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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 INTENT TO RECEIVE COMMENTS PURSUANT TO EXECUTIVE ORDER 2023-03

NOTICE IS HEREBY GIVEN that the Chiropractic Physicians' Board of Nevada will hold a public hearing to consider potential amendments and removal of various provisions of Nevada Administrative Code (NAC) 634 pursuant to Executive Order 2023-003 issued by Governor Lombardo on January 12, 2023. The hearing is scheduled to begin at **1:00 P.M. on March 10, 2023 by Zoom.**

Time: March 10, 2023 01:00 PM Pacific Time (US and Canada)

Join Zoom Meeting

<https://us06web.zoom.us/j/82624752424?pwd=ZS9VSXhrcnM4ZkExcERrblQzci9ZUT09>

Meeting ID: 826 2475 2424

Passcode: 707096

One tap mobile

+13462487799,,82624752424#,,,,*707096# US (Houston)

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Dial by your location

+1 346 248 7799 US (Houston)

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+1 719 359 4580 US

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+1 253 215 8782 US (Tacoma)

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+1 646 931 3860 US

+1 689 278 1000 US

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+1 301 715 8592 US (Washington DC)

+1 305 224 1968 US

+1 309 205 3325 US

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+1 386 347 5053 US

Meeting ID: 826 2475 2424

Passcode: 707096

Find your local number: <https://us06web.zoom.us/j/keBakvbEGq>

On January 12, 2023, Governor Lombardo issued Executive Order 2023-003 by which he directed that the Board review its regulations (NAC ch. 634) and identify at least ten regulations for removal. The purpose of the hearing is to: (1) vet the Board's recommendations as set out in Attachments A and B; (2) solicit input as to the merits of the Board's recommendations as set out in Attachments A and B; and (3) identify other regulatory changes the attendees feel are worthy of consideration by the Board. A copy of a spreadsheet identifying all of the Board's regulations, including those that may be recommended for removal or amendment, is attached as Attachment A. A copy of the text of those regulations identified for potential removal or amendment is attached as Attachment B.

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 Friday, March 3, 2023. 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 considered by the Board, including those that may be considered for amendment or removal, 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 regulations to be considered by the Board, including those that may be considered for amendment or removal, 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. Copies of this notice and regulations to be considered by the Board, including those that may be considered for amendment or removal, will be mailed to members of the public upon request.

This notice and the text of the regulations to be considered by the Board, including those that may be considered for amendment or removal, 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>.

A copy of this notice and the text of the regulations to be considered by the Board, including those that may be considered for amendment or removal, has been emailed to all licensees and chiropractic 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.

