

Steve Sisolak
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Jason O. Jaeger, DC
President
Morgan Rovetti, DC
Vice President
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Maggie Colucci, DC
Member
Nicole Canada, DC
Member
Tracy DiFillippo, Esq.
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John Bertoldo, Esq.
Consumer Member
Julie Strandberg
Executive Director

CHIROPRACTIC PHYSICIAN'S BOARD OF NEVADA

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

Phone: (775) 688-1921 | Fax: (775) 688-1920

Website: <http://chirobd.nv.gov> | Email: chirobd@chirobd.nv.gov

NOTICE OF MEETING/WORKSHOP/HEARING

DATE: Thursday, August 29, 2019 **TIME:** 8:30 a.m.

LOCATION: Kietzke Plaza, 4600 Kietzke Lane, Suite G160, Reno, NV 89502

NOTE: ALL AGENDA ITEMS ARE FOR DISCUSSION AND FOR POSSIBLE ACTION UNLESS OTHERWISE NOTED. AGENDA ITEMS MAY BE TAKEN OUT OF ORDER, COMBINED FOR CONSIDERATION BY THE BOARD, OR PULLED OR REMOVED FROM THE AGENDA AT ANY TIME.

AGENDA

Call to order - determine quorum present. Pledge of Allegiance – Dr. Colucci
Statement of Purpose – Dr. Jaeger

Agenda Item 1 Public Interest Comments - No action.

- A. Public Comment will be taken at the beginning and at the end of each Board meeting;
- B. Public Comment may also be taken at other such times as requested so long as the request that Public Comment be taken will not interrupt ongoing Board business;
- C. Depending on the number of individuals wishing to address the Board, a reasonable time limit may be set. The Board will not restrict comments based upon viewpoint;
- D. No action may be taken upon a matter raised during Public Comment until the matter itself has been specifically included on an agenda as an item upon which action may be taken.
- E. Prior to the commencement and conclusion of a contested case or a quasi-judicial proceeding that may affect the due process rights of an individual the Board may refuse to consider public comment as per NRS 233B.126.

August 29, 2019

Agenda Item 2 Approval of agenda – For possible action.

The Board reserves the right to address items in a different order or combine two or more items to accomplish business in the most efficient manner. An item may be removed from the agenda or discussion may be delayed relating to an item at any time.

Agenda Item 3 Approval of the June 13, 2019 Board Meeting Minutes. - For possible action.

Agenda Item 4 PUBLIC HEARING for the adoption of a Regulation to Nevada Administrative Code Chapter 634 will begin at 8:45 a.m. at Kietzke Plaza, 4600 Kietzke Lane, Suite G160, Reno, NV 89502. – For possible action.

Agenda Item 5 PUBLIC WORKSHOP: Will begin at 9:30 a.m. at Kietzke Plaza, 4600 Kietzke Lane, Suite G160, Reno, NV 89502. Discussion to consider amendments to Nevada Administrative Code 634. – For possible action.

Agenda Item 6 Discussion and potential action regarding a policy to set the percentage of licensees to be randomly audited for continuing education for chiropractic physician's and chiropractor's assistants – For possible action.

Agenda Item 7 FCLB/NBCE Matters – For possible action.

- A. District I & IV Meeting – Couer D Alene, ID – October 3-6, 2019
- B. Other FCLB/NBCE Matters

Agenda Item 8 Consideration of attendees at the January 23-26, 2020 FARB Forum in Colorado Springs, CO – For possible action.

Agenda Item 9 Status report regarding anonymous profiles of possible disciplinary actions. Board action will be limited to either dismissing the matter if the Board determines there is no violation, it has no jurisdiction over the subject, or providing direction to pursue the matter further – For possible action:

- A. Complaint 17-24S (Jaeger)
- B. Complaint 17-28S (Colucci)
- C. Complaint 18-08S (Jaeger)
- D. Complaint 18-11S (Jaeger)
- E. Complaint 18-12S (Jaeger)
- F. Complaint 18-13S (Rovetti)
- G. Complaint 18-15S (Jaeger)
- H. Complaint 18-17S (Jaeger)
- I. Complaint 18-18N (Martinez)
- J. Complaint 19-01N (Martinez)
- K. Complaint 19-03S (Jaeger)
- L. Complaint 19-04N (Canada)
- M. Complaint 19-05S (Canada)
- N. Complaint 19-06S (Colucci)
- O. Complaint 19-07S (Colucci)

August 29, 2019

Agenda Item 10 Committee Reports

- A. Continuing Education Committee (Dr. Martinez) – For possible action.
- B. Legislative Committee (Dr. Jaeger) – For possible action.
- C. Preceptorship Committee (Dr. Rovetti) – For possible action.
- D. Test Committee (Dr. Rovetti) - For possible action.

Agenda Item 11 Discussion and potential action regarding CA applicants who misrepresent response(s) on their application – For possible action.

Agenda Item 12 Discussion and potential action regarding the power poll results regarding education received in a foreign country. – For possible action.

Agenda Item 13 Correspondence Report – No action.

Agenda Item 14 Public Interest Comments – No action.

This portion of the meeting is open to the public to speak on any topic NOT on today’s agenda and may be limited to 3 minutes.

Agenda Item 15 Adjournment – For possible action.

This agenda posted August 23, 2019 at the Chiropractic Physicians’ Board of Nevada, 4600 Kietzke Lane, Suite M245, Reno, Nevada 89502; Office of the Attorney General, 100 North Carson Street, Carson City, Nevada 89701; Office of the Attorney General, 555, East Washington Avenue, Las Vegas, Nevada 89101; State Library and Archives, 100 North Stewart St., Carson City, Nevada 89701; CPBN Website: <http://chirobd.nv.gov>; and Notice.nv.gov.

A request for copies of an agenda and/or a supporting document or documents may be obtained from:

Julie Strandberg, Executive Director
Chiropractic Physicians’ Board of Nevada
775-688-1921

by picking up the document(s), or by mailing a written request to:

Chiropractic Physicians’ Board of Nevada Attention: Julie Strandberg
4600 Kietzke Lane, Suite M245
Reno, Nevada 89502

by faxing a request to: Julie Strandberg at: Facsimile No.: 775-688-1920

or by e-mailing a request to Julie Strandberg at: chirobd@chirobd.nv.gov

Note: “A request for notice lapses 6 months after it is made”: NRS 241.020.3(b). Mailing a copy of the Chiropractic Physicians’ Board meeting agendas will not be continued unless a request for reinstatement on the mailing list is submitted in writing every 6 months.

CHIROPRACTIC PHYSICIANS' BOARD OF NEVADA

AGENDA ACTION SHEET

TITLE: **Agenda Item 1 Public Interest Comments – No action.**

- A. Public Comment will be taken at the beginning and at the end of each Board meeting;**
- B. Public Comment may also be taken at other such times as requested so long as the request that Public Comment be taken will not interrupt ongoing Board business;**
- C. Depending on the number of individuals wishing to address the Board, a reasonable time limit may be set. The Board will not restrict comments based upon viewpoint;**
- D. No action may be taken upon a matter raised during Public Comment until the matter itself has been specifically included on an agenda as an item upon which action may be taken.**
- E. Prior to the commencement and conclusion of a contested case or a quasi-judicial proceeding that may affect the due process rights of an individual the Board may refuse to consider public comment as per NRS 233B.126.**

RECOMMENDED MOTION: **Non-Action item.**

PRESENTED BY: **Jason O. Jaeger, DC**

MEETING DATE: **August 29, 2019**

TIME REQUIRED: **3 minutes per person per topic**

BACKGROUND INFORMATION: **The public may speak to the Board about any topic not on the agenda but no action may be taken.**

REVIEWED BY: President Secretary Executive Director

ACTION: Approved Approved w/Modifications Denied Continued

CHIROPRACTIC PHYSICIANS' BOARD OF NEVADA

AGENDA ACTION SHEET

TITLE: **Agenda Item 2** Approval of Agenda – For possible action.

The Board reserves the right to address items in a different order or combine two or more items to accomplish business in the most efficient manner. An item may be removed from the agenda or discussion may be delayed relating to an item at any time.

RECOMMENDED MOTION: **No recommendation.**

PRESENTED BY: **Jason O. Jaeger, DC**

MEETING DATE: **August 29, 2019**

TIME REQUIRED: **5 minutes**

BACKGROUND INFORMATION: **Agenda items may be addressed out of order to accommodate those present.**

REVIEWED BY: President Secretary Executive Director

ACTION: Approved Approved w/Modifications Denied Continued

CHIROPRACTIC PHYSICIANS' BOARD OF NEVADA

AGENDA ACTION SHEET

TITLE: **Agenda Item 3** Approval of the June 13, 2019 Meeting Minutes. - For possible action.

RECOMMENDED MOTION: **Approve the minutes of the June 13, 2019 meeting as drafted.**

PRESENTED BY: **Jason Jaeger, DC**

MEETING DATE: **August 29, 2019**

TIME REQUIRED: **5 minutes**

BACKGROUND INFORMATION:

REVIEWED BY: President Secretary Executive Director

ACTION: Approved Approved w/Modifications Denied Continued

Agenda Item 3

Steve Sisolak
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Secretary-Treasurer



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MEETING MINUTES

A meeting of the Chiropractic Physicians' Board was held on Thursday, June 13, 2019 via teleconference at Kietzke Plaza, 4600 Kietzke Lane, Suite M245, Reno, NV 89502.

