

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

**LCB File No. R064-17**

September 18, 2017

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

AUTHORITY: §1, NRS 634.030 and 634.070; §2, 3 and 5, NRS 634.030; §4, NRS 634.030 and 634.123.

A REGULATION relating to chiropractic; authorizing the Chiropractic Physicians' Board of Nevada to require certain applicants for a license to practice chiropractic in this State to pass certain examinations; requiring an applicant for a certificate as a chiropractor's assistant to receive certain scores for closed-book and open-book examinations; prohibiting an applicant from bringing certain electronic devices into an examination facility; requiring the health care records of a patient of a chiropractic physician to contain certain documentation; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Existing law requires the Chiropractic Physicians' Board of Nevada to adopt reasonable regulations for the transaction of business and to enable the Board to carry out its duties of regulating chiropractic physicians and chiropractors' assistants. (NRS 634.030)

Existing law requires all applicants for a license to practice chiropractic in this State to pass all examinations prescribed by the Board. (NRS 634.070) Existing law requires an applicant to furnish evidence to the Board that the applicant either: (1) holds certificates which indicate that the applicant has passed Parts I, II, III and IV, and the portion relating to physiotherapy, of the examination administered by the National Board of Chiropractic Examiners; or (2) has actively practiced chiropractic in another state for not fewer than 7 of the immediately preceding 10 years without having any adverse disciplinary action taken against the applicant. (NRS 634.090) Existing regulations set forth that an applicant who has practiced chiropractic in another state for not fewer than 7 of the immediately preceding 10 years without having any adverse disciplinary action 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. (NAC 634.290) **Section 1** of this regulation authorizes the Chiropractic Physicians' Board of Nevada to require an applicant who has practiced chiropractic in another state for not fewer than 7 of the immediately preceding 10 years without having any adverse disciplinary action to pass the Special Purposes Examination for Chiropractic prepared by the National Board of Chiropractic Examiners.

Existing law requires the Chiropractic Physicians' Board of Nevada to specify the formal training, including at least 12 months of study or the equivalent, that a properly qualified applicant to perform ancillary services relating to chiropractic must complete before the Board awards such an applicant a certificate as a chiropractor's assistant. (NRS 634.123) Existing regulations require the Board to at least once a year administer an examination to applicants for a certificate as a chiropractor's assistant. If such an applicant receives a score of at least 75 percent on the examination, he or she is entitled to a certificate as a chiropractor's assistant. If the applicant fails to receive a score of at least 75 percent on the examination the first time he or she takes the examination, the applicant may retake the examination within 1 year without paying an additional fee. If the applicant receives training and employment as a chiropractor's assistant trainee and fails to receive a score of at least 75 percent on the examination after two attempts and wishes to continue working as a chiropractor's assistant trainee, the supervising licensee must, within 30 days after the date of the notice from the Board of the results of the examination, submit a plan for additional training to the Board. (NAC 634.305) **Section 2** of this regulation requires an applicant to receive a score of at least 75 percent for a closed-book examination or a score of at least 90 percent for an open-book examination. **Section 4** of this regulation makes conforming changes.

Existing regulations prohibit an applicant for licensing as a chiropractic physician or for certification as a chiropractor's assistant from bringing any written or recorded material relating to the practice of chiropractic into the examination facility. (NAC 634.320) **Section 3** of this regulation further prohibits such an applicant from bringing any electronic device into the examination facility, unless the electronic device is approved by the Board.

Existing regulations require a chiropractic physician who is licensed by the Board to ensure that the health care records of his or her patients include documentation of certain treatment of a patient and documentation of information exchanged with a patient within 72 hours after the treatment is provided or the exchange of information occurs. (NAC 634.435) **Section 5** of this regulation requires a chiropractic physician who is licensed by the Board to ensure that the health care records of his or her patients include documentation that: (1) the chiropractic physician informed the patient of the benefits and risks of any chiropractic treatment or care the chiropractic physician intended to provide to the patient before actually providing such treatment or care; (2) the chiropractic physician informed the patient of reasonable alternate forms of treatment and about the benefits and risks of such treatments; and (3) the patient consented to the chiropractic treatment or care the chiropractic physician intended to provide to the patient before such treatment or care was provided.

