

**Joe Lombardo**  
*Governor*

**Nicole Canada, DC**  
*President*  
**Benjamin S. Lurie, DC**  
*Vice President*  
**Jason O. Jaeger DC**  
*Secretary-Treasurer*



**Xavier Martinez, DC**  
*Member*  
**Adam L. Ingles, 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 MEETING**

A meeting of the Chiropractic Physicians' Board was held on Thursday, October 10, 2024 by zoom conference.

The following Board members were present at roll call:

Nicole Canada, DC, President  
Benjamin S. Lurie, DC, Vice President  
Jason O. Jaeger, DC, Board Member  
Xavier Martinez, DC, Board Member  
Adam Ingles, DC, Board Member  
Christian L. Augustin, Esq, Consumer Member  
Reza R. Ayazi, Esq. Consumer Member

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

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

Dr. Martinez led those present in the Pledge of Allegiance. Dr. Canada 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. Mr. Ayazi seconded, and the motion passed with all in favor.

#### **Agenda Item 3 Approval of the July 11, 2024 and July 19, 2024 Board Meeting Minutes - For possible action.**

Dr. Lurie moved to approve the Board meeting minutes for July 11, 2024. Dr. Ingles seconded, and the motion passed with all in favor. Dr. Lurie moved to approved the Board meeting minutes for and July 19, 2024. Dr. Martinez seconded, and the motion passed with all in favor.

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

Mr. Musgrove was present on behalf of Strategies 360, and reported that Elaine Marzola has shown interest in carrying the Board's bill. Mr. Musgrove mentioned the bill being proposed by Business and Industry as well as a bill being proposed by the Department of Health and Human Services that would affect the structure of Boards and Commissions. Mr. Musgrove stated that, to date he has not heard of any other bills referencing chiropractic specifically.

**Agenda Item 5 NCA/NCC Report – No action.**

Dr. Canada stated that there was nobody present from the NCA or NCC, however correspondence was emailed to the Board from the NCA and was included in the Board packet.

**Agenda Item 6 Board Counsel Report – No action.**

Mr. Ling stated that he nothing to report.

**Agenda Item 7 Discussion and potential action regarding the Settlement Agreement and Order in the Matter of Daniel Ricky Freeman, DC, License No. B01883, Case No. 24-05S – 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. Freeman).**

Dr. Canada asked if anyone would like to move into a closed session and there was no motion. Dr. Canada turned this item over to Mr. Ling. Mr. Ling introduced Dr. Freeman and his counsel, Edgar Carranza, Esq.. Mr. Ling summarized the actions taken, which brought the parties to the Settlement Agreement and Order before the Board. Mr. Ling asked Mr. Carranza if he had any comments. Mr. Carranza thanked the Board for accommodating he and Dr. Freeman.

Mr. Augustin made a motion to approve the Settlement Agreement and Order. Mr. Ayazi seconded, and the motion passed with all in favor. Dr. Lurie recused himself as the investigating board member.

**Agenda Item 8 Discussion and potential action regarding the Settlement Agreement and Order in the Matter of Vernon Thomas Waldorf, DC, License No. B01545, Case No. 23-02N– 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. Waldorf).**

Dr. Canada asked if anyone would like to move into closed session and there was no motion. Dr. Canada turned the discussion over to Mr. Ling, who introduced Dr. Waldorf and his counsel, Christine Alexander, Esq. Dr. Ingles explained that at the last Board meeting he recommended that the Board address pre-paid plan programs, because he had concerns with Dr. Waldorf's financial policy, which included language stating that no refunds would be made once care began. Dr. Ingles explained that since there was no avenue for the complainant to receive a refund, they filed with small claims court, who referred the case to the Board. Dr. Ingles stated that he attempted to get the patient reimbursed for some of the costs incurred, however was unable to do so, due to Dr. Waldorf's pending bankruptcy. Dr. Ingles stated that he was in agreement with the Settlement Agreement and Order. Dr. Canada asked if there were any questions from the Board. Dr. Lurie questioned why the compliance monitor was only for 18 months and whether the DC should take EBAS or the NBCE exams to address clinical competency. Dr. Lurie stated that it appeared that the patient was mis-diagnosed, which led