The following Board members were present at roll call:

Jason O. Jaeger, DC, President
Morgan Rovetti, DC, Vice President
Xavier Martinez, DC, Secretary-Treasurer
Maggie Colucci, DC, Member
Nicole Canada, DC, Member

Also present were Board Counsel, Louis Ling, Esq. and Executive Director, Julie Strandberg.

President, Dr. Jaeger determined a quorum was present and called the meeting to order at 8:01 a.m.

Dr. Canada led those present in the Pledge of Allegiance. Dr. Colucci stated the Purpose of the Board.

Dr. Jaeger stated to mark Tracy DiFillippo, Esq. present.

Agenda Item 1 Public Interest Comments - No action.

There were no public comments.

Agenda Item 2 Approval of agenda – For possible action.

Dr. Colucci moved to approve the agenda. Ms. DiFillippo seconded, and the motion passed with all in favor.

Agenda Item 3 Approval of the April 23, 2019 Board Meeting Minutes. - For possible action.

Ms. DiFillippo moved to approve the April 23, 2019 meeting minutes. Dr. Canada seconded, and the motion passed with all in favor.

Agenda Item 5 Legislative Matters – For possible action.

Dan Musgrove provided the Board with a report on final legislation that affected the Board.

Agenda Item 12 Committee Reports

B. Legislative Committee (Dr. Jaeger) – For possible action.

Dr. Jaeger made comments with respect to his experience as the legislative chair. Dr. Jaeger also confirmed that the Boards' bill was approved as submitted to include dry needling.

Agenda Item 6 Discussion and potential action regarding the continuation of the existing contract for lobbyist services with Strategies 360 – Dan Musgrove. For possible action.

Dr. Jaeger moved to approve the contract with Strategies 360. Dr. Canada seconded. Dr. Rovetti stated concern regarding the renewal of the contract with Strategies 360/Dan Musgrove due to Mr. Musgrove's negative response with respect to representing another chiropractic bill. Dr. Rovetti indicated that based on legislative record Mr. Musgrove stated that he was representing a group of chiropractors and physicians, and due to that reason she will vote against approving the contract with Strategies 360. Mr. Musgrove apologized for the misunderstanding or any misrepresentation. Mr. Musgrove provided full disclosure, stating that he worked on SB436, which allows DC's to be included in the co-ownership of a medical practice. The motion to approve the contract with Strategies 360 passed with all in favor, with the exception of Dr. Rovetti, who opposed.

Dr. Jaeger excused himself from the remainder of the meeting.

Agenda Item 4 Ratification of granting of DC licenses to applicants who passed the examination from April to June 2019 – For possible action.

Dr. Martinez moved to approve the ratification of granting of DC licenses to those who passed the examination from April to June 2019. Ms. DiFillippo seconded, and the motion passed with all in favor.

Agenda Item 7 Discussion and potential action regarding the Application for Re-activation of DC license for Dan F. Stellavato, DC - For possible action. (Note: The Board may go into closed session pursuant to NRS 241 to consider the character alleged misconduct, or professional competence of Dr. Stellavato)

Dr. Rovetti welcomed Dr. Stellavato and gave him the opportunity to go into closed session, and he denied. Dr. Rovetti asked Dr. Stellavato to provide the Board with his background. Following discussion, Dr. Rovetti made a motion that Dr. Stellavato take and pass the SPEC and the Nevada jurisprudence exam. Dr. Canada seconded, and the motion passed with all in favor.

Agenda Item 8 Discussion and potential action regarding the Matter of James Overland Jr., DC - For possible action. (Note: The Board may go into closed session pursuant to NRS 241 to consider the character alleged misconduct, or professional competence of Dr. Overland)

Dr. Rovetti welcomed Dr. Overland Jr. and gave him the opportunity to go into closed session, and he denied. Dr. Overland Jr. stated that he had taken and passed the SPEC exam and

the scores have been received by the Board. Dr. Overland Jr. stated that he had also taken Part IV of the National Boards' and the results will be available July 2019.

Agenda Item 9 Board Counsel Report – No action.

Mr. Ling stated that he had nothing to report.

Agenda Item 10 NCA Report – No action.

Dr. Peter Randall reported on behalf of the NCA. Dr. Randall stated that the NCA will be holding a CA review course prior to the August exam. The NCA's annual seminar will be held in September in Reno, however the date and location have not been announced. Dr. Randall reported that the NCA and the CPBN were able to get CA's exempt from the radiology bill and the NCA opposed the mandatory immunization bill, which did not go forward.

Agenda Item 11 NCC Report – No action.

There was not a representative from the NCC in attendance.

Agenda Item 12 Committee Reports

A. Continuing Education Committee (Dr. Martinez) – For possible action.

Dr. Martinez stated that he did not have anything to report.

C. Preceptorship Committee (Dr. Rovetti) – For possible action.

Dr. Rovetti stated that she did not have anything to report.

D. Test Committee (Dr. Rovetti) - For possible action.

Dr. Rovetti stated that the next CA exam will be held on August 1, 2019.

Agenda Item 13 Discussion regarding the chiropractor's assistant program – No action.

Dr. Rovetti stated that she would like to present her ideas and the direction she sees the CA program and testing going. Dr. Rovetti feels that based on the existing guidelines it doesn't appear that the public is being properly protected. Dr. Rovetti proposed that all chiropractors who employ CA's be required to maintain malpractice insurance so the responsibility is on the DC, who has the necessary training. Dr. Colucci recommended that the associations consider providing a CA training program. Ms. DiFillippo inquired whether the Board had received any CA complaints during the 15 day application time period or during the six-month training period while waiting to take the exams. Julie Strandberg confirmed that the Board had not. Mr. Ling reminded the Board that NAC 634.3475 (2) is already in place, which states that the DC is responsible for the acts performed by the CA. Mr. Ling recommended that the Board look into accepting applicants who have completed the medical assistant training, as well as including on-the-job training. Dr. Rovetti asked whether the Board sees the CA's as a risk. Dr. Rovetti recommended mandatory registration before a CA starts putting their hands on patients, implement a training program for the CA's, and remove the ability for CA's to take x-rays.

Agenda Item 14 Discussion and potential action regarding the grading of the CA and DC written exams – For possible action

Julie Strandberg stated that Board staff needs a means to grade the in-person written exams and asked if anyone had any recommendations. Julie Strandberg stated that Dr. Rovetti recommended using the scantron system, however the cost is approximately \$500-\$1,000. Dr. Colucci and Ms. DiFillippo expressed concern with spending that much on potentially a temporary

solution. Dr. Rovetti made a motion to pursue purchasing a scantron machine for grading the exams. Dr. Canada seconded. Julie Strandberg recommended that she would work with Dr. Martinez on the purchase of the grading system. The motion to approve the purchase of the scantron machine passed with all in favor with the exception of Dr. Colucci and Ms. DiFillippo, who opposed.

Agenda Item 15 Discussion and potential action regarding CA applicants who misrepresent response(s) on their application – For possible action.

Dr. Martinez stated that when a CA misrepresents a response on their application there are not any consequences, so he would like to standardize the process. Dr. Martinez recommended that the applicant be given a two-hour reading assignment of an ethical situation and allow them to select a multiple choice answer illustrating the appropriate action, or allow the applicant to be heard before the Board. Mr. Ling confirmed that the Board may prepare standard language giving the CA the option. Ms. DiFillippo stated that she feels that it is important that the CA be heard before the Board. Dr. Martinez made a motion to table this agenda item. Dr. Rovetti seconded, and the motion passed with all in favor.

2:20Agenda Item 16 Discussion and potential action regarding additions, deletions and/or amendments to NRS 634 and NAC 634 – For possible action.

A. NAC 634.385 – Continuing Education

Dr. Martinez recommended to revise NAC 634.385, to allow for additional discretion by the Continuing Education committee. Mr. Ling stated that he would work with Dr. Martinez to prepare a revision to NAC for the next Board meeting.

Agenda Item 17 Executive Director Reports:

- A. Status of Pending Complaints – No action.**
- B. Status of Current Disciplinary Actions – No action.**
- C. Legal/Investigatory Costs – No action.**

Julie Strandberg gave an overview of the Executive Director Reports.

Agenda Item 18 Financial Status Reports:

- A. Current cash position & projections – No action.**
- B. Accounts Receivable Summary – No action.**
- C. Accounts Payable Summary – No action.**
- D. Employee Accrued Compensation – No action.**
- E. Income/Expense Actual to Budget Comparison as of April 30, 2019 – No action.**
- F. Correction to the GL Suite monthly cost.**
- G. Correction to Brett Canady's salary calculation.**

Julie Strandberg gave an overview of the financial status reports and made corrections to comments made during the April 23, 2019 Board meeting, with respect to the monthly cost of GL Suite and the miscalculation of Ms. Canady's salary adjustment.

Agenda Item 19 Correspondence Report – No action.

Julie Strandberg stated that the attached correspondence were highlights from the FCLB's Annual Educational Congress held May 2019.

June 13, 2019 Board Meeting Minutes

Agenda Item 20 Public Interest Comments – No action.

There were no public interest comments.

Agenda Item 21 Adjournment – For possible action.

Dr. Rovetti moved to adjourn the meeting. Dr. Martinez seconded, and the motion passed unanimously.

