of assessments. Dr. Yamane reported that the diagnosis on SOAP notes were more consistent compared to the previous compliance visit. The "Plan" section was completed in this record review, which is an improvement.

Treatment Plan

The reviewed treatment plans identified reasonably specific treatment goals, both long-term and short-term. There was a proposed timetable for re-evaluation of the patient's progress. There was

documented evidence that patients gave informed consent to the treatment. Risks and benefits of the proposed treatment were explained to the patient.

Daily/Progress Notes and Follow-up Care

Daily notes are integrated with progress notes. The title of the note is “Exam and Adjustment” when a re-evaluation is performed. They contain a description of the condition. This included recording the complaint, frequency, and pain levels. Subjective assessment tools were used. Visual observations and examination findings made by Dr. Milman were recorded. Palpatory findings and subluxations were identified.

The notes provided a sufficiently specific description of the nature of the treatment delivered. It included the duration and intensity of particular treatments. Changes in the patient’s diagnosis or prognosis were recorded, which is an improvement from prior reviews.

Site Visit

Dr. Milman is employed by “The Joint,” a franchise which has 11 locations in the Las Vegas valley. For this site visit, Dr. Yamane inspected the eastern-most location found in a retail space on October 24, 2023. The office was well maintained, modern, and clean. There were three adjustment tables situated in an open room. Dr. Milman was one of two chiropractic physicians present while Dr. Yamane was there.

Summary

This is the fourth monitoring report by monitor Dr. Yamane concerning practitioner Dr. Michael Milman.

Since Dr. Milman’s license to practice chiropractic was placed on probation in Nevada, he has been working at a series of sites for a franchise entitled “The Joint.” His schedule is random, and he can be called to work at any of the 11 sites in the Las Vegas area. “The Joint” is on a 100% cash-only basis for chiropractic care. Therefore, Dr. Yamane could not do any review of billing since no insurance companies were billed.

The patient records are placed in an electronic medical record (EMR) system. It was easy to follow and to search. It included emergency contact information and a signed HIPAA acknowledgement in each file.

Problem lists included any concurrent health problems. For this review, information about the current status of each problem and how it was being addressed was placed in the record. This is an improvement on prior reviews.

The nature and history of each patient’s presenting problem or chief complaint was documented in all of the reviewed files. The record included an appropriate and sufficient Review of Systems (ROS) given the nature of the patient’s presenting problem. Records documenting a description of findings derived from appropriate physical examination procedures (palpation, percussion, auscultation) were present.

The reviewed files contained appropriately documented formulation of assessments. This was an improvement on the last reviews.

SOAP notes were more complete compared to the previous visit. Diagnosis and plans were added appropriately to the SOAP note.

The reviewed treatment plans identified reasonably specific treatment goals, both long-term and short-term. The notes provided a sufficiently specific description of the nature of the treatment delivered.

Dr. Yamane inspected the Eastern location of "The Joint" in the Henderson area. The office was well maintained, modern, and clean.

Please let me know if you have any questions or specific requests. The next report will be filed in January 2024.

Respectfully submitted,



Deann Conroy, J.D.
Compliance Solutions Manager

e-c: Michael Milman, D.C.
Ian Yamane, D.C.

CHIROPRACTIC PHYSICIANS' BOARD
Legal/Investigatory Costs

Costs Incurred		Year-To-Date Fiscal Year 2024
Advantage Group		1,890.44
Attorney General		0.00
Total		1,890.44
Costs Reimbursed	Amount Paid	Amount Owed
James Overland Jr., DC	\$ 23,220.98	\$ 23,656.38
Totals	\$ 23,220.98	\$ 23,656.38
Other Outstanding Items:	Received	Pending Transfer to Treasurer/Other
Francis Raines, DC	\$ 6,979.00	\$ 13,021.00
James Overland Jr., DC	\$ -	\$ 7,000.00
	\$ 6,979.00	\$ 20,021.00

CHIROPRACTIC PHYSICIANS' BOARD OF NEVADA

AGENDA ACTION SHEET

TITLE: Agenda Item 25 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. Budget to Actual at August 31, 2023 – No action.**
- F. Income/Expense Actual to Budget Comparison as of November 30, 2023 – No action.**

RECOMMENDED MOTION: Non-Action Item.

PREPARED BY: Julie Strandberg, Executive Director

MEETING DATE: January 11, 2024

TIME REQUIRED: 5 minutes

BACKGROUND INFORMATION: Please refer to the attached documents.

ACTION: _____Approved _____Approved w/Modifications _____Denied _____Continued

**CHIROPRACTIC PHYSICIANS' BOARD
BANK BALANCE REPORT
As of November 30, 2023**

AGENDA ITEM 25A

CHECKING ACCOUNT	20,723.77
SAVINGS ACCOUNT	789,737.33
Paypal	982.26
Total Cash Balance on 5/31/2023	<u>\$811,443.36</u>

ACCOUNTS RECEIVABLE SUMMARY AS OF November 30, 2023

AGENDA ITEM 25B

A/R	
Fines	24,871.00
Cost Reimbursements	27,776.61
Total A/R	<u>\$52,647.61</u>

ACCOUNTS PAYABLE SUMMARY AS OF November 30, 2023

AGENDA ITEM 25C

State Treasurer - Fines collected/payable	7,129.00
Total Accounts Payable	<u>\$ 7,129.00</u>

Extraordinary Items

AGENDA ITEM 25D

***Employee Accrued Compensation as of November 30, 2023**

	Vacation Hours	Sick-Leave Hours
Julie Standberg	55.18	1,355.47
Brett Canady	14.00	10.00

Chiropractic Physicians' Board of Nevada
Income/Expense Report To Budget - ACCRUAL BASIS
For the Period Ending November 30, 2023

AGENDA ITEM 25E

	Actual July 1 through November 30, 2023	Budget FY 06/30/24	Variance
Revenue			
License & Fees	103,633	262,610	158,977
Application & Fees	20,080	39,280	19,200
Interest/Gain Loss on Invest	444	-	(444)
Exam Fees	6,044	14,375	8,331
Reinstatement Fees	1,165	1,650	485
Miscellaneous	5,862	10,130	4,268
Reimbursement Income	-	15,220	15,220
TOTAL REVENUE	137,229	343,265	206,036
Expenses			
Background Checks	5,124	9,744	4,620
Banking / Paypal Expenses	2,513	3,503	990
Dues & Registration	2,129	7,029	4,900
Equipment Repair	-	-	-
COMPUTER: Equipment/Software/Websites	4,177	13,478	9,301
Insurance	1,048	326	(722)
Legal & Professional	19,782	75,920	56,139
Operating Supplies	373	1,890	1,517
Printing & Copying	889	2,767	1,878
Postage	1,651	3,734	2,083
Casual Labor - Clerical	-	2,000	2,000
Personnel			
Office Salaries	56,170	141,105	84,935
Board Salaries	2,119	4,200	2,081
Board Meeting Expense	769	1,841	1,072
Workman's Compensation	(200)	815	1,015
Retirement - PERS	12,484	25,925	13,441
Employee Insurance - PEBP	8,921	20,856	11,935
Unemployment	100	276	176
Medicare	814	1,812	998
PTO Adjustment	(759)	-	759
Payroll Processing	53	-	(53)
Rent	6,425	14,952	8,527
Telephone	1,300	1,836	536
Travel			
In State	1,372	6,000	4,628
Out State	2,934	8,000	5,067
TOTAL EXPENSES	130,186	348,009	217,823
NET INCOME	7,043	(4,744)	(11,787)

Chiropractic Physicians' Board of Nevada
Income/Expense Report To Budget - ACCRUAL BASIS
For the Period Ending November 30, 2023

