

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

LCB FILE NO. R157-26I

**The following document is the initial draft regulation proposed
by the agency submitted on 06/29/2026**

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

LCB File No. R*-26**

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

AUTHORITY: NRS 634.030 and 634.014 and NRS 622.530.

CHAPTER 634 - CHIROPRACTIC PHYSICIANS AND CHIROPRACTIC ASSISTANTS

Section 1. NAC chapter 634 shall be amended to adding thereto the provisions set forth as Sections 2, 3 and 4 of this regulation:

Sec. 2. *Upon written request by the Board may disclose all information pertaining to the personal background, medical history or financial affairs of an applicant for licensure or licensee, including, without limitation, disciplinary action, an officer or director of an applicant for registration or registrant or a chiropractic physician who provides or supervises the provision of chiropractic services at the facility of an applicant for registration or registrant which the Board requires to be furnished to it under this chapter, or which it otherwise obtains to an agent of the Federal Government, another state or of any political subdivision of this State.*

Sec. 3. 1. *Except as otherwise provided in this section, a chiropractic physician may delegate to a chiropractic assistant the performance of a task if:*

(a) The chiropractic physician knows that the chiropractic assistant possesses the knowledge, skill and training to perform the task safely and properly;

(b) The chiropractic assistant is not required to be certified or licensed to perform that task;

(c) The chiropractic assistant is employed by the chiropractic physician or the chiropractic assistant and the chiropractic physician are employed by the same employer; and

(d) The employer of the chiropractic assistant has complied with the requirements of subsection 2 as they relate to the task.

2. The employer of a chiropractic assistant shall document in the employment record of the chiropractic assistant that he or she has been appropriately trained and is competent to perform any task or procedure assigned to him or her.

3. A chiropractic physician may supervise remotely a chiropractic assistant to whom the chiropractic physician has delegated the performance of a task

Sec. 4. *A chiropractic physician retains responsibility for the safety and performance of each task which is delegated to a chiropractic assistant. A chiropractic physician shall not:*

1. Delegate a task that is not within the authority, training, expertise or normal scope of practice of the chiropractic physician;

2. Transfer to another chiropractic physician the responsibility of supervising a chiropractic assistant during the performance of a task unless the chiropractic physician knowingly accepts that responsibility;

3. Authorize or allow a chiropractic assistant to delegate the performance of a task delegated to the chiropractic assistant to any other person; or

Sec. 5. NAC 634.117 is hereby amended to read as follows:

634.117 “Chiropractic assistant” means a person who holds a certificate as a chiropractic assistant pursuant to NRS 634.123 and the provisions of this chapter and who is dedicated to assisting in all permissible aspects of chiropractic practice under the ~~direct~~ supervision and responsibility of a chiropractic physician.

Sec. 6. NAC 634.200 is hereby amended to read as follows:

NAC 634.200

1. 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 chiropractic assistant.....100.00

For an application for a temporary license to practice chiropractic
pursuant to NRS 634.11550.00

~~[For an examination for a certificate as a chiropractic assistant.....75.00]~~

For the issuance of a license to practice chiropractic225.00

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 chiropractic700.00

For the biennial renewal of an inactive license to practice chiropractic.....250.00

For the biennial renewal of a certificate as a chiropractic assistant.....120.00

For the restoration to active status of an inactive license to practice chiropractic300.00

For reinstating a license to practice chiropractic which has been suspended
or revoked500.00

For reinstating a certificate as a chiropractic assistant which has been suspended
or revoked70.00

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 chiropractic 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 Board will reduce the fee for an application for new licensure or for renewal of a license by 50 percent where the applicant or licensee is a full-time member of the armed forces of the United States or is the spouse of a full-time member of the armed forces of the United States.

~~[3-]~~ 4. The fees set forth in this section are not refundable.

