

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

**LCB File No. R101-08**

May 27, 2008

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

AUTHORITY: §§1-3, 5-7, 9-12, 14, 15, 17 and 19-22, NRS 634.030; §4, NRS 233B.120 and 634.030; §8, NRS 634.030 and 634.135; §13, NRS 634.030 and 634.123; §16, NRS 634.030 and 634.130; §18, NRS 634.030 and 634.1295.

A REGULATION relating to chiropractic; defining when a license to practice chiropractic is in good standing; revising provisions governing a mobile chiropractic office; revising provisions governing petitions to the Chiropractic Physicians' Board of Nevada for declaratory orders and advisory opinions; removing references to a chiropractor's assistant for massage; increasing various fees charged by the Board; revising provisions governing the certification of a chiropractor's assistant trainee; revising provisions governing the written disclosures required of chiropractors who do not maintain professional liability insurance; and providing other matters properly relating thereto.

**Section 1.** Chapter 634 of NAC is hereby amended by adding thereto the provisions set forth as sections 2, 3 and 4 of this regulation.

**Sec. 2.** *“Good standing” with respect to a license to practice chiropractic means that the license is not restricted by revocation, suspension or probation or otherwise encumbered as specified by an order of the Board.*

**Sec. 3. 1.** *A chiropractic physician or chiropractor's assistant who practices in a mobile chiropractic office shall notify the Board of that fact within 15 days after beginning to practice in the mobile chiropractic office.*

**2.** *As used in this section, “mobile chiropractic office” means a self-contained, self-supporting, enclosed mobile unit where one or more persons engage in the practice of*

*chiropractic at multiple locations, including, without limitation, within the mobile unit or at a patient's home, business or hotel room.*

**Sec. 4. 1.** *A petition to the Board for a declaratory order or advisory opinion may only be filed by the holder of or an applicant for a license issued by the Board.*

*2. The filing must include the original and 10 copies of the petition.*

*3. A petition that is filed with the Board not less than 10 days before its next regularly scheduled meeting will be reviewed by the Board at that meeting. The Board will issue a declaratory order or advisory opinion within 30 days after reviewing the petition.*

**Sec. 5.** NAC 634.110 is hereby amended to read as follows:

634.110 As used in this chapter, unless the context otherwise requires, the words and terms defined in NAC 634.111 to ~~[634.122,]~~ **634.121**, inclusive, *and section 2 of this regulation* have the meanings ascribed to them in those sections.

**Sec. 6.** NAC 634.112 is hereby amended to read as follows:

634.112 “Ancillary services” means services related to the practice of chiropractic that a chiropractor’s assistant ~~[or chiropractor’s assistant for massage]~~ is authorized to perform under the terms of the certificate issued to him by the Board. The term does not include acts that a chiropractor’s assistant ~~[or chiropractor’s assistant for massage]~~ is prohibited from performing pursuant to NAC 634.460.

**Sec. 7.** NAC 634.116 is hereby amended to read as follows:

634.116 “Certificate” means a current certificate as a chiropractor’s assistant . ~~[or chiropractor’s assistant for massage.]~~

**Sec. 8.** NAC 634.200 is hereby amended to read as follows:

634.200 1. 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 .....	<del>[100.00]</del> <b>125.00</b>
For an application for, and the issuance of, a certificate as a chiropractor's assistant <del>[or chiropractor's assistant for massage]</del> .....	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 <del>[or chiropractor's assistant for massage]</del> .....	<del>[50.00]</del> <b>60.00</b>
For the issuance of a license to practice chiropractic .....	<del>[200.00]</del> <b>225.00</b>
For the issuance of a temporary license to practice chiropractic pursuant to NRS 634.115 .....	50.00
For <del>[an annual]</del> <b>the biennial</b> renewal of an active license to practice chiropractic .....	<del>[300.00]</del> <b>700.00</b>
For the <del>[annual]</del> <b>biennial</b> renewal of an inactive license to practice chiropractic .....	<del>[100.00]</del> <b>250.00</b>
For the <del>[annual]</del> <b>biennial</b> renewal of a certificate as a chiropractor's assistant <del>[or chiropractor's assistant for massage]</del> .....	<del>[50.00]</del> <b>120.00</b>
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 <del>for chiropractor's</del> <del>assistant for massage</del> which has been suspended or revoked .....	<del>[35.00]</del> 70.00
For reinstating an inactive license to practice chiropractic which has been suspended or revoked .....	<del>[100.00]</del> 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 <del>[certification]</del> <i>verification</i> of licensure <i>or issuance of a</i> <i>certificate of good standing</i> .....	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 each page of a list of continuing education courses which have been approved by the Board.....	0.50