AGENDA ITEM 25F

	(Over) / Under Budget	Actual July 1 through November 30, 2023	Actual July 1 through November 30, 2022	Variance FY24 to FY23
Revenue				
License & Fees	158,977	103,633	124,514	20,881
Application & Fees	19,200	20,080	18,210	(1,870)
Interest/Gain Loss on Invest	(444)	444	253	(192)
Exam Fees	8,331	6,044	4,370	(1,675)
Reinstatement Fees	485	1,165	210	(955)
Miscellaneous	4,268	5,862	5,452	(410)
Reimbursement Income	15,220	-	(801)	(801)
TOTAL REVENUE	206,036	137,229	152,207	14,978
Expenses				
Background Checks	4,620	5,124	4,425	(700)
Banking Expenses	990	2,513	1,769	(744)
Dues & Registration	4,900	2,129	1,905	(224)
Equipment Repair		-	-	-
COMPUTER: Equipment/Software/Websites	9,301	4,177	9,856	5,679
Insurance	(722)	1,048	1,915	868
Legal & Professional	56,139	19,782	28,613	8,831
Operating Supplies	1,517	373	924	550
Printing & Copying	1,878	889	886	(3)
Postage	2,083	1,651	342	(1,309)
Casual Labor - Clerical	2,000	-	-	-
Personnel				
Office Salaries	84,935	56,170	51,460	(4,711)
Board Salaries	2,081	2,119	1,650	(469)
Board Meeting Expense	1,072	769	129	(639)
Workman's Compensation	1,015	(200)	408	608
Retirement - PERS	13,441	12,484	10,143	(2,341)
Employee Insurance - PEBP	11,935	8,921	8,447	(474)
Unemployment	176	100	46	(54)
Medicare	998	814	746	(68)
PTO Adjustment	759	(759)	(1,037)	(278)
Payroll Processing	(53)	53	51	(2)
Rent	8,527	6,425	6,244	(181)
Telephone	536	1,300	1,277	(22)
Travel				
In State	4,628	1,372	2,457	1,084
Out State	5,067	2,934	-	(2,934)
TOTAL EXPENSES	217,823	130,186	132,655	2,469
NET INCOME	(11,787)	7,043	19,552	12,510

CHIROPRACTIC PHYSICIANS' BOARD OF NEVADA
FINANCIAL STATEMENTS
June 30, 2023 and 2022

CHIROPRACTIC PHYSICIANS' BOARD OF NEVADA

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BERTRAND & ASSOCIATES, LLC**CERTIFIED PUBLIC ACCOUNTANTS**Members American Institute of Certified Public Accountants

INDEPENDENT AUDITOR'S REPORT

To the Executive Director and the Board of Directors
Chiropractic Physicians' Board of Nevada
Reno, Nevada

777 E. William St. Suite 206**Carson City, NV 89701****Tel 775.882.8892****Fax 775.562.2667****Email: Michael@bertrandcpa.com****Qualified Opinion**

We have audited the accompanying statements of net position of the Chiropractic Physicians' Board of Nevada as of June 30, 2023 and 2022 and the related statements of revenues and expenses and changes in net position and statements of cash flows for the years then ended, and the related notes to the financial statements, which collectively comprise the Board's basic financial statements as listed in the table of contents.

In our opinion, the financial statements referred to above present fairly, in all material respects, the respective financial positions of the business-type activities of Chiropractic Physicians' Board of Nevada as of June 30, 2023 and 2022 and the respective changes in financial position and cash flows for the years then ended in accordance with accounting principles generally accepted in the United States of America.

Basis for Opinion

We conducted our audit in accordance with auditing standards generally accepted in the United States of America. Our responsibilities under those standards are further described in the Auditor's Responsibilities for the Audit of the Financial Statements section of our report. We are required to be independent of the Nevada Association of County Commissioners and to meet our other ethical responsibilities, in accordance with the relevant ethical requirements relating to our audit. We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinion.

Restated prior year financial statements

The prior year's financial statements were restated to conform to generally accepted accounting principles in the reporting and disclosures of subscriptions and other post-employment benefits as prescribed in GASB 96 and GAB 75 respectively. Notes 5 and Note 7, respectively, in these financial statements provide the required disclosures in compliance with these standards.

Responsibilities of Management for the Financial Statements

Management is responsible for the preparation and fair presentation of the financial statements in accordance with accounting principles generally accepted in the United States of America, and for the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error.

In preparing the financial statements, management is required to evaluate whether there are conditions or events, considered in the aggregate, which raise substantial doubt about the Board's ability to continue as a going concern within one year after the date that the financial statements are available to be issued.

Auditor's Responsibilities for the Audit of the Financial Statements

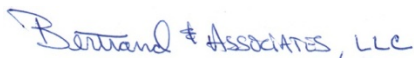
Our objectives are to obtain reasonable assurance about whether the financial statements as a whole are free from material misstatement, whether due to fraud or error, and to issue an auditor's report that includes our opinion. Reasonable assurance is a high level of assurance but is not absolute assurance and therefore is not a guarantee that an audit conducted in accordance with generally accepted auditing standards will always detect a material misstatement when it exists. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control. In performing an audit in accordance with generally accepted auditing standards, we:

- Exercise professional judgment and maintain professional skepticism throughout the audit.
- Identify and assess the risks of material misstatement of the financial statements, whether due to fraud or error, and design and perform audit procedures responsive to those risks. Such procedures include examining, on a test basis, evidence regarding the amounts and disclosures in the financial statements.
- Obtain an understanding of internal control relevant to the audit in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the Board's internal control. Accordingly, no such opinion is expressed.
- Evaluate the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluate the overall presentation of the financial statements.
- Conclude whether, in our judgment, there are conditions or events, considered in the aggregate, that raise substantial doubt about the Board's ability to continue as a going concern for a reasonable period of time.

We are required to communicate with those charged with governance regarding, among other matters, the planned scope and timing of the audit, significant audit findings, and certain internal control-related matters that we identified during the audit.

Required Supplementary Information

Accounting principles generally accepted in the United States of America require that the management's discussion and analysis beginning on page 5, schedules required by accounting standards GASB 68, GASB 75 and budgetary information which begin on page 26, be presented to supplement the basic financial statements. Such information, although not a part of the basic financial statements, is required by the Governmental Accounting Standards Board, which considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context. We have applied certain limited procedures to the required supplementary information in accordance with auditing standards generally accepted in the United States of America, which consisted of inquiries of management about the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements. We do not express an opinion or provide any assurance on the information because the limited procedures do not provide us with sufficient evidence to express an opinion or provide any assurance.

 Bertrand & Associates, LLC

Carson City, Nevada
November 13, 2023

Management Discussion and Analysis

Overview of Annual Financial Report

The Management's Discussion and Analysis (MD&A) serves as an introduction and should be read in conjunction with the basic audited financial statements. This analysis represents management's examination and analysis of the board's financial condition and performance.

The Board uses the accrual basis of accounting for financial statement reporting and the statements have been prepared in accordance with generally accepted accounting principles. The financial statements include statements of net position, statements of revenues and expenses, changes in net position, and statements of cash flows.

The statement of net position presents the financial position of CPB on the accrual basis of accounting. This statement provides information on CPB's assets, deferred outflows, liabilities, deferred inflows, and the difference reported as net position.

The notes to the financial statements provide required disclosures and other information that are essential to a full understanding of material data provided in the financial statements. The notes present information about the Board's accounting policies, significant account balances and activities, material risks, obligations, commitments, contingencies, and subsequent events, if any.

Financial Highlights

CPB's assets increased in 2023 by \$214,268 from \$798,919 to \$1,013,187. The increase is mostly attributable to the increase in cash from \$665,662 to \$903,575. This increase is due in large part to the collection of chiropractic physicians' renewal fees. Right of use assets included the capitalization of office lease and the subscription lease for software.

CPB's total liabilities and deferred inflows of resources combined for 2023 is \$883,174 compared to 2022 of \$663,054 an increase of \$220,120. The differences are primarily related to the changes in the PERS net pension liability and deferred pension and OPEB inflows between the years. The OPEB liability reduced from \$102,313 to \$96,628. The pension liability increased from \$158,441 to \$307,166.

CPB's Net position increased from \$244,821 to \$249,561.

