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CHIROPRACTIC PHYSICIAN'S BOARD OF NEVADA

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NOTICE OF INTENT TO ACT UPON A PROPOSED REGULATION R007-19

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 **8:45 a.m. on Thursday, August 29, 2019 at the Kietzke Plaza, 4600 Kietzke Lane, Suite G160, Reno, NV 89502.** 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. R007-19.

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 clarify provisions related to continuing education for chiropractic physicians and to clarify provisions related to how the Board will process certain complaints made to the Board. In both cases, it is the Board's intent to make the regulations less burdensome and clearer.

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

NAC 634. **Section 2:** Requires each chiropractic physician who is licensed pursuant to chapter 634 of NRS to annually submit a self-inspection form containing certain information regarding the practice of the licensee.

NAC 634 **Section 4:** Requires a licensee to ensure that his or her employees who provide certain services to a patient provide those services only under the direct supervision of the licensee. Section 4 also prohibits a licensee from authorizing an independent contractor to provide services to a patient in the office of the licensee unless the licensee has established procedures to notify the patient of certain information regarding the independent contractor's provision of those services.

- NAC 634 *Existing regulations set forth certain requirements for the approval or endorsement of educational seminars that satisfy continuing education requirements. (NAC 634.385) **Section 5** of this regulation eliminates the requirement that an original or copy of a certificate of attendance at a seminar be provided to the Board.*
- NAC 634. ***Section 3:** of this regulation provides that the Board may perform random audits of licensees and chiropractor's assistants to ensure compliance with requirements for continuing education.*
- NAC 634. ***Section 6:** of this regulation provides that the falsification of documentation concerning continuing education will be interpreted by the Board as a form of unprofessional conduct for the purposes of imposing disciplinary action.*
- NAC 634 *Existing law authorizes the anonymous filing of complaints alleging grounds for disciplinary action against a person practicing chiropractic in this State. (NRS 634.160) Existing regulations require a complaint to be signed and verified by the person making the complaint. (NAC 634.635) **Section 7** of this regulation eliminates these signature and verification requirements to conform with statute.*

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/2019Register/R007-19P.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 23, 2019 meeting. Representatives of the Nevada Chiropractic Association and the Nevada Chiropractic Council were present at this meeting, but neither testified or otherwise raised any concerns with the proposed regulation.

Copies of the April 23, 2019 Notice of Public Workshop to Consider the Proposed Regulation Changes and the Proposed Regulation Changes 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. Three written responses were received, but none of the responses indicated that the regulation would have an effect positively or negatively on small businesses. Rather, the responses addressed concerns with the section of the regulation relating to the changes in the Board's complaint processing.

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 August 22, 2019. 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 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.

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 August 26, 2019:

<i>Carson City Public Library – Carson City, NV.</i>	<i>Churchill County Public Library - Fallon, NV.</i>
<i>Clark County Library- Las Vegas, NV.</i>	<i>Battle Mt. Public Library – Battle Mt., NV.</i>
<i>Douglas County Public Library -Minden, NV.</i>	<i>Goldfield Public Library - Goldfield, NV.</i>
<i>Humboldt County Pub Libr. - Winnemucca, NV</i>	<i>Lyon County Public Library - Yerington, NV</i>
<i>Elko County Public Library -Elko, NV</i>	<i>Eureka Branch Public Library -Eureka, NV</i>
<i>Lincoln County Public Library – Pioche, NV</i>	<i>Mineral County Public Library -Hawthorne, NV</i>
<i>Pershing County Public Library -Lovelock, NV</i>	<i>Storey County Public Library - Virginia City, NV</i>
<i>Tonopah Public Library -Tonopah, NV</i>	<i>Washoe County Public Library -Reno, NV</i>
<i>White Pine County Public Library -Ely, NV</i>	<i>Office of the Attorney General -Las Vegas, NV</i>
<i>Office of the Attorney General -Reno, NV</i>	<i>Grant Sawyer Office Bldg., Las Vegas, NV</i>
<i>Chiropractic Physicians' Board of Nevada</i>	

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

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

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

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

Elko County Library
720 Court St.
Elko, Nevada 89801

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

Eureka County Library
10190 Monroe Street
Eureka, Nevada 89316

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

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

Lincoln County Library
63 Main Street
Pioche, Nevada 89043

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

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

Pershing County Library
1125 Central Avenue
Lovelock, Nevada 89419

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

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

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

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

White Pine County Library
950 Crampton Street
Ely, Nevada 89301