Section 7. NAC 634.300 is hereby amended to read as follows:

~~[1-]~~ Except as otherwise provided in subsection 2 and NAC 634.215 ~~[:]~~

~~(a) If~~ , *if* a person applies for a license to practice chiropractic in Nevada, the application remains open for ~~[1-year]~~ *90 days* after the date ~~[of the first examination that the person is eligible to take]~~ *on which the Board office has received the last document required for the application to be processed. If the Board office has not received payment in full of all required fees within 90 days after the date on which the Board office has received the last document required for the application to be processed, the Board office will close the application and cease processing it, and thereafter the person will need to submit a new application.*

~~[(b) Subject to the limitations set forth in this section, during the period in which an application is open, an applicant may take any required examination at such times as may be allowed by the Board and the testing vendor, if any.~~

~~—(c) If an applicant does not, on the first attempt, pass an examination that is administered by the Board, the applicant may retake the examination one time without paying an additional fee.~~

~~—2. If an applicant provides evidence satisfactory to the Board that the applicant failed to appear for an examination because of exceptional circumstances, the Board may:~~

~~—(a) Allow the applicant to take the next scheduled examination without the payment of an additional fee; and~~

- ~~—(b) If necessary, extend the period during which the application is open.~~
 - ~~—3. If an applicant for a license to practice chiropractic fails on two occasions to pass any portion of the examinations administered pursuant to NRS 634.070, the applicant shall:~~
 - ~~—(a) Refrain from supervised practice; or~~
 - ~~—(b) Submit a new application for examination in accordance with NRS 634.080.~~
 - ~~—4. An applicant for a license to practice chiropractic who fails to appear for examination within 1 year after being first qualified therefor:~~
 - ~~—(a) Shall be deemed to have withdrawn his or her application; and~~
 - ~~—(b) Forfeits the application fee.~~
- ~~➔ If the applicant applies thereafter for a license, he or she must establish eligibility for that license in accordance with the provisions of this chapter and chapter 634 of NRS.]~~

Section 8. NAC 634.305 is hereby amended to read as follows:

634.305 ~~[1.—At least once each year, the Board will administer an examination to applicants]~~ *Applicants* for a certificate *to perform radiography* as a chiropractic assistant ~~[.]~~ *must take and pass the radiology examination administered by the National Board of Chiropractic Examiners or its successor organization. A passing score for the examination will be 75% whether the examination is open-book or closed-book.*

- ~~[2.—The examination will consist of the following subjects, including, without limitation:~~
 - ~~—(a) Radiographic technology, protection, quality control and positioning of the patient;~~
 - ~~—(b) Ancillary procedures and applications relating to chiropractic; and~~
 - ~~—(c) The provisions of NRS and NAC that are related to the practice of chiropractic.~~
- ~~—3.—An applicant who receives a score of at least 75 percent for a closed book examination is entitled to a certificate as a chiropractic assistant.~~

~~—4.— If an applicant fails to receive a score of at least 75 percent for a closed-book examination or open-book a score of at least 90 percent for an open-book examination the first time he or she takes the examination, the applicant may retake the examination at the time of the next scheduled exam without payment of an additional fee.~~

~~—5.— If an applicant who receives training and employment as a chiropractic assistant trainee pursuant to subparagraph (2) of paragraph (a) of subsection 2 of NAC 634.355 fails to receive a score of at least 75 percent for a closed-book or open-book examination or a score of at least 90 percent for an open-book examination after two attempts, the chiropractic assistant trainee shall not work as a chiropractic assistant trainee until the chiropractic assistant trainee has received a score of at least 75 percent for a closed-book or open-book examination.~~

~~—6.— An applicant for a certificate as a chiropractic assistant who fails on two occasions to appear for an examination that he or she has been scheduled to take:~~

~~—(a) Shall be deemed to have withdrawn his or her application;~~

~~—(b) Forfeits any application fees paid to the Board; and~~

~~—(c) Must, if he or she has been receiving training and employment as a chiropractic assistant trainee pursuant to subparagraph (2) of paragraph (a) of subsection 2 of NAC 634.355, cease working as a chiropractic assistant trainee.~~

~~↪ If the applicant applies thereafter for a certificate, the applicant must establish eligibility for the certificate in accordance with the provisions of this chapter and chapter 634 of NRS.]~~

Section 9. NAC 634.330 is hereby amended as follows:

634.330 ~~[Any]~~ *If the Board receives information that an* applicant ~~[who is]~~ *was* found to ~~[be cheating]~~ *have cheated* during an examination *the applicant*:

1. ~~[Will be required to leave immediately;~~

~~—2.1~~ Shall immediately cease providing clinical services in a chiropractic practice and may not provide clinical services in a chiropractic practice for 2 years after the date of the examination from which he or she was ~~dismissed;~~

~~—3. Will not be permitted to take an examination for 2 years after the date of the examination from which he or she was dismissed;~~ *was found to have cheated;* and

~~4.1~~ Must file a new application after the passage of the 2-year period described in ~~subsections 2 and 3~~ *subsection 1* before he or she will be permitted to take the examination again.