CPB's primary revenue sources are renewal fees, application fees and examination fees. Chiropractic Physician renewal fees decreased due to the Board approving a \$100 decrease for the 2023 renewal period. This will also result in a decrease in 2024 as a full year will be recognized.

CPB's largest expenses are salaries and related costs. In 2023, these expenses were \$180,607 or 51.6% of the total 2023 expenses. Expenses, other than payroll and payroll related for the years ended June 30, 2023 and 2022 were \$168,868 to \$134,866, an increase of \$34,002. Travel expenses increased to \$8,036 from \$4,794 because of the in-person conferences due to the lifting of COVID restrictions. Professional expenses increased due to the increased cost of the lobbyist during the legislative year as opposed to the interim and the cost to counsel was set to a monthly retainer versus per hour.

Financial Statement Analysis

A condensed statement of net position is provided below to display the changes in assets, deferred outflows, deferred inflows, liabilities and net position. By far, the largest portion of CPB assets continues to be cash of \$903,575 on June 30, 2023.

At the end of the fiscal year, CPB's total liabilities for the year ending June 30, 2023, totaling \$516,827.

Net Position increased from \$244,821 to \$249,561 during the year. See the Condensed Statement of Net Position below:

CONDENSED STATEMENTS OF NET POSITION		Restated
	<u>2023</u>	<u>2022</u>
Cash and investments	\$ 903,575	\$ 665,662
Receivables	58,673	51,627
Other assets	1,577	10,755
Right of use assets, net	49,362	70,875
Total assets	<u>1,013,187</u>	<u>798,919</u>
Total deferred outflows	<u>119,548</u>	<u>108,956</u>
Accounts payable and accruals	32,285	20,039
Due to State Treasurer	30,896	15,844
Lease obligation	49,852	70,875
Pension and OPEB liabilities	403,794	260,754
Total liabilities	<u>516,827</u>	<u>367,512</u>
Total deferred inflows	<u>366,347</u>	<u>295,542</u>
Total net position	<u>\$ 249,561</u>	<u>\$ 244,821</u>

In the condensed statement of activities and expenses below, the \$30,896 due to the State Treasurer consists of fines levied on disciplined licensees that are deemed to be collected and paid to the State Treasurer.

The accounting standard for Other Post Employment Benefits, GASB 75, was implemented in the current year and the prior year ended June 30, 2022 was restated to reflect this change. This change brought the Board into compliance with current accounting pronouncements.

GASB 96, a new standard for recording subscription-based licenses, became effective for the current year and prior year statements were restated to reflect this standard for comparability.

The following condensed statement of activities displays changes in the revenues and expense accounts when compared to the previous year.

CONDENSED STATEMENTS OF REVENUES AND EXPENSES

	<u>2023</u>	Restated <u>2022</u>
Assessments revenues	\$ 353,358	\$ 392,181
Salaries and benefits	180,607	146,644
Office lease	15,692	14,658
Licensing subscriptions	16,159	14,434
General & Administrative	46,965	41,035
Professional	77,694	55,918
Travel	8,036	4,794
Board expense	4,322	4,027
Total operating expenses	349,475	281,510
Increase in operating net position	3,883	110,671
(Decrease) increase in non-operating income	857	130
Increase in net position	\$ 4,740	\$ 110,801

Conclusions

CPB continues to be in a strong financial position showing a net increase of \$4,740 in net position at the end of the year. CPB staff works diligently to efficiently manage operational expenses. CPB expects this trend to continue, however the Board is currently investigating several cases and those costs to the Board are unknown at this time.

This financial report is designed to provide a general overview of the financial activity and condition of the CPB. Questions concerning any of the information provided in this report or requests for additional financial information should be addressed to the Executive Director, at the Chiropractic Physicians' Board of Nevada, 4600 Kietzke Lane, Suite M245, Reno, NV 89502 or chirobd@chirobd.nv.gov.

Julie Strandberg
Executive Director
November 9, 2023

CHIROPRACTIC PHYSICIANS' BOARD OF NEVADA
STATEMENT OF NET POSITION
June 30, 2023 and 2022

	<u>2023</u>	<u>Restated 2022</u>
ASSETS		
Current assets:		
Cash	\$ 903,575	\$ 665,662
Accounts receivable, net	58,673	51,627
Prepaid	1,577	10,755
Total current assets	963,825	728,044
Right-of-use assets, net	49,362	70,875
Total noncurrent assets	49,362	70,875
Total assets	<u>1,013,187</u>	<u>798,919</u>
DEFERRED OUTFLOWS OF RESOURCES		
Other post-employment benefits	6,252	8,361
Pension requirement	113,296	100,595
Total deferred outflows	<u>119,548</u>	<u>108,956</u>
LIABILITIES		
Current liabilities:		
Accounts payable	19,906	8,357
Due to State Treasurer	30,896	15,844
Compensated absences	11,812	10,482
Payroll liabilities	567	1,200
Current portion of lease & subscription obligations	22,052	14,319
Total current liabilities	85,233	50,202
Noncurrent liabilities:		
Lease & subscription obligation	27,800	56,556
OPEB liability	96,628	102,313
PERS net pension liability	307,166	158,441
Total noncurrent liabilities	431,594	317,310
Total liabilities	<u>516,827</u>	<u>367,512</u>
DEFERRED INFLOWS OF RESOURCES		
Other post-employment benefits	11,303	4,173
Deferred inflows -pension	8,288	141,600
Deferred license revenues	346,756	149,769
Total deferred inflows of resources	<u>366,347</u>	<u>295,542</u>
NET POSITION		
Net position - Invested in capital assets	49,362	70,875
Net position - Unrestricted	200,199	173,946
Total net position	<u>\$ 249,561</u>	<u>\$ 244,821</u>

See notes to financial statements

CHIROPRACTIC PHYSICIANS' BOARD OF NEVADA
STATEMENT OF REVENUES, EXPENSES AND CHANGES IN NET POSITION
For the years ended June 30, 2023 and 2022

	<u>2023</u>	Restated <u>2022</u>
Operating revenues:		
Licensing fees	\$ 267,478	\$ 293,866
Other fees	62,460	62,657
Fines and other income	23,420	35,658
Total revenues	<u>353,358</u>	<u>392,181</u>
Operating expense:		
Salaries and benefits	129,052	123,719
Pension expense	27,377	278
Health benefits	18,120	17,610
OPEB expense	6,058	5,037
Office lease	15,692	14,658
Licensing subscription	16,159	14,434
General & Administrative	46,965	41,035
Professional	77,694	55,918
Travel	8,036	4,794
Board expense	4,322	4,027
Total operating expenses	<u>349,475</u>	<u>281,510</u>
Increase in operating net position	3,883	110,671
Increase in non-operating income - net investment income	<u>857</u>	<u>130</u>
Increase in net position	4,740	110,801
Net position at beginning of year, July 1	244,821	229,760
Prior year adjustment	-	(95,740)
Net position at end of year, June 30	<u>\$ 249,561</u>	<u>\$ 244,821</u>

See notes to financial statement

CHIROPRACTIC PHYSICIANS' BOARD OF NEVADA
STATEMENT OF CASH FLOWS
For the years ended June 30, 2023 and 2022

