

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

**LCB File No. R010-17**

July 19, 2017

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

AUTHORITY: §§1, 10-15, NRS 634.030; §2, NRS 634.030, 634.115 and 634.135; §3, NRS 634.030 and 634.131; §§4 and 5, NRS 634.030 and 634.070; §§6 and 7, NRS 634.030 and 634.137; §8, NRS 634.030 and 634.115; §9, NRS 634.030 and 634.130.

A REGULATION relating to chiropractic; revising certain fees relating to the practice of chiropractic; revising requirements for reinstatement of an expired license; revising provisions governing examination for licensure; revising provisions relating to the preceptor program for students of chiropractic; exempting certain persons from the requirement to obtain a temporary license to practice chiropractic; revising provisions governing continuing education approved by the Board; revising provisions relating to the voluntary surrender of a license to practice chiropractic; revising provisions relating to advertising; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Existing law requires the Chiropractic Physicians' Board of Nevada to adopt regulations relating to the practice of chiropractic. (NRS 634.030) **Section 1** of this regulation requires a licensed chiropractor to maintain a copy of all documents relating to his or her advertisements for at least 2 years after the first date that the advertisement is broadcast or disseminated.

Under existing regulations, the Board charges and collects certain fees relating to the practice of chiropractic. (NAC 634.200) **Section 2** of this regulation eliminates the fee charged by the Board for the list of approved continuing education courses.

Under existing regulations, the Board requires an applicant for a license to practice chiropractic to submit fingerprints and agree to a background investigation. (NAC 634.220) **Section 3** of this regulation extends this requirement to an applicant for reinstatement of an expired license.

Existing law requires all applicants for licenses to practice chiropractic to pass all examinations prescribed by the Board. (NRS 634.070) Existing regulations prescribe additional examinations required for licensure and the period within which the required examinations must be taken. (NAC 634.290, 634.300) **Section 4** of this regulation removes the Special Purposes Examination for Chiropractic as an alternative examination that may be taken by an applicant

who has practiced chiropractic in another state and is seeking licensure in this State. **Section 5** of this regulation removes the limitation that an applicant may only take a required examination twice during the period in which an application is open and instead allows an applicant to take a required examination at such times as may be allowed by the Board and the testing vendor, if any, during the period in which the application is open.

Existing law requires the Board to establish a preceptor program to provide supervised clinical experience to students enrolled in colleges of chiropractic. (NRS 634.137) Under existing regulations: (1) a student who participates in the program is prohibited from establishing a plan of treatment or prognosis for a patient without the concurrence of the preceptor, which must be documented in the health care record of the patient; and (2) a preceptor is required to review and initial the plan in the health care record of the patient prior to any treatment of the patient by the student. (NAC 634.339, 634.341) **Section 6** of this regulation 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. **Section 7** of this regulation provides that the preceptor's signature in a patient's health care record may be in paper or electronic form.

Existing law authorizes the Board to grant a temporary license to practice chiropractic in this State for limited purposes to a person who holds a corresponding license or certificate in another jurisdiction which is in good standing and who actively practices chiropractic in that jurisdiction. (NRS 634.115) Existing regulations prescribe the limited scope of practice for a person who is issued a temporary license. (NAC 634.367) **Section 8** of this regulation 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.

Existing law requires persons licensed to practice chiropractic or certified as a chiropractor's assistant to biannually complete a minimum number of hours of continuing education which is approved or endorsed by the Board. (NRS 634.130) Existing regulations set forth the requirements for approval or endorsement of educational seminars that satisfy the continuing education requirements. (NAC 634.385) **Section 9** of this regulation adds educational seminars sponsored by other regulatory bodies governed by title 54 of NRS to the list of continuing education that may be approved or endorsed by the Board.

Existing regulations provide for the voluntary surrender of a license to practice chiropractic or a certificate as a chiropractor's assistant. (NAC 634.390) **Section 10** of this regulation provides that a voluntary surrender of a license or certificate granted: (1) while the holder is not under investigation by the Board, shall not be considered disciplinary action by the Board; and (2) while the holder is under investigation by the Board, shall be deemed a revocation of the license or certificate. **Section 10** also clarifies that the Board's acceptance or denial of a request for voluntary surrender is within the Board's discretion.