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

**CHIROPRACTIC PHYSICIANS' BOARD OF NEVADA
NEVADA ADMINISTRATIVE CODE 634**

NAC	Need/Purpose	Leave As Is/Streamline/Clarified/ Reduce/Improve/Remove	Leave or Remove	Ranking
634.110	Definitions	Leave As Is	Leave	
634.111	"Advertisement" defined	Is this definition necessary?	??	
634.112	"Ancillary services" defined	Leave As Is	Leave	
634.113	"Applicant" defined	Leave As Is	Leave	
634.114	"Board" defined	Leave As Is	Leave	
634.116	"Certificate" defined	Leave As Is	Leave	
634.117	"Chiropractic assistant" defined.	Leave As Is	Leave	
634.119	Direct supervision" defined	Leave As Is	Leave	
634.120	"Good standing" defined.	Leave As Is	Leave	
634.121	"Licensee" defined.	Leave As Is	Leave	
634.124	"Referral bureau" defined.	Leave As Is	Leave	
634.125	"Precisely controlled force" interpreted.	Leave As Is	Leave	
634.125	Severability of provisions.	Leave As Is	Leave	
CHIROPRACTIC PHYSICIANS' BOARD OF NEVADA				
634.130	Regular Meetings	Remove (Implement board policy)	Remove	1
634.140	Election of Officers	Leave As Is	Leave	
FEEES				
634.200	Amount	Leave As Is	Leave	
634.210	Methods of payment	Leave As Is	Leave	
634.215	Fee for Issuance of license	Leave As Is	Leave	
LICENSING & CERTIFICATION				
EXAMINATIONS				
634.220	Fingerprinting	Remove (See NRS 634.093)? This would remove the requirement for reinstatement, which would be fine with me.	Remove	16
634.290	Examinations; passing score	Improve-Revise the passing score from 90% to 75% for an open-book exam.	Leave	
634.300	Examinations; Period for taking; failure to pass	Remove- Section 3(b) Submit a new application/fingerprints in accordance with NRS 634.080. (after not receiving a passing score on the jurisprudence examination)	Remove Section 3(b)	17
634.305	Examination for certification as chiropractic assistant	Improve/Clarified - Revise the passing score from 90% to 75% for an open-book exam. Omit a portion of section 5 which provides the process to continue working as a CA after failing the exam(s) on the second attempt. Remove Section 9, identifies the "chair of the test committee."?	Remove Section	18
634.311	Retention & destruction of records	Remove (Add to the State Retention Schedule)	Remove	19
634.320	Authorized person in waiting area;conduct of applicant	Is this necessary?		
634.330	Cheating by applicants	Is this necessary?		
PRECEPTOR PROGRAM				
634.331	Definitions	Leave As Is	Leave	
634.333	"Preceptor" Defined	Leave As Is	Leave	
634.334	"Student_ Defined	Leave As Is	Leave	
634.335	Establishment	Leave As Is	Leave	
634.336	Application procedure for student; eligibility requirements	Leave As Is	Leave	
634.337	Application procedure for licensee; requirements to act as preceptor	Leave As Is	Leave	
634.338	Preceptor agreement: Form; contents; required provisions	Leave As Is	Leave	
634.339	Duties of preceptor; scope of authorized activities of student	Leave As Is	Leave	
634.341	Student providing chiropractic services: Notice to patient; duties of student and preceptor	Leave As Is	Leave	
634.342	Identification of student	Leave As Is	Leave	
634.343	Continued professional relationship between student and preceptor	Leave As Is	Leave	
643.347	Disciplinary action.	Leave As Is	Leave	
CHIROPRACTIC ASSISTANTS				
634.3475	Detrimental to the best interest of the public	Leave As Is	Leave	
634.348	Performance of ancillary services	Leave As Is	Leave	
634.350	Application for certification;Filing; requirements;expiration;waiver of requirements	Leave As Is	Leave	
634.355	Certification: Additional requirements; waiver of requirements	Improve - Revise the passing score from 90% to 75% for an open-book exam.	Leave	
634.357	Adherence to standards of practice;duites to recognize and respond to emergencies and demonstrate professionalism	Leave As Is	Leave	
634.360	Employment and training as a chiropractic assistant	Improve-Remove Section 3. For good cause shown, the Board may, at its discretion, extend the training period of a chiropractic assistant trainee and authorize the trainee to take a later scheduled examination.	Remove Section	20
MISCELLANEOUS PROVISIONS				
634.363	License by Endorsement	Leave As Is	Leave	