	<u>2023</u>	<u>Restated 2022</u>
CASH FLOWS FROM OPERATING ACTIVITIES:		
Receipts from licensees	\$ 614,104	\$ 243,410
Payments to vendors	(191,757)	(220,918)
Payments to employees	(125,524)	(122,157)
Payroll taxes & benefits paid	(45,010)	(43,574)
Total cash provided (used) from operating activities	<u>251,813</u>	<u>(143,239)</u>
CASH FLOWS FROM INVESTING ACTIVITIES:		
Interest income	857	130
(Increase) right-of-use assets	-	(31,366)
(Increase) deferred outflows	(10,592)	(62,421)
Total cash (used) in investing activities	<u>(9,735)</u>	<u>(93,657)</u>
CASH FLOWS FROM FINANCING ACTIVITIES:		
(Decrease) increase lease obligations	(21,023)	11,703
Increase (decrease) pension liability	148,725	(79,061)
(Decrease) increase OPEB liability	(5,685)	6,058
Increase (decrease) deferred inflows	(126,182)	114,145
Total cash(used) provided from financing activities	<u>(4,165)</u>	<u>52,845</u>
Net increase (decrease) in cash	237,913	(184,051)
Beginning cash at June 30	<u>665,662</u>	<u>849,713</u>
Cash and Cash Equivalents at year's end, June 30	<u>903,575</u>	<u>665,662</u>
RECONCILIATION OF OPERATING INCOME TO NET CASH:		
Adjustments to reconcile operating income to net cash provided by operating activities:		
Operating net income	3,883	110,671
Amortization expense	21,513	19,663
(Increase) decrease in net accounts receivables	(7,046)	8,701
Decrease (increase) in prepaid expense	9,178	(5,905)
Increase (decrease) in accounts payable	11,549	(130)
Increase (decrease) in payable due to state treasurer	15,052	(23,606)
(Decrease) in payroll liabilities	(633)	(1,996)
Increase (decrease) in compensated absences	1,330	(1,736)
Increase (decrease) in deferred licensing revenues	196,987	(248,901)
Net cash provided by operating activities	<u>\$ 251,813</u>	<u>\$ (143,239)</u>

See notes to financial statement

CHIROPRACTIC PHYSICIANS' BOARD OF NEVADA
NOTES TO FINANCIAL STATEMENTS
June 30, 2023 and 2022

NOTE 1 - SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES

Background and Reporting Entity

The Chiropractic Physicians' Board of Nevada (Board) is comprised of seven members appointed by the Governor as follows:

- One member who represents the interests of persons or agencies that regularly provide health care to patients who are indigent, uninsured, or unable to afford health care.
- Four members who are:
 - Graduates of chiropractic schools or colleges.
 - Licensed by the Board; and
 - Actually engaged in the practice of chiropractic in the State and have been for at least three years prior to appointment.
- Two members who are representatives of the general public.

The accompanying financial statements of the Board have been prepared in conformity with accounting principles generally accepted in the United States of America (GAAP) as prescribed by the Governmental Accounting Standards Board (GASB). The Board has adopted Governmental Accounting Standards Board (GASB) Statement No. 62, *Codification of Accounting and Financial Reporting Guidance Contained in Pre-November 30, 1989 FASB and AICPA Pronouncements* as of January 1, 2012. Adoption of this standard had no impact on the Board's financial statements. The Board is not considered to be financially accountable for any other governmental entity since no other entities are considered to be controlled by or dependent on the Board. Control or dependence is determined on the basis of budget adoption, funding and appointment of the respective governing board.

Financial Statement Presentation

The Statements of Net Position; Revenues, Expenses and Changes in Net Position; and Cash Flows report information on all activities of the Board. The Board is reported as a single enterprise fund.

The Statement of Net Position presents the reporting entity's assets and liabilities, with differences reported as net assets. Net assets are reported in two categories:

Invested in capital assets consists of capital assets, net of accumulated depreciation. Capital assets of the Board have no related debt.

Unrestricted net position consists of net assets that do not meet the definition of the preceding category. Unrestricted net assets often have constraints on resources that are imposed by management but can be removed or modified.

The Statement of Revenues, Expenses and Changes in Net Position distinguishes operating revenues and expenses from non-operating items. Operating revenues and expenses generally result from providing services and producing and delivering goods in connection with the Board's principal ongoing operations. All revenues and expenses not meeting this definition are reported as non-operating revenues and expenses.

CHIROPRACTIC PHYSICIANS' BOARD OF NEVADA
NOTES TO FINANCIAL STATEMENTS
June 30, 2023 and 2022

NOTE 1 - SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (continued)

Measurement Focus, Basis of Accounting

The financial statements are reported using the economic resources management focus and the accrual basis of accounting. Revenues are recorded when earned, and expenses are recorded when a liability is incurred, regardless of the timing of cash flows.

Cash and Equivalents

Cash balances are invested as permitted by law and insured by the Federal Deposit Insurance Corporation (FDIC) up to \$250,000. The Board considers all cash on hand as cash or cash equivalents.

Accounts Receivable

Accounts receivable reflect license fees, cost, reimbursements, and fines as a result of disciplinary actions. An allowance for doubtful accounts has been established which at year's end June 30, 2023 and 2022 was \$144,614 for both years.

Accounts receivables are presented as a net of allowances for doubtful accounts. Management believes that accounts receivable that are over 90 days old net of allowances are collectible.

Capital Assets, right-of-use assets, amortization and depreciation

All capital assets are recorded in the Statement of Net Position at historical cost. Fixed assets are fully depreciated as of year-end. Right-to-use assets include a lease on office space the Board uses for daily operations and the balance is amortized over time and the corresponding lease obligation reduced as payments are made.

The Board defines capital assets as assets with a unit cost of \$2,000 or more and an estimated useful life in excess of one year. Depreciation is accumulated on a straight-line basis over the estimated useful life of the asset, with one-half a year's depreciation taken in the year of acquisition and one-half in the final year. Useful life is estimated by management on the basis of their experience with similar assets.

Deferred Inflows of Resources - Revenues

Various licenses are billed for a two-year period resulting in unearned revenues at the end of the fiscal year. Deferred revenues represent amounts received but not earned as of year-end.

Use of Estimates

The Board uses estimates and assumptions in preparing the financial statements in conformity with accounting principles generally accepted in the United States of America. Those estimates and assumptions affect the reported amounts of assets and liabilities, the disclosure of contingent assets and liabilities, and the reported revenues and expenses. Actual results could differ from those estimates.

Budgets and Budgetary Accounting

NRS 353.005 specifically exempts the Board from the requirements set forth in the State Budget Act. However, the Board prepares an annual budget for each fiscal year that is approved by a majority vote of the Board prior to the start of each fiscal year. The budget is used internally by the Board and staff and is prepared on the same basis as the financial statements.

CHIROPRACTIC PHYSICIANS' BOARD OF NEVADA
NOTES TO FINANCIAL STATEMENTS
June 30, 2023 and 2022

NOTE 1 - SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (continued)

Federal Income Taxes:

The Board is considered an exempt governmental agency in accordance with Internal Revenue Service Code Section 115. Therefore, income is excludable from gross income for federal income tax purposes.

Compensated Absences

Compensated absences are accounted for in accordance with GASB Statement No. 16, Accounting for Compensated Absences, which requires that a liability for compensated absences relating to services already tendered, and that are not contingent on a specified event, will be accounted for in the period when those services are rendered, or those events take place. The Board's policy provides for payment of accrued vacation time upon termination of employment if employed for six months or more, and a maximum payment of \$8,000 for sick leave upon termination of employment if employed ten years or more.

New Accounting Standards Adopted

The Board has adopted the new GASB 96 standard for the reporting of Subscription Based Information Technology Arrangements (SBITA). The Board pays a subscription fee for licensing software and has recorded it as a right-to-use asset on the balance sheet and amortizes it over the life of the subscription and reports the subscription obligation as a liability which is reduced as payments are made. Beginning in the current year, the net subscription amount was reported as a right-to-use asset and the related obligation was reported with lease liabilities as subscription and lease obligations.

GASB 75 was adopted for the reporting of other post-retirement benefits. Post retirement benefits are provided through Public Employees Benefits Program (PEBP). To confirm the current year's presentation, the prior year statements were restated to report the liability and expense and to restate the prior year's net position, reducing it by \$98,125.

Prior Year Reclassifications

Prior year's financial statements have been reclassified where applicable to conform to the current year's presentation.

Subsequent events

In preparing these financial statements, management has evaluated events and transactions for potential recognition or disclosure within the financial statements for the year ended June 30, 2023. Management has evaluated subsequent events through November 13, 2023 which is the date the financial statements were available to be issued.

