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President
Adam L. Ingles, DC
Vice President
Jason O. Jaeger DC
Secretary-Treasurer



Geoffrey D. Lowden, DC
Member
Christian L. Augustin, Esq.
Consumer Member
Reza R. Ayazi, Esq.
Consumer Member
Julie Strandberg
Executive Director

CHIROPRACTIC PHYSICIAN'S BOARD OF NEVADA

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A meeting of the Chiropractic Physicians' Board was held on Thursday, January 16, 2025 by zoom conference.

The following Board members were present at roll call:

Benjamin S. Lurie, DC, Vice President
Jason O. Jaeger, DC, Board Member
Geoffrey D. Lowden, DC, Board Member
Adam L. 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.

Vice President, Dr. Lurie determined a quorum was present and called the meeting to order and welcomed new board member, Geoff Lowden, DC.

Dr. Jaeger led those present in the Pledge of Allegiance. Dr. Ingles stated the Purpose of the Board

AGENDA

Agenda Item 1 Public Interest Comments - No action.

Dr. Lurie asked whether there was anyone in attendance who would like to present public comment. Dr. David Rovetti referenced the agenda item that discusses in person continuing education and stated that he is in favor of in person continuing education and requested to provide some history when the Board gets to the agenda item. Dr. Rovetti commented on the Board's financial position, stating that there is a little under a million dollars in cash and another \$130,000 in accounts receivable and yet Nevada has the highest licensing fees of \$350.00 per year and asked that the Board consider reducing the renewal fees to \$500.00 every two years for chiropractic physicians and eliminate the renewal fees for chiropractic assistants. Dr. Rovetti also asked that the Board consider a renewal fee of \$100.00 for licensees 70 years old or older. Dr. Overland stated that he attended the ChiroCongress where continuing education was a popular topic and would also

like to comment with respect to in person continuing education. Dr. Overland mentioned that when he was the Secretary/Treasurer on this Board, he recommended a reduced renewal fee, which was done for one renewal period for DC's and CA's and believes the Board should consider a reduction for the next renewal.

Dr. Josh Byers, from Elko, NV introduced himself and indicated that he wanted to put faces to names. Dr. Byers stated that he is interested in the discussion regarding the Recognized Chiropractic Specialty Program and pre-paid plans.

Dr. Lurie stated that when you're running a business, you're looking for positive cash flow, which makes a successful business and noted that there were approximately 90 licensees that let their license expire. Dr. Lurie mentioned that the fee to be a member of the Nevada Chiropractic Association is also \$350.00 per year, so he would like to recommend that the association reduce their annual fee to \$100.00.

Dr. Berg mentioned the Board's financial surplus and recommended a modification in the fee structure for chiropractic assistants (CA), where there are no fees until the CA takes and passes the exam or allow the fee to be transferred to the next CA in the event a CA does not work out.

Agenda Item 2 Approval of agenda – For possible action.

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

Agenda Item 9 Discussion and potential action regarding Continuing Education– For possible action.

A. Discussion/Presentation - Providers Of Continuing Education (PACE)

Kelly Webb with FCLB was in attendance and stated that this Board previously accepted PACE, however changed that, because the Board wanted more hands-on oversight for the approved CE's. Ms. Webb shared that there is an option called PACE pre-check, where PACE completes a thorough review of each CE provider and then the Board has the ability to conduct a shortened review of the CE application with the ability to approve or not approve. Dr. Lurie explained that certain online providers appear to have some security flaws.

B. ChiroCredit – Online courses

Dr. Lurie explained that he took a course through Chiro Credit and there were two timers, a timer for the video, to track how long you watch the video and a timer to take the test. The attendee can start and stop the video, but the timer continues to run. Dr. Lurie also referenced courses that allow the attendee to select answers until they select the correct answer. Dr. Lurie asked, if PACE is controlling this, why is it still an issue? Ms. Webb explained that PACE does random audits, however due to the number of courses it's difficult to audit each and every one. Ms. Webb stated that PACE will be conducting an audit of all online courses this summer. Dr. Jaeger thanked Ms. Webb for being present and all the work that FCLB does. Dr. Jaeger recommended that a declaration or affidavit be signed by the provider and the DC.

