

## MINUTES OF MEETING

A meeting of the Chiropractic Physicians= Board of Nevada was held on Friday, July 21, 2006 in Room 4412 at the Grant Sawyer State Office Building, 555 E. Washington Avenue, Las Vegas, Nevada 89101.

The following Board members were present for the roll call at 1:00 PM:

Stephanie Youngblood, DC, President  
Ian Yamane, DC, Secretary  
ElizaBeth Webb Beyer, RN, JD, Consumer Member  
David Howard, Consumer Member  
Curtis Potts, DC, Member

Vice President Dr. Margaret Colucci arrived at 1:15 PM. Member Dr. Donald Miner was not present. President Youngblood determined that a quorum of the Board was present and called the meeting to order. Also present were Deputy Attorney General David Newton and CPBN Executive Director Cindy Wade.

Dr. Youngblood led the Pledge of Allegiance.

**AGENDA ITEM 1** Ms. Beyer moved for approval of the agenda. Dr. Potts seconded and the motion passed unanimously.

**AGENDA ITEM 2** There was no Public Comment.

**AGENDA ITEM 3** Dr. Yamane moved for approval of the June 17, 2006 meeting minutes. Ms. Beyer seconded the motion. There was discussion about the number of hours of community service that must be performed by Dr. Peter Darvas with respect to his disciplinary matter. It was agreed that Dr. Darvas is required to perform 300 hours of community service.

Mr. Newton informed the Board that Dr. Darvas=s attorney, Brent Harsh, wants to know if the Board is willing to reconsider its previous decision and increase the fine from \$3,000 to \$5,000 in lieu of the 300 hours of community service. By poll of the Board, Drs. Potts, Yamane and Youngblood and Mr. Howard were not in favor and Ms. Beyer was not in favor unless there was new evidence to be presented in the matter.

The motion for approval of the June 17, 2006 meeting minutes passed unanimously.

**AGENDA ITEM 4** Dr. Yamane moved to approve the Board financial reports. Dr. Youngblood seconded the motion and it passed unanimously.

**Agenda Item 5** With respect to the report on Status of Current Probations, David Newton reported that Dr. Mark Rubin=s appeal for judicial review of the Board=s Cease and Desist Order was denied. It will go into effect as soon as it is signed by the Judge, after which Dr. Rubin will have to pay the balance owed to the Board and appear for a hearing at the Board=s next meeting in September. Dr. Yamane moved for approval of the Executive Director reports. Ms. Beyer seconded and the motion passed unanimously.

### **ADMINISTRATIVE AGENDA**

**Agenda Item 6** Dr. Potts reported that there was a miscommunication regarding the proposed settlement arrangements pursuant to Case No. 06-6 in the matter of Bryan C. Hansen, DC, and the matter was postponed.

**Agenda Item 7A** Dr. Colucci made a motion that applicant James M. Earle, DC, has met all of the Board=s requirements for licensure as a Doctor of Chiropractic. Ms. Beyer seconded. Following discussion, the motion was restated by Dr. Youngblood for approval of Dr. Earle=s application because he has met all of the requirements for licensure. Dr. Colucci seconded the motion and it passed unanimously.

**Agenda Item 7B** Ms. Beyer moved to grant a license to James M. Earle, DC. Dr. Colucci seconded the motion and it passed unanimously.

**AGENDA ITEM 8** Dr. Yamane moved for approval of Dr. Kenneth D. Swegman=s application for DC licensure and Mr. Howard seconded. Following discussion about the accreditation requirements with respect to Dr. Swegman=s graduation from Sherman College of Straight Chiropractic in 1988, the motion passed unanimously.

**AGENDA ITEM 9** ElizaBeth Beyer moved to accept 74% as a passing grade for Dr. Mark Mattoon=s law test score as a requirement of his recent disciplinary action, recognizing his 25 years of practice and that he has had no prior disciplinary action. Dr. Potts seconded and the motion passed unanimously.

**Agenda Item 10** Dr. Jamie Spickelmier has requested approval of Dr. Robert L. McClure=s late payment of his license fee. A letter with the same request was received from Dr. McClure on July 20, 2006 and was read for the record. Dr. Colucci moved to not accept Dr. McClure=s late payment and that he be required to re-apply and take the next test if he wishes to pursue licensure. Dr. Yamane seconded the motion which passed with all in favor except Ms. Beyer, who was not in favor.

**Agenda Item 11** Dr. Yamane gave a brief background of the issue of chiropractors being denied by the NIAA to perform school sports physicals. He has obtained the exam forms that are supplied by the US Department of Transportation for use in the performance of physicals for commercial driver=s licenses which includes chiropractors. Dr. Yamane recommended that he send this information to the NIAA with a request for inclusion of chiropractors to perform sports physicals. Dr. Youngblood moved for approval, Dr. Colucci seconded and the motion passed unanimously.

**Agenda Item 12** Dr. Colucci has determined that the Oklahoma Board's attorney is not qualified to counsel this Board on the problems being encountered in the conducting of its investigations, therefore, this matter was not addressed.

**Agenda Item 14** Dr. Colucci reported as Test Committee Chair that she will not be available to conduct the CA tests on August 11, but this will be covered by other Board members. The new regulations have still not been published so the DC and CA tests will cover the old regulations.

**Agenda Item 15** Cindy Wade sent copies of the Board's May 12, 2006 minutes and tape recording to the Homeopathic Board in response to their request. David Newton informed her that there is no requirement that this be done, they could have been required to read the minutes and listen to the tape at the Board's office.

The Board has received inquiries regarding the administration by chiropractors of oxygen therapy and cold laser therapy. These issues need more research and will be addressed at the next meeting. Dr. Yamane will respond to an inquiry about ownership by a chiropractor of a medical/physical therapy/occupational therapy practice that does not offer chiropractic treatment.

The question of whether a licensee who treats only animals and does not carry malpractice insurance should have to meet the requirements of NAC 634.455 will be referred to the Board of Veterinary Medicine.

**Agenda Item 16** Under Board Member Comments, Dr. Colucci recommended that the Board pursue its decision a year ago to look into hiring an outside attorney to assist in getting caught up on our outstanding disciplinary cases. It was agreed that the interview process should resume as soon as possible. Mr. Newton confirmed that the Board has the latitude to hire an outside attorney.

The next meeting will be in Las Vegas on September 8 and 9, 2006.

**Agenda Item 17** There was no public comment.

**Agenda Item 13** A training session on billing, coding, etc., was presented to the Board by Michael Miscoe.

**Agenda Item 18** The meeting adjourned at 7:00 PM.

Approved: September 8, 2006

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Ian K. Yamane, DC, Secretary