August 29, 2019

Xavier Martinez, DC

CHIROPRACTIC PHYSICIANS' BOARD OF NEVADA

AGENDA ACTION SHEET

TITLE: **Agenda Item 4 PUBLIC HEARING for the adoption of a Regulation to Nevada Administrative Code Chapter 634 will begin at 8:45 a.m. at the Kietzke Plaza, 4600 Kietzke Lane, Suite G160, Reno, NV 89502. – For possible action.**

RECOMMENDED MOTION:

PRESENTED BY: **Jason O. Jaeger, DC**

MEETING DATE: **August 29, 2019**

TIME REQUIRED: **45 minutes**

BACKGROUND INFORMATION:

REVIEWED BY: X President X Secretary X Executive Director

ACTION: Approved Approved w/Modifications Denied Continued

Agenda Item 4

Steve Sisolak
Governor



Jason O. Jaeger, DC
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Morgan Rovetti, DC
Vice President
Xavier Martinez, DC
Secretary-Treasurer

Maggie Colucci, DC
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Nicole Harmel, DC
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NOTICE OF INTENT TO ACT UPON A PROPOSED REGULATION R007-19

Notice of Hearing for the Adoption of a Regulation of the Chiropractic Physicians' Board of Nevada

Intent to Adopt Regulation

NOTICE IS HEREBY GIVEN that the Chiropractic Physicians' Board of Nevada will hold a public hearing to consider amendments to Nevada Administrative Code (NAC) 634. The hearing is scheduled to begin at **8:45 a.m. on Thursday, August 29, 2019 at the Kietzke Plaza, 4600 Kietzke Lane, Suite G160, Reno, NV 89502.** The purpose of the hearing is to receive comments from all interested persons regarding the adoption of a regulation that pertains to Chapter 634 of the Nevada Administrative Code, LCB File No. R007-19.

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

1. The need for and the purpose of the proposed regulation.

The purpose of the proposed regulation is to clarify provisions related to continuing education for chiropractic physicians and to clarify provisions related to how the Board will process certain complaints made to the Board. In both cases, it is the Board's intent to make the regulations less burdensome and clearer.

2. Either the terms or substance of the proposed regulation or a description of the subjects and issues involved.

NAC 634. **Section 2:** *Requires each chiropractic physician who is licensed pursuant to chapter 634 of NRS to annually submit a self-inspection form containing certain information regarding the practice of the licensee.*

NAC 634 **Section 4:** *Requires a licensee to ensure that his or her employees who provide certain services to a patient provide those services only under the direct supervision of the licensee. Section 4 also prohibits a licensee from authorizing an independent contractor to provide services to a patient in the office of the licensee unless the licensee has established procedures to notify the patient of certain information regarding the independent contractor's provision of those services.*

- NAC 634 *Existing regulations set forth certain requirements for the approval or endorsement of educational seminars that satisfy continuing education requirements. (NAC 634.385) Section 5 of this regulation eliminates the requirement that an original or copy of a certificate of attendance at a seminar be provided to the Board.*
- NAC 634. *Section 3: of this regulation provides that the Board may perform random audits of licensees and chiropractor's assistants to ensure compliance with requirements for continuing education.*
- NAC 634. *Section 6: of this regulation provides that the falsification of documentation concerning continuing education will be interpreted by the Board as a form of unprofessional conduct for the purposes of imposing disciplinary action.*
- NAC 634 *Existing law authorizes the anonymous filing of complaints alleging grounds for disciplinary action against a person practicing chiropractic in this State. (NRS 634.160) Existing regulations require a complaint to be signed and verified by the person making the complaint. (NAC 634.635) Section 7 of this regulation eliminates these signature and verification requirements to conform with statute.*

3. If the proposed regulation is a permanent regulation, 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.

The text of the proposed regulation may be inspected and copied at the office of the Chiropractic Physicians' Board of Nevada, 4600 Kietzke Lane, Suite M245, Reno, NV 89502. Text of the proposed regulation may also be inspected online at <http://chirobd.nv.gov> or <http://leg.state.nv.us/register/2019Register/R007-19P.pdf>.

4. A statement of 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.

There are no anticipated adverse or beneficial economic effects on the chiropractic profession or public.

- (b) Both immediate and long term effects.

There are no anticipated immediate or long term economic effects on the chiropractic profession or public.

5. A statement identifying the methods used by the Chiropractic Physicians' Board in determining the impact on a small business prepared pursuant to subsection 3 of NRS 233B.0608:

The CPBN's intent to consider potential additions, deletions, and amendments to NAC Chapter 634 was published on the agenda for the April 23, 2019 meeting. Representatives of the Nevada Chiropractic Association and the Nevada Chiropractic Council were present at this meeting, but neither testified or otherwise raised any concerns with the proposed regulation.

Copies of the April 23, 2019 Notice of Public Workshop to Consider the Proposed Regulation Changes and the Proposed Regulation Changes were e-mailed to all licensee's and chiropractor's assistants, whose email addresses are on file with the CPBN and were mailed to Nevada libraries. Three written responses were received, but none of the responses indicated that the regulation would have an effect positively or negatively on small businesses. Rather, the responses addressed concerns with the section of the regulation relating to the changes in the Board's complaint processing.

6. The estimated cost to the agency for enforcement of the proposed regulation.

There will be no significant cost to the Chiropractic Physicians' Board for enforcement of the proposed regulation.

7. A description of any regulations of other state or local government agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary. If the regulation overlaps or duplicates a federal regulation, the notice must include the name of the regulating federal agency.

The Chiropractic Physicians' Board is not aware of any similar regulations of other state or government agencies that the proposed regulations overlap or duplicate.

8. If the regulation is required pursuant to federal law, a citation and description of the federal law.

This proposed regulation is not required by federal law.

9. If the regulation includes provisions which are more stringent than a federal regulation that regulates the same activity, a summary of such provisions.

This proposed regulation does not include any provision that is more stringent than a federal regulation that regulates the same activity.

10. The time when, the place where and the manner in which interested persons may present their views regarding the proposed regulation.

Persons wishing to comment upon the proposed action of the Chiropractic Physicians' Board of Nevada may appear and make oral comment at the scheduled public hearing, or may address their comments, data, views, or arguments, in written form, to the Chiropractic Physicians' Board of Nevada, Attention: Julie Strandberg, 4600 Kietzke Lane, Suite M245, Reno, Nevada 89502-5000, by fax at 775-688-1920, or by email: chirobd@chirobd.nv.gov. Written submissions must be received by the Chiropractic Physicians' Board on or before August 22, 2019. If no person who is directly affected by the proposed action appears to request to make an oral presentation, the Chiropractic Physicians' Board may proceed immediately to act upon any written submission.

Copies of the notice and the regulations to be adopted or amended will be available at the Chiropractic Physicians' Board of Nevada, 4600 Kietzke Lane, Suite M245, Reno, NV 89502. A copy of this notice and the regulation to be adopted or amended has been submitted for posting for inspection by members of the public during business hours at the Nevada State Library and Archives, 100 Stewart Street, Carson City, NV 89701, and all counties at the main public library. Copies of this notice and the proposed regulation will be mailed to members of the public upon request.

This notice and the text of the proposed regulation has been submitted to 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.us>. This information is also available at the Chiropractic Physicians' Boards' website at <http://chirobd.nv.gov>.

Upon adoption of any regulation, the agency, if requested to do so by an interested person either before adoption 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 of intent to act upon a regulation has been emailed to all licensees and chiropractor's assistants whose email addresses are registered with the Chiropractic Physicians' Board, and mailed to all persons who have requested in writing that they be placed upon a mailing list, which is maintained by the Chiropractic Physicians' Board for this purpose.

A copy of this notice has been posted at the following locations on August 26, 2019:

<i>Carson City Public Library - Carson City, NV.</i>	<i>Churchill County Public Library - Fallon, NV.</i>
<i>Clark County Library- Las Vegas, NV.</i>	<i>Battle Mt. Public Library - Battle Mt., NV.</i>
<i>Douglas County Public Library - Minden, NV.</i>	<i>Goldfield Public Library - Goldfield, NV.</i>
<i>Humboldt County Pub Libr. - Winnemucca, NV</i>	<i>Lyon County Public Library - Yerington, NV</i>
<i>Elko County Public Library - Elko, NV</i>	<i>Eureka Branch Public Library - Eureka, NV</i>
<i>Lincoln County Public Library - Pioche, NV</i>	<i>Mineral County Public Library - Hawthorne, NV</i>
<i>Pershing County Public Library - Lovelock, NV</i>	<i>Storey County Public Library - Virginia City, NV</i>
<i>Tonopah Public Library - Tonopah, NV</i>	<i>Washoe County Public Library - Reno, NV</i>
<i>White Pine County Public Library - Ely, NV</i>	<i>Office of the Attorney General - Las Vegas, NV</i>
<i>Office of the Attorney General - Reno, NV</i>	<i>Grant Sawyer Office Bldg., Las Vegas, NV</i>
<i>Chiropractic Physicians' Board of Nevada</i>	

Copies may be obtained in person, by mail, or by calling 775-688-1923.

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

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

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

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

Elko County Library
720 Court St.
Elko, Nevada 89801

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

Eureka County Library
10190 Monroe Street
Eureka, Nevada 89316

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

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

Lincoln County Library
63 Main Street
Pioche, Nevada 89043

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

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

Pershing County Library
1125 Central Avenue
Lovelock, Nevada 89419

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

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

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

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

White Pine County Library
950 Crampton Street
Ely, Nevada 89301

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

LCB File No. R007-19

June 25, 2019

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

AUTHORITY: §§2, 4, 6 and 7, NRS 634.030; §§3 and 5, NRS 634.030 and 634.130, as amended by section 6 of Assembly Bill No. 457, chapter 365, Statutes of Nevada 2019, at page _____.

