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CHIROPRACTIC PHYSICIAN'S BOARD OF NEVADA

4600 Kietzke Lane, M-245 | Reno, Nevada 89502-5000

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NOTICE OF WORKSHOP FOR THE ADOPTION OF REGULATIONS OF THE CHIROPRACTIC PHYSICIANS' BOARD OF NEVADA

NOTICE IS HEREBY GIVEN that the Chiropractic Physicians' Board of Nevada will hold a public workshop at **9:00 a.m. on Tuesday, April 23, 2019 at the Grant Sawyer Building, Room 1100, 555 E. Washington Ave., Las Vegas, Nevada 89101.** The purpose of the workshop is to receive comments from all interested persons regarding the potential adoption of regulations that pertain to chapter 634 of the Nevada Administrative Code.

The purpose of the proposed regulation will make various revisions to Chapter 634 of the Nevada Administrative Code.

Persons wishing to comment upon the proposed action of the Chiropractic Physicians' Board of Nevada may appear at the scheduled public workshop or may address their comments, data, views, or arguments, in written form, to Julie Strandberg, Executive Director, 4600 Kietzke Lane, Suite M245, Reno, NV 89502. Written submissions must be received by the Chiropractic Physicians' Board of Nevada on or before, Tuesday, April 16, 2019. 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.

Members of the public who require special accommodations or assistance at the workshop are required to notify Julie Strandberg, Executive Director, in writing at the Chiropractic Physicians' Board of Nevada, 4600 Kietzke Lane, Suite M245, Reno, Nevada 89502, Telephone: 775-688-1923, no later than Tuesday, April 16, 2019.

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 Chiropractic Physicians' Board of Nevada, 4600 Kietzke Lane, Suite M245, Reno, NV 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.

This notice of workshop has been posted at the following locations:

Chiropractic Physicians' Board of Nevada website: <http://chirobd.nv.gov>
[Notice.nv.gov](http://chirobd.nv.gov)

Chiropractic Physicians' Board of Nevada, 4600 Kietzke Lane, Suite M245, Reno, Nevada 89502

Office of the Attorney General, 100 N. Carson St., Carson City, NV 89701

Office of the Attorney General, Grant Sawyer Bldg., 555 E. Washington Ave., Las Vegas, NV 89101

State Library and Archives, 100 N. Stewart Street, Carson City, NV 89701

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

Carson City Library
900 North Roop St.
Carson City, Nevada 89702-3101

Lincoln County Library
63 Main Street
Pioche, Nevada 89043

Churchill County Library
553 South Main Street
Fallon, Nevada 89406-3306

Lyon County Library System
20 Nevin Way
Yerington, Nevada 89447-2399

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

Mineral County Public Library
P.O. Box 1390
Hawthorne, Nevada 89415

Douglas County Library
1625 Library Lane
Minden, Nevada 89423-0337

Pershing County Library
1125 Central Avenue
Lovelock, Nevada 89419

Elko County Library
720 Court St.
Elko, Nevada 89801

Storey County Public Library (CLOSED
instead, send to the Storey County Clerk's
Office, see below)

Esmeralda County Library
Corner of Crook & 4th Street
P.O. Box 430
Goldfield, Nevada 89013-0430

Storey County Treasurer and Clerk's Office
Drawer D
Virginia City, Nevada 89440

Eureka County Library
10190 Monroe Street
Eureka, Nevada 89316

Tonopah Public Library System
P.O. Box 449
Tonopah, Nevada 89501-2102

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

Washoe County Library System
301 South Center Street
Reno, Nevada 89501-2102

Battle Mountain Branch Library (Lander County)
625 South Broad Street
Battle Mountain, Nevada 89820

White Pine County Library
950 Crampton Street
Ely, Nevada 89301

**PROPOSED REGULATION OF THE
CHIROPRACTIC PHYSICIANS' BOARD OF NEVADA**

LCB File No. R*-18**

September 7, 2018

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

AUTHORITY: NRS 634.030 and 634.014.

A REGULATION relating to ~~the renewal of a chiropractic physician's license and the supervision of persons working in a chiropractic physician's office.~~

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

1. A chiropractic physician shall submit a self-inspection on a form prescribed by the Board between January and March of each year. The completed form must be received no later than March 31 of each year. The board will not accept a form that is not complete at the time of its submittal and will return an incomplete form to the chiropractic physician who submitted it.

