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NOTICE TO LICENSEES RE: Out-Of-State LICENSURE

Questions have arisen lately about whether and when a chiropractic physician licensed in a state other than Nevada must be licensed in Nevada. This notice is intended to address the two most common of these scenarios relating to: (1) interpretation and reporting about diagnostic imaging, and (2) independent medical evaluations, rendering opinions, and utilization reviews. The simple answer is these scenarios, the out-of-state chiropractic physician must be licensed in Nevada in order to provide the services to Nevada patients. Our reasons follow.

INTERPRETATION AND REPORTING ON DIAGNOSTIC IMAGING

On March 26, 2019, the Nevada Attorney General issued a published opinion (AGO 2018-03). The Chiropractic Physicians' Board of Nevada (the Board) had requested the opinion to gain clarity regarding whether a chiropractic physician licensed in another state was required to be licensed in Nevada to interpret and provide written reports regarding diagnostic imaging to Nevada-licensed chiropractic physicians relating to the treatment and care of Nevada patients. The Nevada Attorney General opined that the answer to this question was that out-of-state chiropractic physicians were required to be licensed in Nevada in order to provide these services to Nevada patients.

INDEPENDENT MEDICAL EXAMINATIONS

At its meeting on April 23, 2019, the Board discussed AGO 2018-03 and a scenario related to diagnostic imaging, as well as the performance of independent medical examinations, rendering opinions, and utilization reviews by out-of-state chiropractic physicians related to the care and treatment rendered to a Nevada patient by a Nevada-licensed chiropractic physician. In particular, the second sentence of Nevada Revised Statutes (NRS) 634.240(1) – a statute authorizing the Board to pursue an injunction to prohibit unlicensed practice in Nevada – defines the practice of chiropractic as follows: “As used in this subsection, ‘practicing chiropractic’ includes the *conducting of independent examinations and the offering of opinions regarding the treatment or care, or both, with respect to patients who are residents of this State.*” Based upon the clear language of NRS 634.240(1) and AGO 2018-03, the Board determined that a chiropractic physician licensed in another state must be licensed in Nevada before performing IMEs related to Nevada patients.

HOW THIS APPLIES

For Out-of-State Chiropractic Physicians – Any chiropractic physician licensed in another state and not licensed in Nevada who wants to provide diagnostic imaging review and reporting regarding Nevada patients or who wants to provide IMEs regarding Nevada patients **MUST** become licensed in Nevada before providing these services. The performance of such services without a Nevada license could subject the chiropractic physician to criminal felony prosecution (NRS 634.227(2)), citation (NRS 634.227(3)), and civil injunction (NRS 634.240).

For Nevada-licensed Chiropractic Physicians – Any chiropractic physician licensed in Nevada who uses an out-of-state chiropractic physician to provide diagnostic imaging review and reporting for his or her Nevada patients must assure that the out-of-state chiropractic physician is licensed in Nevada before allowing him or her to perform the services for a Nevada patient. Failure to do so could subject the Nevada-licensed chiropractic physician to discipline pursuant to Nevada Administrative Code (NAC) 634.3475(1)(k), which prohibits the aiding, abetting or assisting any person in violating Nevada’s chiropractic laws. Additionally, if a Nevada-licensed chiropractic physician becomes aware that one of his or her Nevada patients’ treatment and care were reviewed by an unlicensed out-of-state chiropractic physician, the Nevada-licensed chiropractic physician should file a complaint with the Board’s office so that the Board can address the unlawful practice of chiropractic by the out-of-state chiropractic physician.

RESOURCES

The resources needed to address the issues raised in this notice can all be found on the Board’s website: chirobd.nv.gov. The Board’s licensure packet can be obtained under the “Application Info” tab on the homepage. Any person can be checked for licensure by clicking on the “Verify a License” button on the homepage. Finally, a complaint form can be obtained under the “Forms” tab on the homepage.