them to get a second opinion from a neurologist who potentially found that it was a biomechanical problem, because the patient stated that after using the orthotics he was completely relieved of his symptoms. Mr. Augustin stated that his concern is that, rather than referring the patient to an MD, etc. Dr. Waldorf immediately went to a high-cost program. Dr. Ingles stated that he wouldn't say that the patient was initially mis-diagnosed, because he did come in with burning pain in their feet. Dr. Ingles stated that he was concerned with the depth of the exam, because there was only history and sensory testing, not a thorough chiropractic evaluation. Dr. Ingles stated that Dr. Waldorf provided research behind the protocol that he used for diagnosing neuropathy, and it appeared that he did do the proper sensory testing based on the protocol. Dr. Lurie stated that if the DC can pay the fees and costs identified in the Settlement Agreement and Order, it seemed appropriate to require a refund to the patient. Mr. Ling stated that he consulted with the bankruptcy counsel who indicated that since there is a dispute between Dr. Waldorf and the patient being litigated, the Board cannot require Dr. Waldorf to give the patient a refund.

Dr. Waldorf's counsel, Ms. Alexander explained that because of the bankruptcy filing and because the patient filed an earlier litigated, small claims matter, the patient is now a creditor before the bankruptcy court.

Dr. Martinez made a motion to accept the Settlement Agreement and Order. Mr. Augustin seconded, for discussion. Dr. Canada and Dr. Martinez voted in favor. Dr. Lurie, Dr. Jaeger, Dr. Ingles, Mr. Augustin and Mr. Ayazi in opposition, so the motion failed.

**Agenda Item 9 Discussion and potential action regarding the Settlement Agreement and Order in the Matter of Tad Tenney, DC, License No. B00780, Case Nos. 21-31S, 23-23S, 23-27S, & 24-10S – 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. Tenney).**

Dr. Canada asked if anyone would like to move into a closed session and there was no motion. Dr. Canada welcomed Dr. Tenney and his counsel, Hal Reiser, Esq. Mr. Reiser referenced the Settlement Agreement and Order and asked that the Board approve the order as written. Dr. Tenney stated that he appreciated the Board accepting this Settlement Agreement to move forward. Mr. Ling stated that the Settlement Agreement and Order is the result of an extensive investigation conducted over the last couple of years by Dr. Lurie, however was initiated by Dr. Colucci. Mr. Ling provided a summary of the investigation that was conducted. Mr. Ling stated that the Settlement Agreement and Order explains what is to be accomplished, which is intended to address what the case ultimately found and come up with a result that is satisfactory for both parties, to protect the public. Mr. Ling outlined what the Order requires Dr. Tenney to complete. Dr. Jaeger inquired as to whether there was prior history of Board action against Dr. Tenney and Mr. Ling confirmed that there was prior discipline, but not related to the issues that are before the Board today. Dr. Lurie asked to take a recess to review the previous Board orders.

**Agenda Item 10 Hearing and deliberation in the Matter of Fidel Odunuga, DC, License No. B01519, Case No. 23-31S for discussion and potential action regarding a Settlement Agreement and Order in the matter – 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. Odunuga.)**

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Dr. Canada asked if anyone would like to move into closed session and there was no motion. Dr. Canada welcomed Dr. Odunuga and his counsel, Patricia Daehnke. Dr. Canada asked Ms. Daehnke if she would like to address the Board. Ms. Daehnke stated that Dr. Odunuga is in agreement to settle, however would like the Board members to know that he is always supportive of his children, and pays his child support as he is the sole provider for his three children. Dr. Odunuga has agreed to enter into the Settlement Agreement and pay the child support arrearage. Dr. Canada turned this item over to Mr. Ling who explained that Dr. Odunuga's license lapsed and when he reinstated he indicated that he was in compliance with a child support order. Subsequently, the Board received a complaint which indicated that he was not in compliance with a child support order. Mr. Ling stated that it was determined that Dr. Odunuga was in violation of answering the child support question incorrectly since he was in arrears with the child support order. Mr. Ling summarized the Settlement Agreement and Order. Dr. Lurie disclosed that Dr. Odunuga was an associate DC at The Neck and Back Clinics between 2014 and 2017 and stated that he had not spoken or texted Dr. Odunuga since November 2017 and stated that he could vote without bias.

