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CHIROPRACTIC PHYSICIANS' BOARD OF NEVADA

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NOTICE OF PUBLIC HEARING TO ADOPT REGULATIONS

**Notice of Hearing for the Adoption of Regulations of the
Chiropractic Physicians' Board of Nevada**

The Chiropractic Physicians' Board of Nevada will hold a **public hearing at 11:00 AM on Saturday, October 13, 2012 in Conference Room I204 of Kietzke Plaza, 4600 Kietzke Lane, Reno, Nevada 89502.** The purpose of the hearing is to receive comments from all interested persons regarding the adoption of regulations that pertain to chapter 634 of the Nevada Administrative Code.

The following information is provided pursuant to the requirements of NRS 233B.0603:

1. The need for and the purpose of the proposed regulation or amendment. The proposed new regulation will revise Chapter 634 of the Nevada Administrative Code to address the following:

NAC 634.xxx "Preceptor" defined.

NAC 634.xxx "Student" defined.

NAC 634.xxx Preceptorship.

NAC 634.135 Fees.

NAC 634.366 Requirements to practice chiropractic or provide services relating to chiropractic; report to Board of any other license, certificate or registration as provider of health care.

NAC 634.368 Practice by applicant waiting to take examination.

The need for these amendments follows:

NAC 634.xxx "Preceptor" defined. The passing of Assembly Bill 382 necessitates establishment of a definition of the term "preceptor."

NAC 634.xxx "Student" defined. The passing of Assembly Bill 382 necessitates establishment of a definition of the term "student."

NAC 634.xxx Preceptorship. **Sec. 3**, No. 2 of Assembly Bill 382 requires the Board to adopt regulations that include, without limitation, (a) The application procedure for participation in the preceptor program; (b) Eligibility requirements for students which are in addition to the requirements set forth in section 4 of AB 382; (c) The form, content and provisions required for a preceptor agreement between a student and a chiropractor; and (d) Eligibility requirements for the approval of a chiropractor to serve as a preceptor which are in addition to the requirements set forth in section 5 of AB 382. These regulations will ensure public safety and will enhance the student's practical experience as well as provide assistance to the preceptor.

NAC 634.135 Fees. The passing of Assembly Bill 382 necessitates establishment of an application fee for a chiropractor to participate as a preceptor in the program to defray the Board's costs of this program.

NAC 634.368 Practice by applicant waiting to take examination. **Sec. 7** of Assembly Bill 382 amended NRS 634.105 to allow an applicant for a license to practice chiropractic while waiting to take the Board's examination to perform chiropractic, including chiropractic adjustments and manipulations, which necessitates a corresponding amendment to the regulation. This enhancement will enable the applicants to maintain their adjusting/manipulation skills while awaiting licensure, and will provide assistance to the supervising chiropractors.

2. A statement explaining how to obtain the approved or revised text of the proposed regulation prepared by the Legislative Counsel pursuant to NRS 233B.063.

Copies of the text of the proposed regulation may be obtained from the Board by:

E-mail addressed to: chirobd@chirobd.nv.gov

Telephone call to: (775) 688-1921

Facsimile request to: (775) 688-1920

U.S. Mail request to: Chiropractic Physicians' Board of Nevada, 4600 Kietzke Lane, Building M, Suite 245, Reno, Nevada 89502

Website access at: chirobd.nv.gov

3. A statement identifying the methods used by the agency in determining the impact on a small business prepared pursuant to subsection 3 of NRS 233B.0608. The Board has held two workshops and one hearing to adopt regulations at which it has received considerable input from affected practitioners and the state's association that represents the chiropractic profession. In the course of the workshops and hearing, the Board has received no testimony or evidence that the regulations will impose a direct and significant economic burden upon a small business or will directly restrict the formation, operation or expansion of a small business. Rather, the regulations are intended to and will have beneficial effects upon the state's chiropractors by authorizing expanded opportunities to licensees to employ students and applicants waiting to take the examination for licensure, while providing appropriate safeguards for public safety. The regulations were previously passed by the Board and were reviewed by the Legislative Commission at its June 29, 2012 meeting. The Legislative Commission sent the regulations to be reheard and reconsidered by the Board at another adoption hearing to allow for full public comment regarding the language that had been passed by the Board and reviewed by the Legislative Commission.

4. The estimated economic effect of the regulation on the business which it is to regulate and on the public. These must be stated separately and in each case must include:

(a) Both adverse and beneficial effects. The changes to establish preceptorships should have a positive effect by allowing undergraduates and graduates to perform chiropractic, including chiropractic adjustments/manipulations, in Nevada while attempting to complete licensure requirements.

(b) Both immediate and long-term effects. Whatever positive effect the regulations may have will be both immediate and long-term.

5. The estimated cost to the agency for enforcement of the proposed regulation. None.

6. A description of and citation to any regulations of other state or local governmental agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary. If the proposed regulation overlaps or duplicates a federal regulation, the notice must include the name of the regulating federal agency. None.

7. If the regulation is required pursuant to federal law, a citation and description of the federal law. None.

8. If the regulation includes provisions which are more stringent than a federal regulation that regulates the same activity, a summary of such provisions. None.

9. Whether the proposed regulation establishes a new fee or increases an existing fee. None.

Persons wishing to comment upon the proposed action of the Chiropractic Physicians' Board of Nevada may appear at the scheduled public hearing or may address their comments, data, views, or arguments, in written form, to Chiropractic Physicians' Board of Nevada, 4600 Kietzke Lane, Building M, Suite 245, Reno, Nevada 89502. Written submissions must be received by the Chiropractic Physicians' Board of Nevada on or before October 3, 2012. If no person who is directly affected by the proposed action appears to request time to make an oral presentation, the Chiropractic Physicians' Board of Nevada may proceed immediately to act upon any written submissions.

A copy of this notice and the regulation to be adopted will be on file at the State Library, 100 Stewart Street, Carson City, Nevada, for inspection by members of the public during business hours. Additional copies of the notice and the regulation to be adopted will be available at the office of the Chiropractic Physicians' Board of Nevada, 4600 Kietzke Lane, Building M, Suite 245, Reno, Nevada 89502, and in all counties in which an office of the agency is not maintained, at the main public library, for inspection and copying by members of the public during business hours. This notice and the text of the proposed regulation are also available in the State of Nevada Register of Administrative Regulations, which is prepared and published monthly by the Legislative Counsel Bureau pursuant to NRS 233B.0653, and on the Internet at <http://www.leg.state.nv.us>. Copies of this notice and the proposed regulation will also be mailed to members of the public upon request. A reasonable fee may be charged for copies if it is deemed necessary. Upon adoption of any regulation, the agency, if requested to do so by an interested person, either before adoption or within 30 days thereafter, will issue a concise statement of the principal reasons for and against its adoption and incorporate therein its reason for overruling the consideration urged against its adoption.

A copy of this notice has been posted at the following locations:

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. Legislative Building, 401 South Carson St., Carson City

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

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

Douglas County Library
1625 Library Lane
Minden, NV 89423

Elko County Library
720 Court St.
Elko, NV 89801

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

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

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

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

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

Per NRS 233B.064(2), upon adoption of any regulations, the agency, if requested to do so by an interested person, either prior to adoption or within 30 days thereafter, shall issue a concise statement of the principal reasons for and against its adoption, and incorporate therein its reason for overruling the consideration urged against its adoption.