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CHIROPRACTIC PHYSICIANS' BOARD OF NEVADA

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NOTICE OF PUBLIC WORKSHOP

Intent to Adopt Regulations

NOTICE IS HEREBY GIVEN that the Chiropractic Physicians' Board of Nevada will hold a public workshop to consider amendments to Nevada Administrative Code (NAC) 634. The workshop is scheduled to begin at **10:00 AM on Saturday, October 15, 2011 in Meeting Room A on the first floor of the Marriott's Courtyard, 3275 Paradise Road, Las Vegas, Nevada 89109.** The workshop will be conducted in accordance with NRS 241.020, Nevada's Open Meeting Law.

AGENDA

1. Introduction of workshop process.

Members of the public may make oral comments at this hearing. Persons wishing to submit written testimony or documentary evidence in excess of two typed 8-1/2" x 11" pages must submit the material to the Executive Director, Chiropractic Physicians' Board of Nevada, to be received no later than October 10, 2011, at the following address:

Chiropractic Physicians' Board of Nevada
4600 Kietzke Lane, Suite M245
Reno, Nevada 89502
Facsimile: 775-688-1920

Written comments, testimony, or documentary evidence in excess of two typed pages will not be accepted at the time of the hearing. The purpose of this requirement is to allow adequate time for review of the documents.

2. Internet Website Posting of Statement Regarding Chiropractic Regulations.

The proposed amendments will revise Chapter 634 of the Nevada Administrative Code to address the following:

NAC ch. 634 New language to add provisions related to preceptorships and employment of recent graduates awaiting full licensure.

3. Statement Regarding Proposed Chiropractic Regulation Changes

The proposed amendments will add definitions and requirements for preceptors and chiropractic students supervised by a preceptor and employment of recent graduates awaiting full licensure.

Members of the public who are disabled and require special accommodations or assistance at the meeting are required to notify the Chiropractic Physicians' Board of Nevada, 4600 Kietzke Lane, Suite M245, Reno, Nevada 89502, Telephone: 775-688-1921, at least 24 hours prior to the date of the workshop.

A copy of this notice has been posted at the following locations on September 29, 2011:

1. Chiropractic Physicians' Board of Nevada, 4600 Kietzke Lane, Suite M245, Reno
2. Nevada State Library, 100 Stewart St., Carson City
3. Washoe County Courthouse, 201 S. Virginia St., Reno
4. Grant Sawyer State Office Building, 555 E. Washington Avenue, Las Vegas
5. Chiropractic Physicians' Board of Nevada website: <http://chirobd.nv.gov>

Copies may be obtained in person, by mail, or by calling 775-688-1921.

Copies may also be obtained from any of the public libraries listed below:

Carson City Library
900 North Roop St.
Carson City, NV 89702

Churchill County Library
553 South Main St.
Fallon, NV 89406

Tonopah Public Library
167 Central St.
Tonopah, NV 89049-0449

Clark County District Library
833 Las Vegas Blvd. North
Las Vegas, NV 89101

Douglas County Library
1625 Library Lane
Minden, NV 89423

Washoe County Library
301 S. Center St.
Reno, NV 89505-2151

Elko County Library
720 Court St.
Elko, NV 89801

Esmeralda County Library
Corner of Crook and 4th St.
Goldfield, NV 89013-0484

WhitePine County Library
950 Campton St.
Ely, NV 89301-1965

Eureka Branch Library
210 S. Monroe St.
Eureka, NV 89316-0281

Henderson District Public Library
280 S. Water St.
Henderson, NV 89105

Humboldt County Library
85 East 5th St.
Winnemucca, NV 89445-3095

Lander County Library
625 South Broad St.
Battle Mountain, NV 89820-0141

Lincoln County Library
93 Maine St.
Pioche, NV 89043-0330

Lyon County Library
20 Nevin Way
Yerington, NV 89447-2399

Mineral County Library
110 1st St.
Hawthorne, NV 89415-1390

Pahrump Library District
701 East St.
Pahrump, NV 89041-0578

Pershing County Library
1125 Central Avenue
Lovelock, NV 89419-0781

Storey County Library
95 South R Street
Virginia City, NV 89440-0014

**MOCK-UP OF
PROPOSED REGULATION OF THE
CHIROPRACTIC PHYSICIANS' BOARD OF NEVADA**

LCB File No. R*-10**

August 31, 2011

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

AUTHORITY: §§1, 3 and 4, NRS 634.030; §2, NRS 634.030 and 634.130 and AB 382 (2011).

A REGULATION relating to preceptors; and providing other matters properly relating thereto.