Mr. Ayazi made a motion to accept the Settlement Agreement and Order. Dr. Martinez seconded, and the motion passed with all in favor.

**Agenda Item 11 Discussion and potential action regarding the Application for DC Licensure for Sungsik Kim , DC – For possible action. (Note: The Board may go into closed session pursuant to RS 241 to consider the character, alleged misconduct, or professional competence of Dr. Kim.)**

Dr. Canada asked if anyone would like to move into closed session and there was no motion. Dr. Canada asked Dr. Kim to discuss the discrepancies on his application. Dr. Kim stated that he got a DUI and once he complied with the courts order his attorney advised him that his record was sealed, so he didn't think that he had to report the incident on his application. Mr. Ayazi explained that the question specifically asks, have you ever been arrested..." and recommended that Dr. Kim's application be denied, but that he reapplies. Dr. Lurie asked if Dr. Kim's New York application included a similar question and how he responded? Julie Strandberg stated that Dr. Kim's New York application was not requested, however will request a copy prior to approving his new application.

Dr. Jaeger made a motion to deny Dr. Kim's application and stated that he may reapply answering the questions accurately. Dr. Ingles seconded, for discussion. Mr. Augustin recommended that going forward if there are discrepancies between responses on a licensee's application and their background results that the application be requested from the other state(s) that they are/were licensed in. The motion passed with all in favor.

**Agenda Item 12 Discussion and potential action regarding 9g the License Activation Application for Julio Olivares, DC – For possible action. (Note: The Board may go into closed session pursuant to NRS 241 to consider the character, alleged misconduct, or professional competence of Dr. Olivares)**

Dr. Canada asked if anyone would like to move into closed session and there was no motion. Dr. Canada welcomed Dr. Oliveras and his attorney, Adam Fulton. Mr. Fulton thanked Julie Strandberg for working with them to get the information together. Dr. Canada stated that Dr. Oliveras had been in front of the Board at two previous meetings and asked Mr. Fulton to address the Board as to why the Board should consider Dr. Oliveras' application. Mr. Fulton

stated that they submitted documentation detailing the efforts that Dr. Olivares has taken to address the issues identified by the Board at the previous meetings. Mr. Fulton highlighted the steps that Dr. Olivares has taken over the previous year and feels that Dr. Olivares has gone above and beyond to make sure that he understands what he needs to do, to be an effective chiropractic physician in Nevada. Dr. Olivares has taken 42 hours of continuing education, to include ethics training, in addition to the required 36 hours of continuing education. Mr. Fulton stated that at the previous meeting the Board asked if the Oregon case was closed and confirmed that it was. Mr. Fulton referenced 634.121 (2) (a) (b), which are the requirements that the Board considers when reviewing an application, which Dr. Olivares has met, in addition to the other evaluations he has completed. Mr. Fulton stated that Dr. Olivares took a polygraph test, psychosexual evaluation, which resulted in no wrong-doing and Dr. Olivares continues to go to therapy. Dr. Canada asked Dr. Olivares if he would like to address the Board. Dr. Olivares stated that he feels he has done everything to reactivate his license. Dr. Canada turned over the questioning to the Board. Mr. Ayazi recognized Dr. Olivares's efforts, however indicated that his concern is Dr. Oliveras's understanding of ethics. Dr. Olivares stated that he has learned how to set boundaries and understands that he needs to have clear communication with his patients. Mr. Augustin stated that the Board needs to make a decision, whether there is an opportunity where Dr. Oliveras would ever get a license, and if so, identify the conditions. Mr. Ling offered conditions that the Board could impose as follows: for a period of time the DC could be chaperoned while treating female patients, require that he be employed and report back about his conduct, and/or be on probation. Dr. Canada recommended approving the application with conditions to include a chaperone while seeing female patients. Dr. Lurie made a motion to approve Dr. Oliveras's application with the following conditions: be on probation for three years, continue psychological evaluation counseling with quarterly reports, take and pass the EBAS, randomized drug testing, and have a compliance monitor with quarterly reports. Mr. Augustin seconded for discussion. Dr. Canada asked which parts of EBAS Dr. Lurie would like to recommend? Dr. Lurie modified his motion to include that Dr. Oliveras take and pass the following sections of the EBAS: Boundaries, Substance Abuse, Professional Standards and Unprofessional Conduct, prior to his application being approved and the motion passed with all in favor.