**Section 1.** 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
- ~~(e)~~ (b) 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~~ *The Board may require 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,~~ *to* 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. 2.** NAC 634.305 is hereby amended to read as follows:

634.305 1. At least once each year, the Board will administer an examination to applicants for a certificate as a chiropractor's assistant.

2. The examination will consist of the following subjects, including, without limitation:

- (a) Radiographic technology, protection, quality control and positioning of the patient;
- (b) Ancillary procedures and applications relating to chiropractic; and
- (c) The provisions of NRS and NAC that are related to the practice of chiropractic.

3. An applicant who receives a score of at least 75 percent ~~for a closed-book~~ *for a closed-book* examination *or a score of at least 90 percent for an open-book examination* is entitled to a certificate as a chiropractor's assistant.

4. If an applicant fails to receive a score of at least 75 percent ~~for a closed-book~~ *for a closed-book* examination *or a score of at least 90 percent for an open-book examination* the first time he or she takes the examination, the applicant may retake the examination within 1 year without payment of an additional fee.

5. If an applicant who receives training and employment as a chiropractor's assistant trainee pursuant to subparagraph (2) of paragraph (a) of subsection 2 of NAC 634.355 fails to receive a score of at least 75 percent ~~for a closed-book~~ *for a closed-book* examination *or a score of at least 90 percent for an open-book examination* after two attempts and wishes to continue working as a chiropractor's assistant trainee, the supervising licensee must, within 30 days after the date of the notice from the Board of the results of the examination, submit a plan for additional training to the Board. The chair of the test committee will:

(a) Approve or deny the plan; and

(b) Determine whether the chiropractor's assistant trainee may continue working as a chiropractor's assistant trainee.

6. If, pursuant to paragraph (b) of subsection 5, the chair of the test committee determines that a chiropractor's assistant trainee may continue working as a chiropractor's assistant trainee, the chiropractor's assistant trainee may continue working as a chiropractor's assistant trainee if he or she:

(a) Pursuant to NAC 634.350, submits a new application for a certificate as a chiropractor's assistant and pays the required fee; and

(b) Provides the chair of the test committee with proof that the chiropractor's assistant trainee is enrolled in an educational course in a subject described in subsection 2.

7. If a chiropractor's assistant trainee who has submitted an application pursuant to paragraph (a) of subsection 6 fails to ~~pass any portion of the~~ *receive a score of at least 75 percent for a closed-book examination or a score of at least 90 percent for an open-book examination* after two attempts, the chiropractor's assistant trainee shall not work as a chiropractor's assistant trainee until the chiropractor's assistant trainee has ~~passed all the portions of the~~ *received a score of at least 75 percent for a closed-book examination ~~+~~ or a score of at least 90 percent for an open-book examination.*

8. An applicant for a certificate as a chiropractor's assistant who fails on two occasions to appear for an examination that he or she has been scheduled to take:

- (a) Shall be deemed to have withdrawn his or her application;
- (b) Forfeits any application fees paid to the Board; and
- (c) Must, if he or she has been receiving training and employment as a chiropractor's assistant trainee pursuant to subparagraph (2) of paragraph (a) of subsection 2 of NAC 634.355, cease working as a chiropractor's assistant trainee.

↪ If the applicant applies thereafter for a certificate, the applicant must establish eligibility for the certificate in accordance with the provisions of this chapter and chapter 634 of NRS.

9. As used in this section, "chair of the test committee" means the member of the Board who is assigned by the Board to serve as the chair of the committee that is created by the Board to administer an examination to applicants for a certificate as a chiropractor's assistant.

**Sec. 3.** NAC 634.320 is hereby amended to read as follows:

634.320 During the examination of applicants for licensing as chiropractic physicians or for certification as chiropractor's assistants, only members of the Board, testing consultants, examination proctors, applicants and persons requested by the Board will be allowed in the waiting area for applicants or in the room in which the examination is given. An applicant may not:

1. Communicate with any person while he or she is in the waiting area, halls or restrooms;
2. Leave the waiting area without the permission of a member of the Board, a testing consultant or an examination proctor; or
3. Bring any *electronic device, unless the electronic device is approved by the Board, or any* written or recorded material relating to the practice of chiropractic into the examination facility.