A REGULATION relating to chiropractors; requiring chiropractic physicians to annually submit certain forms regarding their practices; providing for random audits to ensure compliance with continuing education requirements; establishing certain requirements and prohibitions relating to the provision of certain services to patients of a chiropractic physician; revising the requirements for the approval or endorsement of seminars for continuing education; revising provisions regarding the acts which will be interpreted by the Chiropractic Physicians' Board of Nevada as being included within unprofessional conduct for the purposes of imposing disciplinary action; eliminating certain requirements for the filing of certain complaints; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 2 of this regulation requires each chiropractic physician who is licensed pursuant to chapter 634 of NRS to annually submit a self-inspection form containing certain information regarding the practice of the licensee.

Section 4 of this regulation requires a licensee to ensure that his or her employees who provide certain services to a patient provide those services only under the direct supervision of the licensee. **Section 4** also prohibits a licensee from authorizing an independent contractor to provide services to a patient in the office of the licensee unless the licensee has established procedures to notify the patient of certain information regarding the independent contractor's provision of those services.

Existing regulations set forth certain requirements for the approval or endorsement of educational seminars that satisfy continuing education requirements. (NAC 634.385) **Section 5**

of this regulation eliminates the requirement that an original or copy of a certificate of attendance at a seminar be provided to the Board.

Section 3 of this regulation provides that the Board may perform random audits of licensees and chiropractor's assistants to ensure compliance with requirements for continuing education.

Section 6 of this regulation provides that the falsification of documentation concerning continuing education will be interpreted by the Board as a form of unprofessional conduct for the purposes of imposing disciplinary action.

Existing law authorizes the anonymous filing of complaints alleging grounds for disciplinary action against a person practicing chiropractic in this State. (NRS 634.160) Existing regulations require a complaint to be signed and verified by the person making the complaint. (NAC 634.635) **Section 7** of this regulation eliminates these signature and verification requirements to conform with statute.

Section 1. Chapter 634 of NAC is hereby amended by adding thereto the provisions set forth as sections 2, 3 and 4 of this regulation.

Sec. 2. *Each licensee shall annually submit a self-inspection form prescribed by the Board. The self-inspection form must be received by the Board between January 1 and March 31. The Board will reject a self-inspection form submitted pursuant to this section if the form is incomplete.*

Sec. 3. 1. *The Board may perform random audits of licensees and chiropractor's assistants or audits that are based on complaints or charges against licensees or chiropractor's assistants to ensure compliance with the requirements for continuing education.*

2. *If the Board chooses to conduct an audit of a licensee or chiropractor's assistant, the Board will notify the licensee or chiropractor's assistant, as applicable, of its decision to conduct an audit. The licensee or chiropractor's assistant, as applicable, shall provide to the*

Board detailed information and documentation concerning the hours of continuing education claimed.

Sec. 4. 1. *A licensee shall ensure that each of his or her employees who provides services other than chiropractic or clerical services to a patient of the licensee provides those services only under the direct supervision of the licensee.*

2. *A licensee shall not authorize an independent contractor to provide services to a patient in the office of the licensee unless the licensee has established procedures to ensure that the patient is notified that:*

(a) The independent contractor is not an employee of the licensee; and

(b) The services are not provided under the direct supervision or control of the licensee.

Sec. 5. NAC 634.385 is hereby amended to read as follows:

634.385 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; *and*

(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.

Sec. 6. NAC 634.430 is hereby amended to read as follows:

634.430 1. As used in subsection 10 of NRS 634.018, the Board will interpret the phrase “conduct unbecoming a person licensed to practice chiropractic or detrimental to the best interests of the public” to include, without limitation:

(a) Engaging in or soliciting sexual misconduct.

(b) Performing any chiropractic service on a patient who is under the age of 18 years without first obtaining the consent of the parent or legal guardian of that patient if the consent is required pursuant to NRS 129.030.

(c) Performing manipulation on a patient under anesthesia without complying with the requirements set forth in NAC 634.3665.

(d) Entering into a financial agreement or making a financial arrangement with a potential or existing patient as an inducement to enter into or continue care. This paragraph does not prohibit a licensee from providing complimentary chiropractic services to an existing patient.

(e) Participating in any verbal or written arrangement that involves capping or fee splitting.

(f) Engaging in practices regarding the billing of patients or the making of claims under a contract of insurance that are abusive or fraudulent, or both, including, without limitation:

(1) Billing patients or making claims under a contract of insurance for chiropractic services that have not been performed.

(2) Billing patients or making claims under a contract of insurance in a manner which misrepresents the nature of the chiropractic services that have been performed.

(3) Submitting to patients or carriers of insurance bills or claims which fail to disclose pertinent information or which contain false information, including, without limitation:

(I) Failing to disclose to a patient that a bill has already been paid, in full or in part, by a carrier of insurance.

(II) Failing to disclose to a carrier of insurance that a claim has already been paid, in full or in part, by a different carrier of insurance.

(III) Stating falsely that the injury of a patient is the result of an accident or work-related incident.

(g) Engaging in a practice of waiving, abrogating or rebating the deductible or copayment required to be paid by a policy of insurance or a third party if the practice is used as a device for advertising or marketing, or both.

(h) Failing to make any report or record available to the Board upon lawful request, failing to cooperate with any investigation by the Board or knowingly giving false information to the Board ~~H~~, *including, without limitation, falsifying documentation concerning continuing education.*

(i) Failing to make any report or record available to another licensee, practitioner, patient or institution upon a lawful request to do so in compliance with the provisions of chapter 629 of NRS.

(j) Being delinquent in the payment of a judgment for the payment of child support pursuant to chapter 425 of NRS or being subject to a court order for the support of one or more children and not complying with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order.

(k) Being in default on the payment of a student loan.

(l) Violating the rules or regulations of a federal program that relates to the practice of chiropractic.

(m) Engaging in fraud, misrepresentation or deception in any business affairs that relate to the practice of chiropractic.

(n) Allowing a person to:

(1) Perform chiropractic services; or

(2) Engage in any aspect of the provision of chiropractic care to patients,

↪ if that person is not authorized to perform such services or provide such care pursuant to this chapter and chapter 634 of NRS. The prohibition set forth in this paragraph does not apply to a

person who is licensed or certified as a provider of health care pursuant to one or more of the chapters of title 54 of NRS.

(o) Engaging with a patient in a romantic or dating relationship unless the patient is the spouse of the licensee.

(p) Examining or treating the anus, breast or genitalia of a patient without first:

(1) Obtaining from the patient an informed consent that refers to the specific procedures that will be performed on those parts of the body of the patient; and

(2) Making a note of such consent in the record of the patient.

(q) Violating a provision of a chapter of title 54 of NRS other than chapter 634 of NRS pursuant to which the licensee holds a license or certificate as a provider of health care.

(r) Knowingly giving a false or factually unsupported opinion in a peer review, records review, independent medical examination or chiropractic examination for the purpose of reducing a payment or reimbursement to a licensee for the care or treatment of a patient.

(s) Failing to either post a written disclosure or give a written disclosure to a patient and maintain the written disclosure concerning a lack of maintaining professional liability insurance in accordance with the requirements of NRS 634.1295 and NAC 634.445.

(t) Practicing chiropractic while impaired by alcohol, the use of illicit drugs, the unauthorized or improper use of a prescription drug or controlled substance, or any known or diagnosed mental illness or cognitive deficit.

(u) Paying or receiving any remuneration in such a manner and amount as would constitute a violation of 42 U.S.C. § 1320a-7b(b), regardless of whether the patient for whom the remuneration is paid or received is a patient under a federal health care program.

2. A patient's consent to, initiation of or participation in sexual behavior or involvement in a romantic or dating relationship with a licensee does not excuse the conduct of the licensee.

3. As used in this section:

(a) "Capping" means the use by a licensee of the services of a person who is remunerated for referring to the licensee a new patient who has been involved in a motor vehicle accident or who has been injured as a result of the actions of another person.

(b) "Fee splitting" means the acceptance of remuneration by a licensee for referring a patient to another provider of health care or a health care facility or the provision of remuneration by a licensee for a referral to the business of the licensee.

(c) "Sexual misconduct" means:

(1) Sexual relations between a licensee and a patient of that licensee, regardless of whether the patient initiated or consented to those sexual relations.

(2) Conduct by a licensee, in regard to a patient, that is sexual in nature, sexually suggestive or sexually demeaning to the patient.

(3) The commission by a licensee of one or more of the offenses defined in NRS 200.368, 200.730, 201.210 and 201.220.

(4) The use by a licensee of deception, misrepresentation or force for the purpose of engaging in sexual conduct with a patient in:

(I) A clinical setting; or

(II) A setting that is used ordinarily for the provision of chiropractic services.

↳ The term does not include sexual conduct or sexual relations that take place between a licensee and his or her spouse or between a licensee and a person who was a patient after the chiropractor-patient relationship has been terminated for a reasonable time.

(d) “Sexual relations” means:

(1) Sexual intercourse.

(2) Any touching of sexual or other intimate parts of a person or causing such person to touch the sexual or other intimate parts of the licensee for the purpose of arousing or gratifying the sexual desire of either the licensee or the patient.

Sec. 7. NAC 634.635 is hereby amended to read as follows:

634.635 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.

