

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

LCB File No. R072-15

Effective April 4, 2016

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

AUTHORITY: §1, NRS 634.014 and 634.030.

A REGULATION relating to chiropractors; interpreting certain provisions relating to chiropractic adjustment; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law sets forth the definition of the term “chiropractic adjustment” as the application of a precisely controlled force applied by hand or mechanical device to a specific focal point of the anatomy. (NRS 634.014) This regulation sets forth the administrative interpretation of the phrase “precisely controlled force” as it is used in NRS 634.014.

Section 1. Chapter 634 of NAC is hereby amended by adding thereto a new section to read as follows:

For the purposes of NRS 634.014, the Board interprets the term “precisely controlled force” to mean:

- 1. One or more thrusts involving both amplitude and velocity, including, without limitation, one or more thrusts involving any combination of high or low amplitude and high or low velocity; or*
- 2. An application of a resistive movement by applying a specific force, without the use of a thrust, to a specific focal point of the anatomy.*

INFORMATIONAL STATEMENT FOR ADOPTED TEMPORARY REGULATION

LCB FILE R072-15

The following statement is submitted for permanent amendment 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 to define the term “precisely controlled force” as that term is used in NRS 634.014.

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.

At a meeting on May 31, 2014 the Board discussed the proposed new language to define “precisely controlled force.” At its September 6, 2014 meeting the Board voted to move forward with the proposed language to be added to NAC 634. There was no comment from the representative of the professional association who was present at both meetings and no other members of the public were present.

On October 27, 2014 the CPBN’s intent to consider the potential addition to NAC Chapter 634 was published on the agenda for a Workshop to be held on November 11, 2014. Any person who desired to make comments regarding the regulation was invited to participate in the workshop. Copies of the November 11, 2014 Notice of Public Workshop to Consider the Proposed Regulation Change, the Proposed Regulation Change and the Small Business Impact Statement were e-mailed to all licensees whose e-mail addresses are registered with the CPBN, and were mailed to the licensees, professional association, and Nevada county libraries on the CPBN’s mailing list. A total of 1,172 people or organizations received the documents. No Small Business Impact Statement responses were received. No written comments were received. No representatives of the profession or the public attended the November 11 Workshop.

On or before December 9, 2014 a Notice of Intent to Act Upon a Proposed Temporary Regulation on January 10, 2015 was e-mailed to all licensees whose e-mail addresses are registered with the CPBN, and were mailed to the licensees, professional association, and Nevada county libraries on the CPBN’s mailing list. One written response was received from the professional association in support of the proposed regulation, and no responses were received from individual members of the profession or the public.

The November 11, 2014 Notice of Public Workshop to Consider the Proposed Regulation Change and the January 10, 2015 Notice of Intent to Act Upon a Proposed Temporary Regulation were also posted at the following locations:

*chirobd@chirobd.nv.gov
AdminRegNotices@lcb.state.nv.us*

*Chiropractic Physicians' Board, 4600 Kietzke Lane, Suite M245, Reno
Nevada State Library, 100 Stewart St., Carson City
Grant Sawyer State Office Building, 555 E. Washington Avenue, Las Vegas
Legislative Building, 401 South Carson St., Carson City
Washoe County Courthouse, 75 Court St., Reno*

A summary of the response from the professional association may be obtained by contacting the CPBN:

*Attention: Julie Strandberg, Executive Director
Chiropractic Physicians' Board of Nevada
4600 Kietzke Lane, Suite M245
Reno, NV 89502
Telephone: 775-688-1923
Facsimile: 775-688-1920
E-mail: chirobd@chirobd.nv.gov*

On January 10, 2015 the Board conducted a hearing regarding the final language of the proposed regulation, which at that time would be a temporary regulation. The written communication from the professional association was considered. The representative of the professional association who was present at the hearing provided testimony fully stating his views and concerns regarding the proposed temporary regulation. At the conclusion of the hearing, the Board announced its final determination regarding the language of the proposed temporary regulation.

On March 5, 2016 the Board conducted a hearing regarding the final language of the proposed regulation, which at this hearing was a hearing for the permanent adoption of the Regulation. No public comment, either written or oral, was provided. The Board adopted the proposed language as a permanent regulation.

3. The number of persons who:

- (a) Attended the November 11, 2014 Workshop – 0**
Testified at the November 11, 2014 Workshop – 0
- (b) Attended the January 10, 2015 Hearing – 1**
Testified at the January 10, 2015 Hearing - 1
- (c) Submitted written statements for the November 11, 2014 Workshop – 0**
Submitted written comments for the January 10, 2015 Hearing – 1
- (d) Attended the March 5, 2016 Adoption – 1**
Testified at the March 5, 2016 Adoption - 0

4. For each person identified in subparagraph (b), (c), and (d) above, following is the information that 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, Nevada 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.

There were no comments received at the workshop. The comments received at the hearing were from a representative of the professional association and were accepted. There were no comments received at the hearing regarding the adoption of the permanent regulation. Other interested persons may obtain a copy of the comments received by contacting the CPBN's Executive Director.

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 temporary regulation, which included the change proposed by the Nevada Chiropractic Association, was adopted on January 10, 2015. The deletion suggested in written and verbal form from the representative of the professional association was acceptable to the Board as being within the legislative intent of the empowering statutes (NRS 634.030(2)). The change was not substantive.

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.

There are no anticipated adverse or beneficial economic effects on the chiropractic profession or the public.

(b) Both immediate and long-term effects.

There are no anticipated immediate or long-term economic effects on the chiropractic profession or the public.

8. The estimated cost to the agency for enforcement of the adopted regulation.

There will be no significant cost to the Chiropractic Physicians' Board for enforcement of the proposed 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 federal agencies that the proposed regulation overlaps or duplicates.

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 more stringent than any federal regulation. There is no analogous federal regulation.

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.

This proposed regulation does not provide a new fee or increase an existing fee.