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CHIROPRACTIC PHYSICIAN'S BOARD OF NEVADA

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NOTICE OF INTENT TO ACT UPON A PROPOSED REGULATION R064-19

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, January 23, 2020 at the Grant Sawyer Building, Legislative Counsel Bureau, Room 4412E, 555 E. Washington Ave., Las Vegas, NV 89101.** 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. R064-19.

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 1:** Requires a chiropractic physician to be certified by the Board to perform dry needling. In order to obtain certification, **section 1** requires a chiropractic physician to have completed at least 50 hours of didactic education and training in dry needling offered or certified by certain entities. **Section 1** requires the holder of a certificate to engage in dry needling to obtain at least 4 hours of continuing education in dry needling each biennium, except the biennium the certificate was issued, in order to renew the certificate. **Section 1** prohibits a chiropractic physician who is not certified or a chiropractor's assistant from performing dry needling.

NAC 634. **Section 2:** Provides for the reduction of the renewal fee for any person whose license as a chiropractic physician or holder of a certificate as a chiropractor's

assistant under certain conditions. **Section 2** of this regulation provides for the reduction of the renewal fee for any person whose license as a chiropractic physician or certificate as a chiropractor's assistant was issued from January 1 through May 31 of the current year. **Section 2** also provides for the waiver of the renewal fee for any person whose license as a chiropractic physician or certificate as a chiropractor's assistant was issued from June 1 to December 31 of the current year.

NAC 634 **Section 3:** Prescribes the authorized topics for continuing education.

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 <https://www.leg.state.nv.us/Register/2019Register/R064-19P.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 August 29, 2019 meeting.

Copies of the August 29, 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. One written response was 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 substance of the regulation.

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 January 16, 2020. 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 December 13, 2020:

<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–BattleMt., 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.

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

LCB File No. R064-19

October 1, 2019

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

AUTHORITY: §1, Section 1 of Assembly Bill No. 457, Chapter 365, Statutes of Nevada 2019, at page 2287, and NRS 634.030; §§2 and 3, NRS 634.030 and 634.130.

A REGULATION relating to chiropractic; prescribing the requirements for a chiropractic physician to perform dry needling; prohibiting a chiropractor’s assistant from performing dry needling; providing for the reduction or waiver of the renewal fee for a license as a chiropractic physician or certificate as a chiropractor’s assistant in certain circumstances; prescribing the authorized topics for continuing education for chiropractic physicians and chiropractor’s assistants; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law requires the Chiropractic Physicians’ Board of Nevada to adopt regulations establishing the qualifications a chiropractor must obtain before he or she is authorized to perform dry needling, which must include the successful completion of didactic education and training in dry needling. (Section 1 of Assembly Bill No. 457, Chapter 365, Statutes of Nevada 2019, at page 2287) **Section 1** of this regulation requires a chiropractic physician to be certified by the Board to perform dry needling. In order to obtain certification, **section 1** requires a chiropractic physician to have completed at least 50 hours of didactic education and training in dry needling offered or certified by certain entities. **Section 1** requires the holder of a certificate to engage in dry needling to obtain at least 4 hours of continuing education in dry needling each biennium, except the biennium in which the certificate is issued, in order to renew the certificate. **Section 1** prohibits a chiropractic physician who is not certified or a chiropractor’s assistant from performing dry needling.

Existing law requires the renewal of: (1) a license to practice chiropractic each odd-numbered year; and (2) a certificate as a chiropractor’s assistant each even-numbered year.

Existing law authorizes the Board to adopt regulations that provide for the proration or waiver of the renewal fee for a licensee as a chiropractic physician or holder of a certificate as a chiropractor's assistant under certain conditions. (NRS 634.130) **Section 2** of this regulation provides for the reduction of the renewal fee for any person whose license as a chiropractic physician or certificate as a chiropractor's assistant was issued from January 1 through May 31 of the current year. **Section 2** also provides for the waiver of the renewal fee for any person whose license as a chiropractic physician or certificate as a chiropractor's assistant was issued from June 1 to December 31 of the current year.

Existing law requires the holder of a license to practice chiropractic or certificate as a chiropractor's assistant to attend continuing education as a condition of renewing his or her license or certificate, as applicable. (NRS 634.130) **Section 3** of this regulation prescribes the authorized topics for such continuing education.

Section 1. Chapter 634 of NAC is hereby amended by adding thereto a new section to read as follows:

1. A chiropractic physician who wishes to obtain certification to perform dry needling must submit to the Board an application in the form prescribed by the Board. The application must include, without limitation, proof that the applicant has completed at least 50 hours of didactic education and training in dry needling offered or certified by:

- (a) The Federation of Chiropractic Licensing Boards, or its successor organization;*
- (b) The American Chiropractic Association, or its successor organization;*
- (c) The International Chiropractors Association, or its successor organization;*
- (d) The Providers of Approved Continuing Education, or its successor organization;*
- (e) The American Medical Association, or its successor organization;*
- (f) The American Osteopathic Association, or its successor organization;*
- (g) The Accreditation Council for Continuing Medical Education, or its successor organization;*

(h) The State Board of Oriental Medicine; or

(i) A school of chiropractic.

2. Except as otherwise provided in this subsection, a chiropractic physician who wishes to renew a certificate issued pursuant to this section must submit to the Board with each application to renew his or her license to practice chiropractic proof that he or she completed at least 4 hours of continuing education in dry needling during the immediately preceding biennium. A chiropractic physician is not required to complete such continuing education during the biennium in which the certificate is issued.

3. A chiropractic physician may perform dry needling only if he or she is certified pursuant to this section. A chiropractor's assistant shall not perform dry needling.

Sec. 2. NAC 634.200 is hereby amended to read as follows:

634.200 1. ~~[The]~~ *Except as otherwise provided in subsection 2, the* Board will charge and collect the following fees:

For an application for a license to practice chiropractic	\$200.00
For an examination for a license to practice chiropractic	125.00
For an application for, and the issuance of, a certificate as a chiropractor's assistant.....	100.00
For an application for a temporary license to practice chiropractic pursuant to NRS 634.115	50.00
For an examination for a certificate as a chiropractor's assistant	75.00
For the issuance of a license to practice chiropractic	225.00

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

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

2. For a person whose license as a chiropractic physician or certificate as a chiropractor’s assistant was issued during the same year in which the license or certificate, as applicable, must be renewed pursuant to NRS 634.130, the Board will:

(a) Reduce the fee for renewal by 50 percent if the license or certificate, as applicable, was issued on or after January 1 but not later than May 31 of the current year.

(b) Waive the fee for renewal if the license or certificate, as applicable, was issued on or after June 1 of the current year.

3. The fees set forth in this section are not refundable.

Sec. 3. 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.]~~ *concerns:*

- (a) The practice of chiropractic;*
- (b) Performing chiropractic adjustment;*
- (c) Avoiding unprofessional conduct or malpractice including, without limitation, gross malpractice;*
- (d) Performing manipulation;*
- (e) Diagnosis and treatment of subluxation complex;*
- (f) Compliance with chapter 629 or 634 of NRS or chapter 634 of NAC; or*
- (g) Lifesaving skills, as described in subsection 4 of NRS 634.130.*

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;]~~ *a subject described in 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 concern a subject described in 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. 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.