Sec. 10. NAC 634.3475 is hereby amended to read as follows:

634.3475 1. As used in subsection 10 of NRS 634.018, the Board will interpret the phrase “detrimental to the best interests of the public” as applied to a chiropractic assistant to include, without limitation:

- (a) Unlawful disclosure of information about a patient.
- (b) Willful or careless disregard for the health, welfare or safety of patients, regardless of whether proof of actual injury is established.
- (c) Engaging in any conduct or verbal behavior that is inappropriately sexual with or towards a current patient.
- (d) Engaging in any conduct or verbal behavior that is sexually or racially demeaning or offensive with or towards a current patient.
- (e) Engaging in or soliciting sexual misconduct.
- (f) Engaging with a patient in a romantic or dating relationship unless the patient is the spouse *or domestic partner* of the chiropractic assistant.
- (g) Use of protected or privileged information obtained from a patient to the detriment of the patient.

(h) Performing services which the chiropractic assistant is not authorized to perform under the terms of a certificate issued by the Board as provided by NRS 634.125.

(i) Billing or charging a patient for the services of the chiropractic assistant.

(j) Intentionally causing physical or emotional injury to a patient.

(k) Aiding, abetting or assisting any person in violating any provision of this chapter or chapter 634 of NRS.

(l) Engaging in fraudulent or deceitful conduct in the capacity of a chiropractic assistant.

(m) Obtaining any certificate through fraud, misrepresentation or deceit.

(n) Impersonating an applicant or acting as a proxy for the applicant in any examination.

(o) Disclosing the contents of an examination given by the Board or soliciting, accepting or compiling information regarding the contents of an examination before, during or after the administration of an examination given by the Board.

(p) Failing to provide the Board or its agents with any documents lawfully requested by the Board, whether by subpoena or otherwise.

(q) Failing to cooperate fully with the Board during the course of an investigation.

(r) Claiming or making representations of the attainment of any academic degree or award not actually received.

(s) Disobeying an order of the Board.

(t) Splitting fees or giving or receiving a commission in the referral of patients for services.

(u) The suspension or revocation of a license or certificate or other disciplinary action taken by another state against the chiropractic assistant based on a license or certificate issued by that state for an act that would constitute grounds for disciplinary action in this State. A certified copy of the suspension, revocation or other disciplinary action taken by another state against the

chiropractic assistant based on a license or certificate issued by that state is conclusive evidence of that action.

(v) Performing a task for which the chiropractic assistant has not been trained or which the chiropractic assistant is not clinically competent to perform.

2. A supervising licensee is responsible for all of the acts performed by a chiropractic assistant whom he or she supervises. A supervising licensee may be subject to disciplinary action for any violations of law or regulation committed by his or her chiropractic assistant.

3. A supervising licensee shall notify the Board in writing of any dismissal of a chiropractic assistant for cause within 10 days after the dismissal.

4. A patient's consent to, initiation of or participation in sexual behavior or involvement in a romantic or dating relationship with a chiropractic assistant does not excuse the conduct of the chiropractic assistant.

5. As used in this section:

(a) "Sexual misconduct" means:

(1) Sexual relations between a chiropractic assistant and a patient, regardless of whether the patient initiated or consented to those sexual relations.

(2) Conduct by a chiropractic assistant, in regard to a patient, that is sexual in nature, sexually suggestive or sexually demeaning to the patient.

(3) The commission by a chiropractic assistant of one or more of the offenses defined in NRS 200.368, 200.730, 201.210 and 201.220.