CHIROPRACTIC PHYSICIANS' BOARD OF NEVADA

AGENDA ACTION SHEET

TITLE: **Agenda Item 5 PUBLIC WORKSHOP: Will begin at 9:30 a.m. at the Kietzke Plaza, 4600 Kietzke Lane, Suite G160, Reno, NV 89502. Discussion to consider amendments to Nevada Administrative Code 634. – For possible action.**

RECOMMENDED MOTION:

PRESENTED BY: **Jason O. Jaeger, DC**

MEETING DATE: **August 29, 2019**

TIME REQUIRED: **90 minutes**

BACKGROUND INFORMATION:

REVIEWED BY: President Secretary Executive Director

ACTION: Approved Approved w/Modifications Denied Continued

Agenda Item 5

Steve Sisolak
Governor

Jason O. Jaeger, DC
President
Morgan Rovetti, DC
Vice President
Xavier Martinez, DC
Secretary-Treasurer



Maggie Colucci, DC
Member
Nicole Harmel, DC
Member
Tracy DiFillippo, Esq.
Consumer Member
John L. Bertoldo, Esq.
Consumer Member
Julie Strandberg
Executive Director

CHIROPRACTIC PHYSICIAN'S BOARD OF NEVADA

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

Phone: (775) 688-1921 | Fax: (775) 688-1920

Website: <http://chirobd.nv.gov> | Email: chirobd@chirobd.nv.gov

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 **9:30 a.m. on Thursday, August 29, 2019 at the Kietzke Plaza, 4600 Kietzke Lane, Suite G160, Reno, Nevada 89502.** 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, August 20, 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, August 20, 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. 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://notice.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

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

LCB File No. **-****

July 18, 2019

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

AUTHORITY: NRS 634.030; §2, Stat. of Nev. 365, Secs. 1 & 10.5; §3, Stat. of Nev.
365, Sec. 6.

A REGULATION relating to content of continuing education courses, chiropractic physicians who desire to perform dry needling, and the proration of renewal fees for certain applicants for licensure or registration.

Section 1. NAC chapter 634 shall be amended to add the following new language:

634.3854. 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.]~~ *addresses:*

(a) The practice of chiropractic as defined in NRS 634.013;

(b) The performing of a chiropractic adjustment as defined in NRS 634.014;

(c) Means to avoid the commission of gross malpractice as defined in NRS 634.015 or malpractice as defined in NRS 634.017;

(d) The performing of manipulation as defined in NRS 634.0173;

(e) The diagnosis and treatment of subluxation complex as defined in NRS 634.0175;

(f) Means to avoid committing any act of unprofessional conduct as defined in NRS 634.018 and as interpreted in NAC 634.430;

(g) Compliance with NRS and NAC chapters 634;

(h) Compliance with NRS chapter 629;

(i) Lifesaving skills as required by NRS 634.130(4).

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~~] *conforms to subsection 1.*

(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 *and the subject matter conforms to subsection 1.*

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 *or whose subject matter does not conform with subsection 1*. 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.

Sec. 2. NAC chapter 634 shall be amended to add the following new language:

1. A chiropractic physician may not perform dry needling unless he is certified pursuant to this section. To obtain certification, a chiropractic physician shall:

(a) Apply on a form provided by the Board;

(b) Provide with the form copies of certificates evidencing successful completion of at least 50 hours of didactic education and training in dry needling.

2. The Board shall approve courses for the didactic education and training in dry needling where the courses are offered or certified by:

(a) The Federation of Chiropractic Licensing Boards;

(b) The American Chiropractic Association;

(c) The International Chiropractic Association;

(d) The Providers of Approved Continuing Education (PACE);

(e) The American Medical Association;

(f) The American Osteopathic Association;

(g) The Accreditation Council for Continuing Medical Education (ACCME); or

(h) The Nevada State Board of Oriental Medicine.

3. A chiropractic physician may maintain his or her certification to perform dry needling as long as he or she successfully completes at least four hours of continuing education related to dry needling for each renewal period.

4. Only a chiropractic physician may perform dry needling. A chiropractor's assistant may not perform dry needling.

Sec. 3. NAC chapter 634 shall be amended to add the following new language:

1. The renewal fee that would otherwise be due for a chiropractic physician shall be prorated:

(a) By 50% for any person who applies to become a chiropractic physician from January 1 to May 31 of any odd-numbered year; and

(b) By 100% for any person who applies to become a chiropractic physician from June 1 through December 31 of any odd-numbered year.

2. The renewal fee that would otherwise be due for a chiropractor's assistant shall be prorated:

(a) By 50% for any person who applies to become a chiropractor's assistant from January 1 to May 31 of any even-numbered year; and

(b) By 100% for any person who applies to become a chiropractor's assistant from June 1 through December 31 of any even-numbered year.

CHIROPRACTIC PHYSICIANS' BOARD OF NEVADA

AGENDA ACTION SHEET

TITLE: Agenda Item 6 Discussion and potential action regarding a policy to set the percentage of licensees to be randomly audited for continuing education for chiropractic physician's and chiropractor's assistants – For possible action.

RECOMMENDED MOTION:

PRESENTED BY: **Jason O. Jaeger, DC**

MEETING DATE: **August 29, 2019**

TIME REQUIRED: **30 minutes**

BACKGROUND INFORMATION: **Language in AB457 allows the Board to randomly audit the continuing education of chiropractic physicians and chiropractor's assistants. The Board should set a policy indicating the percent of licensees audited during renewal.**

REVIEWED BY: President Secretary Executive Director

ACTION: Approved Approved w/Modifications Denied Continued

Chapter XX

RANDOM CONTINUING EDUCATION AUDIT

The Board will perform random audits consisting of <*Percentage*> of active Chiropractic Physicians' during the even years and active chiropractor's assistants during the odd years to ensure requirements for continuing education. By running the Random CE Audit command in GL Suite the system will randomly select <*Percent*> of the active Chiropractor's Assistants that will be required to submit proof of 12 hours of continuing education and active Chiropractic Physicians' to provide proof of 36 hours of continuing education. Chiropractic Physicians and Chiropractor's Assistants selected randomly pursuant to this policy will be required to provide documentary evidence supporting the continuing education hours claimed on the renewal application, and failure to provide such documentary evidence or failure of the documentation to support all of the hours of continuing education required will result in disciplinary action.

CHIROPRACTIC PHYSICIANS' BOARD OF NEVADA

AGENDA ACTION SHEET

TITLE: **Agenda Item 7** FCLB/NBCE Matters – For possible action.

A. District I & IV Meeting – Couer D Alene, ID – October 3-6, 2019

B. Other FCLB/NBCE matters

RECOMMENDED MOTION: **No recommendation.**

PREPARED BY: **Jason O. Jaeger, DC**

MEETING DATE: **August 29, 2019**

TIME REQUIRED: **5 minutes**

BACKGROUND INFORMATION:

REVIEWED BY: President Secretary Executive Director

ACTION: Approved Approved w/Modifications Denied Continued

Agenda Item 7

CHIROPRACTIC PHYSICIANS' BOARD OF NEVADA

AGENDA ACTION SHEET

TITLE: **Agenda Item 8** – Consideration of attendees at the January 23-26, 2020 FARB Forum in Colorado Springs, CO – For possible action.

RECOMMENDED MOTION: **No recommendation.**

PREPARED BY: **Jason O. Jaeger, DC**

MEETING DATE: **August 29, 2019**

TIME REQUIRED: **5 minutes**

BACKGROUND INFORMATION:

REVIEWED BY: X President X Secretary X Executive Director

ACTION: Approved Approved w/Modifications Denied Continued

CHIROPRACTIC PHYSICIANS' BOARD OF NEVADA

AGENDA ACTION SHEET

TITLE: Agenda Item 9 Status report regarding anonymous profiles of possible disciplinary actions. Board action will be limited to either dismissing the matter if the Board determines there is no violation, it has no jurisdiction over the subject, or providing direction to pursue the matter further – For possible action.

RECOMMENDED MOTION: No recommendation

PRESENTED BY: Jason O. Jaeger, DC

MEETING DATE: August 29, 2019

TIME REQUIRED: 30 minutes

BACKGROUND INFORMATION:

- A. Complaint 17-24S (Jaeger)**
- B. Complaint 17-28S (Colucci)**
- C. Complaint 18-08S (Jaeger)**
- D. Complaint 18-11S (Jaeger)**
- E. Complaint 18-12S (Jaeger)**
- F. Complaint 18-13S (Rovetti)**
- G. Complaint 18-15S (Jaeger)**
- H. Complaint 18-17S (Jaeger)**
- I. Complaint 18-18N (Martinez)**
- J. Complaint 19-01N (Martinez)**
- K. Complaint 19-03S (Jaeger)**
- L. Complaint 19-04S (Canada)**
- M. Complaint 19-05S (Canada)**
- N. Complaint 19-06S (Colucci)**
- O. Complaint 19-07S (Colucci)**

REVIEWED BY: President Secretary Executive Director

ACTION: Approved Approved w/Modifications Denied Continued

CHIROPRACTIC PHYSICIANS' BOARD OF NEVADA

AGENDA ACTION SHEET

TITLE: Agenda Item 9A Status report regarding anonymous profiles of possible disciplinary actions. Board action will be limited to either dismissing the matter if the Board determines there is no violation, it has no jurisdiction over the subject, or providing direction to pursue the matter further – For possible action:

A. Complaint 17-24S (Dr. Jaeger)

RECOMMENDED MOTION: Recommend dismissal.

PREPARED BY: Jason O. Jaeger, DC

MEETING DATE: August 29, 2019

TIME REQUIRED: 5 minutes

BACKGROUND INFORMATION: The complainant alleged that the DC conducted chiropractic outside the hours of operation of the clinic to which the services have not been documented in the point of sale system or patient record system, so there is no evidence that payment was made. In addition, the DC allegedly distributed Marijuana out of the clinic. This complaint has evolved from the original complaint was pending a criminal matter, which has been closed.