Existing law defines as unprofessional conduct, for which a licensed chiropractor is subject to discipline by the Board, any advertisement containing grossly improbable statements or that may in any manner tend to deceive, defraud or mislead the public. (NRS 634.018, 634.140) Existing regulations prescribe requirements and prohibitions relating to advertising by a person licensed to practice chiropractic. (NAC 634.515-634.570) **Section 12** of this regulation expands upon what constitutes false or misleading communications to include a 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. **Section 13** of this regulation revises the requirements that all advertisements and written communication must include relating to the licensee.

**Section 15** of this regulation 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; and (2) including information relating to a licensee or chiropractic office in a list or directory of licensee or chiropractic offices. (NAC 634.419, 634.570)

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

*A licensee shall maintain a copy of all documents relating to his or her advertisements for at least 2 years after the first date that the advertisement is broadcast or disseminated.*

**Sec. 2.** NAC 634.200 is hereby amended to read as follows:

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

For an application for a license to practice chiropractic .....	\$200.00
For an examination for a license to practice chiropractic .....	125.00
For an application for, and the issuance of, a certificate as a chiropractor’s assistant.....	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 .....	75.00
For the issuance of a license to practice chiropractic .....	225.00
For the issuance of a temporary license to practice chiropractic pursuant to NRS 634.115 .....	50.00
For the biennial renewal of an active license to practice chiropractic .....	700.00
For the biennial renewal of an inactive license to practice chiropractic .....	250.00

For the biennial renewal of a certificate as a chiropractor's assistant.....	120.00
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 which has been suspended or revoked .....	70.00
For reinstating an inactive license to practice chiropractic which has been suspended or revoked .....	200.00
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 verification of licensure or issuance of a certificate of good standing.....	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
<del>For each page of a list of continuing education courses which have been approved by the Board.....</del>	<del>0.50</del>
For a review by the Board of a course offered by a chiropractic school or college or a course of continuing education in chiropractic.....	50.00

2. The fees set forth in this section are not refundable.

**Sec. 3.** NAC 634.220 is hereby amended to read as follows:

634.220 Each applicant for examination *and each applicant for reinstatement of an expired license to active status pursuant to NRS 634.131* must:

1. Submit one set of his or her fingerprints on a standard fingerprint card with his or her application and pay any associated costs; and
2. Agree to a background investigation.

**Sec. 4.** NAC 634.290 is hereby amended to read as follows:

634.290 1. ~~Except as otherwise provided in this section and in~~ *In* addition to the subjects of examination set forth in NRS 634.070, an applicant for a license to practice chiropractic in Nevada must pass:

- (a) Part IV of the examination administered by the National Board of Chiropractic Examiners;
- (b) An examination on the statutes and regulations of this State which are related to the practice of chiropractic, other than those set forth in this chapter and chapter 634 of NRS; and

(c) Any other subject or examination that the Board determines to be necessary. An examination required by the Board pursuant to this paragraph may include, without limitation, an examination on clinical rationale.

2. ~~{An applicant who has actively practiced chiropractic in another state in accordance with subparagraph (2) of paragraph (c) of subsection 1 of NRS 634.090 may, in lieu of passing Part IV of the examination administered by the National Board of Chiropractic Examiners, pass the Special Purposes Examination for Chiropractic prepared by the National Board of Chiropractic Examiners.~~

~~—3.†~~ To pass a subject or examination required pursuant to NRS 634.070 or this section, an applicant for a license to practice chiropractic in Nevada must receive a score of at least 75 percent for a closed-book examination and a score of at least 90 percent for an open-book examination.

**Sec. 5.** NAC 634.300 is hereby amended to read as follows:

634.300 1. Except as otherwise provided in subsection 2 and NAC 634.215:

(a) If a person applies for a license to practice chiropractic in Nevada, the application remains open for 1 year after the date of the first examination that the person is eligible to take.

(b) ~~{During}~~ *Subject to the limitations set forth in this section, during* the period in which an application is open, an applicant may take any required examination ~~{twice.}~~ *at such times as may be allowed by the Board and the testing vendor, if any.*

(c) If an applicant does not, on the first attempt, pass an examination that is administered by the Board, the applicant may retake the examination one time without paying an additional fee.