(4) The use by a chiropractic assistant of deception, misrepresentation or force for the purpose of engaging in sexual conduct with a patient in:

(I) A clinical setting; or

(II) A setting that is used ordinarily for the provision of chiropractic services.

↳ The term does not include sexual conduct or sexual relations that take place between a chiropractic assistant and his or her spouse *or domestic partner* or between a chiropractic assistant and a person who was a patient after the chiropractic assistant-patient relationship has been terminated for ~~[a reasonable time]~~ *at least 90 days*.

(b) “Sexual relations” means:

(1) Sexual intercourse.

(2) Any touching of sexual or other intimate parts of a person or causing such person to touch the sexual or other intimate parts of the chiropractic assistant for the purpose of arousing or gratifying the sexual desire of either the chiropractic assistant or the patient.

Section 11. NAC 634.355 is hereby amended to read as follows:

634.355 1. An applicant for a certificate as a chiropractic assistant must, in addition to fulfilling the requirements of NAC 634.350, furnish evidence satisfactory to the Board that he or she:

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

(b) Has ~~[received a score of at least 75 percent for a closed book or open book examination administered by the Board on the provisions of NRS and NAC that are related to the practice of chiropractic]~~ *provided a statement from the applicant which attests, on a form prescribed by the Board, that the applicant has read, understood and will abide by the provisions of this chapter and chapter 629 of NRS and the regulations adopted pursuant thereto.*

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

(a) ~~[Satisfies one of the following:~~

~~(1)~~ Has successfully completed an educational program offered by a high school, community college, state university or private post-secondary school that is approved by the Board; or

~~(2)~~ (b) Has had 6 months of full-time, or 12 months of part-time, training and employment as a chiropractic assistant trainee from a licensee.

~~[(b) Has received a score of at least 75 percent for a closed book or open book examination for certification required pursuant to NAC 634.305.]~~

3. 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 each licensee who supervised the work and training of the applicant.

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)] (b)~~ of subsection 2.

Section 12. NAC 634.360 is hereby amended to read as follows:

634.360. 1. A person may not be employed and trained for more than 15 days as a chiropractic 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 15 days during which he or she performs any duties as a chiropractic assistant trainee, applies to the Board by submitting a form provided by the Board.

2. An applicant for a certificate as a chiropractic assistant who completes training pursuant to subparagraph (2) of paragraph (a) of subsection 2 of NAC 634.355 shall, upon the completion of the training:

(a) ~~[Apply to the Board to sit for the next scheduled examination]~~ *Provide a statement from the applicant which attests, on a form prescribed by the Board, that the applicant has read, understood and will abide by the provisions of this chapter and chapter 629 of NRS and the regulations adopted pursuant thereto;* and

(b) Submit the fees required by the Board pursuant to NAC 634.200.

Section 13. NAC 634.3668 is hereby amended to read as follows:

634.3668. 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 chiropractic assistant shall not perform dry needling.

4. If the Board finds that a provider of continuing education has allowed or does allow continuing education units to be certified where the facts and circumstances indicate that the participants could receive the continuing education units without validly receiving the instruction for the entirety of the certified time, the Board may take such action related to the provider as it deems necessary to assure that the provider remedies the method by which it administers continuing education.

Section 14. 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 this chapter or chapter 629 or 634 of NRS; 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]~~ *or if the Board finds that a provider of continuing education has allowed or does allow continuing education units to be certified where the facts and circumstances indicate that the participants could receive the continuing education units without validly receiving the instruction for the entirety of the certified time, [may constitute grounds for]* the Board ~~[to]~~ *may* withdraw its approval of a current or future seminar or seminars hosted or arranged by that sponsor *or it may take such other action related to the provider as it deems necessary to assure that the provider remedies the method by which it administers continuing education.*

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.

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.

Section 15. NAC 634.430 is hereby amended to read as follows:

634.430. 1. As used in subsection 10 of NRS 634.018, the Board will interpret the phrase “conduct unbecoming a person licensed to practice chiropractic or detrimental to the best interests of the public” to include, without limitation:

(a) Engaging in or soliciting sexual misconduct.

(b) Performing manipulation on a patient under anesthesia without complying with the requirements set forth in NAC 634.3665.