CHIROPRACTIC PHYSICIANS' BOARD OF NEVADA
NOTES TO FINANCIAL STATEMENTS
June 30, 2023 and 2022

NOTE 2 – CASH

On June 30, 2023 and 2022, cash and cash equivalents totaled \$903,575 and \$665,662 for deposits in a commercial bank. All funds are on deposit with a single financial institution and are carried at cost. The bank balances on June 30, 2023 and 2022 totaled \$957,600 and \$665,606. Bank balances are insured up to \$250,000 by the Federal Deposit Insurance Corporation and amounts in excess of the FDIC limit are collateralized by the bank.

NOTE 3 – RISK MANAGEMENT

The Board is exposed to various risks of loss related to tort, theft of, damage to, and destruction of assets; errors and omissions; and natural disasters, as are all entities. The Board is covered by commercial insurance purchased from independent third parties. There have been no claims from these risks during the years ended June 30, 2023 and 2022. Settled claims from these risks in the past have been minimal.

NOTE 4 – CAPITAL ASSETS

Depreciation is taken on the financial statements over the estimated useful lives of the assets using the straight-line method. It is believed by management that the useful lives of furniture and equipment range from five to ten years with no salvage value. When assets are disposed of the cost and related accumulated depreciation are removed from the general ledger and any resulting gain or loss is recognized in operations. Equipment assets were fully depreciated and there was no depreciation expense recorded for years ending June 30, 2023 and 2022.

Activity for the years ended June 30, 2022 and 2023 was as follows:

	June 30, Beginning	Additions	Dispositions	June 30, Ending
Furniture and equipment	\$ 16,501	\$ -	\$ -	\$ 16,501
Accumulated depreciation	\$ (16,501)	\$ -	\$ -	(16,501)
Net equipment	\$ -	\$ -	\$ -	\$ -

NOTE 5 –RIGHT-TO-USE ASSETS AND RELATED LEASE OBLIGATIONS

The Board is obligated under an operating lease for office space at 4600 Kietzke Lane Suite M-245 in Reno, Nevada. The office lease was renewed for a five-year term beginning November 1, 2020 with monthly lease payments of \$1,201.50 for 12 months, \$1,228.20 for the next 24 months, \$1,254.90 and for the remaining 24 months. The lease payments for years ending June 30, 2023 and 2022 was \$14,738 and \$14,632.

CHIROPRACTIC PHYSICIANS' BOARD OF NEVADA
NOTES TO FINANCIAL STATEMENTS
June 30, 2023 and 2022

NOTE 5 –RIGHT-TO-USE ASSETS AND RELATED LEASE OBLIGATIONS (continued)

The Board is obligated under a subscription for licensing software that began August 2021 through June 30, 2025. The subscription began with monthly payments of \$733.20. The subscription cost is \$.65 per licensee per month. The contract provides for an adjustment of the subscription fee 30 days after year-end and is based on the number of licensees at year-end. The subscription fees for the years ending June 30, 2023 and 2022 were \$8,798 and \$8,065 for the contract. In addition to the right-to-use contract, the Board during the year paid subscription fees to complete an obligation for licensing software from a former vendor.

Annual requirements to amortize long-term obligations and related interest are as follows:.

	Principal	Interest	Total payments
2024	22,052	1,698	23,750
2025	23,007	850	23,857
2026	4,793	226	5,019
Total	\$ 49,852	\$ 2,774	\$ 52,626

The Board capitalizes the office lease and licensing software as right-to-use assets. Capitalization of this asset and amortization are shown in the table below:

Activity for the years ended June 30 was as follows:

	June 30,			June 30,
	2022	Additions	Dispositions	2023
<u>Right-of-use assets</u>				
Leased office	\$ 67,862	\$ -	\$ -	\$ 67,862
Licensing software	31,366	-	-	31,366
Accumulated amortization	(28,353)	(21,513)	-	(49,866)
Net right-of-use asset	\$ 70,875	\$ (21,513)	\$ -	\$ 49,362

	June 30,			June 30,
	2021	Additions	Dispositions	2022
<u>Right-of-use assets</u>				
Leased office	\$ 67,862	\$ -	\$ -	\$ 67,862
Licensing software	-	31,366	-	31,366
Accumulated amortization	(8,690)	(19,663)	-	(28,353)
Net right-of-use asset	\$ 59,172	\$ 11,703	\$ -	\$ 70,875

CHIROPRACTIC PHYSICIANS' BOARD OF NEVADA
NOTES TO FINANCIAL STATEMENTS
June 30, 2023 and 2022

NOTE 5 – RIGHT-TO-USE ASSETS AND RELATED LEASE OBLIGATIONS (continued)

Lease liabilities for the years ending June 30, 2023 and 2022 were as follows:

	June 30,			June 30,
<u>Lease liabilities:</u>	2022	Additions	Deletions	2023
Leased office	\$ 46,412		\$ (13,272)	\$ 33,140
Licensing software	24,463		(7,751)	16,712
Total liabilities	<u>\$ 70,875</u>	<u>\$ -</u>	<u>\$ (21,023)</u>	<u>\$ 49,852</u>

	June 30,			June 30,
<u>Lease liabilities:</u>	2021	Additions	Deletions	2022
Leased office	\$ 59,172		\$ (12,760)	\$ 46,412
Licensing software	-	31,366	(6,903)	24,463
Total liabilities	<u>\$ 59,172</u>	<u>\$ 31,366</u>	<u>\$ (19,663)</u>	<u>\$ 70,875</u>

The expense for the office operating lease for years ended June 30, 2023 and 2022 was \$15,692 and \$14,658 and subscriptions for the years ended June 30, 2023 and 2022 was \$16,159 and \$14,434 respectively.

NOTE 6 – OTHER POST RETIREMENT BENEFITS

Plan Description

Employees of Board are Provided with OPEB through the Public Employees' Benefit Program (PEBP) – a cost sharing multiple employers defined benefit OPEB plan administered by the Public Employees' Benefits Program Board (PEBP Board) which was created in 1983 by the Nevada Legislature to administer group health, life and disability insurance for covered employees, both active and retired, of the State, and certain other participating public employers within the State of Nevada. PEBP does not provide for refunds of employee contributions. PEBP issues a publicly available financial report that can be obtained at <http://pebp.state.nv.us>.

The Board is reporting plan information consistent with the PEBP's accounting methods and assumptions as disclosed in the annual report. No information has come to our attention that indicates significant changes to the plan's disclosure.

CHIROPRACTIC PHYSICIANS' BOARD OF NEVADA
NOTES TO FINANCIAL STATEMENTS
June 30, 2023 and 2022

NOTE 6 – OTHER POST RETIREMENT BENEFITS (continued)

Benefits Provided

PEBP provides medical, dental, vision, mental health and substance abuse and also offers fully insured HMO products. Long-term disability and life insurance benefits are fully insured by outside carriers.

Contributions

Per NRS 287 contribution requirements of participating entities and covered employees are established and may be amended by the PEBP Board. The Board's contractually required contribution for the year ended June 30, 2023 was \$2,724, actuarially determined as an amount that is expected to finance the costs of benefits earned by employees during the year. Employees are not required to contribute to the OPEB plan.

OPEB Liabilities, OPEB Expense, and Deferred Outflows of Resources and Deferred Inflows of Resources Related to OPEB

On June 30, 2023, the Board reported a liability of \$96,628 for its proportional share of the net OPEB liability. The net OPEB liability was measured as of June 30, 2022, and the total OPEB liability used to calculate the net OPEB liability was determined by actuarial valuation as of the date. The Board's proportion of the net OPEB liability was based on the projection of the Board's long-term share of contributions to the OPEB plan relative to the projected contributions of all participating state agencies. Actuary determined, on June 30, 2022, the Board's proportion was 0.0067%.

For the year ended June 30, 2023, the Board recognized OPEB expense of \$6,058. Amounts totaling \$2,724 resulting from Board contributions subsequent to the measurement date will be recognized as a reduction of the net OPEB liability in the year ended June 30, 2022. For the year ended June 30, 2023, the Board contributed \$2,504, under the statutory requirements based upon covered payroll of \$125,523 which equates to 1.99% overall to the plan. On June 30, 2023, the Board reported deferred outflows of resources and deferred inflows of resources related to OPEB from following sources.

	Deferred Outflows of Resources	Deferred Inflows of Resources
Changes of assumptions	\$ 3,528	\$ 8,045
Liability experience	-	3,218
Asset experience	-	40
Contributions subsequent to the measurement date	2,724	-
	<u>\$ 6,252</u>	<u>\$ 11,303</u>

CHIROPRACTIC PHYSICIANS' BOARD OF NEVADA
NOTES TO FINANCIAL STATEMENTS
June 30, 2023 and 2022

NOTE 6 – OTHER POST RETIREMENT BENEFITS (continued)

Amounts reported as deferred outflows of resources and deferred inflows of resources related to OPEB will be recognized in OPEB expense as follows:

<u>Year ending June 30</u>	
2024	\$ (2,295)
2025	(2,514)
2026	(2,964)
2027	(2)
2028	-
2029 and later	-
	<u>\$ (7,775)</u>

Actuarial Assumptions

The total OPEB liability on June 30, 2023 actuarial valuation was determined using the following actuarial assumptions, applied to all periods included in the measurements, unless otherwise specified:

Valuation date	6/30/2022
Measurement date	6/30/2022
Inflation rate	2.50%
Payroll growth	4.20% -9.10%
Investment rate of return	2.50%
Healthcare cost trend rates	4.50% - 7.25%

Mortality rates were based on the Public Retirement Plans General Mortality Table weighted by Headcount, projected by MP-2019. Disabled Mortality rates were based on the Public Retirement Plans General Disabled Mortality Table weighted by Headcount, projected by MP-2019.

The actuarial assumptions used in the June 30, 2022 valuation were based on the results of an actuarial valuation date of August 1, 2023 adjusted by using roll-forward procedures to determine the liability at the measurement date.

Discount Rate

The discount rate basis under GASB 75 is required to be consistent with a 20-year Municipal Bond Index. The Bond Buyer General Obligation 20-Bond Municipal Bond Index is used for determination of the discount rate.

The discount rate as of June 30, 2022, 2021 and 2020 are 3.54%, 2.16%, and 2.21% respectively. Additional detail regarding the discount rates as of June 30, 2022, 2021 and 2020 are provided in the “Actuarial Assumptions and Methods” section of the report provided by the PEBP Board.

CHIROPRACTIC PHYSICIANS' BOARD OF NEVADA
NOTES TO FINANCIAL STATEMENTS
June 30, 2023 and 2022

NOTE 6 – OTHER POST RETIREMENT BENEFITS (continued)

Sensitivity of the Board's Proportionate Share of the Net OPEB Liability to Changes in the Discount Rate

The following presents the Board's Proportionate share of the net OPEB Liability, as well as what the Board's proportionate share of the net OPEB liability would be if it were calculated using a discount rate that is 1-percentage-point lower or 1-percentage-point higher than the current discount rate:

	1% Decrease 2.54%	Current rate 3.54%	1% Increase 4.54%
Net OPEB Liability	\$ 106,256	\$ 96,628	\$ 88,292

Sensitivity of the Board's Proportionate Share of the Net OPEB liability to Changes in the Health Care Cost Trend Rates

The following presents the Board's proportionate share of the net OPEB liability, as well as what the Board's proportionate share of the net OPEB liability would be if it were calculated using health care cost trend rates that are 1-percentage-point lower or 1-percentage-point higher than the current health care trend rates:

	1%	Trend rate	1% Increase
Net OPEB Liability	\$ 91,956	\$ 96,628	\$ 101,977

NOTE 7 – DEFINED BENEFIT PENSION COST-SHARING EMPLOYER PLAN

Defined Benefit Plan Description

PERS administers a cost-sharing, multiple-employer, defined benefit pension plan, which includes both Regular and Police/Fire members. The System was established by the Nevada Legislature in 1947, effective July 1, 1948. The System is administered to provide a reasonable base income to qualified employees who have been employed by a public employer and whose earning capacities have been removed or substantially impaired by age or disability.

CHIROPRACTIC PHYSICIANS' BOARD OF NEVADA
NOTES TO FINANCIAL STATEMENTS
June 30, 2023 and 2022

NOTE 7 – DEFINED BENEFIT PENSION COST-SHARING EMPLOYER PLAN (continued)

Benefits Provided

Benefits, as required by the Nevada Revised Statutes (NRS or statute), are determined by the number of years of accredited service at time of retirement and the member's highest average compensation in any 36 consecutive months with special provisions for members entering the System on or after January 1, 2010, and July 1, 2015. Benefit payments to which participants or their beneficiaries may be entitled under the plan include pension benefits, disability benefits, and survivor benefits.

Monthly benefit allowances for members are computed as 2.50% of average compensation for each accredited year of service prior to July 1, 2001. For service earned on and after July 1, 2001, this factor is 2.67% of average compensation. For members entering the System on or after January 1, 2010, there is a 2.50% service time factor and for regular members entering the System on or after July 1, 2015, there is a 2.25% factor.

The System offers several alternatives to the unmodified service retirement allowance which, in general, allow the retired employee to accept a reduced service retirement allowance payable monthly during his or her lifetime and various optional monthly payments to a named beneficiary after his or her death. Post-retirement increases are provided by the authority of NRS 286.575-579.

Vesting

Regular members entering the System prior to January 1, 2010, are eligible for retirement at age 65 with 5 years of service, at age 60 with 10 years of service, or at any age with 30 years of service. Regular members entering the System on or after January 1, 2010, are eligible for retirement at age 65 with 5 years of service, or age 62 with 10 years of service, or any age with 30 years of service. Regular members who entered the System on or after July 1, 2015, are eligible for retirement at age 65 with 5 years of service, or at age 62 with 10 years of service, or at age 55 with 30 years of service, or any age with 33 1/3 years of service.

The normal ceiling limitation on monthly benefit allowances is 75% of average compensation. However, a member who has an effective date of membership before July 1, 1985 is entitled to a benefit of up to 90% of average compensation. Members become fully vested as to benefits upon completion of five years of service.

Contributions

The authority for establishing and amending the obligation to make contributions and member contribution rates is set by statute. New hires, in agencies which did not elect the Employer-Pay Contribution (EPC) plan prior to July 1, 1983, have the option of selecting one of two contribution plans. In one plan, contributions are shared equally by employer and employee. In the other plan, employees can take a reduced salary and have contributions made by the employer (EPC).

CHIROPRACTIC PHYSICIANS' BOARD OF NEVADA
NOTES TO FINANCIAL STATEMENTS
June 30, 2023 and 2022

NOTE 7 – DEFINED BENEFIT PENSION COST-SHARING EMPLOYER PLAN (continued)

The System's basic funding policy provides for periodic contributions at a level pattern of cost as a percentage of salary throughout an employee's working lifetime in order to accumulate sufficient assets to pay benefits when due.

The System receives an actuarial valuation on an annual basis indicating the contribution rates required to fund the System on an actuarial reserve basis. Contributions made are in accordance with the required rates established by the Nevada Legislature. These statutory rates are increased/decreased pursuant to NRS 286.421 and 286.450. The contribution rate for the Board was 15.50% for the Executive Director and 29.75% for staff for the year ended June 30, 2023 and 15.25% and 29.25% for June 30, 2022.

The actuarial funding method used is the Entry Age Normal Cost Method. It is intended to meet the funding objective and results in a relatively level long-term contribution requirement as a percentage of salary.

For the year ended June 30, 2023, the contributions recognized as part of pension expense for the Plan were as follows:

Contributions - employer	\$24,665
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B. Pension Liabilities, Pension Expenses and Deferred outflows/Inflows of Resources

Related to Pensions

As of June 30, 2023, the Board reported net pension liabilities for its proportionate shares of the net pension liability of the Plan as follows:

	Proportionate share of net pension liability
Miscellaneous plan	<u>\$307,166</u>

The Board's net pension liability for the Plan is measured as a proportionate share of the net pension liability. The net pension liability of the Plan is measured as of June 30, 2022, and the total pension liability for the Plan used to calculate the net pension liability was determined by an actuarial valuation as of June 30, 2022.

The Board's proportion of the net pension liability was based on a projection of the Board's long-term share of contributions to the pension plan relative to the projected contributions of all participating employers, actuarially determined.

CHIROPRACTIC PHYSICIANS' BOARD OF NEVADA
NOTES TO FINANCIAL STATEMENTS
June 30, 2023 and 2022

NOTE 7 – DEFINED BENEFIT PENSION COST-SHARING EMPLOYER PLAN (continued)

The Board's proportionate share of the net pension liability as of June 30, 2021 and 2022 was as follows:

Proportion - June 30, 2021	0.00174%
Proportion - June 30, 2022	0.00170%
Change: Increase - Decrease	-0.00004%

For the year ended June 30, 2023, the Board recognized a pension expense of \$27,377.

On June 30, 2023, the Board reported deferred outflows of resources and deferred inflows of resources related to pensions from the following sources:

	Deferred Outflows of Resources	Deferred Inflows of Resources
Differences between expected and actual experience	\$ 39,773	\$ 219
Net difference between projected and actual earnings on pension plan investments	3,747	-
Changes in assumptions	39,458	-
Changes in proportion and differences between Board contributions and proportionate share of contributions	5,101	8,069
Board contributions subsequent to the measurement date	25,217	-
Total	\$ 113,296	\$ 8,288

\$25,217 was reported as deferred outflows of resources related to contributions to NVPERS subsequent to the measurement date will be recognized as a reduction of the net pension liability in the year ended June 30, 2023. Other amounts reported as deferred outflows and deferred inflows of resources related to pensions will be recognized as pension expense as follows:

Measurement Period Ended June 30:	
2024	\$ 12,685
2025	12,039
2026	10,749
2027	41,591
2028	5,631
Thereafter	(2,904)
Total	\$ 79,791

CHIROPRACTIC PHYSICIANS' BOARD OF NEVADA
NOTES TO FINANCIAL STATEMENTS
June 30, 2023 and 2022

NOTE 7 – DEFINED BENEFIT PENSION COST-SHARING EMPLOYER PLAN (continued)

Actuarial Assumptions – The total pension liabilities in the June 30, 2022 actuarial valuations were determined using the following actuarial assumptions:

Valuation date	June 30, 2022
Measurement date	June 30, 2022
Actuarial Cost Method	Entry -Age Normal Cost
Actuarial Assumptions:	
Productivity pay increases	0.50%
Inflation	2.50%
Projected salary increase	4.2% - 9.10%
Investment rate of return	7.25%

The underlying mortality assumptions and all other actuarial assumptions used in the June 30, 2022 valuation were based on the results of the experience review completed in 2022. Further details of the Experience Study can be found on the PERS website.

Discount Rate – The discount rate used to measure the total pension liability was 7.25% as of June 30, 2022. The projection of cash flows used to determine the discount rate assumed that employee and employer contributions will be made at the rate specified in statute. Based on that assumption, the pension plan's fiduciary net position on June 30, 2022, was projected to be available to make all projected future benefit payments of current active and inactive employees. Therefore, the long-term expected rate of return on pension plan investments was applied to all periods of projected benefit payments to determine the total pension liability as of June 30, 2022.

The System's Investment Objectives and Policies detail the fund's long-term investment goals, management responsibilities, return/risk expectations, and monitoring requirements. These policies are subject to change at any time by the Board and are reviewed thoroughly at least annually to ensure that they continue to reflect the System's expectations.

To establish an appropriate long-term asset allocation strategy, the Board evaluates expected return and risk for each of the major asset types (stocks, bonds, private markets). These asset classes are then combined in the most efficient manner possible to construct a portfolio that matches the risk and return needs of the fund. By diversifying the System's investments in multiple asset classes, the Board is able to reduce the volatility of annual investment earnings. The Board reviews capital market expectations and asset allocation annually. In addition, the Board employs a disciplined rebalancing policy to manage

CHIROPRACTIC PHYSICIANS' BOARD OF NEVADA
NOTES TO FINANCIAL STATEMENTS
June 30, 2023 and 2022

NOTE 7 – DEFINED BENEFIT PENSION COST-SHARING EMPLOYER PLAN (continued)

market volatility and to ensure the portfolio's exposures are consistent with the System's long-term asset targets.

Additional information on the discount rate, investment strategy and diversification are available in the PERS CAFR which can be found at www.nvpers.org.

The System's policies which determine the investment portfolio target asset allocation are established by the Board. The asset allocation is reviewed annually and is designed to meet the future risk and return needs of the System.

The following was the Board adopted policy target asset allocation as of June 30, 2022:

Asset Class	Target Allocation	Long-Term Geometric Expected Real Rate of Return*
US Stocks	42%	5.50%
International stocks	18%	5.50%
U.S. Bonds	28%	0.75%
Private markets	12%	6.65%

*As of June 30, 2022, PERS' long-term inflation assumption was 2.50%

Sensitivity of the Proportionate Share of the Net Pension Liability to Changes in the Discount Rate –

The following presents the net pension liability of the PERS as of June 30, 2023, calculated using the discount rate of 7.25%, as well as what the PERS net pension liability would be if it were calculated using a discount rate that is 1-percentage-point lower (6.25%) or 1-percentage-point higher (8.25%) than the current discount rate:

	Discount rate -1% (6.25%)	Current Discount Rate (7.25%)	Discount Rate +1% (8.25%)
Misc. Tier1	471,243	307,166	171,353

CHIROPRACTIC PHYSICIANS' BOARD OF NEVADA
NOTES TO FINANCIAL STATEMENTS
June 30, 2023 and 2022

NOTE 8 – LICENSE RENEWALS

Revenues and deferred inflows for licenses issued were reported for the years ended June 30, 2023 and 2022. Doctor of Chiropractic licenses were granted for a 2-year period and licenses were renewed for the periods beginning January 1, 2023.

Chiropractor's Assistant certificates were issued for a 2-year period starting January 1, 2022.

CHIROPRACTIC PHYSICIANS' BOARD OF NEVADA
REQUIRED SUPPLEMENTARY INFORMATION
SCHEDULE OF THE BOARD'S PROPORTIONATE SHARE OF THE NET PENSION LIABILITY
LAST TEN YEARS

<u>Actuarial Valuation Date</u>	<u>Board's proportion of the net pension liability (asset)</u>	<u>Board's proportionate share of the net pension liability (asset)</u>	<u>Board's covered - employee payroll</u>	<u>Board's proportionate share of the net pension liability (asset) as a percentage of its covered-employee payroll</u>	<u>Plan fiduciary net position as a percentage of the total pension liability</u>
6/30/2022	0.00170%	\$307,166	\$125,523	244.71%	75.1%
6/30/2021	0.00174%	\$158,441	\$120,048	131.98%	86.5%
6/30/2020	0.00171%	\$237,502	\$121,338	195.74%	77.0%
6/30/2019	0.00168%	\$228,408	\$141,855	161.02%	76.5%
6/30/2018	0.00171%	\$232,549	\$138,800	167.54%	75.1%
6/30/2017	0.00176%	\$234,557	\$139,214	168.49%	74.5%
6/30/2016	0.00194%	\$260,992	\$137,562	189.73%	74.1%
6/30/2015	0.00208%	\$238,870	\$121,411	196.74%	73.2%
6/30/2014	0.00191%	\$199,307	\$109,306	182.34%	76.3%

This information is required by the Governmental Accounting Standards Board

CHIROPRACTIC PHYSICIANS' BOARD OF NEVADA
REQUIRED SUPPLEMENTARY INFORMATION
SCHEDULE OF THE BOARD'S PENSION CONTRIBUTIONS - LAST TEN YEARS