REVIEWED BY: President Secretary Executive Director

ACTION: Approved Approved w/Modifications Denied Continued

CHIROPRACTIC PHYSICIANS' BOARD OF NEVADA

AGENDA ACTION SHEET

TITLE: **Agenda Item 9B** Status report regarding anonymous profiles of possible disciplinary actions. Board action will be limited to either dismissing the matter if the Board determines there is no violation, it has no jurisdiction over the subject, or providing direction to pursue the matter further – For possible action:

B. Complaint 17-28S (Dr. Colucci)

RECOMMENDED MOTION: **No recommendation.**

PREPARED BY: **Maggie Colucci, DC**

MEETING DATE: **August 29, 2019**

TIME REQUIRED: **5 minutes**

BACKGROUND INFORMATION: **The Board was notified by the National Practitioners Data Bank that a DC settled a malpractice claim, which is to be reported to the Board by the DC within 15 days pursuant to NAC 634.425. To date the DC has not notified the Board of this action and is under investigation.**

REVIEWED BY: President Secretary Executive Director

ACTION: Approved Approved w/Modifications Denied Continued

CHIROPRACTIC PHYSICIANS' BOARD OF NEVADA

AGENDA ACTION SHEET

TITLE: Agenda Item 9C Status report regarding anonymous profiles of possible disciplinary actions. Board action will be limited to either dismissing the matter if the Board determines there is no violation, it has no jurisdiction over the subject, or providing direction to pursue the matter further – For possible action:

C. Complaint 18-08S (Jaeger)

RECOMMENDED MOTION: Recommend dismissal.

PREPARED BY: Jason O. Jaeger, DC

MEETING DATE: August 29, 2019

TIME REQUIRED: 5 minutes

BACKGROUND INFORMATION: The Board is in receipt of a complaint from a Nevada attorney regarding a judge's ruling, that in order to be an expert witness reviewing chiropractic patient records the chiropractor must be licensed in Nevada.

Pursuant to the Attorney General Opinion 2018-03 an individual must be licensed in the State of Nevada to provide an expert opinion.

REVIEWED BY: President Secretary Executive Director

ACTION: Approved Approved w/Modifications Denied Continued

Agenda Item 9C

CHIROPRACTIC PHYSICIANS' BOARD OF NEVADA

AGENDA ACTION SHEET

TITLE: Agenda Item 9D Status report regarding anonymous profiles of possible disciplinary actions. Board action will be limited to either dismissing the matter if the Board determines there is no violation, it has no jurisdiction over the subject, or providing direction to pursue the matter further – For possible action:

D. Complaint 18-11S (Dr. Jaeger)

RECOMMENDED MOTION: Recommend dismissal.

PREPARED BY: Jason O. Jaeger, DC

MEETING DATE: August 29, 2019

TIME REQUIRED: 5 minutes

BACKGROUND INFORMATION: Legality of a non-licensed DC performing peer reviews on Nevada DC's.

Pursuant to the Attorney General Opinion 2018-03 an individual must be licensed in the State of Nevada to provide a peer review.

REVIEWED BY: President Secretary Executive Director

ACTION: Approved Approved w/Modifications Denied Continued

CHIROPRACTIC PHYSICIANS' BOARD OF NEVADA

AGENDA ACTION SHEET

TITLE: Agenda Item 9E Status report regarding anonymous profiles of possible disciplinary actions. Board action will be limited to either dismissing the matter if the Board determines there is no violation, it has no jurisdiction over the subject, or providing direction to pursue the matter further – For possible action:

E. Complaint 18-12S (Dr. Jaeger)

RECOMMENDED MOTION: Recommend dismissal.

PREPARED BY: Jason O. Jaeger, DC

MEETING DATE: August 29, 2019

TIME REQUIRED: 5 minutes

BACKGROUND INFORMATION: Legality of a non-licensed DC performing peer reviews on Nevada DC's.

Pursuant to the Attorney General Opinion 2018-03 an individual must be licensed in the State of Nevada to provide a peer review.

REVIEWED BY: President Secretary Executive Director

ACTION: Approved Approved w/Modifications Denied Continued

CHIROPRACTIC PHYSICIANS' BOARD OF NEVADA

AGENDA ACTION SHEET

TITLE: Agenda Item 9F Status report regarding anonymous profiles of possible disciplinary actions. Board action will be limited to either dismissing the matter if the Board determines there is no violation, it has no jurisdiction over the subject, or providing direction to pursue the matter further – For possible action:

F. Complaint 18-13S (Dr. Rovetti)

RECOMMENDED MOTION: No recommendation

PREPARED BY: Morgan Rovetti, DC

MEETING DATE: August 29, 2019

TIME REQUIRED: 5 minutes

BACKGROUND INFORMATION: This complaint originated with Farmers Insurance through the National Insurance Crime Bureau with respect to a Physical Therapy group. The concern are the charges and the use of billing codes and what appears to possibly be a chiropractic adjustment.

REVIEWED BY: President Secretary Executive Director

ACTION: Approved Approved w/Modifications Denied Continued

CHIROPRACTIC PHYSICIANS' BOARD OF NEVADA

AGENDA ACTION SHEET

TITLE: **Agenda Item 9G** Status report regarding anonymous profiles of possible disciplinary actions. Board action will be limited to either dismissing the matter if the Board determines there is no violation, it has no jurisdiction over the subject, or providing direction to pursue the matter further – For possible action:

G. Complaint 18-15S (Dr. Jaeger)

RECOMMENDED MOTION: **No recommendation.**

PREPARED BY: **Jason O. Jaeger, DC**

MEETING DATE: **August 29, 2019**

TIME REQUIRED: **5 minutes**

BACKGROUND INFORMATION: **The complainant alleged that the DC is allowing staff to perform unsupervised CA duties in the office.**

REVIEWED BY: President Secretary Executive Director

ACTION: Approved Approved w/Modifications Denied Continued

Agenda Item 9G

CHIROPRACTIC PHYSICIANS' BOARD OF NEVADA

AGENDA ACTION SHEET

TITLE: **Agenda Item 9H** Status report regarding anonymous profiles of possible disciplinary actions. Board action will be limited to either dismissing the matter if the Board determines there is no violation, it has no jurisdiction over the subject, or providing direction to pursue the matter further – For possible action:

H. Complaint 18-17S (Dr. Jaeger)

RECOMMENDED MOTION: **No recommendation.**

PREPARED BY: **Jason O. Jaeger, DC**

MEETING DATE: **August 29, 2019**

TIME REQUIRED: **5 minutes**

BACKGROUND INFORMATION: **The complainant alleged that the chiropractor is acting outside the scope of chiropractic.**

REVIEWED BY: President Secretary Executive Director

ACTION: Approved Approved w/Modifications Denied Continued

Agenda Item 9H

CHIROPRACTIC PHYSICIANS' BOARD OF NEVADA

AGENDA ACTION SHEET

TITLE: Agenda Item 9I Status report regarding anonymous profiles of possible disciplinary actions. Board action will be limited to either dismissing the matter if the Board determines there is no violation, it has no jurisdiction over the subject, or providing direction to pursue the matter further – For possible action:

I. Complaint 18-18N (Dr. Martinez)

RECOMMENDED MOTION: Recommend dismissal.

PREPARED BY: Xavier Martinez, DC

MEETING DATE: August 29, 2019

TIME REQUIRED: 5 minutes

BACKGROUND INFORMATION: The chiropractic physician was advertising a procedure outside the scope of practice.

REVIEWED BY: President Secretary Executive Director

ACTION: Approved Approved w/Modifications Denied Continued

Agenda Item 9I

CHIROPRACTIC PHYSICIANS' BOARD OF NEVADA

AGENDA ACTION SHEET

TITLE: **Agenda Item 9J** Status report regarding anonymous profiles of possible disciplinary actions. Board action will be limited to either dismissing the matter if the Board determines there is no violation, it has no jurisdiction over the subject, or providing direction to pursue the matter further – For possible action:

J. Complaint 19-01N (Dr. Martinez)

RECOMMENDED MOTION: **Recommend dismissal.**

PREPARED BY: **Xavier Martinez, DC**

MEETING DATE: **August 29, 2019**

TIME REQUIRED: **5 minutes**

BACKGROUND INFORMATION: **Alleged unprofessional conduct.**

REVIEWED BY: President Secretary Executive Director

ACTION: Approved Approved w/Modifications Denied Continued

Agenda Item 9J

CHIROPRACTIC PHYSICIANS' BOARD OF NEVADA

AGENDA ACTION SHEET

TITLE: Agenda Item 9K Status report regarding anonymous profiles of possible disciplinary actions. Board action will be limited to either dismissing the matter if the Board determines there is no violation, it has no jurisdiction over the subject, or providing direction to pursue the matter further – For possible action:

K. Complaint 19-03S (Dr. Jaeger)

RECOMMENDED MOTION: No recommendation.

PREPARED BY: Jason O. Jaeger, DC

MEETING DATE: August 29, 2019

TIME REQUIRED: 5 minutes

BACKGROUND INFORMATION: The complainant alleged that the DC is allowing staff to perform unsupervised CA duties in the office.