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

- A. Complaint 21-31S (Lurie)**  
Dr. Canada stated that a Settlement Agreement and Order was approved under agenda item 9.
- B. Complaint 22-19S (Lurie)**  
Dr. Lurie stated that this case is still under investigation, however a portion was handled by the Nursing Board.
- C. Complaint 23-02N (Ingles)**  
Dr. Ingles stated that this is the case in the matter of Dr. Waldorf, which was discussed under agenda item 8.
- D. Complaint 23-12S (Lurie)**  
Dr. Lurie stated that this case is still under investigation.

- E. Complaint 23-13S (Lurie)**  
Dr. Lurie stated that this case is still under investigation.
- F. Complaint 23-15S (Nolle)**  
Julie Strandberg stated that Dr. Nolle spoke to the DC and is still under investigation.
- G. Complaint 23-16S (Nolle)**  
Julie Strandberg stated that Dr. Nolle spoke to the DC and is still under investigation.
- H. Complaint 23-21S (Canada)**  
Dr. Canada advised that the complainant visited a multi-physician clinic and alleged that the treating DC hurt their lower back, which was not their regular DC. Dr. Canada spoke to the complainant who indicated that at their next appointment with their regular DC they recorded a conversation during the treatment, which she provided to Dr. Canada. Dr. Canada listened to the recording, and confirmed that the DC that the complainant alleged hurt their lower back came into the room to address the patients concerns. The DC explained that based on the patient's explanation their psoas muscle became irritated after the adjustment. The complainant also explained in the recording that the DC also hurt their shoulders. During the appointment with the regular DC, the DC was performing orthopedic testing on her shoulders, so she would respond with, yes that hurts there, etc., but it did not appear that anything alarming took place. The recording confirmed the complainant laughing and made another appointment for the following Friday. Dr. Canada stated that the records were appropriate and recommended that this case be dismissed. Dr. Jaeger made a motion to dismiss Complaint 23-21S. Mr. Ayazi seconded, and the motion passed with all in favor. Dr. Canada recused herself as the investigating board member.
- I. Complaint 23-22S (Canada)**  
Dr. Canada advised that the complainant stated that this was her first adjustment from this DC and explained the procedure as a, "full body mugging." Dr. Canada explained to the complainant that the procedure was an anterior technique and recommended that this complaint be dismissed. Dr. Jaeger made a motion to dismiss Complaint 23-21S. Mr. Ayazi seconded, and the motion passed with all in favor. Dr. Canada recused herself as the investigating board member.
- J. Complaint 23-23S (Lurie)**  
Dr. Canada stated that a Settlement Agreement and Order was approved under agenda item 9.
- K. Complaint 23-27S (Lurie)**  
Dr. Canada stated that a Settlement Agreement and Order was approved under agenda item 9.
- L. Complaint 23-31S (Ingles)**  
Dr. Canada stated that a Settlement Agreement and Order was approved under agenda 10.
- M. Complaint 24-01S (Canada)**  
Dr. Canada recommended that a citation be issued to the DC for advertising, for stating that they could heal auto immune diseases. Mr. Ling asked that Dr. Canada follow up with him after the meeting.
- N. Complaint 24-02S (Canada)**  
Dr. Canada stated that the complainant alleged that they were injured by the DC, however this case is now in civil litigation and recommended that this complaint be

dismissed. Dr. Martinez made a motion to dismiss Complaint 24-02S. Mr. Ayazi seconded, and the motion passed with all in favor. Dr. Canada recused herself as the investigating board member.