C. Requirement of In-Person CE 28:00

Dr. Lurie stated that this item was recommended by the Nevada Chiropractic Association. Dr. Rovetti stated that in-person CE was brought up in the past, and

expressed that in person courses protects the public and believed that the board members felt the same way, however it was voted down. Dr. Rovetti recommended that the Board require at least 12 hours of in person continuing education. Dr. Overland iterated that chiropractic is a hands-on profession and there are some courses that cannot be taught online. Dr. Overland stated that the NCA recommended that the Board require 12-18 hours of in-person continuing education. Dr. Overland stated that the need for in person continuing education also goes for chiropractic assistants when learning ultrasound, EMS, etc., although they are being trained by the DC. Dr. Overland stated that he attended the ChiroCongress in Denver, CO, where continuing education requirements was discussed, and shared that several states mentioned that their seminar attendance has decreased due to states not requiring in person continuing education and in turn are receiving more complaints against their licensees. Dr. Joshua Byers stated that he disagrees, because his wife is a respiratory therapist and is able to take all of her life saving skills continuing education online. Dr. Byers also stated that, while he agrees that DCs should have some hands-on seminars they can potentially complete their CE online, although chiropractic needs to advance their online courses. Dr. Ingles stated that during covid the NCC held live seminars simultaneously streaming for those who were not comfortable being in a room with public. Mr. Augustin stated that while he prefers live seminars, he also understands that online learning is also effective. Mr. Augustin believes that everyone learns differently, and just because the course is in person doesn't mean that it is effective for some people. Live seminars do not necessarily provide a better learning experience. Mr. Augustin stated that his concern with requiring in person continuing education is for those individuals that live in rural areas to find live seminars that are cost prohibitive. Dr. Lurie iterated that he has taken online courses where he has run into online security issues and he keeps bringing them up to FCLB-PACE and appreciates the work that PACE and FCLB is doing to try to monitor it. I think that if there are over 7,000 courses it is the responsibility of the people approving the seminars to confirm that the sites are secure. I also am in agreement that butts in seats are ideal, but just because they are in person doesn't mean the attendee is actually participating 100%, although they're in person. Dr. Lurie stated that this discussion is to see if the Board wants to continue under the existing regulation or require in person CE and asked for any recommendations from the Board.

Dr. Jaeger made a motion to accept PACE for in person and online courses. Mr. Ayazi seconded, and the motion passed with all in favor.

Dr. Lurie iterated his concern with the PACE security system, since it seems their audits are not picking up on some of the online issues. Dr. Lurie stated that he is not against it, but it's putting licensees at risk for audits.

D. Allowing CE credit for completion of CPR courses

Dr. Lurie asked Ms. Webb if PACE had CPR courses available and she indicated that they did and some are through the American Heart Association. Ms. Webb stated that some Boards address the difficulty of live courses logistically, but still allow the option of asynchronous.

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Dr. Lurie announced that if Nevada licensees are online today to obtain continuing education hours they must be visible in front of their camera.

Agenda Item 6 NCA/NCC Report – No action.

Dr. Lurie stated that Dr. Sim was present to report on behalf of the NCA/NCC. Dr. Sim reported that a draft of the bylaws has been written, and will be presented to the membership. The NCA plans on joining the ChiroCongress to get more involved. A new website is being developed to be more user friendly to highlight the value of the NCA, engage existing members, to attract new members, allow online seminar registration, the membership application process and resources. A meet and greet is scheduled for Thursday, February 13, 2025 from 5:30 to 8:00 p.m. to announce and recognize the NCA to Nevada chiropractic physicians to solicit membership and leadership interest for officers. They continue to sponsor and co-sponsor CE courses and training and a chiropractic assistant training course is scheduled for Saturday, February 1, 2025 from 12:00 to 5:00 p.m. The NCA will be monitoring legislative action that they may need to be involved in.

Agenda Item 3 Election of Officers - For possible action.

Dr. Jaeger recommended Dr. Lurie for President and he accepted. Mr. Ayazi seconded, and the motion passed with all in favor.

Dr. Lurie recommended Dr. Ingles for Vice President and he accepted. Dr. Jaeger seconded, and the motion passed with all in favor.

Dr. Jaeger confirmed that he could remain as Secretary-Treasurer and Mr. Ling stated that since Dr. Jaeger is in this position he could remain.

Agenda Item 4 Approval of the October 10, 2024 Board Meeting Minutes - For possible action.

Dr. Lurie moved to approve the Board meeting minutes for October 10, 2024. Dr. Ingles seconded, and the motion passed with all in favor.

Agenda Item 5 Legislative Matters – For possible action.

