

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

LCB File No. R004-12

February 8, 2012

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

AUTHORITY: §§1-11, 14 and 16, NRS 634.030 and 634.137; §12, NRS 634.030, 634.105 and 634.137; §§13 and 17, NRS 634.030, 634.137, 634.140 and 634.190; §15, NRS 634.030 and 634.105.

A REGULATION relating to the practice of chiropractic; establishing the preceptor program; prescribing the application process for students and chiropractors who wish to participate in the preceptor program; establishing provisions governing supervision of students engaged in the practice of chiropractic; establishing limitations on the activities of students and chiropractors who participate in the preceptor program; revising provisions relating to the practice of chiropractic by a person who has graduated from a chiropractic college and is waiting to take an examination for licensure; providing for disciplinary action for a violation of the laws relating to the preceptor program; 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 to 13, inclusive, of this regulation.

Sec. 2. *As used in sections 2 to 13, inclusive, of this regulation, unless the context otherwise requires, the words and terms defined in sections 3 and 4 of this regulation have the meanings ascribed to them in those sections.*

Sec. 3. *“Preceptor” means a licensee who has been approved by the Board to participate in the preceptor program.*

Sec. 4. *“Student” means a person who is enrolled in a college of chiropractic.*

Sec. 5. *The Board hereby establishes the preceptor program required by NRS 634.137 as set forth in sections 2 to 13, inclusive, of this regulation.*

Sec. 6. *A student who wishes to participate in the preceptor program must submit to the Board an application for approval to participate in the preceptor program. The application must include, without limitation:*

1. Written proof, which may include a preliminary transcript, from the college of chiropractic at which the student is enrolled that the student:

(a) Has successfully completed all the didactic course work required by the college of chiropractic to consider the student enrolled in his or her final academic year;

(b) Is in good standing with the college of chiropractic; and

(c) Has completed the hours of clinical work required by the college of chiropractic to qualify the student to participate in the preceptor program.

2. A copy of a written agreement entered into pursuant to section 8 of this regulation evidencing that the student has been accepted to practice chiropractic under the supervision of a preceptor.

3. The date on which the student will commence his or her practice of chiropractic as a participant in the preceptor program.

4. The date by which the student will end his or her practice of chiropractic as a participant in the preceptor program, which must be not later than 1 year after the date of commencement of the practice.

5. Each address at which the student may perform chiropractic services.

6. A written acknowledgment that the student has read and understands the laws of this State relating to the practice of chiropractic.

7. A waiver of confidentiality which authorizes the Board to obtain information from the college of chiropractic at which the student is enrolled to verify that the student is qualified to practice chiropractic as a participant in the preceptor program.

Sec. 7. 1. A licensee who wishes to act as a preceptor must submit to the Board an application for approval to participate in the preceptor program. The application must include, without limitation:

(a) Proof satisfactory to the Board that the licensee maintains malpractice insurance in an amount not less than \$1,000,000 per occurrence and not less than \$3,000,000 in the aggregate;

(b) Written evidence that the licensee has been accepted to serve as a preceptor by the college of chiropractic at which the student who will be supervised by the licensee is enrolled; and

(c) Proof satisfactory to the Board that the licensee meets the requirements set forth in subsection 2.

2. A licensee who applies to participate in the preceptor program:

(a) Must have not less than 5 years of experience as a licensed chiropractor, at least 2 years of which must have been as a chiropractor licensed to practice chiropractic in Nevada; and

(b) Must not have been disciplined by the Board or by a board of any other jurisdiction during the 2 years immediately preceding the date on which the applicant submits his or her application to the Board.

Sec. 8. 1. *A student and the preceptor who will supervise the student during his or her participation in the preceptor program must enter into an agreement before the student may commence the practice of chiropractic as a participant in the preceptor program.*

2. *The written agreement must include, without limitation:*

(a) A statement acknowledging that all work performed by the student must be done only at the direction of and under the direct supervision of the preceptor;

(b) A statement by the preceptor in which he or she agrees to take full liability and responsibility for any work performed by the student;

(c) A statement by the preceptor that he or she will not authorize the student to perform any act which is prohibited by section 9 of this regulation;

(d) A statement by the student that he or she will not perform any act which is prohibited by section 9 of this regulation;

(e) A statement setting forth the commencement date and end date of the period during which the student may perform chiropractic under the supervision of the preceptor; and

(f) An acknowledgment that the student will not practice chiropractic for more than 40 hours during any week in which the student participates in the preceptor program.

3. *If a student will be supervised by more than one preceptor, each preceptor who intends to supervise the student must be approved by the Board and enter into an agreement with the student pursuant to this section.*

Sec. 9. 1. *In supervising a student who is participating in the preceptor program, a preceptor:*

(a) Shall ensure that the student is exposed to and, within the discretion of the preceptor and except as otherwise provided in subsection 2, allowed to perform all aspects of chiropractic as practiced by the preceptor;

(b) Shall assume all responsibility and liability for all acts performed by the student;

(c) Shall notify the Board within 15 business days after the termination of the student's participation in the preceptor program; and

(d) Shall not supervise more than one student.

2. A student who participates in the preceptor program shall not:

(a) Diagnose the condition of a patient without the written concurrence of the preceptor, which must be documented in the health care record of the patient;

(b) Establish a plan of treatment or prognosis for a patient without the written concurrence of the preceptor, which must be documented in the health care record of the patient;

(c) Perform any service except at the direction of and under the direct supervision of the preceptor;

(d) Practice chiropractic more than 40 hours during any week in which the student participates in the preceptor program; or

(e) Bill independently of the preceptor for any service rendered.