**O. Complaint 24-04S (Jaeger)**

Dr. Jaeger stated that this complaint alleged inappropriate billing for equipment, however during the course of the investigation Dr. Jaeger recognized that this complaint was filed against the wrong provider, so complaint 24-15S was opened against the correct DC. Dr. Jaeger reviewed the records and a piece of durable medical equipment was billed and it doesn't appear that there was any wrongdoing, however the complainant did not like the price. Dr. Jaeger recommended that this complaint be dismissed. Dr. Martinez made a motion to dismiss Complaint 24-04S. Mr. Augustin seconded, and the motion passed with all in favor. Dr. Jaeger recused himself as the investigating board member.

**P. Complaint 24-05S (Lurie)**

Dr. Canada stated that a Settlement Agreement and Order was approved under agenda item 7.

**Q. Complaint 24-08S (Canada)**

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

**R. Complaint 24-09N (Martinez)**

Dr. Martinez stated that the complainant alleged that an individual is performing chiropractic without a license. Based on the investigation this individual does not hold an active chiropractic physicians license, but previously held a DC license in California, which is expired. In the course of the investigation it was determined that this individual is not adjusting, but performing allergy testing, which leads to a diagnosis and treatment. Dr. Martinez stated that Mr. Ling has reached out to the Medical Board and the Osteopathic Board to see if they want to get involved. Mr. Ling stated that other legal remedies may need to be looked into, both criminal or injunctive relief. Dr. Lurie mentioned that he has noticed physical therapists advertising that they perform allergy testing.

**S. Complaint 24-10S (Lurie)**

Dr. Canada stated that a Settlement Agreement and Order was approved under agenda item 9.

**T. Complaint 24-12S (Canada)**

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

**U. Complaint 24-13S (Jaeger)**

Dr. Jaeger stated that the complainant alleged that they received an exam and a spinal adjustment by an individual and then noticed the name tag indicated that they were a chiropractic assistant. The patient asked the individual if they were trained and allowed to perform a spinal adjustment and they indicated that they were. Dr. Jaeger confirmed that the individual is a certified chiropractic assistant and a licensed massage therapist. Dr. Jaeger stated that he has attempted to reach the complainant for two months without response. Dr. Jaeger spoke to the chiropractic assistant as well as the supervising DC and will be following up with an in-person meeting with the chiropractic assistant and the DC.

**V. Complaint 24-14N (Ingles)**

Dr. Ingles stated that this complaint was received from the Allied Health Board of

Guam. A Guam licensee asked the DC to cover for them and when he reached out to the Allied Health Board of Guam to obtain licensure they received no response. The DC indicated that they did not perform any chiropractic adjustments, because the practice was more rehabilitation based. This incident took place in 2021, which was one year prior to obtaining their Nevada license and recommended that this complaint be dismissed with a letter of instruction identifying that a licensee must follow the laws and rules of another state, country or territory. Dr. Jaeger made a motion to dismiss Complaint 24-04S with a letter of instruction. Dr. Lurie seconded, and the motion passed with all in favor. Dr. Ingles recused himself as the investigating board member.

**W. Complaint 24-15S (Jaeger)**

Dr. Jaeger stated that this complaint is a continuation of Complaint 24-04S. This complaint was filed against the treating physician and recommended dismissal.

Mr. Ayazi made a motion to dismiss Complaint 24-04S. Mr. Augustin seconded, and the motion passed with all in favor. Dr. Jaeger recused himself as the investigating board member.