For a review by the Board of a course offered by a chiropractic school or college or a course of continuing education in chiropractic .....25.00

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

**Sec. 9.** NAC 634.320 is hereby amended to read as follows:

634.320 During the examination of applicants for licensing as chiropractic physicians or for certification as chiropractor's assistants , ~~for chiropractor's assistants for massage,~~ only members of the Board, testing consultants, examination proctors, applicants and persons requested by the Board will be allowed in the waiting area for applicants or in the room in which the examination is given. An applicant may not:

1. Communicate with any person while he is in the waiting area, halls or restrooms;
2. Leave the waiting area without the permission of a member of the Board, a testing consultant or an examination proctor; or
3. Bring any written or recorded material relating to the practice of chiropractic into the examination facility.

**Sec. 10.** NAC 634.348 is hereby amended to read as follows:

634.348 1. A person who desires to perform ancillary services ~~other than massage~~ must obtain a certificate as a chiropractor's assistant.

2. ~~Except as otherwise provided in subsection 3, a~~ A person who holds a certificate as a chiropractor's assistant may perform ancillary services , ~~other than massage,~~ including, without limitation:

- (a) Administering to patients by means of physiotherapeutic equipment;
- (b) Taking and developing X rays;

- (c) Assisting with the education of a patient concerning his health;
- (d) Assisting a patient with exercise or rehabilitation activities;
- (e) Taking the history of the health of a patient; and
- (f) Assisting the supervising licensee with an examination of a patient.

~~[3.—A person who holds a certificate as a chiropractor's assistant may not perform the ancillary service of massage unless he also holds a certificate as a chiropractor's assistant for massage.]~~

**Sec. 11.** NAC 634.350 is hereby amended to read as follows:

634.350 1. An applicant for a certificate as a chiropractor's assistant ~~[or an applicant for a certificate as a chiropractor's assistant for massage]~~ must file an application with the Board on a form furnished by the Board and pay the required fee within 15 days after the date on which the applicant has begun performing duties as a chiropractor's assistant. ~~[or chiropractor's assistant for massage.]~~ An applicant who has not begun performing duties as a chiropractor's assistant ~~[or chiropractor's assistant for massage]~~ may file an application at any time after he has completed his formal training required pursuant to NRS 634.123.

2. The application must set forth:

- (a) The date of the application.
- (b) The applicant's date and place of birth and two personal references based upon 5 years' acquaintance.
- (c) The applicant's name, age, social security number, sex and current residence.
- (d) ~~[If the applicant is applying for:~~  
~~——(1) A certificate as a chiropractor's assistant:~~  
~~——(4)]~~ The name and mailing address of the applicant's current employer, if any. ~~[; and~~

~~—(H)~~ (e) If applicable, the date on which he was hired to perform the duties of a chiropractor's assistant.

~~[(2) A certificate as a chiropractor's assistant for massage, the name and mailing address of the applicant's current employer, if any.]~~

~~—(e)~~ (f) Whether or not the applicant has ever applied for certification as a chiropractor's assistant ~~[for chiropractor's assistant for massage, as appropriate,]~~ in another state. If he has so applied, he must state when and where he applied and the result of that application.

~~[(f)]~~ (g) If the applicant has been certified in another state, whether any proceeding to discharge, dismiss or discipline him or other similar proceeding has ever been instituted against him and the disposition of each such proceeding.

3. An application expires after 1 year.

4. For good cause shown, the Board may, at its discretion, waive one or more of the requirements of this section.

**Sec. 12.** NAC 634.355 is hereby amended to read as follows:

634.355 1. An applicant for a certificate as a chiropractor's assistant ~~[for chiropractor's assistant for massage]~~ must, in addition to fulfilling the requirements of NAC 634.350, furnish evidence satisfactory to the Board that he:

(a) Is 18 years of age or older; and

(b) Has received a score of at least 75 percent on an examination administered by the Board on the provisions of NRS and NAC that are related to the practice of chiropractic.

