

Chiropractic Advertising in Nevada

A Chiropractic Physician's Guide to Ethical and Legal Advertising in Nevada

The following is for assistance to licensees on some of Nevada's advertising regulations. **This does not encompass the entire state law that governs chiropractic advertising.**

***NAC 634.536 Designation as licensee.....**The failure of a licensee in any advertising to clearly designate himself or herself as a licensee shall be deemed to be false and misleading for the purposes of subsection 4 of NRS 634.018.*

Board Opinion: Determining whether or not an advertisement clearly designates the doctor as a chiropractor, the Board will use its opinion whether a "reasonable person" "at first glance" would conclude that the doctor, office, or clinic mentioned in the ad is chiropractic. The Board will rely on its consumer board members heavily in these determinations.

***NAC 634.521 False or misleading communications.....**A licensee shall not make any false or misleading communications about himself or herself or his or her services. A communication shall be deemed to be misleading if it contains a material misrepresentation of fact or law, or omits a fact necessary to make the statement, considered as a whole, not misleading.*

***NAC 634.550 Advertisement as expert or specialist.....**Except as otherwise provided in NAC 634.515 to 634.570, inclusive, a licensee shall not hold himself or herself out in any advertisement as being:*

- 1. Certified; or*
- 2. An expert or specialist other than an expert witness, in a field of chiropractic unless he or she is registered with and approved by the Board as holding the applicable professional credentials in that field.*

Board Opinion: Anybody can certify anyone for anything. As a general rule, using the word certified, expert, credentialed, fellow, or specialist in any advertisement constitutes a violation of the above regulations unless the licensee has taken 100+ hours in a course approved by the Board and has registered with the Board. Letterhead is considered advertisement. Wording under or next to your name is advertisement.

Initials after a licensee's name which are an abbreviation for certified, diplomat, fellow or any other type of specialist is considered the same as using the words. However, initials or any term that is distant to the practice of chiropractic is allowable, assuming the credentials are true. Examples of distant specialties/degrees are J.D., Ph.D., M.S., B.S., Certified Medical Compliance Specialist, and Certified Athletic Trainer.

The vague term “Chiropractic Specialist” has been determined by the Board to be misleading in that it is not specific as to the particular specialty, if any, the doctor has obtained.

“Spine Specialist,” “Specialize in the treatment of the spine,” or Specialist in quality care” are also acceptable because those are not considered a “field” of chiropractic. Advertising as an “Expert Witness” is also acceptable as per the regulation.

If a licensee has taken a 100-or-more-hour course which includes an examination at the end, and would like to advertise “Certified” or “Diplomat” in the field, he or she should check with the Board: 1) to see if the course has been approved for a specialty, and 2) to register with the Board with his or her current certification documentation. If the specialty has not been approved by the Board, the licensee or the sponsor of the course may petition the Board to accept it. Specialties are frequently added to the Board’s list.

Common infractions of these regulations are:

- Certified by State and National Boards: Chiropractors are licensed by the State Board, not certified.

NAC 634.556 Advertisement of fees.....

2. *If an advertisement states that a chiropractic service is being offered free of charge or at a discounted rate:*

(b) The licensee who advertises the service shall ensure that:

(1) A patient to whom the service is provided receives and signs a statement of disclosure which sets forth:

(I) A detailed description of the service that will be provided free of charge or at a discounted rate.

(II) The amount that will be charged for any additional services that will be provided.

(III) If the offer to provide a service free of charge or at a discounted rate is valid for a limited time, the date on which that offer will end.

Board Opinion: When prospective patients come to a licensee’s office upon an advertised discount or promotion, a written understanding must be signed by the patient as to what is free and what will be charged for. This must be included in the patient’s file.