**X. Complaint 24-16S (Canada)**

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

**Y. Complaint 24-17S (Jaeger)**

Dr. Jaeger stated that he spoke with the complainant who indicated that in the course of treatment by the DC his labrum was injured as well as their cervical thoracic lumbar spine, which was confirmed by an MRI and a follow up with an orthopedic surgeon. The complainant sought care with a different DC who also confirmed the injuries of their cervical thoracic lumbar spine. Dr. Jaeger has requested the records and is waiting for those documents.

**Z. Complaint 24-18S (Jaeger)**

Dr. Jaeger stated that he just received this complaint, which alleged that CAs are performing duties without being certified, DCs are treating patients without doing SOAP notes and that there are dual fee schedules. This complaint is still under investigation.

**Agenda Item 14 Discussion and potential action regarding moving renewals to the birth month of the chiropractic physicians and the chiropractic assistants – For possible action.**

Dr. Lurie stated that he recommended this agenda item for Board discussion. Dr. Lurie stated that by changing the renewals to the licensee's birth month the renewals would be dispersed throughout the year, rather than all licensees renewing at the same time each year. Julie Strandberg stated she is not opposed to changing the renewals to the birth month if there is an efficient way to streamline the process to include the CE audit. Dr. Canada inquired about how the CE audit would work if renewals were changed to the birth month and Dr. Lurie shared that it could possibly be done each month on those licensees that actively renewed during a particular month.

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

**A. NRS 634 and NAC 634 – Add "Programs" in addition to college of chiropractic**

Julie Strandberg stated that Craig Little, President and CEO of the Council on



Chiropractic Education commented at the district meeting that Boards should include doctor of chiropractic programs in addition to college of chiropractic in their language. Dr. Lurie made a motion to add “doctor of chiropractic programs” to NRS and NAC 634. Dr. Ingles seconded, and the motion passed with all in favor.

**B. NRS 634.130**

There was no discussion.

**C. NAC 634.320**

There was no discussion.

**D. NAC 634.385**

Julie Strandberg readdressed the Boards discussion regarding adding PACE back to the Boards continuing education regulation. Dr. Jaeger mentioned that the Board’s approval was to allow in-person PACE, but not online. Julie Strandberg stated that if the Board is going to add PACE back the Board should allow online and in-person to avoid confusion. Dr. Lurie asked that Julie Strandberg put together an outline of the history of what the board has done, because the changes the Board made were because of the issues with online courses, providers not following the rules and platforms not working properly. Dr. Canada recommended that a PACE representative appear before the Board at its next meeting.

**Agenda Item 9 Discussion and potential action regarding the Settlement Agreement and Order in the Matter of Tad Tenney, DC, License No. B00780, Case Nos. 21-31S, 23-23S, 23-27S, & 24-10S – 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. Tenney).**

The Board came back to the discussion regarding the matter of Tad Tenney, DC. Dr. Canada confirmed that Mr. Reiser and Dr. Tenney were present.

Dr. Canada confirmed with Dr. Lurie that he had an opportunity to speak to Mr. Ling and Dr. Lurie stated that he did and turned it over to Mr. Ling. Mr. Ling stated that after reviewing the previous Board orders there were three public matters, however these disciplinary matters do not have any bearing on the complaint that we are addressing today. Dr. Canada asked Dr. Lurie if he was comfortable proceeding with how the Settlement Agreement was written and Dr. Lurie stated that he is good with proceeding with however this Board would like to take this matter up.

Mr. Ayazi made a motion to approve the Settlement Agreement and Order. Dr. Ingles seconded and the motion passed with all in favor. Dr. Lurie recused himself as the investigating board member.

**Agenda Item 16 Discussion and potential action regarding adoption of the FCLB – Recognized Chiropractic Specialty Program (RCSP) – For Possible Action.**

Julie Strandberg stated that this item was discussed at the July 11, 2024 Board meeting, however the Board wanted to confirm that the RCSP language include that each state refers to their specific requirements, which was confirmed in the RCSP language. The RCSP cannot take away any authority from the Boards.