2. If an applicant provides evidence satisfactory to the Board that the applicant failed to appear for an examination because of exceptional circumstances, the Board may:

(a) Allow the applicant to take the next scheduled examination without the payment of an additional fee; and

(b) If necessary, extend the period during which the application is open.

3. If an applicant for a license to practice chiropractic fails on two occasions to pass any portion of the examinations administered pursuant to NRS 634.070, the applicant shall:

(a) Refrain from supervised practice; or

(b) Submit a new application for examination in accordance with NRS 634.080.

4. An applicant for a license to practice chiropractic who fails to appear for examination within 1 year after being first qualified therefor:

(a) Shall be deemed to have withdrawn his or her application; and

(b) Forfeits the application fee.

↪ If the applicant applies thereafter for a license, he or she must establish eligibility for that license in accordance with the provisions of this chapter and chapter 634 of NRS.

**Sec. 6.** NAC 634.339 is hereby amended to read as follows:

634.339 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, is 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†~~ :
  - (1) *Must* be documented in the health care record of the patient; *and*
  - (2) *May occur before or after the student has commenced treatment 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. 7.** NAC 634.341 is hereby amended to read as follows:

634.341 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†~~ *any* 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 *in paper or electronic form*, 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. 8.** NAC 634.367 is hereby amended to read as follows:

634.367 **1.** A person who is issued a temporary license pursuant to NRS 634.115 is authorized to:

~~1.~~ **(a)** Substitute for a licensee during a period in which the licensee is:

~~(a)~~ **(1)** On vacation; or

~~(b)~~ **(2)** Unable to perform chiropractic services because of illness, injury, *pregnancy*, *family medical leave* or military leave.

~~2.~~ **(b)** Perform chiropractic services for a traveling sports or professional group.

~~3.~~ **(c)** Demonstrate and perform chiropractic services as a visiting teacher of an educational seminar.

~~4.~~ **(d)** Perform chiropractic services in other circumstances as the Board may approve.

*2. A person is not required to obtain a temporary license to demonstrate a chiropractic technique upon a chiropractic physician at an educational class, seminar, conference or other educational opportunity.*

**Sec. 9.** NAC 634.385 is hereby amended to read as follows:

634.385 1. Except as otherwise provided in subsection 7, the Board may approve or endorse an educational class or a seminar if it is designed to advance the professional skills and knowledge of the chiropractic physicians licensed, or chiropractors' assistants certified, in this State for the purpose of ensuring an optimum quality of chiropractic health care.

2. The Board may approve or endorse the attendance by licensees or holders of certificates, in person or on-line, of an educational seminar or seminars if:

(a) The syllabus and curriculum of the instructors of the seminar or seminars and the required fee are submitted to the Board;

(b) The seminar or seminars provide instruction in conformity with subsection 3 or 4 of NRS 634.130, as applicable;

(c) The seminar or seminars concern the clinical aspects of a practice or another topic that the Board determines to be in the best interest of the public;

(d) The sponsor of the seminar or seminars ensures that each licensee and holder of a certificate who requests credit for continuing education to satisfy the requirement set forth in subsection 3 or 4 of NRS 634.130, as applicable, attends at least 50 minutes of each hour of instruction;

(e) The seminar or seminars are sponsored by:

(1) A chiropractic college which has been accredited by:

(I) The Council on Chiropractic Education; or

(II) Another educational entity that has been approved by the Board;

(2) A state chiropractic board or association;

(3) The American Chiropractic Association, the International Chiropractors Association or the successor of either;

(4) A major hospital, as defined in NRS 439B.115; ~~for~~

(5) An accredited university or college; *or*

*(6) A regulatory body as defined in NRS 622.060;* and

(f) An original or a copy of a certificate of attendance at the seminar or seminars is provided directly to the Board by the sponsor, or licensee or holder of a certificate, as applicable, on or before January 1 of each odd-numbered year before the issuance of a renewal certificate.

3. As an alternative to the method of approval and endorsement provided in subsection 2, the Board will approve and endorse the attendance by licensees or holders of certificates, as applicable, in person or on-line, of an educational seminar or seminars if the seminar or seminars have been granted recognition status by the Providers of Approved Continuing Education of the Federation of Chiropractic Licensing Boards.

