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CHIROPRACTIC PHYSICIAN'S BOARD OF NEVADA

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NOTICE OF INTENT TO ACT UPON A PROPOSED REGULATION

R169-22

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 12, 2023 at the Fairfield Inn & Suites, Las Vegas Airport South, 355 East Warm Springs Road, Las Vegas, NV 89119.** 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. R169-22.

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 adopt language related to an applicant furnishing satisfactory evidence that he or she has a high school education, requires a chiropractic physician or chiropractic assistant to provide the Board with the electronic mail address used for work purposes and to clarify provisions related to educational requirements for chiropractic physicians and chiropractic assistants. In all 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 Existing law requires an applicant for a license to practice chiropractic to furnish to the Board satisfactory evidence that he or she has a high school education and is a graduate from an accredited college of chiropractic. (NRS 634.090) Section 1 of this regulation sets forth the documents an applicant may provide to the Board for the purposes of furnishing satisfactory evidence that he or she has a high school education.

NAC 634 Section 2 of this regulation additionally requires such a chiropractic

physician or chiropractic assistant to provide the Board with the electronic mail address that he or she uses for work purposes.

NAC 634

Section 3 of this regulation provides that the Board will award 4 hours of continuing education once during a calendar year to a licensee or a holder of a certificate who attends a meeting of the Board during a calendar year.

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/2022Register/R169-22P.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 July 14, 2022 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 July 14, 2022 Notice of Public Workshop to Consider the Proposed Regulation Changes and the Proposed Regulation Changes were e-mailed to all licensee's and chiropractic assistants, whose email addresses are on file with the CPBN and were posted at the Nevada Attorney General's Office and the State of Nevada Library and Archives.

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 December 31, 2022. 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. 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 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.

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

LCB File No. R169-22

September 29, 2022

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

AUTHORITY: § 1, NRS 634.030 and 634.090; § 2, NRS 634.030; § 3, NRS 634.030 and 634.130.

A REGULATION relating to chiropractors; setting forth the documents that an applicant for a license to practice chiropractic may provide to the Chiropractic Physicians' Board of Nevada to demonstrate that he or she has a high school education; requiring chiropractic physicians and chiropractor's assistants to provide the Board with electronic mail addresses used for work purposes; providing for the award of credit for continuing education to chiropractic physicians and chiropractor's assistants who attend a meeting of the Board; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Chiropractic Physicians' Board of Nevada to adopt reasonable regulations for the transaction of business and to enable the Board to carry out its duties under the provisions of law governing chiropractic physicians and chiropractic assistants. (NRS 634.030)

Existing law requires an applicant for a license to practice chiropractic to furnish to the Board satisfactory evidence that he or she has a high school education and is a graduate from an accredited college of chiropractic. (NRS 634.090) **Section 1** of this regulation sets forth the documents an applicant may provide to the Board for the purposes of furnishing satisfactory evidence that he or she has a high school education.

Existing regulations require a chiropractic physician or chiropractor's assistant who is licensed or certified by the Board to provide the Board with the address of his or her current legal residence. (NAC 634.380) **Section 2** of this regulation additionally requires such a chiropractic physician or chiropractor's assistant to provide the Board with the electronic mail address that he or she uses for work purposes.

Existing regulations establish provisions concerning the continuing education of persons who hold a license to practice chiropractic or a certificate to practice as a chiropractor's assistant. (NAC 634.385) **Section 3** of this regulation provides that the Board will award 4 hours of

continuing education once during a calendar year to a licensee or a holder of a certificate who attends a meeting of the Board during that calendar year.

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

For the purposes of an applicant furnishing satisfactory evidence to the Board that he or she has a high school education in accordance with paragraph (b) of subsection 1 of NRS 634.090, the applicant may provide to the Board:

- 1. A diploma issued by a high school in this State or any other state or territory of the United States;*
- 2. An official transcript issued by a high school in this State or any other state or territory of the United States;*
- 3. A certificate of general educational development or an equivalent document issued by the Department of Education or the appropriate authority of any other state or territory of the United States; or*
- 4. A certificate of completion of high school or an equivalent document issued by a charter school or homeschool that is lawfully operated in this State or any other state or territory of the United States.*

Sec. 2. NAC 634.380 is hereby amended to read as follows:

634.380 1. A chiropractic physician or chiropractor's assistant who is licensed or certified by the Board shall ~~†~~

~~—(a) Provide†~~ provide the Board with ~~†the†~~ :

(a) The address of his or her current legal residence ~~†~~ and

~~[(b) Notify]~~ *notify* the Board, in writing, of any change in his or her legal residence within 15 days after the change ~~[(b) Notify]~~; *and*

(b) The electronic mail address that he or she uses for work purposes.

2. In addition to providing the Board with the address of each office where he or she practices pursuant to NRS 634.129, and the address of his or her legal residence, a chiropractic physician or chiropractor's assistant may provide the number of a post office box which is to be used as his or her mailing address.

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 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 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; 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.

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.

11. The Board will award 4 hours of credit for continuing education once during a calendar year to a licensee or a holder of a certificate who attends a meeting of the Board during that calendar year.