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CHIROPRACTIC PHYSICIANS' BOARD OF NEVADA

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INFORMATIONAL STATEMENT FOR ADOPTED PERMANENT REGULATION NAC 634

LCB FILE R064-17

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:

- NAC 634.290 *Section 1: Authorizes the Chiropractic Physicians' Board of Nevada to require an applicant who has practiced chiropractic in another state for not fewer than 7 of the immediately preceding 10 years without having any adverse disciplinary action to pass the Special Purposes Examination for Chiropractic prepared by the National Board of Chiropractic Examiners.*
- NAC 634.305 *Section 2: Requires an applicant to receive a score of at least 75 percent for a closed-book examination or a score of at least 90 percent for an open-book examination.*
- Section 4: Makes conforming changes*
- NAC 634.320 *Section 3: Further prohibits such an applicant from bringing any electronic device into the examination facility, unless the electronic device is approved by the Board.*

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 licensees and chiropractor's assistants who were notified. 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, NV
- Nevada State Library & Archives, 100 Stewart St., Carson City, NV
- Attorney General, Grant Sawyer State Office Building, 555 E. Washington Avenue, Las Vegas, NV
- Attorney General, 100 North Carson St., Carson City, NV
- Legislative Building, 401 South Carson St., Carson City, NV

A workshop was held by teleconference regarding the regulations on August 15, 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 and the Nevada Chiropractic Council were present at the Workshop on August 15, 2017.

On December 4, 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 January 11, 2018, 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.

Public comments were made with respect Section 1, requesting that chiropractor's transferring from other states who graduated prior to 1996 be allowed an easier process to become licensed in Nevada. Concern was expressed with respect to the revisions in Section 5 regarding the intent of the informed consent sections (a) (1), (2), and (3).

A request for copies of an agenda and/or a supporting document or documents may be obtained from:

Julie Strandberg, Executive Director
Chiropractic Physicians' Board of Nevada
775-688-1921

by picking up the document(s), or by mailing a written request to:

Chiropractic Physicians' Board of Nevada
Attention: Julie Strandberg
4600 Kietzke Lane, Suite M245
Reno, Nevada 89502

by faxing a request to: Julie Strandberg at: Facsimile No.: 775-688-1920

or by e-mailing a request to Julie Strandberg at: chirobd@chirobd.nv.gov

3. The number of persons who:

- (a) Attended the August 15, 2017 Workshop – 7**
Testified at the August 15, 2017 Workshop – 2
- (b) Attended the January 11, 2018 Hearing – 1**
Testified at the January 11, 2018 Hearing - 1
- (c) Submitted written statements for the August 15, 2017 Workshop – 1**
Submitted written comments for the January 11, 2018 Hearing – 0

4. For each person identified in paragraph (b) and (c) above, the following information 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

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.

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 licensees and chiropractor's assistants who were notified. The documents were also mailed to all county libraries in Nevada and posted at the following locations:

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- Attorney General, 100 North Carson St., Carson City, NV
- Legislative Building, 401 South Carson St., Carson City, NV

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.

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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 January 11, 2018, and included the changes, additions, and amendments suggested at the workshop, hearing, and the 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.

Open-book examinations will have a beneficial economic effect for applicants for licensure by relieving them from the considerable expense of traveling to a Nevada exam site. There will be no adverse effects.

(b) Both immediate and long-term effects.

The proposed regulations will have the same effects immediately and in the long-term, which will provide convenience to applicants required to take the exam.

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 regulation does not provide a new or increased fee.

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

Signed this 18th day of January, 2018.

Julie Strandberg