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NAC	Need/Purpose	Leave As Is/Streamline/Clarified/ Reduce/Improve/Remove	Leave or Remove	Ranking
634.366	Requirements to practice chiropractic or provide services relating to chiropractic; report to Board of any other license, certificate or registration as provider of health care.	Leave As Is	Leave	
634.3665	Requirements to perform manipulation on patient under anesthesia.	Leave As Is	Leave	
634.3668	Requirements to obtain certification to perform dry needling; renewal of certificate; chiropractic assistant prohibited from performing dry needling	Leave As Is	Leave	
634.367	Temporary license: Authorized acts	Leave As Is	Leave	
634.368	Practice by applicant waiting to take examination.	Leave As Is	Leave	
634.370	Replacement of lost, stolen, or mangled license or certificate	Leave As Is	Leave	
634.373	Registration and change of name or Internet address of practice	Leave As Is	Leave	
634.375	Notification of Board of change of name	Leave As Is	Leave	
634.380	Notification of Board regarding address of legal residence and mailing address.	Leave As Is	Leave	
634.383	Notification of Board of practice in mobile chiropractic office.	Leave As Is	Leave	
634.384	Biennial submission of self-inspection form to Board by licensee	Is this information critical? Look at adding necessary questions to the renewal? If so, could a random audit be conducted rather than reviewing every active licensee's self-inspection.	?	
634.385	Continued education of licensees and holders of certificates	Leave As Is	Leave	
634.386	Audits of licensees and holders of certificates to ensure compliance with requirements of continuing education.	Leave As Is	Leave	
634.390	Voluntary surrender of license or certificate; complaint for disciplinary action authorized; circumstances under which surrender considered disciplinary action; discretion of Board.	Leave As Is	Leave	
STANDARDS OF PRACTICE				
634.410	Conduct on premises.	Leave As Is	Leave	
634.412	Competence.	Leave As Is	Leave	
634.415	Supervision of others by licensee.	Leave As Is	Leave	
634.418	Supervision of employees by licensee; procedures for independent contractor to provide services to patient.	Leave As Is	Leave	
634.423	Authoriation of person to work in chiropractic practice for training and education.	Leave As Is	Leave	
634.425	Reports to Board of certain judgements, settlements and convictions.	Leave As Is	Leave	
634.430	Unprofessional conduct: Interpretation of statutory phrase.	Leave As Is	Leave	
634.435	Health care records.	Leave As Is	Leave	
634.445	Practice without maintaining professional liability insurance: Written disclosures	Leave As Is	Leave	
634.455	Chiropractic assistant: Display of certificate.	Leave As Is	Leave	
634.460	Chiropract assistant and chiropractic assistant trainee: Prohibited acts.	Leave As Is	Leave	
ADVERTISING AND OTHER COMMUNICATIONS				
634.515	Permissible information.	Leave As Is	Leave	
634.518	Maintenance of documents relating to advertisements.	Remove	Remove	21
634.521	False or misleading communications prohibited.	Reduce (merge with 634.536 & 634.550)	Leave	
634.525	Advertisements for electronic media.	Remove	Remove	22
634.530	Advertisement of affiliation with provider of health care.	Remove	Remove	23
634.536	Designation of licensee.	Reduce (merge with 634.521 & 634.550)	Leave	
634.541	Inclusion of name of licensee, referral bureau responsible for content or telephone number and Internet address of licensee.	Remove	Remove	24
634.545	Advertisement of affiliation with research project.	Remove	Remove	25
634.550	Advertisement as expert or specialist.	Reduce (merge with 634.521 & 634.536)	Leave	
634.556	Advertisement of fees.	Remove	Remove	26
634.565	Advertisements of 24-hour service.	Remove	Remove	27
GENERAL PROVISIONS				
634.610	Scope and construction of provisions; deviations.	Leave As Is	Leave	
RULES OF PRACTICE				
634.615	Communications with Board.	Leave As Is	Leave	
634.620	Appearance and practice at hearings.	Remove subsections (1), (2), and (6)	Remove subsections	2
634.625	Participation by staff of Board.	Remove (See NRS ch. 622A)	Remove	3
634.630	Pleadings: Generally.	Leave As Is	Leave	
634.635	Pleadings: Complaints.	Remove (See NRS ch. 622A)	Remove	4
634.645	Filing and service of documents	Leave As Is	Leave	
634.650	Pleadings: Answer to notice of charges; motions.	Leave As Is	Leave	
634.653	Declaratory orders and advisory opinions.	Leave As Is	Leave	
634.660	Subpoenas.	Leave As Is	Leave	
634.665	Filing briefs.	Leave As Is	Leave	
634.670	Computation of time; obtaining information about proceedings.	Leave As Is	Leave	
HEARINGS				
634.710	Persons presiding; resetting after continuance ; location.	Remove (See NRS ch. 622A)	Remove	5