2. In addition to the requirements set forth in subsection 1 and NAC 634.350, an applicant for a certificate as a chiropractor's assistant must furnish evidence satisfactory to the Board that he:

(a) Satisfies one of the following:

(1) Is certified as a chiropractor's assistant by a program for chiropractor's assistants that is approved by the Board; or

(2) Has had 6 months of full-time training and employment as a chiropractor's assistant trainee from a licensee.

(b) Has received a score of at least 75 percent on the examination for certification required pursuant to NAC 634.305.

3. ~~[In addition to the requirements set forth in subsection 1 and NAC 634.350, an applicant for a certificate as a chiropractor's assistant for massage must furnish evidence satisfactory to the Board that he has passed:~~

~~—(a) The examination administered by the National Certification Board for Therapeutic Massage and Bodywork and holds a current certificate from that organization; or~~

~~—(b) An examination that the Board deems sufficient.~~

~~—4.]~~ Evidence of an applicant's completion of approved training pursuant to subparagraph (2) of paragraph (a) of subsection 2 must consist of a certification by the licensed provider of health care, and the certification must be notarized.

~~[5.]~~ 4. The Board may, at its discretion:

(a) Waive one or more of the requirements of this section for good cause shown.

(b) Upon receipt from an applicant of documentation demonstrating that the applicant has received additional formal training, education or experience, grant the applicant credit toward fulfilling the requirements of subparagraph (2) of paragraph (a) of subsection 2.

**Sec. 13.** NAC 634.360 is hereby amended to read as follows:

634.360 1. A person may not be employed and trained for more than ~~30~~ 15 days as a chiropractor's assistant trainee for the purposes of satisfying subparagraph (2) of paragraph (a) of subsection 2 of NAC 634.355 unless the person, within the first ~~30~~ 15 days during which he performs any duties as a chiropractor's assistant trainee, applies to the Board by submitting a form provided by the Board.

2. Except as otherwise provided in subsection 3, an applicant for a certificate as a chiropractor's assistant who completes training pursuant to subparagraph (2) of paragraph (a) of subsection 2 of NAC 634.355 shall, upon the completion of his training:

- (a) Apply to the Board to sit for the next scheduled examination; and
- (b) Submit the fees required by the Board pursuant to NAC 634.200.

3. For good cause shown, the Board may, at its discretion, extend the training period of a chiropractor's assistant trainee and authorize the trainee to take a later scheduled examination.

**Sec. 14.** NAC 634.366 is hereby amended to read as follows:

634.366 1. Except as otherwise provided in NAC 634.360, a person may not practice chiropractic or provide services relating to chiropractic to patients unless the person:

- (a) Is a licensee;
- (b) Holds a valid certificate as a chiropractor's assistant ~~for chiropractor's assistant for~~ ~~massage~~ pursuant to NRS 634.123 and the provisions of this chapter;
- (c) Is authorized to perform chiropractic pursuant to NRS 634.105 while waiting to take the Board's examination;
- (d) Holds a valid temporary license to practice chiropractic pursuant to NRS 634.115; or
- (e) Holds a valid license or certificate as a provider of health care that is issued by an agency of this State pursuant to one or more of the chapters of title 54 of NRS.

2. A licensee shall report to the Board any other license, certificate or registration as a provider of health care he obtains pursuant to a chapter of title 54 of NRS other than chapter 634 of NRS within 15 days after the effective date of the license, certificate or registration.

**Sec. 15.** NAC 634.380 is hereby amended to read as follows:

634.380 1. A chiropractic physician ~~[,]~~ *or* chiropractor's assistant ~~[or chiropractor's assistant for massage]~~ who is licensed or certified by the Board shall:

- (a) Provide the Board with the address of his current legal residence; and
- (b) Notify the Board, in writing, of any change in his legal residence within 15 days after the change.

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

**Sec. 16.** NAC 634.385 is hereby amended to read as follows:

634.385 1. Except as otherwise provided in subsection 6, 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 in this State for the purpose of ensuring an optimum quality of chiropractic health care.

