

**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.