Dr. Jaeger made a motion to adopt the RCSP. Dr. Ingles seconded and the motion passed with all in favor.

**Agenda Item 17 Discussion and potential action regarding chiropractic assistants being required to be certified in CPR and necessary continuing education – For possible action**

Dr. Canada stated that she would like to see CPR added as a requirement for chiropractic assistants. Dr. Lurie stated that he is also in favor and would also like to see continuing education recognized for the CPR course as well. Dr. Ingles asked how frequent the CPR course must be taken for the CAs and the DCs and recommended every other year. Dr. Canada proposed every four years. Dr. Lurie clarified that his intent was to only require CAs be required to take CPR training, but allow DCs to receive continuing education credit.

Dr. Lurie recommended the he and Dr. Canada work together on language to be presented at the next Board meeting.

**Agenda Item 18 Discussion and potential action regarding the radiology resource guide and examination – For possible action.**

Dr. Lurie stated that the Board identify the radiology resource guide to be used for the chiropractic assistant examination. Dr. Jaeger recommended that the Board select a text book such as a Red Flags Pathology book and an x-ray biomechanics book. Dr. Jaeger stated that he supports Yochum and Rowe and The Practicing Chiropractors Committee on Radiology Protocols.

Dr. Ingles and Dr. Canada were in agreement with Dr. Jaeger. Dr. Lurie made a motion to develop the CA x-ray exam using Yochum and Rowe and The Practicing Chiropractors Committee on Radiology Protocols. Dr. Jaeger seconded and the motion passed with all in favor.

**Agenda Item 19 Discussion and potential action regarding selling pre-paid plans and issuing refunds for services not rendered - For possible action.**

Dr. Ingles stated that he reviewed the language from other states and would like to come up with language to address pre-paid plans to prevent complaints regarding refunds. Dr. Ingles referred to the case discussed today, wherein the DC disclosed in their financial policy that no refunds would be given once care began. Dr. Ingles recommended that the Board implement language that states that pre-paid care plans over \$1,000.00 include language identifying how the refund will be calculated, either pro-rated per visit, etc., identify how long the DC has to refund the money and ensure that the DC provides an itemized statement including CPT codes and what the pre-paid plan includes. Dr. Martinez expressed that he does not feel that pre-paid plans offer a benefit to the patient. Dr. Jaeger shared the payment plans offered in his practice, indicating that the patient has the option to pre-pay, multiple months, or pay as you go, which are offered in writing. Dr. Jaeger stated that the money sits in an EHR escrow, but not an attorney escrow account for those patients that set up a pre-payment plan. Dr. Lurie indicated that sometimes these plans can constitute a dual or triple fee schedule, especially if the DC is contracted with insurance companies. Dr. Lurie explained the process in his practice, indicating that the patient is given their insurance deductibles, what the cost is going to be upfront and the patient may or may not elect to use their health insurance. Dr. Lurie asked, if the patient chooses to not use their insurance, is it legal to offer a pre-payment plan and just charge them cash outside of their insurance plan? Dr. Lurie stated that the Board needs to be careful, because it could cause financial issues for DC's or other issues that have not been thought about. Mr. Ling stated that in a regulation like this you take the good practices and use those as the definition and that way the practitioners that are making good use of this are not being harmed, but we are saying if you do not meet the defined standard then you should not be offering pre-paid plans at all. Dr. Canada

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recommended that Dr. Ingles and Dr. Jaeger work together to present specific language at the next meeting.

**Agenda Item 20 FCLB/NBCE Matters – For possible action.**

**A. FCLB District Meeting – Scottsdale, AZ – October 4-5, 2024**

**B. Other FCLB/NBCE matters.**

Dr. Canada stated that her and Dr. Jaeger were in attendance at the FCLB district meeting and they discussed Board Administrators using “Slack”. Julie Strandberg stated that the FCLB implemented the use of Slack, which is a communication platform to allow Board Administrators to communicate and obtain responses from other states.

Dr. Jaeger stated that he was present on Friday and presented the three specialty exams, jurisprudence, ethics and boundaries and the SPEC. Dr. Jaeger shared the topics that were discussed during the round table discussions.

**Agenda Item 21 Discussion and potential action regarding policies in accordance with the revisions to regulations – For possible action.**

**A. Policy 32 Continuing Education for Board Meeting Attendance**

Julie Strandberg stated that at the July 11, 2024 meeting Dr. Lurie made a statement at the beginning of the meeting to ask individuals online to state their name and indicate if they were in attendance for CE credits which has been added to Policy 32. Dr. Lurie made a motion to include the licensees full name and license number.

**Agenda Item 22 Committee Reports**

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

Dr. Martinez stated that he had nothing to report.

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

Dr. Lurie stated that to date he has not had any meetings with Mr. Musgrove outside of the regularly scheduled Board meetings, however he will need to start communicating regularly with Mr. Musgrove as the election process moves forward. In the past, the Board has not gone into the legislative session as a Board or even as chiropractic physicians to help educate legislators on the issues around public safety and chiropractic and suggested that each Board member get their articulation together.

Mr. Ling stated that the Interim Committee on Healthcare has requested a BDR, as well, to create a super board, which is different from the bill draft request being submitted by Business and Industry. The concept being submitted by the Interim Committee on Healthcare is that all Boards will be governed by a fifteen-member board.

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

Dr. Ingles reported that there have been four preceptor applications submitted since the last meeting.

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

Dr. Canada stated that she had nothing to report.

**Agenda Item 23 Discussion and potential action regarding the reassignment of the continuing education committee – For possible action.**

The Board assigned Dr. Ingles to the continuing education committee.

**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.**

Julie Strandberg provided a summary of the executive director reports.

**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 August 31, 2024 – No action.**
- F. Budget to Actual at August 31, 2024 – No action.**

Julie Strandberg provided a summary of the financial reports.

**Agenda Item 26 Discussion and potential action regarding a Language Access Plan for the Board – For possible action.**

Julie Strandberg stated that the Board approved the Language Access Plan at its November 2, 2023 meeting, however received notice that this plan needed to be heard before the Board in 2024. Dr. Lurie made a motion to accept the proposed Language Access Plan. Dr. Martinez seconded, and the motion passed with all in favor.

**Agenda Item 27 Discussion and potential action regarding staff evaluations – For possible action.**

**A. Brett Canady, Licensing Specialist**

Julie Strandberg provided the evaluation for Brett Canady. Following Board discussion, Dr. Lurie made a motion to approve the 6% increase, retro-active to July 1, 2024 recommended by Julie Strandberg. Dr. Jaeger seconded, and the motion passed with all in favor.

**B. Julie Strandberg, Executive Director**

Dr. Jaeger provided the results of the Board evaluations and following discussion Dr. Lurie made a motion to approve a 12% increase. Dr. Jaeger seconded, and the motion passed with all in favor.

**Agenda Item 28 Discussion and potential action regarding the Board's 2025 meeting schedule – For possible action.**

The following meetings were scheduled for 2025: January 16, April 10, July 10 and October 9.

**Agenda Item 29 Board Member Comments – No action.**

Each of the Board members recognized and thanked Dr. Martinez for his service to the Board. Dr. Martinez extended his thanks to the Governors who have appointed him to this Board and stated that it was a privilege. Julie Strandberg presented the plaque to Dr. Martinez for serving eight years on the Board.

October 10, 2024


**Agenda Item 30 Public Interest Comments – No action.**

There were no public comments.

**Agenda Item 31 Adjournment – For possible action.**

Dr. Martinez moved to adjourn the meeting. Dr. Ingles seconded, and the motion passed unanimously.

January 16, 2025

  
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Jason O. Jagger, D.  
Secretary-Treasurer