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CHIROPRACTIC PHYSICIANS' BOARD OF NEVADA

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NOTICE OF INTENT TO ACT UPON A PROPOSED REGULATION

R010-17

Notice of Hearing for the Adoption of a Regulation of the Chiropractic Physicians' Board of Nevada

Intent to Adopt Regulation

NOTICE IS HEREBY GIVEN that the Chiropractic Physicians' Board of Nevada will hold a public hearing to consider amendments to Nevada Administrative Code (NAC) 634. The hearing is scheduled to begin at **10:30 a.m. on Thursday, October 12, 2017 at the Public Utilities Commission, Hearing Room B, 9075 W. Diablo Drive, Suite 250, Las Vegas, NV 89148.** The purpose of the hearing is to receive comments from all interested persons regarding the adoption of a regulation that pertains to Chapter 634 of the Nevada Administrative Code, LCB File No. R010-17.

The following information is provided pursuant to the requirements of NRS 233B.0603:

1. The need for and the purpose of the proposed regulation.

The purpose of the proposed regulation is to provide clarity and corrections to sections of NAC 634.

2. Either the terms or substance of the proposed regulation or a description of the subjects and issues involved.

NAC 634.XXX New language requiring DC's to maintain a copy of all documents relating to advertisements for two years.

NAC 634.200 Eliminates the fee for a list of continuing education courses.

NAC 634.220 Requires a licensee going from expired to active to submit fingerprints and agree to a background investigation.

NAC 634.290 Removes the Special Purposes Examination for Chiropractic as an alternative examination.

NAC 634.300 Removes the limitation that an applicant may only take a required examination twice, but allows an applicant to take a required examination at such times as may be allowed by the Board and the testing vendor, during the period in which the application is open..

- NAC 634.339 Provides that the concurrence of the preceptor to a plan of treatment or prognosis may occur before or after a student has commenced treatment of a patient*
- NAC 634.341 Provides that the preceptor's signature in a patient's health care record may be in paper or electronic form.*
- NAC 634.367 Provides that a person is not required to obtain a temporary license to demonstrate a chiropractic technique on a chiropractic physician at an educational class, seminar, or conference.*
- NAC 634.385 Add "A regulatory body as defined in NRS 622.060" as an approved source of continuing education.*
- NAC 634.390 New language to add provisions for surrendering a license or certificate.*
- NAC 634.515*
- NAC 634.521 Expands upon what constitutes false or misleading communications to include testimonial or endorsement representing that a person is a patient of the licensee made by a person who is not in fact a patient of the licensee.*
- NAC 634.541 Revises the requirements that all advertisements and written communication must include relating to the licensee.*
- NAC 634.550 Revises the language to refer to the proper NAC.*
- NAC 634.419 This language repeals provisions relating to: (1) a licensee authorizing another person to provide services for the licensee's patients other than chiropractic or clerical services, in the office of the licensee;*
- NAC 634.570 This language repeals provisions relating to: (2) including information relating to a licensee or chiropractic office in a list or directory of licensee or chiropractic offices.*

3. If the proposed regulation is a permanent regulation, a statement explaining how to obtain the approved or revised text of the proposed regulation prepared by the Legislative Counsel pursuant to NRS 233B.063.

The text of the proposed regulation may be inspected and copied at the office of the Chiropractic Physicians' Board of Nevada, 4600 Kietzke Lane, Suite M245, Reno, NV 89502. Text of the proposed regulation may also be inspected online at <http://chirobd.nv.gov> or <http://leg.state.nv.us/register/2017Register/R010-17.pdf>.

4. A statement of the estimated economic effect of the regulation on the business which it is to regulate and on the public. These must be stated separately and in each case must include:

- (a) Both adverse and beneficial effects.

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

- (b) Both immediate and long term effects.

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

5. A statement identifying the methods used by the Chiropractic Physicians' Board in determining the impact on a small business prepared pursuant to subsection 3 of NRS 233B.0608:

The CPBN's intent to consider potential additions, deletions, and amendments to NAC Chapter 634 was published on the agenda for the April 21, 2017 meeting. A representative of the professional associations was present at each of the meetings.

Copies of the April 21, 2017 Notice of Public Workshop to Consider the Proposed Regulation Changes, the Proposed Regulation Changes and the Small Business Impact Statement were e-mailed to all licensee's and chiropractor's assistants, whose email addresses are on file with the CPBN and were mailed to Nevada libraries. No Small Business Impact Statement responses were received.

6. The estimated cost to the agency for enforcement of the proposed regulation.

There will be no significant cost to the Chiropractic Physicians' Board for enforcement of the proposed regulation.

7. A description of any regulations of other state or local 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 notice must include the name of the regulating federal agency.

The Chiropractic Physicians' Board is not aware of any similar regulations of other state or government agencies that the proposed regulations overlap or duplicate.

8. If the regulation is required pursuant to federal law, a citation and description of the federal law.

This proposed regulation is not required by federal law.

9. If the regulation includes provisions which are more stringent than a federal regulation that regulates the same activity, a summary of such provisions

This proposed regulation does not include any provision that is more stringent than a federal regulation that regulates the same activity.