4. The sponsor of the seminar or seminars shall ensure that each licensee or holder of a certificate, as applicable, attending that seminar is in attendance in a timely manner at the start of each lecture. If the sponsor fails to maintain the proper monitoring procedure, such failure may constitute grounds for the Board to withdraw its approval of a current or future seminar or seminars hosted or arranged by that sponsor.

5. The sponsor of a seminar shall allow any representative of the Board to attend all or part of the seminar in order to monitor the content of the course or lecture and the procedures for

taking attendance. A representative who is taking the seminar to satisfy the requirements of subsection 3 or 4 of NRS 634.130, as applicable, shall pay the full registration fee.

6. The sponsor of a seminar which has received the approval of the Board shall report to the Board all changes in the seminar as soon as possible.

7. Except as otherwise provided in this subsection, the Board will not award credit for continuing education to a licensee or holder of a certificate, as applicable, for an educational class or seminar that is of a nonclinical nature, including, without limitation, an educational class or seminar regarding the building or management of a chiropractic practice. For the purposes of this subsection, an educational class or seminar regarding proper billing procedures shall not be deemed to be an educational class or seminar regarding the building or management of a chiropractic practice.

8. The Board will not award credit for continuing education to an instructor of an educational class or seminar unless the instructor obtained from the Board approval for such credit before teaching the educational class or seminar.

9. Continuing education hours earned through the completion of a specific educational class or seminar may be counted only once during a calendar year toward the hours of continuing education required by subsection 3 or 4 of NRS 634.130, as applicable, even if the licensee or holder of a certificate completes that class or seminar more than once during that calendar year.

10. The Board will award credit for continuing education to a licensee or a holder of a certificate for all educational classes or seminars which are approved and endorsed by the Board pursuant to this section and are attended by the licensee or holder of a certificate.

**Sec. 10.** NAC 634.390 is hereby amended to read as follows:

634.390 1. If a licensee desires to surrender his or her license to practice chiropractic or a chiropractor's assistant desires to surrender his or her certificate, the licensee or holder of the certificate shall submit to the Board a sworn written statement of surrender of the license or certificate accompanied by delivery to the Board of the actual license or certificate issued to him or her. The Board will accept or reject the surrender of the license or certificate. If the Board accepts the surrender of the license or certificate, the surrender is absolute and irrevocable and the Board will notify any agency or person of the surrender and the conditions under which the surrender occurred, as the Board considers advisable.

2. The voluntary surrender of a license or certificate or the failure to renew a license or certificate does not preclude the Board from hearing a complaint for disciplinary action made against the licensee or holder of the certificate.

***3. A voluntary surrender of a license or certificate granted by the Board:***

***(a) While the holder of the license or certificate is not under investigation by the Board shall be deemed voluntary and shall not be considered as disciplinary action by the Board.***

***(b) While the holder of the license or certificate is under investigation by the Board shall be deemed a revocation of the license or certificate.***

***4. The Board's acceptance or denial of a request for a voluntary surrender of a license or certificate pursuant to this section is within the Board's discretion.***

**Sec. 11.** NAC 634.515 is hereby amended to read as follows:

634.515 The following information included in an advertisement or written communication shall be deemed to be in compliance with NAC 634.515 to ~~634.570,~~ **634.565**, inclusive ~~;~~ **and section 1 of this regulation:**

1. Information relating to the licensee or chiropractic office, including, but not limited to:

- (a) The name of the licensee or chiropractic office;
  - (b) A list of licensees associated with a chiropractic office and their designations, such as doctor of chiropractic, chiropractor or chiropractic physician;
  - (c) The address and telephone number of the office; and
  - (d) The hours during which the office will be open or the licensee will be available.
2. The date on which a license was issued to the licensee by the Board or by the licensing agency of another state.
  3. Technical and professional licenses granted by this or any other state.
  4. The ability of the licensee or persons employed by the licensee or in the chiropractic office to speak a language other than English.
  5. The fields of chiropractic in which the licensee is certified or is a specialist, subject to the restrictions of NAC 634.550.
  6. Information regarding prepaid or group plans for health care services in which the licensee participates.
  7. The types of credit cards, if any, which are accepted.
  8. The fee for an initial consultation or a schedule of fees provided in accordance with NAC 634.556.
  9. The use of the name and address of a licensee or chiropractic office in a public service announcement or in connection with a charitable, civic or community program or event.