Year end	Contractually required contribution	Contribution in relation to the contractually required contribution	Contribution deficiency (excess)	Board's covered employee payroll	Contributions as a percentage of covered employee payroll
6/30/2022	\$38,455	(\$38,455)	\$0	\$125,523	30.64%
6/30/2021	\$36,370	(\$36,370)	\$0	\$120,048	30.30%
6/30/2020	\$35,744	(\$35,744)	\$0	\$121,338	29.46%
6/30/2019	\$41,138	(\$41,138)	\$0	\$141,855	29.00%
6/30/2018	\$40,252	(\$40,252)	\$0	\$138,800	29.00%
6/30/2017	\$40,372	(\$40,372)	\$0	\$139,214	29.00%
6/30/2016	\$36,454	(\$36,454)	\$0	\$137,562	26.50%
6/30/2015	\$32,174	(\$32,174)	\$0	\$121,411	26.50%
6/30/2014	\$27,992	(\$27,992)	\$0	\$109,306	25.61%

This information is required by the Governmental Accounting Standards Board

CHIROPRACTIC PHYSICIANS' BOARD OF NEVADA
REQUIRED SUPPLEMENTARY INFORMATION
SCHEDULE OF THE BOARD'S PROPORTIONATE SHARE OF THE NET OPEB LIABILITY

<u>Year end date</u>	<u>Board's proportion of the net OPEB liability (asset)</u>	<u>Board's proportionate share of the net OPEB liability (asset)</u>	<u>Board's covered - employee payroll</u>	<u>Board's proportionate share of the OPEB liability (asset) as a percentage of its covered-employee payroll</u>	<u>Plan fiduciary net position as a percentage of the total OPEB liability</u>
6/30/2023	0.00670%	\$96,628	\$125,523	76.98%	-1.41%
6/30/2022	0.00660%	\$102,313	\$122,154	83.76%	-0.65%
6/30/2021	0.00650%	\$98,128	\$120,048	81.74%	-0.38%
6/30/2020	0.00640%	\$89,490	\$121,338	73.75%	0.02%
6/30/2019	0.00650%	\$86,321	\$112,004	77.07%	0.12%
6/30/2018	0.00680%	\$88,133	\$112,705	78.20%	0.11%

This information is required by the Governmental Accounting Standards Board

CHIROPRACTIC PHYSICIANS' BOARD OF NEVADA
REQUIRED SUPPLEMENTARY INFORMATION
SCHEDULE OF THE BOARD'S OPEB CONTRIBUTIONS

Year end	Actuarially determined contributions	Contribution in relation to the actuarially determined contribution	Contribution deficiency (excess)	Board's covered employee payroll	Contributions as a % of covered employee payroll
6/30/2023	\$3,614	\$2,504	\$1,110	\$125,523	1.99%
6/30/2022	\$2,611	\$2,652	(\$41)	\$122,154	2.17%
6/30/2021	\$2,684	\$2,611	\$73	\$120,048	2.17%
6/30/2020	\$2,629	\$2,684	(\$55)	\$121,338	2.21%
6/30/2019	\$2,586	\$2,630	(\$44)	\$112,004	2.35%
6/30/2018	\$2,577	\$2,586	(\$9)	\$112,705	2.29%

This information is required by the Governmental Accounting Standards Board

CHIROPRACTIC PHYSICIANS' BOARD OF NEVADA
BUDGETARY COMPARISON SCHEDULE
For the Year Ended June 30, 2023

	Original Budget	Final Budget	Actual	Variance
Revenues				
Licensing fees	\$ 263,941	\$ 263,941	\$ 267,478	\$ 3,537
Other fees	71,977	71,977	62,460	(9,517)
Fines and other income	17,630	17,630	23,420	5,790
Total revenues	353,548	353,548	353,358	(190)
Expenses				
Salaries & benefits	159,328	159,328	129,052	30,276
Pension expense	37,920	37,920	27,377	10,543
Health benefits	-	-	24,178	(24,178)
Office lease	15,216	15,216	15,692	(476)
Licensing subscriptions	-	-	16,159	(16,159)
General & administrative	56,972	56,972	46,965	10,007
Professional	79,205	79,205	77,694	1,511
Travel	14,400	14,400	8,036	6,364
Board expense	4,200	4,200	4,322	(122)
Total expenditures	367,241	367,241	349,475	17,766
Excess of revenues over (under) expenditures	(13,693)	(13,693)	3,883	17,576
Unrestricted net position, July 1,	173,946	173,946	173,946	-
Changes between unrestricted and capital investments	-	-	21,513	21,513
Increase in non-operating income	-	-	857	857
Unrestricted net position, June 30	\$ 160,253	\$ 160,253	\$ 200,199	\$ 39,946

See notes to financial statements

COMPLIANCE

AUDITOR'S REPORT ON COMPLIANCE WITH NEVADA REVISED STATUTES AND CHIROPRACTIC PHYSICIANS' BOARD OF NEVADA

To the Members
Chiropractic Physicians' Board of Nevada

I have audited the entity wide financial statements of the Chiropractic Physicians' Board of Nevada (Board), as of and for the year ended June 30, 2023, and have issued my report thereon dated November 13, 2023. I conducted my audit in accordance with United States generally accepted auditing standards.

Compliance

As part of obtaining reasonable assurance about whether the Chiropractic Physicians' Board of Nevada financial statements are free of material misstatement, I performed tests of its compliance with certain provisions of laws, regulations, contracts, and grants, noncompliance with which could have a direct and material effect on the determination of financial statement amounts. Compliance with Nevada Revised Statutes (NRS) and regulations (Nevada Administrative Code) applicable to the Chiropractic Physicians' Board of Nevada is the responsibility of the Board's management. Providing an opinion on compliance with those provisions was not an objective of my audit, and accordingly, I do not express such an opinion. In connection with my audit, nothing came to my attention that caused me to believe the Board had not complied with NRS 634 and other Nevada Revised Statutes and regulations, insofar as they relate to accounting matters.

This report is intended solely for the information and use of the Board of Directors, management and others within the organization and the Nevada Legislative Counsel Bureau. This restriction is not intended to limit distribution of this report, which is a matter of public record.

Bertrand & Associates, LLC

Carson City, Nevada
November 13, 2023

CHIROPRACTIC PHYSICIANS' BOARD OF NEVADA

AGENDA ACTION SHEET

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

RECOMMENDED MOTION: **No recommended motion.**

PREPARED BY: **Nicole Canada, DC**

MEETING DATE: **January 11, 2024**

TIME REQUIRED: **5 minutes**

BACKGROUND INFORMATION:

ACTION: _____Approved _____Approved w/Modifications _____Denied _____Continued

CHIROPRACTIC PHYSICIANS' BOARD OF NEVADA

AGENDA ACTION SHEET

TITLE: **Agenda Item 27** Reassignment of Committees – For possible action.

RECOMMENDED MOTION: **No recommended motion.**

PREPARED BY: **Nicole Canada, DC**

MEETING DATE: **January 11, 2024**

TIME REQUIRED: **5 minutes**

BACKGROUND INFORMATION:

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

ACTION: _____Approved _____Approved w/Modifications _____Denied _____Continued

CHIROPRACTIC PHYSICIANS' BOARD OF NEVADA

AGENDA ACTION SHEET

TITLE: **Agenda Item 28** Board Member Comments – For possible action

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

PREPARED BY: **Nicole Canada, DC**

MEETING DATE: **January 11, 2024**

TIME REQUIRED: **5 minutes**

BACKGROUND INFORMATION: **Are there any Board members who would like to comment on Board business?**

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: **Nicole Canada, DC**

MEETING DATE: **January 11, 2024**

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

BACKGROUND INFORMATION:

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: **Nicole Canada, DC**

MEETING DATE: **January 11, 2024**

TIME REQUIRED: **2 minutes**

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

ACTION: _____Approved _____Approved w/Modifications _____Denied _____Continued