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CHIROPRACTIC PHYSICIAN'S BOARD OF NEVADA

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NOTICE OF INTENT TO ACT UPON A PROPOSED REGULATION

R179-20

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 **8:30 a.m. on Thursday, July 15, 2021 at Join Zoom Meeting**

<https://zoom.us/j/95132568647?pwd=WUU0WkphbFZMZEhrMU45Rm1zeHRmdz09>

Meeting ID: 951 3256 8647

Passcode: 153141

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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. R179-20.

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 adopt language related to license by endorsement pursuant to NRS 622.530, clarify provisions related to educational requirements for chiropractic

assistants and to revise the requirements governing the submission of a self-inspection form. In all 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 Existing law requires a regulatory body to adopt regulations providing for the issuance of a license by endorsement to engage in an occupation or profession regulated by that body to a natural person who: (1) holds a corresponding valid and unrestricted license to engage in that occupation or profession in the District of Columbia or any state or territory of the United States; (2) possesses qualifications that are substantially similar to the qualifications required for issuance of a license to engage in that occupation or profession in this State; and (3) satisfies certain other requirements. (NRS 622.530) **Section 1** of this regulation provides for the issuance of a license by endorsement to an applicant for licensure as a chiropractic physician who: (1) holds a corresponding valid and unrestricted license to engage in the practice of chiropractic in another jurisdiction; (2) possesses qualifications that are substantially similar to the qualifications required for issuance of a license to engage in the practice of chiropractic in this State; (3) has successfully completed the examination administered by the National Board of Chiropractic Examiners; (4) has actively engaged in the practice of chiropractic for 7 of the 10 immediately preceding years; (5) provides an affidavit; (6) completes the application provided by the Chiropractic Physicians' Board of Nevada; and (7) pays the applicable fees. **Section 1** also prescribes certain circumstances under which the Board will not issue such a license by endorsement.*

*NAC 634 **Section 2** of this regulation makes a conforming change to clarify that an applicant for a license by engagement by endorsement is not required to pass an examination.*

*NAC 634 **Section 3** of this regulation replaces the provision authorizing an applicant to be certified by a Board approved program with a provision authorizing an applicant to have successfully completed an educational program offered by a high school, community college, state university or private post-secondary school that is approved by the Board.*

*NAC 634. **Section 4** of this regulation revises this requirement to instead require the biennial submission of such a form. **Section 4** requires the self-inspection form to be received by the Board not later than December 31 of each even-numbered year.*

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 October 15, 2020 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 October 15, 2020 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.

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 July 6, 2021. 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–BattleMt., 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.

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

LCB File No. R179-20

June 14, 2021

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

AUTHORITY: §1, NRS 622.530, 634.030 and 634.135; §3, NRS 634.030 and 634.123; §§2 and 4, NRS 634.030.

A REGULATION relating to chiropractors; prescribing requirements for the issuance of a license by endorsement to engage in the practice of chiropractic; revising educational requirements for an applicant for a certificate as a chiropractor's assistant; revising requirements governing the submission of a self-inspection form; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires a regulatory body to adopt regulations providing for the issuance of a license by endorsement to engage in an occupation or profession regulated by that body to a natural person who: (1) holds a corresponding valid and unrestricted license to engage in that occupation or profession in the District of Columbia or any state or territory of the United States; (2) possesses qualifications that are substantially similar to the qualifications required for issuance of a license to engage in that occupation or profession in this State; and (3) satisfies certain other requirements. (NRS 622.530) **Section 1** of this regulation provides for the issuance of a license by endorsement to an applicant for licensure as a chiropractic physician who: (1) holds a corresponding valid and unrestricted license to engage in the practice of chiropractic in another jurisdiction; (2) possesses qualifications that are substantially similar to the qualifications required for issuance of a license to engage in the practice of chiropractic in this State; (3) has successfully completed the examination administered by the National Board of Chiropractic Examiners; (4) has actively engaged in the practice of chiropractic for 7 of the 10 immediately preceding years; (5) provides an affidavit; (6) completes the application provided by the Chiropractic Physicians' Board of Nevada; and (7) pays the applicable fees. **Section 1** also prescribes certain circumstances under which the Board will not issue such a license by endorsement. **Section 2** of this regulation makes a conforming change to clarify that an applicant for a license by engagement by endorsement is not required to pass an examination.

Existing law requires the Board to specify the formal training 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 an applicant for certification as a chiropractor's assistant to (1) be certified as

a chiropractor's assistant by a program approved by the Board; or (2) have had a certain amount of training and employment as a chiropractor's assistant trainee. (NAC 634.355) **Section 3** of this regulation replaces the provision authorizing an applicant to be certified by a Board approved program with a provision authorizing an applicant to have successfully completed an educational program offered by a high school, community college, state university or private post-secondary school that is approved by the Board.

Existing regulations require 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 634.384) **Section 4** of this regulation revises this requirement to instead require the biennial submission of such a form. **Section 4** requires the form to be received by the Board not later than December 31 of each even-numbered year.

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

1. Except as otherwise provided in subsection 2, the Board will issue a license by endorsement pursuant to NRS 622.530 to an applicant for licensure as a chiropractic physician who:

(a) Holds a corresponding valid and unrestricted license to engage in the practice of chiropractic in the District of Columbia or any state or territory of the United States;

(b) Possesses qualifications that are substantially similar to the qualifications required for issuance of a license to engage in the practice of chiropractic in this State;

(c) Has successfully completed parts I, II, III and IV of the examination administered by the National Board of Chiropractic Examiners, or its successor organization, or those parts of the examination in effect at the time that the applicant obtained his or her initial licensure to engage in the practice of chiropractic in the District of Columbia or any state or territory of the United States;

(d) Has actively engaged in the practice of chiropractic in another state for not less than 7 of the 10 years immediately preceding the date of submission of the application;

(e) Provides an affidavit stating that the information contained in the application and any accompanying material is true and complete;

(f) Completes the application for endorsement provided by the Board; and

(g) Pays the fees prescribed by NAC 634.200 for an application for a license to practice chiropractic and the issuance of such a license.

2. The Board will not issue a license by endorsement to engage in the practice of chiropractic in this State if:

(a) The Board is prohibited from issuing the license by subsection 2 of NRS 622.530; or

(b) The report from the Federal Bureau of Investigation pursuant to paragraph (g) of subsection 2 of NRS 622.530 indicates that the applicant has been convicted of a crime described in subsection 3 of NRS 634.140 and the Board has not previously taken disciplinary action against the licensee based on that conviction.

3. A license by endorsement to engage in the practice of chiropractic issued pursuant to this section may be issued at a meeting of the Board or between meetings of the Board by the President and Executive Director of the Board. Such an issuance is deemed to be an action of the Board.

Sec. 2. NAC 634.290 is hereby amended to read as follows:

634.290 1. In addition to the subjects of examination set forth in NRS 634.070, an applicant for a license to practice chiropractic in Nevada , *other than an applicant for licensure by endorsement pursuant to section 2 of this regulation*, must pass:

(a) 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

(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. 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. 3. 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 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~~ *Has successfully completed an educational program [for chiropractor's assistants] offered by a high school, community college, state university or private post-secondary school* 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 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. 4. NAC 634.384 is hereby amended to read as follows:

634.384 Each licensee shall ~~annually~~ *biennially* submit a self-inspection form prescribed by the Board. The self-inspection form must be received by the Board ~~between January 1 and March 31.~~ *on or before December 31 of each even-numbered year.* The Board will reject a self-inspection form submitted pursuant to this section if the form is incomplete.