

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

LCB File No. R004-12

January 29, 2012

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

AUTHORITY: §§1, 3 and 4, NRS 634.030; §2, NRS 634.030 and 634.130 and AB 382 (2011).

A REGULATION relating to preceptors; and providing other matters properly relating thereto.

Section 1. NAC chapter 634 is hereby amended to add the following new language:

1. "Preceptor" means a chiropractor who is registered with the board pursuant to AB 382 and this regulation and who will be supervising and responsible for the practice of a chiropractic student pursuant to a preceptor agreement.

2. "Student" means a student in a chiropractic college who will be supervised by a preceptor pursuant to a preceptor agreement.

Sec. 2. NAC chapter 634 is hereby amended to add the following new language:

1. Except as otherwise provided in AB 382 and this section, a student may perform chiropractic as specified in NRS 634.105 if he or she files with the board a registration application provided by the board that contains:

(a) A preliminary transcript or similar written evidence that he or she has successfully completed all of the didactic coursework required for his or her chiropractic college to consider him or her as being enrolled in his or her final academic year;

(b) Written proof from his or her chiropractic college that he or she is in good standing with his or her chiropractic college;

(c) Written proof from his or her chiropractic college that he or she has completed the

hours of clinical work required by the chiropractic college to qualify the student for preceptorship;

(d) A written preceptorship agreement evidencing that he or she has been accepted by a preceptor to practice chiropractic in that preceptor's practice;

(e) The date that the student is to begin his or her assignment for the preceptor;

(f) The date by which the student intends to complete his or her preceptorship agreement with the preceptor; ~~and~~

(g) The address or addresses at which the student may perform chiropractic services ~~and~~;

(h) A written acknowledgment that the student has read and understood Nevada's laws related to the practice of chiropractic; and

(i) A waiver of confidentiality form by which the Board may obtain information from the student's chiropractic college to verify that the student is qualified to serve as a student subject to these regulations.

2. The preceptor shall:

(a) Assure that the student is exposed to and allowed to perform all aspects of chiropractic as practiced by the preceptor, including chiropractic adjustment and manipulations with or without a thrust;

(b) Assume all responsibility and liability for all acts performed by the student; ~~and~~

(c) Notify the Board within 15 business days after the student left his or her preceptorship and the date that the applicant left ~~and~~; and

(d) Not supervise more than one student.

4. A student shall not:

(a) Diagnose the condition of a patient without the written concurrence of the preceptor in

the patient's record;

(b) Establish a plan of treatment or prognosis for a patient without the written concurrence of the preceptor in the patient's record;

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

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

Sec. 3. NAC chapter 634 is hereby amended to add the following new language:

1. Before a chiropractor can enter into a preceptorship agreement with a student, the chiropractor must apply with the Board to serve as a preceptor by completing and returning a form provided by the Board. A chiropractor may not serve as a preceptor unless:

~~[1.]~~ *(a) He or she has been practicing chiropractic for more than five years, with at least two of those years practicing in Nevada;*

~~[2.]~~ *(b) He or she provides evidence to the Board that he or she maintains malpractice insurance of at least \$1,000,000 per occurrence and \$3,000,000 aggregate;*

~~[3.]~~ *(c) He or she has not been disciplined by the Board or the board of any other state in which he or she is licensed for at least two years prior to the submittal of the application with the Board; and*

~~[4.]~~ *(d) He or she provides written proof to the Board that he or she has been accepted to serve as preceptor by the chiropractic college attended by the student.*

3. Where a student will be assigned to a practice and may be supervised by more than one chiropractor, each chiropractor who intends to supervise the student must apply with the Board to serve as a preceptor for that student.

