

STATE OF NEVADA

JIM GIBBONS
Governor
STEPHANIE YOUNGBLOOD, DC
President
MARGARET COLUCCI, DC
Vice President
IAN YAMANE, DC
Secretary



RICHARD McCANN, J.D.
Consumer Member
DEED HARRISON, DC
Member
PAUL JACKSON
Consumer Member
CURTIS POTTS, DC
Member
CINDY WADE
Executive Director

CHIROPRACTIC PHYSICIANS' BOARD OF NEVADA

4600 Kietzke Lane, Suite M-245

Reno, Nevada 89502

Telephone (775) 688-1921

Fax (775) 688-1920

Voice Mail (775) 688-1919

Website: <http://chirobd.nv.gov>

E-Mail: chirobd@chirobd.nv.gov

July 18, 2007

Via e-mail: admin@lcb.state.nv.us and U.S. Mail

Lorne J. Malkiewich, Director

Legislative Counsel Bureau

401 South Carson St.

Carson City, NV 89701-4747

Re: Quarterly Disciplinary Action Report

Dear Mr. Malkiewich:

Attached is a summary of the disciplinary action taken by the Chiropractic Physicians' Board of Nevada during the preceding quarter of 2007.

Please contact me if you have need of additional information.

Sincerely,

A handwritten signature in cursive script that reads "Cindy Wade".

Cindy Wade

Executive Director

DISCIPLINARY ACTIONS

Todd Dreitzler, DC, License No. B629 - Effective April 13, 2007

On April 13, 2007 Dr. Dreitzler entered into an Agreed Settlement of Disciplinary Action and Order to resolve the issues of a Complaint alleging his involvement in the unprofessional conduct of Drs. Aaron and Kenneth Fust.

Dr. Dreitzler, whose license was automatically suspended for non-renewal on January 1, 2006, shall pay a \$2,500 fine and reimburse the Board's costs within 90 days. He shall not be able to apply to the Board for reinstatement of his chiropractic license until the fine and Board's costs are paid and he has passed National Board Ethics examination.

Aaron Fust, DC, License No. B723 - Effective April 13, 2007

On April 13, 2007 Dr. Aaron Fust entered into an Agreed Settlement of Disciplinary Action and Order in which he admitted to guilt as to the violation of unprofessional conduct under NRS 634.018(11), Unprofessional Conduct, for failure to accurately comply with NRS 629.051 relating to health care records retention, and violations of NRS 616C490(2)(b) and NRS 616C.110(1)(a)(i)(2) for failure to timely notify the Division of Industrial Relations of a rating physician's inability to evaluate a permanent partial disability patient.

Dr. Fust shall serve a three-month suspension and two-year probation, both commencing on April 13, 2007. He shall pay a \$10,000 fine and reimburse the Board's costs within 90 days, and reimburse the Board for the hiring of a Board appointed Compliance Officer to monitor his practice and file written quarterly reports during the probationary period. He shall attend 12 hours of continuing education in Ethics and/or Management within one year, and take and pass the CPBN Law Test by June 30, 2007.

Kenneth Fust, DC, License No. B631 - Effective April 13, 2007

On April 13, 2007 Dr. Kenneth Fust entered into an Agreed Settlement of Disciplinary Action and Order in which he admitted to guilt as to the violation of unprofessional conduct under NRS 634.018(11), Unprofessional Conduct, for failure to accurately comply with NRS 629.051 relating to health care records retention, and violations of NRS 616C490(2)(b) and NRS 616C.110(1)(a)(i)(2) for failure to timely notify the Division of Industrial Relations of a rating physician's inability to evaluate a permanent partial disability patient.

Dr. Fust shall serve a three-month suspension and two-year probation, both commencing on April 13, 2007. He shall pay a \$10,000 fine and reimburse the Board's costs within 90 days, and reimburse the Board for the hiring of a Board appointed Compliance Officer to monitor his practice and file written quarterly reports during the probationary period. He shall attend 12 hours of

continuing education in Ethics and/or Management within one year, and take and pass the CPBN Law Test by June 30, 2007.

Mitchell B. Kane, DC, License No. B781 - Effective June 1, 2007

On June 1, 2007 Dr. Mitchell B. Kane entered into an Agreed Settlement of Disciplinary Action and Order in which he admitted guilt for engaging in unprofessional conduct as precluded by NRS 634.018(14) and NAC 634.430(4)(a) by utilizing the services of a person who was remunerated for referring to Dr. Kane new patients who had been involved in motor vehicle accidents.

Dr. Kane shall pay a \$10,000 fine within 60 days, and reimburse the Board in the amount of \$17,582.22 for its costs in this matter within 30 days. Dr. Kane's chiropractic license was suspended for one month beginning June 1, 2007, after which he will be on probation for three years. During the three year probationary period Dr. Kane's practice will be monitored by a Board-appointed compliance monitor, the cost of which will be borne by Dr. Kane. Dr. Kane will also take and pass the National Chiropractic Board Ethics and Boundaries Examination and the Nevada Law Test within one year.

James T. Overland, Jr., DC, License No. B526 - Effective May 29, 2007

On May 11, 2007 Dr. James T. Overland, Jr., agreed to an Agreed Settlement of Disciplinary Action and Order in which he admitted to guilt as to the violation of unprofessional conduct under NRS 634.018(11), including NAC 634.435(1) by failure to keep clear, complete and accurate patient records, and NAC 634.430(1)(h) by failing to provide patient records upon request.

Dr. Overland agreed to pay a \$10,000 fine by August 12, 2007 and to reimburse the Board in the amount of \$42,006.38 for its costs in this matter, \$21,003.19 of which shall be paid by August 12, 2007 and the balance to be paid in the amount of \$1,666.66 monthly beginning September 12, 2007 until paid in full. Dr. Overland agreed to the suspension of his chiropractic license for one year beginning August 12, 2007; if the fines and costs have not been paid in full at the end of the one year period ending August 12, 2008, the suspension will continue until the fine and costs are paid in full. Following the end of Dr. Overland's suspension, he agreed to be placed on probation for three years during which his practice will be monitored by a Board-appointed compliance monitor, the cost of which will be borne by Dr. Overland. Dr. Overland agreed to take and pass the National Chiropractic Board of Examiners Ethics and Boundaries Examination and attend twelve hours of continuing education on the subject of record keeping within one year of the effective date of the Agreed Settlement.