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

1. A chiropractic physician shall ensure that each employee of the chiropractic physician who provides services for the patients in the office of the chiropractic physician, other than chiropractic or clerical services, provides those services only under the direct supervision of the chiropractic physician.

2. A chiropractic physician who authorizes an independent contractor to provide services in the office of the chiropractic physician pursuant to the provisions of this section shall establish procedures which ensure that each patient of the chiropractic physician to whom the independent contractor provides services is notified that:

(a) The independent contractor is not an employee of the chiropractic physician;

(b) The services provided by the independent contractor in the office of the chiropractic physician are not provided under the direct supervision or control of the chiropractic physician.

and

(c) ~~The chiropractic physician will not bill the patient or the insurance company of the patient for any services provided by the independent contractor.~~

NAC chapter 634.200 is hereby amended to revise the fee for reinstating a license to practice chiropractic which has been suspended or revoked.

FEES

NAC 634.200 Amount; nonrefundable. ([NRS 634.030](#), [634.115](#), [634.135](#))

1. The Board will charge and collect the following fees:

For an application for a license to practice chiropractic.....	\$200.00
For an examination for a license to practice chiropractic.....	125.00
For an application for, and the issuance of, a certificate as a chiropractor's assistant..	100.00
For an application for a temporary license to practice chiropractic pursuant to NRS 634.115	50.00
For an examination for a certificate as a chiropractor's assistant.....	75.00
For the issuance of a license to practice chiropractic.....	225.00
For the issuance of a temporary license to practice chiropractic pursuant to NRS 634.115	50.00
For the biennial renewal of an active license to practice chiropractic.....	700.00
For the biennial renewal of an inactive license to practice chiropractic.....	250.00
For the biennial renewal of a certificate as a chiropractor's assistant.....	120.00
For the restoration to active status of an inactive license to practice chiropractic.....	300.00
For reinstating a license to practice chiropractic which has been suspended or revoked	500.00
For reinstating a certificate as a chiropractor's assistant which has been suspended or revoked.....	70.00
For reinstating an inactive license to practice chiropractic which has been suspended or revoked.....	200.00
For a review of any subject on the examination.....	25.00
For the issuance of a duplicate license or certificate or for changing the name on a license or certificate.....	35.00
For written verification of licensure or issuance of a certificate of good standing.....	25.00
For providing a list of persons who are licensed to practice chiropractic to a person who is not licensed to practice chiropractic.....	25.00

For providing a list of persons who were licensed to practice chiropractic following the most recent examination of the Board to a person who is not licensed to practice chiropractic	10.00
For a set of mailing labels containing the names and addresses of the persons who are licensed to practice chiropractic in this State.....	35.00
For a check which is made payable to the Board that is dishonored upon presentation for payment.....	25.00
For providing a copy of the statutes, regulations and other rules governing the practice of chiropractic in this State.....	25.00
For a review by the Board of a course offered by a chiropractic school or college or a course of continuing education in chiropractic.....	50.00

NAC chapter 634.385 is hereby amended to omit Section 4 (f).

NAC 634.385 Continuing education of licensees and holders of certificates. ([NRS 634.030, 634.130](#))

1. Except as otherwise provided in subsection 7, the Board may approve or endorse an educational class or a seminar if it is designed to advance the professional skills and knowledge of the chiropractic physicians licensed, or chiropractors' assistants certified, in this State for the purpose of ensuring an optimum quality of chiropractic health care.

2. The Board may approve or endorse the attendance by licensees or holders of certificates, in person or on-line, of an educational seminar or seminars if:

(a) The syllabus and curriculum of the instructors of the seminar or seminars and the required fee are submitted to the Board;

(b) The seminar or seminars provide instruction in conformity with subsection 3 or 4 of [NRS 634.130](#), as applicable;

(c) The seminar or seminars concern the clinical aspects of a practice or another topic that the Board determines to be in the best interest of the public;

(d) The sponsor of the seminar or seminars ensures that each licensee and holder of a certificate who requests credit for continuing education to satisfy the requirement set forth in subsection 3 or 4 of [NRS 634.130](#), as applicable, attends at least 50 minutes of each hour of instruction;

(e) The seminar or seminars are sponsored by:

(1) A chiropractic college which has been accredited by:

(I) The Council on Chiropractic Education; or

(II) Another educational entity that has been approved by the Board;

(2) A state chiropractic board or association;

(3) The American Chiropractic Association, the International Chiropractors Association or the successor of either;

(4) A major hospital, as defined in [NRS 439B.115](#);

(5) An accredited university or college; or

(6) A regulatory body as defined in [NRS 622.060](#); and

~~(f) An original or a copy of a certificate of attendance at the seminar or seminars is provided directly to the Board by the sponsor, or licensee or holder of a certificate, as applicable, on or before January 1 of each odd-numbered year before the issuance of a renewal certificate.~~

3. As an alternative to the method of approval and endorsement provided in subsection 2, the Board will approve and endorse the attendance by licensees or holders of certificates, as applicable,

in person or on-line, of an educational seminar or seminars if the seminar or seminars have been granted recognition status by the Providers of Approved Continuing Education of the Federation of Chiropractic Licensing Boards.

4. The sponsor of the seminar or seminars shall ensure that each licensee or holder of a certificate, as applicable, attending that seminar is in attendance in a timely manner at the start of each lecture. If the sponsor fails to maintain the proper monitoring procedure, such failure may constitute grounds for the Board to withdraw its approval of a current or future seminar or seminars hosted or arranged by that sponsor.

5. The sponsor of a seminar shall allow any representative of the Board to attend all or part of the seminar in order to monitor the content of the course or lecture and the procedures for taking attendance. A representative who is taking the seminar to satisfy the requirements of subsection 3 or 4 of [NRS 634.130](#), as applicable, shall pay the full registration fee.

6. The sponsor of a seminar which has received the approval of the Board shall report to the Board all changes in the seminar as soon as possible.

7. Except as otherwise provided in this subsection, the Board will not award credit for continuing education to a licensee or holder of a certificate, as applicable, for an educational class or seminar that is of a nonclinical nature, including, without limitation, an educational class or seminar regarding the building or management of a chiropractic practice. For the purposes of this subsection, an educational class or seminar regarding proper billing procedures shall not be deemed to be an educational class or seminar regarding the building or management of a chiropractic practice.

8. The Board will not award credit for continuing education to an instructor of an educational class or seminar unless the instructor obtained from the Board approval for such credit before teaching the educational class or seminar.

9. Continuing education hours earned through the completion of a specific educational class or seminar may be counted only once during a calendar year toward the hours of continuing education required by subsection 3 or 4 of [NRS 634.130](#), as applicable, even if the licensee or holder of a certificate completes that class or seminar more than once during that calendar year.

10. The Board will award credit for continuing education to a licensee or a holder of a certificate for all educational classes or seminars which are approved and endorsed by the Board pursuant to this section and are attended by the licensee or holder of a certificate.

[Bd. of Chiropractic Exam'rs, eff. 4-15-63; A 3-19-65; 3-12-71] — (NAC A 7-29-88; 1-31-94; A by Chiropractic Physicians' Bd. by R030-98, 9-10-98; R034-05, 10-31-2005; R101-08, 12-17-2008; R014-10, 5-5-2011; R150-13, 3-28-2014; R010-17, 12-19-2017)

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

NAC 634.XXX Audits by Board.

1. The Board may perform random audits of registrants or audits that are based on complaints or charges against registrants to ensure compliance with the requirements for continuing education.

2. If the Board chooses to conduct an audit of a registrant, the Board will notify the registrant of its decision to conduct an audit. The registrant shall provide to the Board detailed information and documentation concerning the continuing education

units claimed. Falsification of documentation concerning continuing education is grounds for disciplinary action.

NAC chapter 634.635 is hereby amended to omit a portion of Section 2.

NAC 634.635 Pleadings: Complaints. (NRS 634.030, 634.160)

1. A complaint as described in [NRS 634.160](#) may be made against a licensee charging him or her with one or more of the causes set forth in [chapter 634](#) of NRS for which he or she is subject to disciplinary action.

2. The original complaint must be in writing, ~~signed and verified by the person making it~~ and filed with the Executive Director of the Board.

[Bd. of Chiropractic Exam'rs, Rule of Practice No. 5, § 5.4, eff. 12-8-74] — (NAC A 11-23-93; A by Chiropractic Physicians' Bd. by R095-03, 10-22-2003)