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CHIROPRACTIC PHYSICIAN'S BOARD OF NEVADA

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INFORMATIONAL STATEMENT FOR ADOPTED PERMANENT REGULATION NRS 233B.066

LCB FILE R064-19

The following statement is submitted for adopted amendments 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 and amend current provisions related to chiropractic physicians and chiropractor's assistants. New language was added to:

- NAC 634. *Section 1: Requires a chiropractic physician to have completed at least 50 hours of didactic education and training in dry needling offered or certified by certain entities. Requires the holder of a certificate to engage in dry needling to obtain at least 4 hours of continuing education in dry needling each biennium, except the biennium in which the certificate is issued, in order to renew the certificate.*
- NAC 634 *Section 2: Provides for the reduction of the renewal fee for any person whose license as a chiropractic physician or certificate as a chiropractor's assistant was issued from January 1 to May 31 of the current year. Provides for the waiver of the renewal fee for any person whose license as a chiropractic physician or certificate as a chiropractor's assistant was issued from June 1 to December 31 of the current year.*
- NAC 634 *Section 3: Prescribes the authorized topics for such continuing education.*

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.

Copies of the proposed regulations, notices of workshop and notices of intent to act upon the regulation were sent via e-mail to all of the Board's licensees and chiropractor's assistants who maintain an e-mail address with the Board, totaling 922. The Board also sent a copy of the proposed regulations, notice of workshop and notice of intent to act upon the regulation to the Nevada Chiropractic Association and Nevada Chiropractic Council, the trade

associations that represents chiropractic physicians. The documents were also mailed to all county libraries in Nevada and posted at the following locations:

- Chiropractic Physicians' Board, 4600 Kietzke Lane, Suite M245, Reno
- Nevada State Library & Archives, 100 Stewart St., Carson City
- Office of the Attorney General, Grant Sawyer Bldg., 555 E. Washington Avenue, Las Vegas, NV 89101
- Office of the Attorney General, 100 N. Carson Street, Carson City, NV 89701
- Legislative Building, 401 South Carson St., Carson City

A workshop was held regarding the regulations on August 29, 2019. Any person who desired to make comments regarding the regulations was invited to participate in the workshop. A representative of the Nevada Chiropractic Association was present at the Workshop on August 29, 2019. Interested persons may obtain a copy of the summary of public response by contacting the Chiropractic Physicians' Board, 4600 Kietzke Lane, Suite M245, Reno, NV 89502 or calling 775-688-1921.

On July 26, 2019, the Board issued a Notice of Intent to Act Upon a Regulation which incorporated the proposed amendments and suggestions of the parties attending the meetings and workshops. On August 29, 2019 the Board conducted a hearing regarding the final language of the proposed regulation. No written comments were submitted prior to the hearing, and no member of the public attended or spoke at the hearing. At the conclusion of the hearing, the Board announced its final determinations regarding the language of the regulation.

3. The number of persons who:

(a) Attended the August 29, 2019 Workshop – 0
Testified at the August 29, 2019 Workshop – 0

(b) Attended the January 23, 2020 Hearing – 2
Testified at the January 23, 2020 Hearing - 1

(c) Submitted written statements for the August 29, 2019 Workshop – 1
Submitted written comments for the January 23, 2020 Hearing – 0

4. For each person identified in subparagraph (b) and (c) above, see attached for the following information that was provided to the Chiropractic Physicians' Board:

(a) Name

Benjamin S. Lurie, DC

(b) Telephone number

(702) 236-8500

(c) Business address

8678 W. Spring Mountain Rd., Ste. 110, Las Vegas, NV 89117

(d) Business telephone number

(702) 384-000

(e) Electronic mail address

Drlurie@theneckandbackclinics.com

(f) Name of entity or organization represented

The Neck and Back Clinics

(a) Name

Marcia Tinberg, DC

(b) Telephone number

(702) 524-5014

(c) Business address

2569 Silver Shadow Drive, Las Vegas, NV 89108

(d) Business telephone number

N/A

(e) Electronic mail address

mtinberg@hcfp.nv.gov

(f) Name of entity or organization represented

Nevada Chiropractic Association

A list containing the requested information is attached as Exhibit 1.

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 public comments received at the workshop. The comments received at the hearing were received from practitioners. The comments were considered by the Board in determining to proceed with the regulation. Interested persons may obtain a copy of the summary of public response by contacting the Chiropractic Physicians' Board, 4600 Kietzke Lane, Suite M245, Reno, NV 89502 or calling 775-688-1921.

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 permanent regulation was adopted on January 23, 2020 and included the changes, additions, and amendments suggested at the workshop, hearing, and the Board's Legislative Committee that were acceptable to the Board as being within the legislative intent of the empowering statutes (NRS 634.030(2)).

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.

The regulations were not intended to and will not have adverse economic effects upon the practice of chiropractic in Nevada. Chiropractic physicians licensed in Nevada will benefit from

the proration of their first renewal license fee. Chiropractic physicians will be able to perform dry needling upon certification.

(b) Both immediate and long-term effects.

The proposed regulations will have the same effects immediately and in the long-term on the practice of chiropractic in Nevada. These effects being that chiropractic physicians will have their first renewal fee prorated based on their initial licensing date. Chiropractic physicians will be allowed to perform dry needling upon certification to provide necessary treatment to their patients.

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

There is no additional cost to the agency for enforcement of this 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 government agencies that the proposed regulations overlap or duplicate.

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 required by federal law.

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.

The proposed regulations do not recommend new or increased fees.

This Informational Statement was prepared by Julie Strandberg, Executive Director, and is accurate and complete.

Signed this _____ day of January, 2020.

Julie Strandberg
Executive Director