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CHIROPRACTIC PHYSICIANS' BOARD OF NEVADA

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INFORMATIONAL STATEMENT FOR ADOPTED PERMANENT REGULATION
NRS 233B.066

LCB FILE R010-17

The following statement is submitted for adopted amendments to Nevada Administrative Code (NAC) Chapter 634.

1. A clear and concise explanation of the need for the adopted regulation.

The purpose of the proposed regulation is to add new language and amend current provisions related to chiropractic physicians and chiropractor's assistants. New language was added to:

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| <i>NAC 634.XXX</i> | <i>New language requiring DC's to maintain a copy of all documents relating to advertisements for two years.</i> |
| <i>NAC 634.200</i> | <i>Eliminates the fee for a list of continuing education courses.</i> |
| <i>NAC 634.220</i> | <i>Requires a licensee going from expired to active to submit fingerprints and to agree to a background investigation.</i> |
| <i>NAC 634.290</i> | <i>Removes the Special Purposes Examination for Chiropractic as an alternative examination.</i> |
| <i>NAC 634.300</i> | <i>Removes the limitation that an applicant may only take a required examination twice, but allows an applicant to take a required examination at such times as may be allowed by the Board and the testing vendor, during the period in which the application is open</i> |
| <i>NAC 634.339</i> | <i>Provides that the concurrence of the preceptor to a plan of treatment or prognosis may occur before or after a student has commenced treatment of a patient</i> |
| <i>NAC 634.341</i> | <i>Provides that the preceptor's signature in a patient's health care record may be in paper or electronic form.</i> |
| <i>NAC 634.367</i> | <i>Provides that a person is not required to obtain a temporary license to demonstrate a chiropractic technique on a chiropractic physician at an educational class, seminar, or conference.</i> |

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| <i>NAC 634.385</i> | <i>Add “A regulatory body as defined in NRS 622.060” as an approved source of continuing education.</i> |
| <i>NAC 634.390</i> | <i>New language to add provisions for surrendering a license or certificate.</i> |
| <i>NAC 634.515</i> | <i>Harmonization language to incorporate proper cross-references resultant from other provisions of the regulation</i> |
| <i>NAC 634.521</i> | <i>Expands upon what constitutes false or misleading communications to include testimonial or endorsement representing that a person is a patient of the licensee made by a person who is not in fact a patient of the licensee.</i> |
| <i>NAC 634.541</i> | <i>Revises the requirements that all advertisements and written communication must include relating to the licensee.</i> |
| <i>NAC 634.550</i> | <i>Harmonization language to incorporate proper cross-references resultant from other provisions of the regulation</i> |
| <i>NAC 634.419</i> | <i>Repealed by this regulation</i> |
| <i>NAC 634.570</i> | <i>Repealed by this regulation</i> |

2. A description of how public comment was solicited, a summary of public response, and an explanation how other interested persons may obtain a copy of the summary.

Copies of the proposed regulations, notices of workshop and notices of intent to act upon the regulation were sent via e-mail to all of the Board’s licensees and chiropractor’s assistants who maintain an e-mail address with the Board, totaling 1,048. The Board also sent a copy of the proposed regulations, notice of workshop and notice of intent to act upon the regulation to the Nevada Chiropractic Association, the trade association that represents chiropractic physicians. The documents were also mailed to all county libraries in Nevada and posted at the following locations:

- Chiropractic Physicians’ Board, 4600 Kietzke Lane, Suite M245, Reno
- Nevada State Library & Archives, 100 Stewart St., Carson City
- Office of the Attorney General, Grant Sawyer Bldg., 555 E. Washington Avenue, Las Vegas, NV 89101
- Office of the Attorney General, 100 N. Carson Street, Carson City, NV 89701
- Legislative Building, 401 South Carson St., Carson City

A workshop was held by teleconference regarding the regulations on April 21, 2017. Any person who desired to make comments regarding the regulations was invited to participate in the workshop. A representative of the Nevada Chiropractic Association was present at the Workshop on April 21, 2017.

On September 12, 2017, the Board issued a Notice of Intent to Act Upon a Regulation which incorporated the proposed amendments and suggestions of the parties attending the meetings and workshops. On October 12, 2017, the Board conducted a hearing regarding the final language of the proposed regulation. All written communications from members of the

profession received prior to the meeting were considered. All parties present at the hearing who desired to provide testimony were allowed to fully state their views and concerns regarding the proposed regulation. At the conclusion of the hearing, the Board announced its final determinations regarding the language of the regulation.

3. The number of persons who:

(a) Attended the August 15, 2017 Workshop – 1
Testified at the August 15, 2017 Workshop – 1

(b) Attended the October 12, 2017 Hearing – 1
Testified at the October 12, 2017 Hearing - 1

(c) Submitted written statements for the August 15, 2017 Workshop – 0
Submitted written comments for the October 12, 2017 Hearing – 0

4. For each person identified in subparagraph (b) and (c) above, see attached for the following information that was provided to the Chiropractic Physicians' Board:

(a) Name

James T. Overland Sr., President, Nevada Chiropractic Association

(b) Telephone number

(702) 399-6655

(c) Business address

2700 E. Lake Mead Blvd., Suite 10, North Las Vegas, NV 89030

(d) Business telephone number

(702) 399-6655

(e) Electronic mail address

Preferredchiro3@cs.com

(f) Name of entity or organization represented

Nevada Chiropractic Association

A list containing the requested information is attached as Exhibit 1.

5. A description of how comment was solicited from affected businesses, a summary of their response, and an explanation how other interested persons may obtain a copy of the summary.

The comments received at the workshop were from a representative of the Association on behalf of affected practices and practitioners. The comments received at the hearing were from a representative of the Association (a chiropractor himself) and a current licensee. The comments received at the workshop and hearing were minimal and favorable to the regulation and were considered by the Board in determining to proceed with the regulation.

6. If the regulation was adopted without changing any part of the proposed regulation, a summary of the reasons for adopting the regulation with change.

The permanent regulation was adopted on October 12, 2017, and included the changes, additions, and amendments suggested at the workshop, hearing, and the Board's Legislative Committee that were acceptable to the Board as being within the legislative intent of the empowering statutes (NRS 634.030(2)).

7. The estimated economic effect of the adopted regulation on the businesses which it is to regulate and on the public. These must be stated separately, and each case must include:

(a) Both adverse and beneficial effects.

As amended as a result of the public hearing, the regulations were not intended to and will not have adverse economic effects upon the practice of chiropractic in Nevada.

(b) Both immediate and long-term effects.

The proposed regulations will have the same effects immediately and in the long-term.

8. The estimated cost to the agency for enforcement of the adopted regulation.

There is no additional cost to the agency for enforcement of this regulation.

9. A description of any regulations of other state or 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 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.

10. If the regulation includes provisions that are more stringent than a federal regulation which regulates the same activity, a summary of such provisions.

This proposed regulation is not required by federal law.

11. If the regulation provides a new fee or increases an existing fee, the total annual amount the agency expects to collect and the manner in which the money will be used.

The proposed regulations do not recommend new or increased fees.

This Informational Statement was prepared by Julie Strandberg, Executive Director, and is accurate and complete.

Signed this 2nd day of November, 2017.

Julie Strandberg