Sec. 10. 1. Before a student who participates in the preceptor program provides chiropractic services to a patient:

(a) The preceptor shall inform the patient that the patient will be receiving chiropractic services from a student pursuant to the preceptor program. The preceptor shall obtain from the patient written consent for the receipt of chiropractic services from a student.

(b) The student or preceptor shall perform the initial evaluation and assessment of the patient and develop the plan of treatment for the patient. If the student:

(1) Performs the initial evaluation or assessment or develops the plan of treatment, the student may execute the plan of treatment only after the preceptor has reviewed and initialed in the health care record of the patient the evaluation, assessment or plan of treatment developed by the student.

(2) Observes or learns of a condition or issue that was not contained in the original evaluation, assessment or plan of treatment, the student shall immediately notify the preceptor of the condition or issue.

(3) Wishes to make a change or addition to the plan of treatment of a patient, the student must obtain the concurrence of the preceptor before making the change or addition.

2. The final assessment of the condition of a patient must be conducted by a licensee.

3. The preceptor who supervises a student shall review the health care records of a patient not less than once every third visit of the patient to ensure that the student is performing the chiropractic services as directed by the preceptor and is maintaining the health care record of the patient in accordance with applicable law.

Sec. 11. *A student who is providing chiropractic services pursuant to the preceptor program shall wear a badge or other type of visible identification which clearly identifies the student as a “student” or “student chiropractor.”*

Sec. 12. *If a student who participates in the preceptor program graduates from a college of chiropractic and his or her participation in the preceptor program is terminated, the student and a chiropractor may continue the professional relationship pursuant to the provisions of NRS 634.105 if the student and the chiropractor:*

1. Submit a declaration to the Board of their intent to continue the relationship after the termination of the student's participation in the preceptor program; and

2. Comply with all requirements for authorization to perform chiropractic services pursuant to NRS 634.105 while the student is waiting to take the Board's examination, including, without limitation, compliance with NAC 634.368.

Sec. 13. *1. The Board may place conditions upon the issuance of a license to an applicant who participated in the preceptor program if the Board determines that the applicant violated any provision of this chapter or chapter 634 of NRS during the applicant's participation in the preceptor program.*

2. The Board may take appropriate disciplinary action against a licensee who participates in the preceptor program, including, without limitation, disallowing the person from serving as a preceptor, if the licensee or a student supervised by the licensee violates any provision of this chapter or chapter 634 of NRS during the student's participation in the preceptor program.

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 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 ~~634~~; or

(f) Is a student who is authorized to perform chiropractic pursuant to the preceptor program.

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 634.368 is hereby amended to read as follows:

634.368 1. Except as otherwise provided in this section, an applicant for a license to practice chiropractic may perform chiropractic as specified in NRS 634.105 if:

(a) His completed application is on file in the office of the Board and he meets the requirements of NRS 634.090;

(b) The fee for the application has been paid; and

(c) The Board has approved a licensee to supervise the applicant after receiving from that licensee a completed form that is provided by the Board and which sets forth:

- (1) The fact of the applicant's employment;
- (2) The date that the applicant is to begin working for the supervising licensee;
- (3) A statement in which the supervising licensee agrees to take responsibility for the applicant's work;
- (4) The assurance of the supervising licensee that ~~chiropractic adjustments or manipulations or~~ any act prohibited by subsection 5 will not be performed by the applicant; and
- (5) The statement required pursuant to subsection 2.

2. The supervising licensee shall inform the applicant of the provisions of this section, and the applicant must sign a statement indicating that he has been so informed and that he understands the provisions and agrees to comply with them. The statement must be in substantially the following form:

I,, (name of applicant) am an applicant for a license to practice chiropractic who is waiting to take the Board's examination. I have been informed by my supervising chiropractor (name of supervising chiropractor) of the content of the provisions of NAC 634.368. I understand those provisions, and I agree that I will not perform ~~fa chiropractic adjustment or~~ any act prohibited by subsection 5 of NAC 634.368 during this supervisory period.

(date)(signature of applicant)

3. An applicant who works for a supervising licensee under the provisions of this section and NRS 634.105 is not required to apply for or obtain a certificate as a chiropractor's assistant.

4. The supervising licensee shall notify the Board within 5 business days after the applicant leaves his employ and the date on which the applicant left such employ.

5. In addition to the prohibitions set forth in NRS 634.105, an applicant shall not:

(a) Perform any service, except at the direction and direct supervision of a licensee; or

(b) Bill independently of the supervising licensee for any service rendered.

6. Any violation of chapter 634 of NRS or this chapter by the applicant constitutes grounds for the Board to:

(a) Prohibit the applicant from taking the examination for licensure or place conditions upon the issuance of a license to the applicant; and

(b) Take appropriate disciplinary action against the supervising licensee.

Sec. 16. NAC 634.415 is hereby amended to read as follows:

634.415 A licensee who supervises:

1. A chiropractor's assistant;
2. An applicant for a license to practice chiropractic who is authorized to perform chiropractic pursuant to NRS 634.105; ~~for~~
3. *A student who is authorized to perform chiropractic pursuant to the preceptor program; or*
4. 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. 17. 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. An applicant for a license to practice chiropractic who is authorized to perform chiropractic pursuant to NRS 634.105; ~~for~~

4. *A student who is authorized to perform chiropractic pursuant to the preceptor program; or*

5. 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.