2. The Board may approve or endorse the attendance of licensees at 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 of NRS 634.130;

(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;

(d) The sponsor of the seminar or seminars ensures that each licensee who requests credit for continuing education to satisfy the requirement set forth in subsection 3 of NRS 634.130 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; or

(3) The American Chiropractic Association, the International Chiropractors Association or the successor of either; 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 on or before January 1 of each *odd-numbered* year before the issuance of a renewal certificate.

3. The sponsor of the seminar or seminars shall ensure that each licensee 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.

4. 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 of NRS 634.130 shall pay the full registration fee.

5. 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.

6. The Board will not award credit for continuing education to a licensee for an educational class or seminar that is of a nonclinical nature, including, without limitation, an educational class or seminar regarding:

- (a) The building or management of a chiropractic practice; or
- (b) The billing of insurance.

7. 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.

**Sec. 17.** NAC 634.415 is hereby amended to read as follows:

634.415 A licensee who supervises:

- 1. A chiropractor's assistant;
- 2. ~~{A chiropractor's assistant for massage;~~
- ~~—3.}~~ An applicant for a license to practice chiropractic who is authorized to perform chiropractic pursuant to NRS 634.105; or
- ~~{4.}~~ 3. Any other person who is subject to the supervision of the licensee,

↪ shall ensure that the person who is supervised complies with the provisions of this chapter and chapter 634 of NRS, and shall make all decisions relating to the diagnosis, treatment, management and future disposition of a patient.

**Sec. 18.** NAC 634.445 is hereby amended to read as follows:

634.445 1. Each written disclosure that is posted by a licensee pursuant to paragraph (a) of subsection 1 of NRS 634.1295 must:

(a) Be printed in boldface capital letters on paper that is at least 8 1/2 inches by 11 inches in size;

(b) Not contain text that is smaller than a 42-point ~~{Times New Roman}~~ font or less than 1/2 inch in height; and

(c) Be in substantially the following form:

**IMPORTANT NOTICE TO MY PATIENTS**

I, ..... (NAME OF CHIROPRACTOR), DO NOT MAINTAIN  
PROFESSIONAL LIABILITY INSURANCE.

2. Each written disclosure that is given to a patient by a licensee pursuant to paragraph (b) of subsection 1 of NRS 634.1295 must:

(a) Be printed in boldface letters on paper that is at least 8 1/2 inches by 11 inches in size;

(b) Be captioned in capital letters in text that is not smaller than a 28-point ~~{Times New Roman}~~ font or less than 1/4 inch in height;

(c) Not contain text that is smaller than an 18-point ~~{Times New Roman}~~ font or less than 1/4 inch in height; and

(d) Be in substantially the following form:

ACKNOWLEDGMENT OF LACK OF PROFESSIONAL LIABILITY INSURANCE

I, ..... (name of patient), acknowledge that I am aware that .....  
(name of chiropractor) does not maintain professional liability insurance coverage.

.....  
(date)

.....  
(signature of patient)

3. A written disclosure described in subsection 2 must be signed by the patient before the licensee provides any chiropractic treatment or care to the patient.

4. After a written disclosure described in subsection 2 is signed by a patient, the licensee shall maintain the written disclosure as a part of the record of the patient.

**Sec. 19.** NAC 634.455 is hereby amended to read as follows:

634.455 1. A chiropractor's assistant ~~for chiropractor's assistant for massage~~ shall display his certificate at the place of practice of the supervising licensee.

2. If the supervising licensee practices at more than one location and the chiropractor's assistant ~~for chiropractor's assistant for massage~~ works at more than one of those locations, the chiropractor's assistant ~~for chiropractor's assistant for massage~~ shall:

- (a) Display his certificate at the office where he performs the majority of his work; and
- (b) Display a duplicate certificate, which the chiropractor's assistant ~~for chiropractor's assistant for massage~~ shall obtain from the Board, at each of the other locations where he works.

3. A chiropractor's assistant ~~for chiropractor's assistant for massage~~ shall not display his certificate except as otherwise provided in this section.