(c) Entering into a financial agreement or making a financial arrangement with a potential or existing patient as an inducement to enter into or continue care. This paragraph does not prohibit a licensee from providing complimentary chiropractic services to an existing patient.

(d) Participating in any verbal or written arrangement that involves capping or fee splitting.

(e) Engaging in practices regarding the billing of patients or the making of claims under a contract of insurance that are abusive or fraudulent, or both, including, without limitation:

(1) Billing patients or making claims under a contract of insurance for chiropractic services that have not been performed.

(2) Billing patients or making claims under a contract of insurance in a manner which misrepresents the nature of the chiropractic services that have been performed.

(3) Submitting to patients or carriers of insurance bills or claims which fail to disclose pertinent information or which contain false information, including, without limitation:

(I) Failing to disclose to a patient that a bill has already been paid, in full or in part, by a carrier of insurance.

(II) Failing to disclose to a carrier of insurance that a claim has already been paid, in full or in part, by a different carrier of insurance.

(III) Stating falsely that the injury of a patient is the result of an accident or work-related incident.

(f) Engaging in a practice of waiving, abrogating or rebating the deductible or copayment required to be paid by a policy of insurance or a third party if the practice is used as a device for advertising or marketing, or both.

(g) Failing to make any report or record available to the Board upon lawful request, failing to cooperate with any investigation by the Board or knowingly giving false information to the Board, including, without limitation, falsifying documentation concerning continuing education.

(h) Failing to make any report or record available to another licensee, practitioner, patient or institution upon a lawful request to do so in compliance with the provisions of chapter 629 of NRS.

(i) Being delinquent in the payment of a judgment for the payment of child support pursuant to chapter 425 of NRS or being subject to a court order for the support of one or more children and not complying with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order.

(j) Being in default on the payment of a student loan.

(k) Violating the rules or regulations of a federal program that relates to the practice of chiropractic.

(l) Engaging in fraud, misrepresentation or deception in any business affairs that relate to the practice of chiropractic.

(m) Allowing a person to:

(1) Perform chiropractic services; or

(2) Engage in any aspect of the provision of chiropractic care to patients,

↪ if that person is not authorized to perform such services or provide such care pursuant to this chapter and chapter 634 of NRS. The prohibition set forth in this paragraph does not apply to a person who is licensed or certified as a provider of health care pursuant to one or more of the chapters of title 54 of NRS.

(n) Engaging with a patient in a romantic or dating relationship unless the patient is the spouse *or domestic partner* of the licensee.

(o) Examining or treating the anus, breast or genitalia of a patient without first:

(1) Obtaining from the patient an informed consent that refers to the specific procedures that will be performed on those parts of the body of the patient; and

(2) Making a note of such consent in the record of the patient.

(p) Violating a provision of a chapter of title 54 of NRS other than chapter 634 of NRS pursuant to which the licensee holds a license or certificate as a provider of health care.

(q) Knowingly giving a false or factually unsupported opinion in a peer review, records review, independent medical examination or chiropractic examination for the purpose of reducing a payment or reimbursement to a licensee for the care or treatment of a patient.

(r) Failing to either post a written disclosure or give a written disclosure to a patient and maintain the written disclosure concerning a lack of maintaining professional liability insurance in accordance with the requirements of NRS 634.1295 and NAC 634.445.

(s) Practicing chiropractic while impaired by alcohol, the use of illicit drugs, the unauthorized or improper use of a prescription drug or controlled substance, or any known or diagnosed mental illness or cognitive deficit.

(t) Paying or receiving any remuneration in such a manner and amount as would constitute a violation of 42 U.S.C. § 1320a-7b(b), regardless of whether the patient for whom the remuneration is paid or received is a patient under a federal health care program.

(u) Entering into a contract with a patient for prepaid services or goods, devices, or other tangible items unless the contract complies with subsection 4.

(v) Failing to abide by the terms of a contract for prepaid services or goods, devices, or other tangible items.

(w) Billing for reimbursement any insurance or third-party payor for any amount exceeding what was actually earned and disbursed to the chiropractic physician pursuant to a contracto with a patient for prepaid services or goods, devices, or other tangible items.

