

LCB File No. R140-05

PROPOSED REGULATION OF THE CHIROPRACTIC PHYSICIANS' BOARD OF NEVADA

Proposed Addition to Regulations re: Professional Liability Insurance Definition

A licensee who does not maintain professional liability insurance shall:

1. Post a sign pursuant to NRS 634.____ that is at least 8-1/2 inches by 11 inches and states in bold capital letters printed in a Times New Roman font size 42 or at least 1/2" high:

"IMPORTANT NOTICE TO MY PATIENTS: I, _____, DC, DO NOT MAINTAIN PROFESSIONAL LIABILITY INSURANCE"; or

2. Give the patient a written disclosure pursuant to NRS 634.____ on a sheet of paper that is at least 8-1/2 inches by 11 inches and is captioned in bold capital letters at the top in a Times New Roman font size 28 or at least 1/4 inch high:

"ACKNOWLEDGMENT OF NO PROFESSIONAL LIABILITY INSURANCE" under which the following is stated in bold lower case letters in a Times New Roman font size 18 or at least 1/4" high:

"I, _____, acknowledge that I am aware that _____, DC, does not maintain professional liability insurance coverage.

Signature of Patient Date

- 3. The patient's signature is required on each disclosure statement.
4. Written disclosure statements will be maintained in each patient's file.

Proposed addition to NAC 634.430, Subsection 1 - Unprofessional Conduct

(s) Any licensee who does not post a sign pursuant to NAC 634.____, or obtain a signed disclosure pursuant to NAC 634.____ and maintain the disclosure in each patient's file.

FEES

NAC 634.200 Amount; refunds. (NRS 634.030, 634.115, 634.135)

1. The Board will charge and collect the following fees:

Table with 2 columns: Description of fee and Amount. Rows include: For an application for a license to practice chiropractic (\$200.00), For an examination for a license to practice chiropractic (100.00), For an application for, and the issuance of, a certificate as a chiropractor's assistant or chiropractor's assistant for massage (100.00), For an application for a temporary license to practice chiropractic pursuant to NRS 634.115 (50.00).

For an examination for a certificate as a chiropractor's assistant or chiropractor's assistant for massage.....	50.00
For the issuance of a license to practice chiropractic.....	200.00
For the issuance of a temporary license to practice chiropractic pursuant to NRS 634.115	50.00
For an annual renewal of an active license to practice chiropractic.....	300.00
For the annual renewal of an inactive license to practice chiropractic	100.00
For the annual renewal of a certificate as a chiropractor's assistant or chiropractor's assistant for massage.....	50.00
For the restoration to active status of an inactive license to practice chiropractic	300.00
For reinstating a license to practice chiropractic which has been suspended or revoked	500.00
For reinstating a certificate as a chiropractor's assistant or chiropractor's assistant for massage which has been suspended or revoked	35.00
For reinstating an inactive license to practice chiropractic which has been suspended or revoked	100.00
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 certification of licensure.....	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 each page of a list of continuing education courses which have been approved by the Board.....	0.50
For a review by the Board of a course offered by a chiropractic school or college or a course of continuing education in chiropractic.....	10.00 25.00

Proposed Revision to NAC 634.366 Pursuant to Registration of Persons Performing Services Other Than Those Relating to Chiropractic

NAC 634.366 Requirements to practice chiropractic or provide services relating to chiropractic; ~~independent contractors. (NRS 634.030)~~ requirements for a licensee to allow services not related to chiropractic to be performed.

1. Except as otherwise provided in this section, 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 or chiropractor's assistant for massage 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.

2. A licensee who allows a person to perform patient services other than chiropractic, clerical or other services that do and do not involve physical contact with patients or advising patients as to their health care shall register the person with the board within 15 days of the commencement of providing the services and pay a \$100 administrative fee. The person will register on a form provided by the board and will include the following:

(a) The person's

(1) name;

(2) residence address;

(3) telephone number;

(4) date of birth;

(5) social security number; and

(6) the statement required under NRS 634.095 pursuant to the payment of child support.

(b) The licensee's

(1) name;

(2) practice address;

(3) telephone number; and

(4) license number.

(c) The date on which the person will begin providing services to patients at the chiropractor's practice;

(d) That the person does not perform chiropractic services including, but not limited to x-ray, physiotherapy and massage therapy;

(e) Whether the person is an employee or an independent contractor;

(f) That the person bears appropriate credentials for the service that he/she provides to the patient and attach a copy of the person's license or certificate that allows him/her to perform the service; and

(g) The signatures of the person and the licensee.

3. An employee of the licensee who registers with the board under subsection 2 may administer services to patients only under the direct supervision of the licensee.

4. The licensee in whose office an independent contractor will provide services under subsection 2 must establish procedures of notification to ensure that patients understand that:

(a) The independent contractor is not an employee of the licensee;

(b) The independent contractor does not perform services under the supervision or control of the licensee; and

(c) The licensee shall not bill the patient or the patient's insurance for the services of the independent contractor.

5. The licensee shall report to the Board within 15 days the date of termination of the services performed by any person registered under subsection 2.

[2-] 6. 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.

Proposed addition to NAC 634.430, Subsection 1 - Unprofessional Conduct

(r) Any licensee performing peer review, records review and/or independent medical/chiropractic examination pursuant to NRS 634.018, subsection 16, “Unprofessional conduct” defined, who knowingly makes false or factually unsupported opinions intended to recommend reduction in provider fee reimbursement.