**Sec. 20.** NAC 634.460 is hereby amended to read as follows:

634.460 A chiropractor's assistant ~~for chiropractor's assistant for massage~~ or chiropractor's assistant trainee may not:

1. Diagnose a patient or establish a prognosis.
2. Prescribe a program of treatment for any patient.
3. Perform any service that is not specifically authorized by the provisions of chapter 634 of NRS.
4. Perform any service that is not specifically authorized by the terms of his certificate.
5. Perform a chiropractic adjustment.
6. Perform any service, except at the direction and under the direct supervision of a licensee.
7. Bill independently of the supervising licensee for any services rendered.

**Sec. 21.** NAC 634.810 is hereby amended to read as follows:

634.810 The Board may begin proceedings against:

1. A licensee;
2. A chiropractor's assistant;
3. ~~A chiropractor's assistant for massage;~~
- ~~—4.]~~ 4. An applicant for a license to practice chiropractic who is authorized to perform chiropractic pursuant to NRS 634.105; or
- ~~{5.}~~ 4. A person who holds a temporary license to practice chiropractic pursuant to NRS 634.115,

↪ for a violation of any provision of this chapter or of chapter 634 of NRS even though no member of the public is actually harmed by the violation and there is no complaint from any other person.

**Sec. 22.** NAC 634.118, 634.122, 634.346, 634.387 and 634.440 are hereby repealed.

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## **TEXT OF REPEALED SECTIONS**

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### **634.118 “Chiropractor’s assistant for massage” defined. (NRS 634.030)**

“Chiropractor’s assistant for massage” means a person who holds a certificate as a chiropractor’s assistant for massage pursuant to NRS 634.123 and the provisions of this chapter.

### **634.122 “Massage” defined. (NRS 634.030)**

“Massage” means the application of manual pressure to the muscular structures and soft tissues of the human body for therapeutic purposes, including, without limitation:

1. Effleurage (stroking);
2. Petrissage (kneading);
3. Tapotement (percussion);
4. Tapping;
5. Compression;
6. Vibration;
7. Friction; and
8. Triggerpoint therapy.

↪ The term does not include diagnosis, adjustment or manipulation of any articulations of the body or spine or the mobilization of articulations by a thrusting force.

**634.346 Performance of ancillary service of massage. (NRS 634.030, 634.125)**

1. A person who desires to perform the ancillary service of massage must obtain a certificate as a chiropractor's assistant for massage.

2. A person who holds a certificate as a chiropractor's assistant for massage may perform only the ancillary service of massage unless he also holds a certificate as a chiropractor's assistant.

**634.387 Restoration of suspended license. (NRS 634.030, 634.130)**

If the license of a licensee is automatically suspended pursuant to subsection 5 of NRS 634.130, the licensee must, in addition to paying the fees for reinstatement and renewal as required by that provision, apply to the Board to have the license restored.

**634.440 Referral bureaus. (NRS 634.030)**

1. Except as otherwise provided in this section, a referral bureau for licensees must have at least five licensees who do not have a fiduciary relationship with each other. A member of the referral bureau may represent no more than 20 percent of the licensees listed with the bureau. The Board will consider any extenuating circumstances which would prevent a referral bureau from complying with this subsection.

2. Unless there is a request for a licensee who uses a specific technique, is located in a specific area or is able to speak a certain language, all referrals by a bureau must be made on a rotating basis so that each licensee listed with the bureau receives the same number of referrals.

3. The telephone number for the referral bureau must not be the number of the office, residence or answering service of any of the licensees listed with the bureau.

4. The name of the referral bureau must not be deceptively similar to the name of:

- (a) A licensee who is listed with the bureau;
- (b) A chiropractic office;
- (c) A research association; or
- (d) A chiropractic association.

5. A record of all referrals must be made by the bureau and maintained by it for at least 1 year after the referral is made. The record must include, without limitation, the date and time of the referral, the name and address of the person referred, and the name of the licensee to whom the person was referred. The record must be made available upon request for inspection to any licensee listed with the bureau and must be submitted to the Board within 30 days after the end of each quarter of the calendar year.

6. A referral bureau shall:

(a) File a letter of application with the Board for its approval which properly identifies the referral bureau, its structure and its members.

(b) Report to the Board any change in the membership of the referral bureau within 15 days after the change occurs.