**Sec. 4.** NAC 634.355 is hereby amended to read as follows:

634.355 1. An applicant for a certificate as a chiropractor's assistant must, in addition to fulfilling the requirements of NAC 634.350, furnish evidence satisfactory to the Board that he or she:

- (a) Is 18 years of age or older; and
- (b) Has received a score of at least 75 percent ~~for an~~ *for a closed-book examination or a score of at least 90 percent for an open-book examination* administered by the Board on the provisions of NRS and NAC that are related to the practice of chiropractic.

2. In addition to the requirements set forth in subsection 1 and NAC 634.350, an applicant for a certificate as a chiropractor's assistant must furnish evidence satisfactory to the Board that he or she:

- (a) Satisfies one of the following:

(1) Is certified as a chiropractor's assistant by a program for chiropractor's assistants that is approved by the Board; or

(2) Has had 6 months of full-time, or 12 months of part-time, training and employment as a chiropractor's assistant trainee from a licensee.

(b) Has received a score of at least 75 percent ~~for an~~ *for a closed-book* examination *or a score of at least 90 percent for an open-book examination* for certification required pursuant to NAC 634.305.

3. Evidence of an applicant's completion of approved training pursuant to subparagraph (2) of paragraph (a) of subsection 2 must consist of a certification by each licensee who supervised the work and training of the applicant.

4. The Board may, at its discretion:

(a) Waive one or more of the requirements of this section for good cause shown.

(b) Upon receipt from an applicant of documentation demonstrating that the applicant has received additional formal training, education or experience, grant the applicant credit toward fulfilling the requirements of subparagraph (2) of paragraph (a) of subsection 2.

**Sec. 5.** NAC 634.435 is hereby amended to read as follows:

634.435 1. In addition to the requirements set forth in chapter 629 of NRS, a licensee shall ensure that the health care records of his or her patients:

(a) *Include documentation signed by the patient which shows that:*

*(1) The licensee informed the patient of the benefits and risks of any chiropractic treatment or care the licensee intended to provide to the patient before actually providing such treatment or care;*

*(2) The licensee informed the patient of the availability of reasonable alternate forms of treatment and the benefits and risks of such treatment if a reasonable licensee would know of and disclose such forms of treatment under circumstances inherent to the patient; and*

*(3) The patient consented to the chiropractic treatment or care the licensee intended to provide to the patient before such treatment or care was provided.*

(b) Include documentation of treatment of a patient, as specified in subparagraph (3) of paragraph ~~(e)~~ (f), within 72 hours after that treatment;

~~(b)~~ (c) Include documentation of information exchanged with a patient within 72 hours after that exchange;

~~(e)~~ (d) Are clear, legible, complete and accurate;

~~(d)~~ (e) Remain confidential, where such confidentiality is required by law;

~~(e)~~ (f) Contain the following information:

(1) A description of the chief complaint for which the patient sought treatment from the licensee;

(2) Documentation of any significant event that affects the chief complaint of the patient or the general history of the health of the patient; and

(3) An accurate record of the diagnostic and therapeutic procedures that the licensee has employed in providing chiropractic services to the patient, including, without limitation:

(I) Examinations and the results of those examinations;

(II) Diagnoses;

(III) Plans for treatment of the patient, including, without limitation, any changes in those plans and the reasons for those changes;

(IV) Areas of the body of the patient on which the licensee has performed chiropractic adjustments;

(V) Dates on which the licensee provided chiropractic services to the patient; and

(VI) A record of the response of the patient to treatment; and

~~(f)~~ (g) Are not altered without recordation of the date and time of the alteration and the identity of the person who makes the alteration, whether the records are made and maintained on paper or in a computer.

2. A licensee who obtains the records of a patient of another licensee because of a change in the ownership of a practice shall:

(a) Report to the Board the transfer of the records; and

(b) Inform the Board, in writing, of the physical location of those records within 15 days after the change in ownership of the practice.

3. A licensee who retires, moves to another state, closes his or her practice or changes the status of his or her license from active to inactive shall, within 15 days after the retirement, move, closure or change of status, inform the Board of the location at which the records of his or her patients may be obtained.

4. The administrator of the estate of a licensee who is deceased shall inform the Board of the location at which the records of the patients of the deceased licensee will be retained.

5. As used in this section, “patient” includes:

(a) A member of the licensee’s family;

(b) A relative of the licensee; and

(c) A member of the licensee’s staff,

↳ to whom the licensee provides chiropractic services.