REVIEWED BY: President Secretary Executive Director

ACTION: Approved Approved w/Modifications Denied Continued

Agenda Item 9K

CHIROPRACTIC PHYSICIANS' BOARD OF NEVADA

AGENDA ACTION SHEET

TITLE: **Agenda Item 9L** Status report regarding anonymous profiles of possible disciplinary actions. Board action will be limited to either dismissing the matter if the Board determines there is no violation, it has no jurisdiction over the subject, or providing direction to pursue the matter further – For possible action:

L. Complaint 19-04S (Dr. Canada)

RECOMMENDED MOTION: **Recommend dismissal.**

PREPARED BY: **Nicole Canada, DC**

MEETING DATE: **August 29, 2019**

TIME REQUIRED: **5 minutes**

BACKGROUND INFORMATION: **Complainant alleged unprofessional conduct.**

REVIEWED BY: President Secretary Executive Director

ACTION: Approved Approved w/Modifications Denied Continued

Agenda Item 9L

CHIROPRACTIC PHYSICIANS' BOARD OF NEVADA

AGENDA ACTION SHEET

TITLE: **Agenda Item 9M** Status report regarding anonymous profiles of possible disciplinary actions. Board action will be limited to either dismissing the matter if the Board determines there is no violation, it has no jurisdiction over the subject, or providing direction to pursue the matter further – For possible action:

M. Complaint 19-05S (Dr. Canada)

RECOMMENDED MOTION: **Recommend dismissal.**

PREPARED BY: **Nicole Canada, DC**

MEETING DATE: **August 29, 2019**

TIME REQUIRED: **5 minutes**

BACKGROUND INFORMATION: **Complainant alleged unprofessional conduct.**

REVIEWED BY: President Secretary Executive Director

ACTION: Approved Approved w/Modifications Denied Continued

Agenda Item 9M

CHIROPRACTIC PHYSICIANS' BOARD OF NEVADA

AGENDA ACTION SHEET

TITLE: Agenda Item 9N Status report regarding anonymous profiles of possible disciplinary actions. Board action will be limited to either dismissing the matter if the Board determines there is no violation, it has no jurisdiction over the subject, or providing direction to pursue the matter further – For possible action:

N. Complaint 19-06S (Dr. Colucci)

RECOMMENDED MOTION: Recommend dismissal.

PREPARED BY: Maggie Colucci, DC

MEETING DATE: August 29, 2019

TIME REQUIRED: 5 minutes

BACKGROUND INFORMATION: The complainant alleged that an adjustment caused injury, however the records do not reflect that an adjustment was done. The chiropractor's assistant provided a witness statement confirming there was not an adjustment done.

REVIEWED BY: X President X Secretary X Executive Director

ACTION: Approved Approved w/Modifications Denied Continued

Agenda Item 9N

CHIROPRACTIC PHYSICIANS' BOARD OF NEVADA

AGENDA ACTION SHEET

TITLE: Agenda Item 9O Status report regarding anonymous profiles of possible disciplinary actions. Board action will be limited to either dismissing the matter if the Board determines there is no violation, it has no jurisdiction over the subject, or providing direction to pursue the matter further – For possible action:

O. Complaint 19-07S (Dr. Colucci)

RECOMMENDED MOTION: No recommendation.

PREPARED BY: Maggie Colucci, DC

MEETING DATE: August 29, 2019

TIME REQUIRED: 5 minutes

BACKGROUND INFORMATION:

REVIEWED BY: President Secretary Executive Director

ACTION: Approved Approved w/Modifications Denied Continued

Agenda Item 9O

CHIROPRACTIC PHYSICIANS' BOARD OF NEVADA

AGENDA ACTION SHEET

TITLE: **Agenda Item 10** Committee Reports - For possible action

- A. Continuing Education Committee (Dr. Martinez) – For possible action.**
- B. Legislative Committee (Dr. Jaeger) – For possible action.**
- C. Preceptorship Committee (Dr. Rovetti) – For possible action.**
- D. Test Committee (Dr. Rovetti) – For possible action.**

RECOMMENDED MOTION: **No recommendation**

PRESENTED BY: **Jason O. Jaeger, DC**

MEETING DATE: **August 29, 2019**

TIME REQUIRED: **10 minutes**

BACKGROUND INFORMATION:

REVIEWED BY: President Secretary Executive Director

ACTION: Approved Approved w/Modifications Denied Continued

CHIROPRACTIC PHYSICIANS' BOARD OF NEVADA

AGENDA ACTION SHEET

TITLE: **Agenda Item 11** Discussion and potential action regarding CA applicants who misrepresent response(s) on their application – For possible action.

RECOMMENDED MOTION: **No recommendation**

PRESENTED BY: **Xavier Martinez, DC**

MEETING DATE: **August 29, 2019**

TIME REQUIRED: **15 minutes**

BACKGROUND INFORMATION: **At the June 13, 2019 Board meeting Dr. Martinez recommended that the process be standardized in the event a CA misrepresents themselves on the CA application. It was recommended that the applicant be given the option to either be given a two-hour reading assignment of an ethical situation and select a multiple choice answer illustrating the appropriate action or allow the applicant to be heard before the Board.**

REVIEWED BY: President Secretary Executive Director

ACTION: Approved Approved w/Modifications Denied Continued

Agenda Item 11

CHIROPRACTIC PHYSICIANS' BOARD OF NEVADA

AGENDA ACTION SHEET

TITLE: **Agenda Item 12** Discussion and potential action regarding the power poll results regarding education received in a foreign country – For possible action.

RECOMMENDED MOTION: **No recommendation**

PRESENTED BY: **Jason O. Jaeger, DC**

MEETING DATE: **August 29, 2019**

TIME REQUIRED: **15 minutes**

BACKGROUND INFORMATION: **Please see attached.**

REVIEWED BY: President Secretary Executive Director

ACTION: Approved Approved w/Modifications Denied Continued

Agenda Item 12

PowerPoll: Education Received in a Foreign Country

Q1: Nevada would like to know if other states accept applicants that have received his or her training and education at a school or college located in a foreign country?		
Q2: If so, what are the requirements, i.e. are they required to take the NBCE Parts I-IV + Physiotherapy, etc..		
Board	Q1	Q2
<u>Maine</u>	Yes	Yes with review of educational attainment meeting scope of law, i.e. includes one year of English. Need to take NBCE I – IV and Physiotherapy.
<u>Arkansas</u>	Yes, but they must present evidence of having been graduated from a chiropractic college having status with the accrediting commission of the Council of Chiropractic Education (CCE), or similar criteria as determined by, and at the discretion of, this Board. The Board adopts clinical competency guidelines similar to CCE quantitative assessment delineations. This board may disapprove any college whose academic requirements appear to be deficient in the basic science of diagnostic fields.	The applicant has to meet the following according to ARK. Code Ann. § 17-81-305. See attached email.
<u>Utah</u>	No Foreign Education	
<u>Oklahoma</u>	Please see attached	Yes they have to complete NBCE I-iv and Physiotherapy
<u>South Dakota</u>	§30-16-8. Licensing of foreign graduates. Please see attached	Yes, must complete and pass all parts of the National Board Exams, including Physiotherapy.
<u>Illinois</u>	we do accept applicants who trained in a foreign country. In such cases our Act specifies “that such chiropractic college be equivalent to the standards of education set forth for chiropractic colleges located in the United States.”	If that criteria is met we have no other requirements for the applicant beyond those required of US-trained applicants.
<u>Washington</u>	Washington accepts foreign trained applicants who have graduated from an accredited school if their curriculum requirements are equivalent to ours	Foreign trained graduates must complete all standard requirements for licensure including NBCE Parts I-IV
<u>Maryland</u>	if the applicant has had credentials evaluated by a bonafide credentials evaluation company and the results yield the applicant had educational equivalency bachelor's degree and doctor of chiropractic degree; then it would be acceptable documents for application towards licensure.	
<u>Ohio</u>	Yes, Canadian Memorial	Same as U.S. Requirements
<u>Alabama</u>	As long as the school is accredited	Parts I-IV and all other application requirements
<u>Connecticut</u>	Applicants graduating from a medical school located outside the United States, its territories or Canada must be a graduate of a school which is listed in the 1970 World Health Organization (WHO) Directory of Medical Schools; or demonstrate successful completion of a program of education satisfying all requirements specified in the Regulations of Connecticut State Agencies; Applicants who earned a D.O. degree in a country other than the United States or Canada are not eligible for licensure.	https://portal.ct.gov/DPH/Practitioner-Licensing--Investigations/Physician/Graduates-of-Medical-Schools-Located-Outside-the-United-States
<u>Missouri</u>	Yes	The applicant must meet the education and examination requirements for licensure.



Janelle Grier <jgrier@fclb.org>

RE: PowerPoll - Foreign Education / Daith Ear Piercing

1 message

Beth Kidd <Beth.Kidd@chiro.ok.gov>
To: Janelle Grier <jgrier@fclb.org>

Tue, Jul 9, 2019 at 12:34 PM

From: Janelle Grier [mailto:jgrier@fclb.org]
Sent: Tuesday, July 09, 2019 10:30 AM
To: Janelle Grier <jgrier@fclb.org>
Subject: PowerPoll - Foreign Education / Daith Ear Piercing

PowerPoll – Education Received in a Foreign country

The Nevada Board wants to know!

1. Nevada would like to know if other states accept applicants that have received his or her training and education at a school or college located in a foreign country?

Section 161.7 - Applications for Original License by Examination to Practice Chiropractic.

A. 1. Applications for an original license by examination to practice chiropractic in this state shall be made to the Board of Chiropractic Examiners in writing on a form and in a manner prescribed by the Board. The application shall be supported by the affidavits of two persons who hold a valid license to practice chiropractic in this state or in another state, country, territory or province, and who are not related to or under financial obligations to the applicant, showing the applicant to be

a person of good moral character.

2. The application shall be accompanied by a fee of One Hundred Seventy-Five Dollars (\$175.00)

which shall not be refundable under any circumstances.

3. If the application is disapproved by the Board, the applicant shall be so notified by the secretary-treasurer of the Board, with the reason for such disapproval fully stated in writing.