(x) Charging a mark-up to a patient for goods, devices, or other tangible items provided in excess of what is commercially reasonable and fair, presumed to be no more than:

(1) 100% of what the chiropractic physician paid for the good, device, or tangible item;

or

(2) The manufacturer's recommended retail price.

2. A patient's consent to, initiation of or participation in sexual behavior or involvement in a romantic or dating relationship with a licensee does not excuse the conduct of the licensee.

3. As used in this section:

(a) "Capping" means the use by a licensee of the services of : *(1) [a] A person who is remunerated for referring to the licensee a new patient who has been involved in a motor vehicle accident or who has been injured as a result of the actions of another person [-]; or*

(2) A person who, with or without remuneration, refers a prospective new patient to the licensee:

(I) At the scene of a traffic accident;

(II) At a county or city jail or detention facility; or

(III) Within 7s hours after the prospective new patient has been involved in a motor vehicle accident or been injured as a result of the actions of another person, if the person who refers the prospective new patient is not a person who is licensed or certified as a provider of health care pursuant to one or more of the chapters of title 54 of NRS, the laws of another state, or the District of Columbia.

(b) “Fee splitting” means the acceptance of remuneration by a licensee for referring a patient to another provider of health care or a health care facility or the provision of remuneration by a licensee for a referral to the business of the licensee.

(c) “Sexual misconduct” means:

(1) Sexual relations between a licensee and a patient of that licensee, regardless of whether the patient initiated or consented to those sexual relations.

(2) Conduct by a licensee, in regard to a patient, that is sexual in nature, sexually suggestive or sexually demeaning to the patient.

(3) The commission by a licensee of one or more of the offenses defined in NRS 200.368, 200.730, 201.210 and 201.220.

(4) The use by a licensee of deception, misrepresentation or force for the purpose of engaging in sexual conduct with a patient in:

(I) A clinical setting; or

(II) A setting that is used ordinarily for the provision of chiropractic services.

↪ The term does not include sexual conduct or sexual relations that take place between a licensee and his or her spouse *or domestic partner* or between a licensee and a person who was a patient after the chiropractic physician-patient relationship has been terminated for ~~[a reasonable time]~~ *at least 90 days*.

(d) “Sexual relations” means:

(1) Sexual intercourse.

(2) Any touching of sexual or other intimate parts of a person or causing such person to touch the sexual or other intimate parts of the licensee for the purpose of arousing or gratifying the sexual desire of either the licensee or the patient.

4. A contract that would result in a patient being charged a fee for services, goods, devices, or other tangible items to be rendered in the future must:

(a) Be in a writing signed and dated by the patient and the chiropractic physician.

(b) Include the complete terms of the prepaid plan being offered including the specific number of treatments or services over a defined period of time, disclosure of all actual charges for CPT codes, or private pay fees, and an itemized description of good, devices, or other tangible items that will be provided. Any addition fees sought to be charged during the contract term must be agreed to and documented in a writing signed and dated by the patient and the chiropractic physician prior to the additional service being provided and the additional fee being assessed or due for payment.

(c) State that the patient may request a refund for any prepaid and unused services. The refund must be paid within thirty business days after the patient requests the refund. The contract may state that the refund will be calculated by subtracting from the outstanding balance an amount equal to the number of services received multiplied by the ordinary and usual charge for those services less the actual amount charged per the contract.

(d) Assure that all the prepayment moneys received will be reflected in the patient's electronic health record, electronic health care ledger, or accounting system account from which the chiropractic physician draws moneys only as the contracted services, goods, devices, or other tangible items are provided.

(e) Require that the chiropractic physician provide a detailed and itemized accounting for each billing provided to the patient or upon any request from the patient by which all services rendered since the last such accounting was provided, the amount the chiropractic physician

paid himself or herself from the prepaid amount, and the remaining balance maintained by the chiropractic physician for future services as yet unprovided.