**Sec. 12.** NAC 634.521 is hereby amended to read as follows:

634.521 A licensee shall not make any false or misleading communications about himself or herself or his or her services. A communication shall be deemed to be misleading if it contains

~~†~~ :

1. *A material misrepresentation of fact or law, or omits a fact necessary to make the statement, considered as a whole, not misleading ~~†~~ ; or*

2. *A 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.*

**Sec. 13.** NAC 634.541 is hereby amended to read as follows:

634.541 All advertisements and written communication must include the ~~†name†~~ :

1. *Name of* of at least one licensee ~~†or†~~ ;

2. *Name of* a referral bureau for licensees that is responsible for the content of the advertisement or communication ~~†~~ ; or

3. *Telephone number and Internet address of the website of at least one licensee.*

**Sec. 14.** NAC 634.550 is hereby amended to read as follows:

634.550 Except as otherwise provided in NAC 634.515 to ~~†634.570,†~~ *634.565*, inclusive, *and section 1 of this regulation*, a licensee shall not hold himself or herself out in any advertisement as being:

1. Certified; or

2. An expert or specialist other than an expert witness,

↳ in a field of chiropractic unless he or she is registered with and approved by the Board as holding the applicable professional credentials in that field.

**Sec. 15.** NAC 634.419 and 634.570 are hereby repealed.

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**TEXT OF REPEALED SECTIONS**

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**634.419 Authorization of person to provide other services for patients in office of licensee.**

1. A licensee may authorize a person to provide services for his or her patients in the office of the licensee, other than chiropractic or clerical services, only if the licensee submits the information required by subsection 2 to the Board, on a form prescribed by the Board, at least 15 days before the person commences providing the services.

2. The form prescribed by the Board pursuant to subsection 1 must include:

- (a) The name, business telephone number and license number of the licensee;
- (b) The name of the person who will be providing the services for the patients of the licensee;
- (c) The type of services that the person will be providing for the patients of the licensee;
- (d) The address of the location at which the person will be providing the services for the patients of the licensee;
- (e) The date on which the person will begin providing the services for the patients of the licensee;
- (f) A statement indicating that the person will not be providing chiropractic services, including, without limitation, taking radiographs, and services that involve the use of physiotherapeutic equipment;



(g) A statement indicating whether the person who will be providing the services is an employee of the licensee or is retained by the licensee as an independent contractor;

(h) A copy of any license or certificate that authorizes the person to provide the services that he or she will be providing for the patients of the licensee;

(i) A statement indicating that the licensee will ensure that a copy of any license or certificate that is provided to the Board pursuant to paragraph (h) is available to each patient of the licensee for whom the person provides services; and

(j) The signature of the licensee.

3. A licensee shall ensure that each employee of the licensee who provides services for the patients of the licensee in the office of the licensee, other than chiropractic or clerical services, provides those services only under the direct supervision of the licensee.

4. A licensee who authorizes an independent contractor to provide services in the office of the licensee pursuant to the provisions of this section shall establish procedures which ensure that each patient of the licensee to whom the independent contractor provides services is notified that:

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

(b) The services provided by the independent contractor in the office of the licensee are not provided under the supervision or control of the licensee; and

(c) The licensee will not bill the patient or the insurance company of the patient for any services provided by the independent contractor.

5. A licensee shall notify the Board within 15 days after an employee or independent contractor who is authorized pursuant to this section to provide services to the patients of the licensee leaves the employ of or is no longer retained by the licensee.

**634.570 Inclusion of information in list or directory of licensees or chiropractic offices.**

The provisions of NAC 634.515 to 634.570, inclusive, do not prohibit the inclusion of information relating to a licensee or chiropractic office in a list or directory of licensees or chiropractic offices which is intended primarily for use by persons in the chiropractic profession, if the information has been traditionally included in such a list or directory.