10. The time when, the place where and the manner in which interested persons may present their views regarding the proposed regulation.

Persons wishing to comment upon the proposed action of the Chiropractic Physicians' Board of Nevada may appear and make oral comment at the scheduled public hearing, or may address their comments, data, views, or arguments, in written form, to the Chiropractic Physicians' Board of Nevada, Attention: Julie Strandberg, 4600 Kietzke Lane, Suite M245, Reno, Nevada 89502-5000, by fax at 775-688-1920, or by email: chirobd@chirobd.nv.gov. Written submissions must be received by the Chiropractic Physicians' Board on or before October 4, 2017. If no person who is directly affected by the proposed action appears to request to make an oral presentation, the Chiropractic Physicians' Board may proceed immediately to act upon any written submission.

Copies of the notice and the regulations to be adopted or amended will be available at the Chiropractic Physicians' Board of Nevada, 4600 Kietzke Lane, Suite M245, Reno, NV 89502 A copy of this notice and the regulation to be adopted or

amended has been submitted for posting for inspection by members of the public during business hours at the Nevada State Library and Archives, 100 Stewart Street, Carson City, NV 89701, and all counties at the main public library. Copies of this notice and the proposed regulation will be mailed to members of the public upon request.

This notice and the text of the proposed regulation has been submitted to the State of Nevada Register of Administrative Regulations, which is prepared and published monthly by the Legislative Counsel Bureau pursuant to NRS 233B.0653, and on the Internet at <http://www.leg.state.us>. This information is also available at the Chiropractic Physicians' Boards' website at <http://chirobd.nv.gov>.

Upon adoption of any regulation, the agency, if requested to do so by an interested person either before adoption or within 30 days thereafter, will issue a concise statement of the principal reasons for and against its adoption and incorporate therein its reason for overruling the consideration urged against its adoption.

This Notice of Hearing has been posted at the following locations:

Chiropractic Physicians' Board of Nevada website: <http://chirobd.nv.gov>

[Notice.nv.gov](http://chirobd.nv.gov)

Chiropractic Physicians' Board of Nevada, 4600 Kietzke Lane, Suite M245, Reno, Nevada 89502

Office of the Attorney General, 100 N. Carson St., Carson City, NV 89701

Office of the Attorney General, Grant Sawyer Bldg., 555 E. Washington Ave., Las Vegas, NV 89101

State Library and Archives, 100 N. Stewart Street, Carson City, NV 89701

A copy of this notice of intent to act upon a regulation has been emailed to all licensees and chiropractor's assistants whose email addresses are registered with the Chiropractic Physicians' Board, and mailed to all persons who have requested in writing that they be placed upon a mailing list, which is maintained by the Chiropractic Physicians' Board for this purpose.

A copy of this notice has been posted at the following locations on September 12, 2017:

Chiropractic Physicians' Board of Nevada website: <http://chirobd.nv.gov>

[Notice.nv.gov](http://chirobd.nv.gov)

Chiropractic Physicians' Board of Nevada, 4600 Kietzke Lane, Suite M245, Reno, Nevada 89502

Office of the Attorney General, 100 N. Carson St., Carson City, NV 89701

Office of the Attorney General, Grant Sawyer Bldg., 555 E. Washington Ave., Las Vegas, NV 89101

State Library and Archives, 100 N. Stewart Street, Carson City, NV 89701

Copies may be obtained in person, by mail, or by calling 775-688-1923.

Copies may also be obtained from any of the public libraries listed below:

Carson City Library
900 North Roop St.
Carson City, Nevada 89702-3101

Lincoln County Library
63 Main Street
Pioche, Nevada 89043

Churchill County Library
553 South Main Street
Fallon, Nevada 89406-3306

Lyon County Library System
20 Nevin Way
Yerington, Nevada 89447-2399

Las Vegas - Clark County Library District
833 Las Vegas Blvd. North
Las Vegas, Nevada 89101

Mineral County Public Library
P.O. Box 1390
Hawthorne, Nevada 89415

Douglas County Library
1625 Library Lane
Minden, Nevada 89423-0337

Pershing County Library
1125 Central Avenue
Lovelock, Nevada 89419

Elko County Library
720 Court St.
Elko, Nevada 89801

Storey County Public Library (CLOSED
instead, send to the Storey County Clerk's
Office, see below)

Esmeralda County Library
Corner of Crook & 4th Street
P.O. Box 430
Goldfield, Nevada 89013-0430

Storey County Treasurer and Clerk's Office
Drawer D
Virginia City, Nevada 89440

Eureka County Library
10190 Monroe Street
Eureka, Nevada 89316

Tonopah Public Library System
P.O. Box 449
Tonopah, Nevada 89501-2102

Humboldt County Library
85 East 5th St.
Winnemucca, Nevada 89445-3095

Washoe County Library System
301 South Center Street
Reno, Nevada 89501-2102

Battle Mountain Branch Library (Lander County)
625 South Broad Street
Battle Mountain, Nevada 89820

White Pine County Library
950 Crampton Street
Ely, Nevada 89301