

## LCB File No. R014-10

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

#### Regulation Change #1

**Problem: Some chiropractor's assistant applicants have taken the chiropractic assistant test multiple times (a few as many as 6-8 times) and don't show any promise to ever passing the test...yet they continue doing CA work as a "trainee". This is a public safety concern.**

Solution: After failing the test twice, the Board's test committee will require that CA to take a formal course on how to be a CA since the "on-the-job" training is not working. If the CA continues to fail to pass the test after two additional tries, then the employee could not perform CA work or training for one year.

#### Regulation Change #1

##### **NAC 634.305 Examination for certification as chiropractor's assistant. (NRS 634.030)**

1. At least once each year the Board will administer an examination to applicants for a certificate as a chiropractor's assistant.

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 on the examination is entitled to a certificate as a chiropractor's assistant.

4. If an applicant fails to receive a score of at least 75 percent on the examination the first time he takes the examination, he may retake the examination within 1 year without payment of an additional fee.

5. If an applicant who receives training and employment as a chiropractor's 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 on the examination after two attempts and wishes to continue working as a chiropractor's assistant trainee, the supervising licensee must, within 30 days after the date of the notice from the Board of the results of the examination, submit a plan for additional training to the Board. ~~[At its next meeting, t]~~ The Board *member\_who chairs the Test Committee* will:

(a) Approve or deny the plan; and

(b) Determine whether the chiropractor's assistant trainee may continue working as a chiropractor's assistant trainee.

*(c) If the Test Committee Chair deems that the chiropractor's assistant trainee may continue working as a chiropractor's assistant trainee*

*(1) The chiropractor's assistant trainee will submit a new application and pay the required fee; and*

*(2) Before the next available test the chiropractor's assistant trainee must attend an educational course approved by the board pursuant to Subsection 2.*

*6. If a chiropractor's assistant trainee who has submitted a second application pursuant to subsection 5(c) fails on two occasions to pass any portion of the examinations, he/she shall:*

*(a) Cease working as a chiropractor's assistant trainee; and*

*(b) May not submit a new application for examination for one year following the date of the most recent failed test.*

~~6~~ 7. An applicant for a certificate as a chiropractor's assistant who fails on two occasions to appear for an examination that he has been scheduled to take:

(a) Shall be deemed to have withdrawn his application;

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

(c) Must, if he has been receiving training and employment as a chiropractor's assistant trainee pursuant to subparagraph (2) of paragraph (a) of subsection 2 of NAC 634.355, cease working as a chiropractor's assistant trainee.

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

## **Regulation Change #2**

**Problem:** The Board frequently receives complaints from citizens that patient records are not available upon request in a timely manner. Upon investigation the Board has found that some Doctors, rather than document services as they are provided, rely on their memories to document services provided in a "more convenient time". Further, the board during investigations sometimes finds that the records are illegible to anyone but the Doctor who records the notes making them difficult to evaluate or investigate.

**Solution:** Require that files be updated within 72 hours of a patient's visit and that they are available upon request within 10 days.

## Regulation change #2

### NAC 634.435 **Health care records.** (NRS 634.030)

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

(a) Are *documented within 72 hours;*

~~(a)~~ (b) Are clear, legible, complete and accurate;

~~(b)~~ (c) Remain confidential, where such confidentiality is required by law; ~~and~~

~~(c)~~ (d) Contain the following information:

(1) A description of the chief complaint for which the patient sought treatment from the licensee;

(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 and the results of those examinations;
  - (II) Diagnoses;
  - (III) Plans for treatment of the patient, including, without limitation, 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) Dates on which the licensee provided chiropractic services to the patient; and
  - (VI) A record of the response of the patient to treatment ~~[-];~~ *and*
- (e) Are available in legible written form upon lawful request within 10 working days pursuant to NRS 629.061.*

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 or changes the status of his license from active to inactive shall inform the Board of the location at which the records of his 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,  
 Ê to whom the licensee provides chiropractic services.

### **Regulation Change #3**

**Problem:** The existing regulation was an attempt at “truth in advertising” but has caused considerable confusion and unintended consequences. When weighing the questionable benefit with the known confusion and advertising errors, the Board felt it was a defective regulation.

**Solution:** Remove the regulation since it was ineffective.

### **Regulation #3**

#### **NAC 634.556 Advertisement of fees. (NRS 634.030)**

1. Except as otherwise provided in this section, a licensee who advertises a specific fee or range of fees shall honor the advertised fee or range of fees for at least 90 days after the last date that the advertisement is broadcast or disseminated, unless the advertisement specifies a shorter period. If a specific fee or range of fees is advertised in a telephone directory or other type of media which is not published more frequently than annually, the licensee shall honor that fee or range of fees for at least 1 year after the publication of the telephone directory or other type of

media.

2. If an advertisement states that a chiropractic service is being offered free of charge or at a discounted rate:

(a) The service must be provided at the advertised rate regardless of whether the service is to be paid for by the patient or a third party, such as an insurer.

~~[(b) The advertisement must state the price that the licensee ordinarily charges to provide the service, including, if applicable, that the licensee ordinarily provides the service free of charge.]~~

~~[(e)]~~ (b) The licensee who advertises the service shall ensure that:

(1) A patient to whom the service is provided receives and signs a statement of disclosure which sets forth:

(I) A detailed description of the service that will be provided free of charge or at a discounted rate.

(II) The amount that will be charged for any additional services that will be provided.

(III) If the offer to provide a service free of charge or at a discounted rate is valid for a limited time, the date on which that offer will end.

(2) A statement of disclosure that is required pursuant to subparagraph (1) is placed and maintained in the record of a patient to whom a service is provided free of charge or at a discounted rate.

3. If a licensee provides diagnostic services, including, without limitation, examinations and X rays, free of charge or at a discounted rate pursuant to an advertisement, the licensee shall provide those services in a sufficiently complete and thorough manner so as to allow the licensee to make a proper diagnosis.

4. No separate charge may be made for the professional evaluation of diagnostic tests or procedures which are provided free of charge or at a discount, regardless of whether the professional evaluation is made at the time of the initial office visit or at a later time.