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NAC	Need/Purpose	Leave As Is/Streamline/Clarified/ Reduce/Improve/Remove	Leave or Remove	Ranking
634.715	Failure to appear.	Leave As Is	Leave	
634.720	Preliminary procedure.	Remove (See NRS ch. 622A)	Remove	6
634.725	Standards of conduct.	Leave As Is	Leave	
634.730	Testimony: Oath or affirmation required.	Remove (See NRS ch. 622A)	Remove	7
634.735	Order of presentation.	Remove (See NRS ch. 622A)	Remove	8
634.740	Consolidation of proceedings.	Leave As Is	Leave	
634.745	Stipulations.	Remove (See NRS ch. 622A)	Remove	9
634.750	Rules of evidence.	Remove (See NRS ch. 622A)	Remove	10
634.755	Offer of proof.	Remove (See NRS ch. 622A)	Remove	11
634.760	Continuances.	Remove (See NRS ch. 622A)	Remove	12
634.765	Matters of official notice.	Leave As Is	Leave	
634.770	Transcripts.	Remove (See NRS ch. 622A)	Remove	13
634.775	Submission of matters for decision; dissemination of orders.	Remove (See NRS ch. 622A)	Remove	14
ENFORCEMENT				
634.810	Authority of Board.	Remove (See NRS ch. 622A)	Remove	15

INTRODUCTION

The Chiropractic Physicians' Board of Nevada was created in 1923. The Board enforces NRS and NAC chapters 634 which taken together authorize the Board to reasonably ensure that the citizens of Nevada receive competent chiropractic care from properly educated and licensed chiropractors. Without examination of basic knowledge and required continuing education throughout the careers of Nevada's chiropractors, Nevadans would be at risk of receiving substandard services.

Section 2, Subsection 1

The Board licenses chiropractic physicians and chiropractor's assistants. Pursuant to NAC 634.200 the board assesses the fees identified in the table below for entry into chiropractic.

Fee	Amount	Notes
DC Application Fee	200.00	
DC Exam Fee	125.00	
DC Initial License Fee	225.00	
DC License Renewal	600.00	Reduced in 2023/2024 from \$700
DC-Inactive to Active	325.00	
DC-Suspended/Expired to Active	500.00	
Fingerprint Fee	40.25	Pass-Through to DPS
CA Application Fee	100.00	
CA Exam Fee	75.00	
CA Certificate Renewal	60.00	Reduced in 2024/2025 from \$120
CA-Reinstatement	75.00	
Statutory Authority NRS 634.135/NAC 634.200		

Chiropractic physician applicants must have graduated from a chiropractic college accredited by the Council on Chiropractic Education (or in some unusual cases, a chiropractic college with which the CCE has a reciprocal agreement). There is a separate pathway that allows for foreign graduates to seek licensure in Nevada where the Board determines that their foreign schooling is equivalent to CCE standards. Chiropractic physician applicants must take and pass a four-part national examination administered by the National Board of Chiropractic Examiners. Additionally, chiropractic physicians must pass a Nevada jurisprudence examination administered by the Board. The examination has recently been moved to an online format as well as a paper format for the convenience of applicants.

Chiropractic assistant applicants must have completed formal training of at least twelve months of study or the equivalent of twelve months of on-the-job training with a Nevada chiropractic physician. Chiropractic assistant applicants must take a qualifications examination and a separate Nevada jurisprudence examination, both of which are administered by the Board twice per year in-person and three times per year on-line.

Chiropractic physicians renew their licenses every odd-numbered year, and chiropractic assistants renew their licenses every even-numbered year.