Sec. 4. NAC chapter 634 is hereby amended to add the following new language:

Before a student may commence any chiropractic services, he must enter into a written

preceptorship agreement with a preceptor. The preceptorship agreement must contain at least the following terms and conditions:

1. A statement acknowledging that all work performed by the student shall be done only at the direction of the preceptor and under the direct supervision of the preceptor;

2. A statement in which the preceptor agrees to take full liability and responsibility for any and all work performed by the student;

3. A statement by the preceptor that the student will not perform any act prohibited by subsection 4 of section 2;

4. A statement by the student that he will not perform any act prohibited by subsection 4 of section 2, even if allowed or ordered to do so by the preceptor; and

5. A statement setting forth the period of time within which the student may be employed pursuant to the agreement, which period should be as brief as is necessary for the student to complete his needed hours and cannot be, in any case, longer than one year.

6. Acknowledgment that the preceptorship shall be governed by and conducted according to the precepts set out in the Board's policy and procedure manual for preceptorship as it is in effect at the time that the parties enter into the preceptorship agreement.

7. Acknowledgment that the student cannot and will not be allowed to practice chiropractic for more than 40 hours in a week.

Sec. 5. NAC chapter 634 is hereby amended to add the following new language:

1. Before a student may provide chiropractic services to a patient, the preceptor shall inform the patient that the patient will be receiving chiropractic services from a student subject to the terms and conditions contained in this regulation and shall obtain from the patient a written acknowledgment and consent to being treated by the student. At all times that the

student is providing chiropractic services, he or she shall wear a badge or other type of notification visible to the patient that identifies the student as a “student” or “student chiropractor.”

2. Before a student may provide chiropractic services to a patient, the student or the preceptor must perform the initial evaluation and assessment of the patient and must develop the treatment plan for the patient. If the student performs the initial evaluation and assessment and develops the treatment plan, the student may execute the treatment plan only after the preceptor has reviewed and initialed in the medical records the student’s evaluation and assessment and treatment plan. If the student observes or learns of a condition or issue that was not contained in the preceptor’s evaluation and assessment or treatment plan, he or she shall notify the preceptor of the condition or issue. If the student wants to make a change or addition to the treatment plan, he or she shall discuss the proposed change or addition with the preceptor and may change or add the treatment plan with the concurrence of the preceptor. Any final assessment of the condition of a patient must be conducted by the preceptor.

3. Throughout the time that a student is treating a patient, the preceptor shall review the records made by the student for that patient at least every third visit by the patient to ensure that the student is performing the services as directed by the preceptor and is making records in compliance with Nevada law.

Sec. 6. NAC chapter 634 is hereby amended to add the following new language:

Any violation of chapter 634 of NRS or this chapter by the student constitutes grounds for the Board to do one of more of the following:

1. Prohibit the student from taking the examination for licensure or to otherwise condition

the granting of his or her license;

2. Take appropriate disciplinary action against the preceptor, including but not limited to disallowing the preceptor from serving as a preceptor.

Sec. 6. NAC 634.366 is amended to read as follows:

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; ~~for~~

(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 ~~for~~;

(f) Is a student performing such services pursuant to a valid preceptorship agreement.

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. 7. NAC 638.368, as amended in an uncodified regulation identified as LCB File No. 014-10 (Effective November 2, 2010) is hereby amended as follows:

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 that the applicant may be allowed to perform chiropractic adjustments and manipulations with or without a thrust*; 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 ~~a chiropractic adjustment or~~ any act prohibited by subsection 5 of NAC 634.368 during this supervisory period *and that I will be allowed to perform*

chiropractic adjustments and manipulations with or without a thrust.

.....
(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 that 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.

6. If a student who is practicing chiropractic pursuant to a preceptorship agreement graduates from his chiropractic college, and the student and the preceptor desire to continue their relationship, they may jointly submit a declaration to the Board on a form prepared by the Board stating that they intend to continue their relationship pursuant to the terms of this section. The student shall also submit a form pursuant to paragraph 2 of this section. Thereafter, the student will be treated as an applicant under this section and the preceptor shall be treated as the supervising chiropractor under this section.