Mr. Musgrove was present on behalf of Strategies 360, and reported that the legislative session will begin in a couple weeks and the Governor gave the state of the state address yesterday evening, where he indicated that he is behind the efforts of the Boards and Commissions bill. Currently, SB78 is a skeleton bill, so there will be more changes. The bill creates the Nevada Board of Healing and Rehabilitative Practice, which includes this board and consists of 13 members appointed by the Governor. Section 27 of SB78 lists chiropractic physicians under physicians and the way this Board is set up there are no other physicians that make up that board other than 2 chiropractic physicians, which are a part of the 13 members. Mr. Musgrove stated that B&I has reached out to the Boards asking if there are recommendations for revisions, however they were very specific in their direction, that there would be no changes to make up or membership, which is this Board's biggest concern. Mr. Musgrove stated that he and Julie Strandberg are scheduled to have a meeting with Business & Industry (B&I) on Friday, January 17, 2025 at 11:00 a.m.

Dr. Lurie made a motion to oppose the section of SB 78 that chiropractic is currently under, based on the state and federal recommendations that chiropractors are physicians. Dr. Jaeger seconded, and the motion passed with all in favor.

Dr. Jaeger stated that as a licensee he has taken action to ensure proper education is being communicated to the Governor and the sponsors of SB78. Dr. Jaeger also stated that as a licensee, he will be meeting with Governor's healthcare Director to discuss the definition of a physician. Dr. Jaeger referred to Section 70 of the Medicare CMS guidelines details that there are five healthcare provider types that are physicians, which includes Medical, Osteopathic, Chiropractic, Podiatric and Dental and throughout statute chiropractors are referred to as physicians. Further, the Affordable Healthcare Act/Obama Healthcare Act, Section 2706A details that like physicians or healthcare provider type should not be discriminated against. Mr. Augustin stated that the key is the definition of physicians and referred to the bill that eliminated chiropractic physicians' from aiding a sports player from concussive symptoms. Mr. Augustin expressed that it showed a lack of knowledge of the training and education that chiropractic physicians' go through. Mr. Augustin asked Mr. Musgrove what the pulse of the assembly and senate is. Mr. Musgrove stated that it is a wait and see, however he believes there are great concerns about the potential costs and hiring.

Agenda Item 7 Board Counsel Report – No action.

Mr. Ling stated that he had nothing to report, however he stated that Julie Strandberg received a question from a Board member regarding what authority the Board has to discuss matters with their counsel. Mr. Ling stated that public boards have the right to meet with their attorney and when that occurs, it is not technically a meeting, so it does not have to comply with the open meeting law. Mr. Ling stated that the only matters that can be discussed are potential or existing litigation involving a matter over which the public body has supervision, control, jurisdiction or advisory power. According to this, should the Board have such a meeting, the meeting can be held anytime and no agenda or recording is required and action can be taken.

Agenda Item 8 Discussion and potential action regarding the contract with Ling Ltd. – For possible action. 1:32

Dr. Lurie provided a summary of the new contract with Ling Ltd. and Mr. Ling stated that the contract is increasing from \$1,800.00 per month to \$2,500.00 per month due to the increased workload. Dr. Lurie asked if the Board had any questions for Mr. Ling. Mr. Augustin moved to approve the contract with Ling Ltd. Dr. Lowden seconded, and the motion passed with all in favor.

Agenda Item 10 Discussion and potential action regarding the presentation from CE Broker – For possible action.

Amanda Lupinski provided an overview of CE Broker, indicating that they are a no-cost software plug-in, a continuing education platform that unifies licensees, board staff and education providers all into one ecosystem. The goal is to simplify the process for all stakeholders and increase automation to save time and resources. The benefit is that there is no cost to the Board. The benefit to the licensee is that upon completion of a course through the providers on CE Broker the course populates on the transcript. Each licensee will receive a free account; however CE Broker has voluntary premium offerings where there is a cost to the licensee. Dr. Lurie noted that there is a cost to the Board paid to Thentia to connect with CE Broker.

Marcia Mann provided an overview of the platform.

Agenda Item 11 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. Lurie turned this agenda item over to Mr. Ling. Mr. Ling stated that this is a revised Settlement Agreement and Order based on the discussion and recommendations provided by the Board at its the October 10, 2024 meeting and provided an overview of the matter. Dr. Lurie welcomed Dr. Waldorf and his attorney, Ms. Alexander, who explained that because of the bankruptcy the patient's fees will be addressed by the bankruptcy trustee. Mr. Augustin confirmed with Ms. Alexander that the complainant, Mr. Bryant is a creditor in the bankruptcy proceeding. Dr. Lurie asked Dr. Waldorf if he had any comments. Dr. Waldorf stated that he just wanted to get this completed, so that he can move on. Dr. Lurie confirmed with Dr. Ingles that is in agreement with the Settlement Agreement and Order and Dr. Ingles stated that he feels that this is a fair offer. Dr. Lurie asked if the Board had any further questions.