Section 16. NAC 634.435 is hereby amended to read as follows:

634.435. 1. In addition to the requirements set forth in chapter 629 of NRS, a licensee shall ensure that the health care records of his or her patients:

(a) Include documentation of treatment of a patient, as specified in subparagraph (3) of paragraph (e), within 72 hours after that treatment;

(b) Include documentation of information exchanged with a patient within 72 hours after that exchange , *which must include records related to any communications by whatever means between the chiropractic physician, his or her practice, and the patient;*

(c) Are clear, legible, complete and accurate;

(d) Remain confidential, where such confidentiality is required by law;

(e) Contain the following information:

(1) A description of the chief complaint *or complaints* for which the patient sought treatment from the licensee , *including without limitation, the onset or provocation or the complaint, patient attempts at treatment of the complaint and the results thereof, the region and or radiation of the complaint, the severity of the complaint, and the timing related to each complaint;*

(2) Documentation of any significant event that affects the chief complaint of the patient or the general history of the health of the patient; and

(3) An accurate record of the diagnostic and therapeutic procedures that the licensee has employed in providing chiropractic services to the patient, including, without limitation:

(I) Examinations *for each area of a patient's subjective complaint* and the results of those examinations;

(II) Diagnoses *for each patient complaint*;

(III) Plans for treatment of the patient, including, without limitation, *short-term and long-term goals of the treatment plan, a schedule of re-examinations throughout the course of the treatment plan, and* any changes in those plans and the reasons for those changes;

(IV) Areas of the body of the patient on which the licensee has performed chiropractic adjustments;

(V) Notes related to the review, assessment, and analysis of any diagnostic images or testing ordered by the chiropractic physician or provided by the patient to the chiropractic physician;

(VI) Notes related to any referral of the patient to another health care provider and the review, assessment, and analysis of any reports or information received from the referred health care provider related to the patient;

(VII) Documentation of the obtaining of informed consent for treatment plan proposed or as any change to the treatment plan occurs, which document must be signed and dated by the patient;

~~(VIII)~~ *(VIII) [Dates-on] Notes for each encounter at* which the licensee provided chiropractic services to the patient; and

~~(IX)~~ *(IX) A record of the response of the patient to treatment; [and]*

(f) All forms provided to a patient at or required to be completed at initiation of the patient's encounters with the chiropractic physician, including but not limited to, intake forms, medical history forms, insurance forms, HIPAA disclosures, and any other similar forms;

(g) Copies of all patient billings or invoices, which will include billing records to third-party payors where the patient has insurance paying for some or all of the treatment;

(h) Copies of any lien documents between the chiropractic physician and the patient; and

~~(i)~~ (i) Are not altered without recordation of the date and time of the alteration and the identity of the person who makes the alteration, whether the records are made and maintained on paper or in a computer.

2. A licensee who obtains the records of a patient of another licensee because of a change in the ownership of a practice shall:

(a) Report to the Board the transfer of the records; and

(b) Inform the Board, in writing, of the physical location of those records within 15 days after the change in ownership of the practice.

3. A licensee who retires, moves to another state, closes his or her practice or changes the status of his or her license from active to inactive shall, within 15 days after the retirement, move, closure or change of status, inform the Board of the location at which the records of his or her patients may be obtained.

4. The administrator of the estate of a licensee who is deceased shall inform the Board of the location at which the records of the patients of the deceased licensee will be retained.

5. As used in this section, “patient” includes:

(a) A member of the licensee’s family;

(b) A relative of the licensee; and

(c) A member of the licensee’s staff,

↳ to whom the licensee provides chiropractic services.

Section 17. NAC 634.460 is hereby amended to read as follows:

634.460 A chiropractic assistant or chiropractic 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 or her 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. 18. NAC 634.550 is hereby amended to read as follows:

634.550 Except as otherwise provided in NAC 634.515 to 634.565, 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. *The Board shall accept as a valid professional credential the completion of any program certified by the Recognized Chiropractic Specialty Programs of the Federation of Chiropractic Licensing Boards.*

Sec. 19. NAC 634.384 is hereby amended to read as follows:

634.384 Each licensee shall ~~biennially~~, *upon request by the Executive Director*, submit a self-inspection form prescribed by the Board. The self-inspection form must be received *within the time frame set* by the ~~Board on or before December 31 of each even-numbered year~~ *Executive*

Director. The Board will reject a self-inspection form submitted pursuant to this section if the form is incomplete.

Sec. 20. NAC 634.290, NAC 634.320, NAC 634.368 are hereby repealed.