The Board is able to process an application by a chiropractic physician within no more than five days of receipt of the required documentation, however the current delay in the issuance of the license is the receipt of the background results from the Department of Public Safety, Records, Communications and Compliance Division. The current wait time is approximately six to eight weeks. Unfortunately, this means that Nevada's chiropractic physician applicants are unable to serve patients for six to eight weeks while they await the return of the background results.

Section 2, Subsection 2

Chiropractic Physicians are regulated in all 50 states, including Alaska and Canada.

Chiropractic assistants are regulated in fifteen states: Alaska, Arizona, Florida, Maine, Maryland, Massachusetts, Mississippi, Nevada, New Jersey, New Mexico, North Carolina, North Dakota, Oregon, South Dakota, and Tennessee.

Section 2, Subsection 3

The Board has already taken a number of important steps to lower barriers and expedite licensure of chiropractic physicians and chiropractic assistants, including setting up a useful licensure by reciprocity program, allowing older out-of-state chiropractic physicians to obtain licensure by only completing those portions of the NCBE examinations available at the time of their original licensure, and recognition of several foreign schools as satisfying Nevada's requirement. The Board is interested in and working with sister-states to create a nationwide licensing compact for chiropractic physicians, but that project is years away from operation. The Board has put its examinations online to facilitate easier access to applicants.

Prior to the regulation freeze ordered in Executive Order 2023-003, the Board was working on a regulation to allow the recognition of non-traditional high school graduations (such as charter schools, home schools, foreign schools, etc.) to suffice for chiropractic physician applicants, which regulation, if it had not been frozen, would have broadened the pool of potential applicants in Nevada. The Board has sought an exemption from the Governor's Office to allow it to proceed with this regulation.

Section 2, Subsection 4

Forty states, including Nevada, recognize some form of reciprocity or endorsement for chiropractic physicians. Nationwide, there is no reciprocity or endorsement for chiropractic assistants. The chiropractic profession does not currently have an approved interstate licensure compact; however, the Federation of Chiropractic Licensing Boards (FCLB) has previously applied

for a grant to create an interstate compact. This Board has expressed interest in being a part of the compact.

Section 3

Chiropractic physicians are licensed in all 50 states. Chiropractic assistants are licensed in fifteen states. Because the number of states that regulate chiropractic assistants does not meet the 26-state threshold set out in Executive Order 23-004 of 26 states, reluctantly the Board must inform the Governor that in order to remove chiropractic assistant licensure by July 1, 2023, the only available process would be for the Nevada Legislature to pass a bill removing all references to chiropractic assistants from the NRS, which the bill would then need to be signed by the Governor. Because chiropractic assistants are fully integrated into the practices of Nevada's chiropractic physicians statewide, and because chiropractic assistants extend the capabilities of Nevada's chiropractic physicians' abilities to serve as many Nevadans as possible, the Board asks that the Governor find that chiropractic assistants should not be presumed for removal, and the Board strongly urges the Governor not to seek the deregulation of chiropractic assistants.

Section 4

As previously stated, the chiropractic profession does not currently have an approved interstate licensure compact; however, the FCLB has previously applied for a grant to create an interstate compact. This Board has expressed interest in being a part of the compact. The Board does not anticipate that the FCLB compact for chiropractic physicians will be complete by July 1, 2023. The Board will participate in the FCLB process, and assuming the process ultimately produces a usable compact, the Board will take necessary actions – which might include Legislative or regulatory action – to participate in the compact once it exists.

NAC 634.363 permits License by Endorsement which allows an individual who has actively practiced chiropractic in another state for not fewer than seven of the ten years immediately preceding the date of submission of the application, who has no adverse disciplinary action taken against him or her, and who has completed requisite parts of the examination administered by the National Board of Chiropractic Examiners. For applicants who qualify for the endorsement process, licensure is processed as soon as all required documents are received. Forty states, including Nevada, recognize some form of reciprocity or endorsement for chiropractic physicians.