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

Agenda Item 12 Discussion and potential action regarding the Application for DC Licensure for Jerome Longoria, 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. Longoria).

Dr. Lurie welcomed Dr. Longoria and asked if anyone wanted to go into closed session and there was no motion. Dr. Lurie asked that Ms. Strandberg provide a summary of Dr. Longoria's appearance before the Board. Dr. Lurie asked Dr. Longoria why he did not provide the complete history of his background. Dr. Longoria explained that he did not have any intention of omitting information, but was a clerical error.

Dr. Jaeger moved to deny Dr. Longoria's application and that he may reapply. Dr. Ingles seconded, and the motion passed with all in favor.

Agenda Item 13 Discussion and potential action regarding the Application for Chiropractic Assistant for Robin Lumos – 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 Ms. Lumos).

Dr. Lurie welcomed Ms. Lumos and explained the reason that she is before the Board and asked why she answered her background questions the way that she did. Ms. Lumos explained that her understanding was that when an expungement is filed the incident is gone and was told that she did not need to disclose the incident. Ms. Lumos apologized for having to take the Board's time, but stated that it was a misunderstanding.

Dr. Lurie moved to deny Ms. Lumos's application and that she may reapply. Mr. Augustin seconded, and the motion passed with all in favor.

Agenda Item 14 Discussion and potential action regarding whether to consider the petition for early termination of probation for Michael Milman, DC at a future meeting - For possible action.

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Dr. Lurie confirmed that Dr. Milman's attorney, Kevin Murphy was present. Mr. Murphy thanked the Board and stated that he was present to hear the Board's determination. Dr. Lurie confirmed that the Board was in receipt of the petition and thanked Mr. Murphy for providing the detailed report. Dr. Lurie stated that Dr. Milman had appeared before the Board on several occasions and the Board gave Dr. Milman recommendations based on the reports from Affiliated Monitors. Dr. Lurie asked Mr. Murphy if he would like to add anything other than what was provided in the report on behalf of Dr. Milman? Mr. Ling explained that this agenda item is here for the Board to decide whether to accept this petition and allow Dr. Milman and Mr. Murphy appear before the Board at a future meeting. Dr. Lurie called for a motion to move this agenda item to a future meeting or just require Dr. Milman to continue being monitored. Dr. Lurie made a motion to add the determination of early termination of probation to the April 10, 2025 meeting agenda. Mr. Ayazi seconded, and the motion passed with all in favor. Dr. Lurie stated that Dr. Milman also be present. Dr. Jaeger stated that due to a conflict of interest he will have to recuse himself from this matter.

Agenda Item 15 Status report regarding anonymous profiles of possible disciplinary actions. Board action will be limited to either dismissing the matter if the Board determines there is no violation, it has no jurisdiction over the subject, or providing direction to pursue the matter further – For possible action:

Dr. Lurie stated that the complaints need to be handled timely and asked that the investigating board member provide a 30-day update. Dr. Lurie recommended that the Board Members reach out to Mr. Ling or Julie Strandberg to obtain assistance if needed.

A. Complaint 22-19S (Lurie)

Dr. Lurie stated that this complaint is still under investigation and being reviewed by an expert, who recently provided their reported findings. Dr. Lurie stated that a Notice of Charges will be presented and hopes to have a Settlement Agreement & Order or hearing at the next meeting.

B. Complaint 23-02N (Ingles)

Dr. Ingles stated that this was the case in the matter of Dr. Waldorf, which was settled under agenda item 11.

C. Complaint 23-12S (Lurie)

Dr. Lurie stated that this complaint is still under investigation and being reviewed by an expert, who recently provided their reported findings. Dr. Lurie stated that a Notice of Charges will be presented and hopes to have a Settlement Agreement & Order or hearing at the next meeting.

D. Complaint 23-13S (Lurie)

Dr. Lurie stated that this complaint is still under investigation and being reviewed by an expert, who recently provided their reported findings. Dr. Lurie stated that a Notice of Charges will be presented and hopes to have a Settlement Agreement & Order or hearing at the next meeting.

E. Complaint 23-15S (Nolle)

Julie Strandberg stated that this complaint is being handled by an outside attorney and there have been a number of barriers when attempting to deliver the subpoena for information. The next step will require resolution.

F. Complaint 23-16S (Nolle)

Julie Strandberg stated that this complaint is being handled by an outside attorney and there have been a number of barriers when attempting to deliver the subpoena for information. The next step will require resolution.

G. Complaint 24-01S (Canada)

Dr. Lurie asked if Dr. Canada provided a recommendation or any other information regarding her investigation into this case and Julie Strandberg stated that there was no recommendation or information provided. Dr. Lurie stated that this complaint will be reassigned.

H. Complaint 24-08S (Canada)

Dr. Lurie asked if Dr. Canada provided a recommendation or any other information regarding her investigation into this case and Julie Strandberg stated that there was no recommendation or information provided. Dr. Lurie stated that this complaint will be reassigned.

I. Complaint 24-09N (Ingles)

Dr. Ingles stated that this complaint was investigated by Dr. Martinez and a citation has been prepared to be delivered by the Advantage Group.

J. Complaint 24-12S (Canada)

Dr. Lurie asked if Dr. Canada provided a recommendation or any other information regarding her investigation into this case and Julie Strandberg stated that there was no recommendation or information provided. Dr. Lurie stated that this complaint will be reassigned.

K. Complaint 24-13S (Jaeger)

Dr. Jaeger stated that the patient alleged that they presented to a chiropractor's office over the weekend and received a spinal adjustment, and at that time the patient inquired as to whether the individual was a chiropractic physician and it appeared as though they were not. Dr. Jaeger stated that he has been in contact with the individual who allegedly performed the adjustment, who is a chiropractic assistant and a licensed massage therapist and has also been in touch with the supervising chiropractic physician, however the complainant has been unresponsive. Due to the holidays Dr. Jaeger has not been able to hold an in person meeting with the chiropractic assistant and chiropractic physician.

L. Complaint 24-16S (Canada)

Dr. Lurie asked if Dr. Canada provided a recommendation or any other information regarding her investigation into this case and Julie Strandberg stated that there was no recommendation or information provided. Dr. Lurie stated that this complaint will be

reassigned.

M. Complaint 24-17S (Jaeger)

Dr. Jaeger stated that the patient alleged that they were hurt by the chiropractic physician. Dr. Jaeger spoke to the patient, and asked them what they did subsequent to the alleged injury and they indicated that they sought care with an orthopedic surgeon and a chiropractor. Dr. Jaeger asked the complainant to provide their records from the orthopedic surgeon, however the patient did not provide them, so Dr. Jaeger recommended that this case be dismissed. Dr. Lurie made a motion to dismiss Complaint 24-17S. Mr. Augustin seconded, and the motion passed with all in favor. Dr. Jaeger recused himself as the investigating board member.

N. Complaint 24-18S (Jaeger)

Dr. Jaeger stated that due to the holidays he has not had an opportunity to sit down with the chiropractic physician or the complainant, but will provide information at the next meeting.

O. Complaint 24-19S (Lurie)

Dr. Lurie stated this complaint is still under investigation, however will have a resolution at the next board meeting.

P. Complaint 24-20S (Ingles)

Dr. Ingles stated that the chiropractic physician completed a PPD rating and several months later the patient filed a complaint. Dr. Ingles reviewed the records, which were in order. Dr. Ingles had a meeting with the DC their counsel to determine what went wrong or what could be done to avoid further complaints since this was the second complaint against the DC of similar nature. Dr. Ingles recommended that the DC require that the patients complete a survey about whether they were happy with their experience. Dr. Ingles recommended that this complaint be dismissed. Dr. Lurie made a motion to dismiss Complaint 24-20S. Mr. Ayazi seconded, and the motion passed with all in favor. Dr. Ingles recused himself as the investing board member.

Q. Complaint 24-21S (Canada)

Dr. Lurie asked if Dr. Canada provided a recommendation or any other information regarding her investigation into this case and Julie Strandberg stated that there was no recommendation or information provided. Dr. Lurie stated that this complaint will be reassigned.

R. Complaint 24-25S (Jaeger)

Dr. Jaeger stated that due to the holidays he has not had an opportunity to sit down with the chiropractic physician or the complainant, but will provide information at the next meeting.

S. Complaint 24-31S (Lurie)

Dr. Lurie stated that this is a new complaint and is under investigation and will have a resolution at the next board meeting.

T. Complaint 24-32S (Canada)

Dr. Lurie asked if Dr. Canada provided a recommendation any other information regarding her investigation into this case and Julie Strandberg stated that there was no recommendation or information provided. Dr. Lurie stated that this complaint will be reassigned.

U. Complaint 24-33N Needs to be assigned

V. Complaint 24-34N Needs to be assigned

W. Complaint 24-35N Needs to be assigned

X. Complaint 24-36N Needs to be assigned

Y. Complaint 24-37N Needs to be assigned

Z. Complaint 24-38N Needs to be assigned

Dr. Lurie stated that this is a malpractice case and will be assigned.

AA. Complaint 24-40S (Lowden)

Dr. Lowden stated that records and a self-inspection is being requested and will provide a report at the next board meeting.

BB. Complaint 24-41S (Canada)

Dr. Lurie asked if Dr. Canada provided a recommendation or any other information regarding her investigation into this case and Julie Strandberg stated that there was no recommendation or information provided. Dr. Lurie stated that this complaint will be reassigned.

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

Dr. Lurie asked Mr. Ling if these items needed to be discussed and voted on or if this is an ongoing list? Mr. Ling stated that these items are outside the Board bill, but is a list of regulations that have been identified by the Board that can be voted on or not voted on. Mr. Ling noted that regulation changes will not be submitted until after the legislative session.

A. NRS 634.130

Dr. Lurie recommended that license renewals be changed from the end of the calendar year to the licensee's birth month. Dr. Jaeger made a motion to revise and add NRS 634.130 to reflect birth month to existing board bill. Dr. Ingles seconded, and the motion passed with all in favor.

B. NAC 634.119

There was no discussion or changes.

C. NAC 634.320

There was no discussion or changes.

D. NAC 634.330

There was no discussion or changes.

E. NAC 634.339

There was no discussion or changes.

F. NAC 634.3475(1)f) (4)(II)

Dr. Jaeger stated that he brought this up to propose a revision to “reasonable time,” because in his opinion this language is too broad and would recommend either 30, 60 or 90 days. Mr. Ling stated that he would look into language from other Board’s.

G. NAC 634.385(3) (8) (11)

Dr. Lurie asked if there were any comments regarding NAC 634.385 (3). Mr. Ling noted that the board voted and approved to add the acceptance of PACE back, under agenda item 9C.

Dr. Lurie asked if there were any comments regarding NAC 634.385 (8) and noted that this section will be left alone.

Dr. Lurie asked if there were any comments regarding NAC 634.385 (11) and made a motion that the language be revised to include that the certificate from the provider include, the name of the licensee, date completed, number of hours and course approval code. Mr. Augustin seconded, and the motion passed with all in favor.

Dr. Jaeger stated that he had to excuse himself to join a meeting with the Governors representatives, but would return momentarily.

H. NAC 634.460(6)

There was no discussion or changes.

I. Addition of language to accept the Recognized Chiropractic Specialty Program (RCSP)

Julie Strandberg stated that she would work with Mr. Ling and provide language.

J. Pre-paid plans and issuing refunds for services not rendered

Dr. Ingles stated that Mr. Ling provided the initial language and then he and Dr. Jaeger made additional revisions with the intent to not eliminate prepaid plans, but set boundaries. Dr. Ingles asked that we discuss this item further when Dr. Jaeger returns. Dr. Lurie stated that he is in favor of language around pre-paid plans.

Agenda Item 17 Discussion and potential action regarding non-compliance of Board Orders – For possible action.

Dr. Lurie stated that he requested this agenda item to discuss how to handle disciplinary orders when the licensee is not compliant with their order and recommended that language be added to the order that would allow the Board to issue a temporary suspension or revocation. Dr. Lurie stated that licensees are petitioning the Board to come off of probation early, but are not in compliance with their order and recommended that language also be added to indicate that until the licensee is compliant with their order they are not eligible to petition the Board for early termination of their probation. Mr. Ling stated that he typically uses a template that has been

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approved by the Board, so if there is recommended model language that the Board would like built into the Settlement Agreement and Order he will make the changes. Mr. Ling cautioned the Board that the board order language is negotiated by defense counsel and there are times when they do not want someone to be subject to, for example, a summary suspension.

Agenda Item 19 Discussion and potential action regarding staff and Board development – For possible action.

Dr. Jaeger asked if the board would be interested in getting together at the next in person Board meeting to work on board development. The Board members were in agreement.

Agenda Item 18 Discussion and potential action regarding the centralization of the NBCE Part IV examination in Greeley, Colorado - For possible action.

Dr. Lurie turned this agenda item over to Dr. Overland. Dr. Overland stated that this topic was discussed at the ChiroCongress and indicated that states were upset that Part IV would no longer be proctored at the schools. The concerns included the cost to students to travel to Greeley, CO, lodging, food, etc.