4. If the application is approved, the applicant, upon payment of an examination fee of One Hundred Seventy-Five Dollars (\$175.00), may take an examination administered by the Board for the purpose of securing an original license. The Board may accept a passing score on an examination administered by the National Board of Chiropractic Examiners taken by the

applicant, or may require the applicant to take an examination administered by the Board or both.

B. Applicants for an original license to practice chiropractic in this state shall submit to the Board of

Chiropractic Examiners documentary evidence of completion of:

1. A course of resident study of not less than four (4) years of nine (9) months each in an accredited chiropractic college.

A senior student at an accredited chiropractic college may make application for

an original license by examination prior to graduation, but such a license shall not be issued until

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documentary evidence of the graduation of the student from the college has been submitted to the

Board;

2. Parts I, II, III, IV and physiotherapy as administered by the National Board of Chiropractic Examiners with a passing score; and

3. Passing an examination with seventy-five percent (75%) or better.

C. Each applicant shall be a graduate of an accredited chiropractic college. For those graduating from a chiropractic program outside the United States, the applicants must have completed an educational program leading to a degree in chiropractic from an institution authorized to operate by the government having jurisdiction in which it is domiciled.

D. All credentials, diplomas, and other required documentation in a foreign language submitted to the Board by

such applicants shall be accompanied by notarized English translation.

E. International applicants shall provide satisfactory evidence of meeting the requirements for permanent residence or temporary nonimmigrant status as set forth by the United States Citizenship and

Immigration Services.

F. Effective January 1, 2006, out-of-state licensed applicants shall submit to the Board documentary evidence that the applicant has malpractice insurance. New applicants shall submit to the Board documentary evidence

that the applicant has malpractice insurance within six (6) months of obtaining their Oklahoma license.

G. An applicant for an original license shall

1. Be a person of good moral character

2. Inform the Board as to whether the person has previously been licensed in Oklahoma and whether the license was revoked or surrendered;

3. Inform the Board as to whether the applicant has ever been licensed in another jurisdiction and whether any disciplinary action was taken against the applicant;

4. Provide full disclosure to the Board of any criminal proceeding taken against the applicant including but not limited to:

a. pleading guilty, pleading nolo contendere, receiving a deferred sentence or being convicted

of a felony,

b. pleading guilty, pleading nolo contendere, receiving a deferred sentence or being convicted of a misdemeanor involving moral turpitude, or

c. pleading guilty, pleading nolo contendere, receiving a deferred sentence or being convicted of a violation of federal or state controlled dangerous substance laws; and

5. If requested, appear before the Board for a personal interview.

H. No later than one (1) year after receiving a license to practice in Oklahoma, chiropractic physicians shall complete an orientation course of training approved by the Board. The orientation course hours shall count as continuing education credits for the year in which they were earned. An association may provide the orientation course of training.

I. The Board may issue an original license to those applicants who have passed the required Examination with a score acceptable to the Board. No license fee shall be charged by the Board for the balance of the calendar year in which such a license is issued.

J. In addition to an applicant's failure to meet any other requirements imposed by this section or other applicable law, the Board may deny a license or impose probationary conditions if an applicant has:

1. Pleaded guilty, pleaded nolo contendere, received a deferred sentence or been convicted of a felony;
2. Pleaded guilty, pleaded nolo contendere, received a deferred sentence or been convicted of a misdemeanor involving moral turpitude;
3. Pleaded guilty, pleaded nolo contendere, received a deferred sentence or been convicted of a violation of federal and state controlled dangerous substance laws;
4. Been the subject of disciplinary action in another jurisdiction.

SUBCHAPTER 3. APPLICATION, EXAMINATION AND LICENSING

140:10-3-1. Application for an original license by examination

(a) An application to the Board for an original license to practice chiropractic shall be made on forms created and approved by the Board and shall be signed and verified under oath by the applicant. The application shall include:

(1) A passport photo

(2) the affidavits of two (2) chiropractic physicians who are not related to or under financial obligation to the applicant and which state that the applicant is of good moral character;

(3) a copy of the applicant's high school diploma or transcripts, certified as being a true and correct copy

(4) a copy of the applicant's pre-chiropractic college or university transcript or transcripts, certified:

i. by an official of the issuing college or university as being true and correct; and

ii. by an official of the University of Oklahoma as containing at least ninety (90) hours of college credit accepted by the University of Oklahoma;

(5) a copy of the applicant's diploma from chiropractic school, college, or program accredited by an accrediting agency either recognized by the U.S. Secretary of Education or a Board-approved chiropractic school, college or program, certified by an official of the issuing school, college or program as being true and correct, except as provided in (b) and (c) of this Section;

(6) A money order, certified check or cashier's check payable to the Board in the amount of One Hundred Seventy-Five Dollars (\$175.00) as payment of the application fee. Such fee is not refundable under any circumstances.

(b) An applicant who has graduated from a chiropractic program outside the United States must have completed an educational program leading to a degree in chiropractic from an institution authorized to operate by the government having jurisdiction in which it is domiciled. The applicant must submit a diploma or equivalent documentation of successful completion of the program as certified by an official of the institution or the government having jurisdiction. All credentials, diplomas, and other documentation submitted to the Board in a foreign language shall be accompanied by a notarized English translation. The applicant shall provide satisfactory evidence of meeting the requirements for permanent residence or temporary non-immigrant status as set forth by the United States Citizenship and Immigration Services.

(c) A senior student at an accredited chiropractic college may, prior to graduation, make application for an original license by examination. In such event, the application shall be accompanied by a statement on a form approved by the Board containing certification by an official of such college that the applicant is a senior at the college and is expected to graduate within one (1) year from the date of the certification. An original license shall not, however, be issued to such an applicant until the applicant has submitted to the Board a copy of the applicant's diploma from said accredited chiropractic college, certified as true and correct.

(d) Applicants shall submit documentary evidence of completion of Parts I, II, III, IV and physiotherapy as administered by the National Board of Chiropractic Examiners with a passing score.

(e) An application and all accompanying documents must be completed and received by the Board no later than thirty (30) days prior to the date of the next scheduled examination in order to be eligible to take the examination.

(f) A fee of One Hundred Seventy-Five Dollars (\$175.00) as payment for

the examination if approved by the Board of Chiropractic examiners. Such fee is not refundable under any circumstances.

2. If so, what are the requirements, i.e. are they required to take the NBCE Parts I-IV + Physiotherapy, etc..

Yes they have to complete NBCE I-IV and Physiotherapy



Janelle Grier <jgrier@fclb.org>

RE: PowerPoll - Foreign Education / Daith Ear Piercing

1 message

Barbara Johnson <wvchiroboard@outlook.com>
To: Janelle Grier <jgrier@fclb.org>

Tue, Jul 9, 2019 at 12:00 PM

Hi Janelle;

§30-16-8. Licensing of foreign graduates.

(a) Any person wanting to practice chiropractic in this state who is a graduate of a chiropractic school located outside the United States, its territories or possessions, shall establish to the board that the applicant:

(1) Possesses a degree of doctor of chiropractic or a board approved equivalent based upon satisfactory completion of educational programs acceptable to the board;

(2) Is eligible by virtue of his or her chiropractic education and training for unrestricted licensure or authorization to practice chiropractic in the country in which he or she received that education and training;

(3) Has successfully completed all required parts of the examination conducted by the national board of chiropractic;

(4) Has a demonstrated command of the English language; and

(5) Has satisfied all applicable requirements of the United States immigration and naturalization service.

(b) All credentials, diplomas and other required documentation in a foreign language submitted to the board by or on behalf of an applicant, shall be accompanied by notarized English translations acceptable to the board.

2. Yes, must complete and pass all parts of the National Board Exams, including Physiotherapy.

Daith ear piercing does not fall within the chiropractic scope of practice in West Virginia.

Thanks! Barbara

CHIROPRACTIC PHYSICIANS' BOARD OF NEVADA

AGENDA ACTION SHEET

TITLE: **Agenda Item 13 Correspondence Report – No action**

RECOMMENDED MOTION: **Non-Action item.**

PREPARED BY: **Julie Strandberg**

MEETING DATE: **August 29, 2019**

TIME REQUIRED: **5 minutes**

BACKGROUND INFORMATION: **See attached.**

REVIEWED BY: President Secretary Executive Director

ACTION: Approved Approved w/Modifications Denied Continued

CHIROPRACTIC PHYSICIANS' BOARD OF NEVADA

AGENDA ACTION SHEET

TITLE: **Agenda Item 14 Public Interest Comments – No action**

This portion of the meeting is open to the public to speak on any topic NOT on today's agenda and may be limited to 3 minutes

RECOMMENDED MOTION: **Non-Action item.**

PREPARED BY: **Jason O. Jaeger, DC**

MEETING DATE: **August 29, 2019**

TIME REQUIRED: **3 minutes per person per topic**

BACKGROUND INFORMATION: **The public may speak to the Board about any topic not on the agenda but no action may be taken.**

REVIEWED BY: President Secretary Executive Director

ACTION: Approved Approved w/Modifications Denied Continued

Agenda Item 14

CHIROPRACTIC PHYSICIANS' BOARD OF NEVADA

AGENDA ACTION SHEET

TITLE: **Agenda Item 15** Adjournment – For possible action

RECOMMENDED MOTION: **Adjourn the meeting.**

PRESENTED BY: **Jason O. Jaeger, DC**

MEETING DATE: **August 29, 2019**

TIME REQUIRED: **5 minutes**

BACKGROUND INFORMATION: **The meeting should be formally adjourned when all matters on the agenda have been addressed.**

REVIEWED BY: President Secretary Executive Director

ACTION: Approved Approved w/Modifications Denied Continued