Section 1. NAC chapter 634 is hereby amended to add the following new language:

1. "Preceptor" means a chiropractor who is registered with the board pursuant to AB 382 and this regulation and who will be supervising and responsible for the practice of a chiropractic student pursuant to a preceptor agreement.

2. "Student" means a student in a chiropractic college who will be supervised by a preceptor pursuant to a preceptor agreement.

Sec. 2. NAC chapter 634 is hereby amended to add the following new language:

1. Except as otherwise provided in AB 382 and this section, a student may perform chiropractic as specified in NRS 634.105 if he or she files with the board a registration application provided by the board that contains:

(a) A preliminary transcript or similar written evidence that he or she has successfully completed all of the didactic coursework required for his or her chiropractic college to consider him or her as being enrolled in his or her final academic year;

(b) Written proof from his or her chiropractic college that he or she is in good standing

with his or her chiropractic college;

(c) Written proof from his or her chiropractic college that he or she has completed the hours of clinical work required by the chiropractic college to qualify the student for preceptorship;

(d) A written preceptorship agreement evidencing that he or she has been accepted by a preceptor to practice chiropractic in that preceptor's practice;

(e) The date that the student is to begin working for the preceptor;

(f) The date by which the student intends to complete his or her preceptorship agreement with the preceptor; and

(g) The address or addresses at which the student may perform chiropractic services.

2. The preceptor shall:

(a) Assure that the student is exposed to and allowed to perform all aspects of chiropractic as practiced by the preceptor;

(b) Assume all responsibility and liability for all acts performed by the student; and

(c) Notify the Board within 5 business days after the student left his or her preceptorship and the date that the applicant left.

4. A student shall not:

(a) Diagnose the condition of a patient without the written concurrence of the preceptor in the patient's record;

(b) Establish a plan of treatment or prognosis for a patient without the written concurrence of the preceptor in the patient's record;

(c) Perform any service, except at the direction and direct supervision of a licensee; or

(d) Bill independently of the preceptor for any service rendered.

Sec. 3. NAC chapter 634 is hereby amended to add the following new language:

Before a chiropractor can enter into a preceptorship agreement with a student, the chiropractor must apply with the Board to serve as a preceptor by completing and returning a form provided by the Board. A chiropractor may not serve as a preceptor unless:

- 1. He or she has been practicing chiropractic in Nevada for more than five years;*
- 2. He or she provides evidence to the Board that he or she maintains malpractice insurance of at least \$ _____;*
- 3. He or she has not been disciplined by the Board or the board of any other state in which he or she is licensed for at least 10 years prior to the submittal of the application with the Board; and*
- 4. He or she provides written proof to the Board that he or she has been accepted to serve as preceptor by the chiropractic college attended by the student.*

Sec. 4. NAC chapter 634 is hereby amended to add the following new language:

Before a student may commence any chiropractic services, he must enter into a written preceptorship agreement with a preceptor. The preceptorship agreement must contain at least the following terms and conditions:

- 1. A statement acknowledging that all work performed by the student shall be done only at the direction of the preceptor and under the direct supervision of the preceptor;*
- 2. A statement in which the preceptor agrees to take full liability and responsibility for any and all work performed by the student;*
- 3. A statement by the preceptor that the student will not perform any act prohibited by subsection 4 of section 2;*
- 4. A statement by the student that he will not perform any act prohibited by subsection 4 of*

section 2, even if allowed or ordered to do so by the preceptor; and

5. A statement setting forth the period of time within which the student may be employed pursuant to the agreement, which period should be as brief as is necessary for the student to complete his needed hours and cannot be, in any case, longer than one year.

Sec. 5. NAC chapter 634 is hereby amended to add the following new language:

Any violation of chapter 634 of NRS or this chapter by the student constitutes grounds for the Board to do one or more of the following:

1. Prohibit the student from taking the examination for licensure or to otherwise condition the granting of his or her license;

2. Take appropriate disciplinary action against the preceptor, including but not limited to disallowing the preceptor from serving as a preceptor.

Sec. 6. NAC 634.366 is amended to read as follows:

1. Except as otherwise provided in NAC 634.360, a person may not practice chiropractic or provide services relating to chiropractic to patients unless the person:

(a) Is a licensee;

(b) Holds a valid certificate as a chiropractor's assistant pursuant to NRS 634.123 and the provisions of this chapter;

(c) Is authorized to perform chiropractic pursuant to NRS 634.105 while waiting to take the Board's examination;

(d) Holds a valid temporary license to practice chiropractic pursuant to NRS 634.115; [ø]

(e) Holds a valid license or certificate as a provider of health care that is issued by an agency of this State pursuant to one or more of the chapters of title 54 of NRS [.] ;

(f) Is a student performing such services pursuant to a valid preceptorship agreement.