Dr. Jaeger shared that the entire country is excited about the centralization of the Part IV exam, because when you look at the objective data, around 40% to 60% of students are currently traveling to take the Part IV exam and the logistics of offering an exam at the same time through three different time zones, across eleven to thirteen universities at once, does not make the test as defensible as it would be if we mimic what our medical and osteopathic counterparts do, by centralizing and standardizing the test. Potentially, it will lower the cost, as lodging will be included and flights will either be included or discounted, so the cost will be the same or less per examination. Dr. Jaeger reminded the Board that currently Part IV is only offered twice each year, with a six-month waiting period. The NBCE will now move into a scenario where the student will be able to take the exam between 40 and 50 weeks per year, which will increase the opportunity, while lowering the cost, making the test better and more defensible and allow qualified DCs to sit before their state boards sooner.

Dr. Lurie stated that we will further discuss agenda item 16J.

J. Pre-paid plans and issuing refunds for services not rendered

Dr. Ingles explained some of the revised language and referenced that up to 100% product markup would be fair, however is open for discussion. Mr. Augustin stated that while he agrees, he struggles with including a definitive number due to the certain economic system that we operate in and stated that some things are more scarce or expensive and identifying a specific number makes it harder to enforce. Mr. Augustin stated that the language states that to charge any markup to a patient for goods for potential items providing the excess of what is commercially reasonable and fair.

Mr. Ling stated that while he agrees with Mr. Augustin, the reason he used the presumption language was, because if a definitive number is not identified then every case where this comes up counsel will have to prove that the upcharge was commercially reasonable and fair, meaning an expert witness may be required to say that it was or wasn't commercially reasonable and fair in a particular situation.

Dr. Lurie asked whether this language is referring to cash or insurance as well, because there could be issues. One, being fraudulent to insurance companies because

there are already factors formulated that indicate what is reasonable and customary based on federal guidelines, Medicare and Medicaid. Second, is a cash plan and what you can provide for these plans and the third component is, are there multiple fee structures.

Dr. Jaeger agreed with Mr. Augustin's suggestion and believes that could be expanded on by including the standard insurance reimbursable rate or the manufacturers recommended retail. Dr. Jaeger referred to proposed language that discusses a potential financial plan where all fees are disclosed upfront with nothing hidden.

Dr. Lurie asked whether that could bring up an argument that dual fee structures are being created? For example, if the licensee has a pre-payment plan, but the patient does not want to use their insurance how does the licensee distinguish between the two. Dr. Jaeger said that a CPT code is associated with a description and a fee and then a private pay scenario it's a different code that way you do not have a dual fee structure.

Mr. Ling stated that there is language from other states that include utilizing an escrow account and will bring that language back to the next board meeting.

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

- A. **Selection of Board's choice for FCLB Voting Delegate**
Dr. Lurie made a motion that Dr. Jaeger be the FCLB voting delegate. Mr. Ayazi seconded and the motion passed with all in favor.
- B. **Selection of Board's choice for FCLB Alternate Delegate**
Dr. Lurie stated that he would be the alternate. Mr. Ayazi stated that he is interested in attending the conference and being the alternate if appropriate. Dr. Lurie made a motion that Mr. Ayazi be the alternate, however if not appropriate Dr. Lurie will be the alternate. Dr. Ingles seconded and the motion passed with all in favor.
- C. **Selection of Board's choice for NBCE Voting Delegate**
Dr. Lurie nominated himself to be the voting delegate. Dr. Lurie made a motion to be the NBCE voting delegate. Dr. Jaeger seconded, and the motion passed with all in favor.
- D. **Selection of Board's choice for NBCE Alternate Delegate**
Dr. Jaeger nominated Mr. Ayazi, however if there is a conflict Dr. Jaeger would fill in. Dr. Lurie seconded, and the motion passed with all in favor.
- E. **Attendance of Board Member(s) at the FCLB's 97th Annual Educational Congress April 30-May 5, 2025 Hyatt Regency, St. Louis, MO**
Julie Strandberg stated that she applied and received a scholarship to attend. Dr. Lurie stated that he will be in attendance and will travel on his own dime.

Dr. Jaeger confirmed that Mr. Ayazi is eligible to be the alternate delegate.

- F. **Selection of Board Member to participate in the Spring National Board Part IV Exam - May 17-18, 2025**
There was no interest or availability from the Board to participate.
- G. **Selection of Board Member to participate in the National Board Part IV Test Committee meeting - June 6-7, 2025**
There was no interest or availability from the Board to participate.
- H. **Selection of Board Member to participate in the Fall National Board Part IV Exam - November 8-9, 2025**
There was no interest or availability from the Board to participate.

January 16, 2025

- I. **Presentation from Bradley Guy with EBAS**
Bradley Guy was present and gave an overview of the EBAS.
- J. **Other FCLB/NBCE matters.**
There were not comments.

Agenda Item 21 Committee Reports

- A. **Continuing Education Committee (Dr. Ingles) – For possible action.**
Dr. Ingles stated that going back to accepting PACE will reduce the number of applications, but noted that it is important that we monitor the online continuing education courses.
- B. **Legislative Committee (Dr. Lurie) – For possible action.**
Dr. Lurie stated that the Board has heard from Mr. Musgrove, Dr. Jaeger and Mr. Ling. Dr. Lurie reminded the Board to check their Board email on a daily basis, because the legislature will start to move quickly and may require emergency meetings to take action bill(s).
- C. **Preceptorship Committee (Dr. Ingles) – For possible action.**
Dr. Ingles stated that he had nothing new to report.
- D. **Test Committee (Dr. Canada) - For possible action.**
Julie Strandberg stated that the in-person CA exam is scheduled for February 13, 2025. Dr. Lurie stated that he is available to proctor the in-person exam in Las Vegas.

Agenda Item 22 Discussion and potential action regarding the reassignment of the committees – For possible action.

Dr. Lurie stated that he will come off the Legislative Committee. Dr. Lurie nominated and made a motion for Dr. Jaeger to be the Legislative Committee. Mr. Ayazi seconded, and the motion passed with all in favor.

Dr. Lurie nominated and made a motion for Dr. Ingles continue as the Continuing Education Committee. Dr. Jaeger seconded, and the motion passed with all in favor.

Dr. Lurie nominated and made a motion for Dr. Ingles continue as the Preceptor Committee. Mr. Ayazi seconded, and the motion passed with all in favor.

Dr. Lurie nominated and made a motion for Dr. Lowden to be the Test Committee. Dr. Jaeger seconded, and the motion passed with all in favor.

Agenda Item 23 Executive Director Reports:

- A. **Status of Pending Complaints – No action.**
- B. **Status of Current Disciplinary Actions – No action.**
- C. **Legal/Investigatory Costs – No action.**
Julie Strandberg provided a summary of the executive director reports.

Agenda Item 24 Financial Status Reports:

- A. **Current cash position & projections – No action.**
- B. **Accounts Receivable Summary – No action.**
- C. **Accounts Payable Summary – No action.**
- D. **Employee Accrued Compensation – No action.**
- E. **Budget to Actual at November 30, 2024 – No action.**
- F. **Income/Expense Actual to Budget Comparison as of November 30, 2024 – No action.**
Julie Strandberg provided a summary of the financial reports.

January 16, 2025

G. 2024 Board Audit – For possible action.

Dr. Lurie made a motion to approve the 2024 Board Audit. Dr. Lowden seconded, and the motion passed with all in favor.

H. Name Board Member to sign Attestation – For possible action

Dr. Jaeger nominated and made a motion that Dr. Lurie be the second signature on the attestation. Dr. Ingles seconded, and the motion passed with all in favor.

Agenda Item 25 Board Member Comments – No action.

Dr. Jaeger welcomed and thanked Dr. Lowden for his service to the State of Nevada. Dr. Lurie stated that the Board looks forward to working with Dr. Lowden.

Dr. Lurie reminded the Board, once again, that he will be staying on top of the investigating board members with respect to the investigation of complaints.

Dr. Lurie wished Dr. Canada well and appreciated the service that she provided to the State of Nevada and the Board.

Agenda Item 26 Public Interest Comments – No action.


Dr. Logan Smith referred to SB78 and asked whether anyone had taken the temperature of other Boards, like the Massage Therapy Board, to see if they oppose the chiropractic board being included, because this board might be able to rally some support for this board to be included with other Boards. Dr. Smith also stated that the Board's current process with respect to continuing education works great, and recommended that it remain as is.

Dr. David Rovetti stated that with respect to the pre-payment plans, he just wanted to make sure the Board doesn't do away with patients being able to pay for visits in advance. Dr. Rovetti also brought up the discussion relating to dual fee schedules. Dr. Rovetti stated that he has done several investigations and monitored practices and has never monitored anyone for dual fee schedules, because he has not been able to find a law against fee schedules. Dr. Rovetti asked that if there is a law against dual fee schedules to please let him know and Dr. Lurie stated that he would pass on information. Dr. Ingles referenced that if services are less than \$1000.00 the licensee would not be held to the pre-payment regulations.

Agenda Item 27 Adjournment – For possible action.

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

April 10, 2025



Jason O. Jaeger, D.C.
Secretary-Treasurer