2. A licensee shall report to the Board any other license, certificate or registration as a provider of health care he obtains pursuant to a chapter of title 54 of NRS other than chapter 634 of NRS within 15 days after the effective date of the license, certificate or registration.

Sec. 7. NAC 638.368, as amended in an uncodified regulation identified as LCB File No. 014-10 (Effective November 2, 2010) is hereby amended as follows:

1. Except as otherwise provided in this section, an applicant for a license to practice chiropractic may perform chiropractic as specified in NRS 634.105 if:

(a) His completed application is on file in the office of the Board and he meets the requirements of NRS 634.090;

(b) The fee for the application has been paid; and

(c) The Board has approved a licensee to supervise the applicant after receiving from that licensee a completed form that is provided by the Board and which sets forth:

(1) The fact of the applicant's employment;

(2) The date that the applicant is to begin working for the supervising licensee;

(3) A statement in which the supervising licensee agrees to take responsibility for the applicant's work;

(4) The assurance of the supervising licensee that [~~chiropractic adjustments or manipulations or~~] any act prohibited by subsection 5 will not be performed by the applicant; and

(5) The statement required pursuant to subsection 2.

2. The supervising licensee shall inform the applicant of the provisions of this section, and the applicant must sign a statement indicating that he has been so informed and that he understands the provisions and agrees to comply with them. The statement must be in substantially the following form:

I,, (name of applicant) am an applicant for a license to practice chiropractic who is waiting to take the Board's examination. I have been informed by my supervising chiropractor (name of supervising chiropractor) of the content of the provisions of NAC 634.368. I understand those provisions, and I agree that I will not perform [~~a chiropractic adjustment or~~] any act prohibited by subsection 5 of NAC 634.368 during this supervisory period.

..... (date) (signature of applicant)

3. An applicant who works for a supervising licensee under the provisions of this section and NRS 634.105 is not required to apply for or obtain a certificate as a chiropractor's assistant.
4. The supervising licensee shall notify the Board within 5 business days after the applicant leaves his employ and the date that the applicant left such employ.
5. In addition to the prohibitions set forth in NRS 634.105, an applicant shall not:
 - (a) Perform any service, except at the direction and direct supervision of a licensee; or
 - (b) Bill independently of the supervising licensee for any service rendered.
6. Any violation of chapter 634 of NRS or this chapter by the applicant constitutes grounds for the Board to:
 - (a) Prohibit the applicant from taking the examination for licensure or place conditions upon the issuance of a license to the applicant; and
 - (b) Take appropriate disciplinary action against the supervising licensee.

Small Business Impact Questionnaire

The following questions pertain to how the changes in the Nevada Administrative Code presented in the enclosure will affect your business. If it is determined that the proposed regulation is likely to impose a direct and significant economic burden upon a small business, or directly restrict the formation, operation or expansion of a small business, then the agency will take any or all of the following actions:

1. Insofar as practicable, consult with owners and officers of affected small businesses,
2. Consider methods to reduce the impact of the proposed regulation, and
3. Prepare a small business impact statement and make copies of the statement available to the public at the workshop conducted and the public hearing held pursuant to NRS 233B.061.

Please answer each of the questions that apply and add any qualifying remarks that may help us to understand your position. Mail or FAX your completed form on or prior to October 10, 2011 to:

**Cindy Wade, Executive Director
Chiropractic Physicians' Board of Nevada
4600 Kietzke Lane, Suite M245
Reno, NV 89502**

Facsimile: 775-688-1920

Your Name _____

Organization _____

Date _____

NRS 233B.0382 "Small Business defined." "Small business" means a business conducted for profit, which employs fewer than 150 full-time or part-time employees.

1. How many employees are currently employed by your business? _____

If more than 150, you will not need to answer the rest of the questions. Please MAIL or FAX questionnaire to the above address. If less than 150, please continue with the remaining questions.

2. Will a specific regulation have an adverse economic effect upon your business?

Yes _____ No _____ Explain: Please list each regulation and explain the impact.

Will the regulation(s) have any beneficial effect upon your business?

Yes _____ No _____ Explain:

3. Do you anticipate any indirect adverse effects upon your business?

Yes _____ No _____ Explain:

4. Do you anticipate any indirect beneficial effects upon your business?

Yes _____ No _____ Explain: