

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

LCB File No. R030-98

Effective September 10, 1998

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

AUTHORITY: §§2-22, NRS 634.030; §23, NRS 634.030 and 634.135; §§24-62, NRS 634.030.

Section 1. Chapter 634 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 21, inclusive, of this regulation.

Sec. 2. *“Advertisement” includes, without limitation, calling cards, inside and outside signs, stationery, listings in telephone and other directories and advertisements in newspapers, magazines and by electronic means, including, without limitation, advertisements placed on the Internet.*

Sec. 3. *“Ancillary services” means services related to the practice of chiropractic that a chiropractor’s assistant or chiropractor’s assistant for massage is authorized to perform under the terms of the certificate issued to him by the board. The term does not include acts that a chiropractor’s assistant or chiropractor’s assistant for massage is prohibited from performing pursuant to NAC 634.460.*

Sec. 4. *“Applicant” means a person who applies or petitions for any right or authority from the board.*

Sec. 5. *“Board” means the chiropractic physicians’ board of Nevada.*

Sec. 6. *“Certificate” means a current certificate as a chiropractor’s assistant or chiropractor’s assistant for massage.*

Sec. 7. *“Chiropractor’s assistant” means a person who holds a certificate as a chiropractor’s assistant pursuant to NRS 634.123 and the provisions of this chapter.*

Sec. 8. *“Chiropractor’s assistant for massage” means a person who holds a certificate as a chiropractor’s assistant for massage pursuant to NRS 634.123 and the provisions of this chapter.*

Sec. 9. *“Direct supervision” means that the supervising licensee or licensed provider of health care, as appropriate, is actually present in the chiropractic facility during the period of supervision.*

Sec. 10. *“Licensee” means a chiropractic physician who is licensed by the board pursuant to chapter 634 of NRS.*

Sec. 11. *“Massage” means the application of manual pressure to the muscular structures and soft tissues of the human body for therapeutic purposes, including, without limitation:*

- 1. Effleurage (stroking);*
- 2. Petrissage (kneading);*
- 3. Tapotement (percussion);*
- 4. Tapping;*
- 5. Compression;*
- 6. Vibration;*
- 7. Friction; and*
- 8. Triggerpoint therapy.*

The term does not include diagnosis, adjustment or manipulation of any articulations of the body or spine or the mobilization of articulations by a thrusting force.

Sec. 12. *A person who is issued a temporary license pursuant to NRS 634.115 is authorized to:*

- 1. Substitute for a licensee during a period in which the licensee is:
 - (a) On vacation; or*
 - (b) Unable to perform chiropractic services because of illness or injury.**
- 2. Perform chiropractic services for a traveling sports or professional group.*
- 3. Demonstrate and perform chiropractic services as a visiting teacher of an educational seminar.*
- 4. Perform chiropractic services in other circumstances as the board may approve.*

Sec. 13. *The board will elect officers as required pursuant to NRS 634.030 at the first regular meeting of the board during each even-numbered year.*

Sec. 14. *A licensee who operates or organizes a business, corporation, office, partnership or practice for the purpose of providing chiropractic services shall:*

- 1. Ensure that the name of the business, corporation, office, partnership or practice is registered with the board; and*
- 2. If the name of the business, corporation, office, partnership or practice changes, provide the new name to the board within 15 days after the change.*

Sec. 15. *1. A person who desires to perform the ancillary service of massage must obtain a certificate as a chiropractor's assistant for massage.*

2. *A person who holds a certificate as a chiropractor's assistant for massage may perform only the ancillary service of massage unless he also holds a certificate as a chiropractor's assistant.*

Sec. 16. 1. *A person who desires to perform ancillary services other than massage must obtain a certificate as a chiropractor's assistant.*

2. *A person who holds a certificate as a chiropractor's assistant may not perform the ancillary service of massage unless he also holds a certificate as a chiropractor's assistant for massage.*

Sec. 17. 1. *Except as otherwise provided in this section, a person may not practice chiropractic or provide services relating to chiropractic to patients unless the person:*

(a) Is a licensee;

(b) Holds a valid certificate as a chiropractor's assistant or chiropractor's assistant for massage pursuant to NRS 634.123 and the provisions of this chapter;

(c) Is authorized to perform chiropractic pursuant to NRS 634.105 while waiting to take the board's examination;

(d) Holds a valid temporary license to practice chiropractic pursuant to NRS 634.115; or

(e) Holds a valid license or certificate as a provider of health care that is issued by an agency of this state pursuant to one or more of the chapters of Title 54 of NRS.

2. *A licensee may allow an independent contractor to provide services to patients in his chiropractic office if the licensee registers the independent contractor with the board.*

3. *A licensee who seeks to register an independent contractor with the board must submit to the board an application in which the licensee provides evidence satisfactory to the board that:*

(a) The independent contractor holds a valid business license issued by a municipality or other evidence sufficient to the board to signify that the independent contractor has a bona fide business and that the business license or other evidence authorizes the independent contractor to engage in providing to patients the type of services that the independent contractor intends to provide in the chiropractic office.

(b) The independent contractor is not an employee of the licensee and the licensee does not:

(1) Withhold income, social security or Medicare taxes from the compensation of the independent contractor; or

(2) Provide coverage for workers' compensation or unemployment to the independent contractor.

(c) The independent contractor possesses his own taxpayer identification number under which services that the independent contractor provides in the chiropractic office will be billed.

(d) Services provided by the independent contractor will be billed separately from services provided by the licensee and persons who perform services under the control and supervision of the licensee.

(e) The licensee in whose office the independent contractor will provide services has established procedures of notification to ensure that patients understand that the independent contractor:

(1) Is not an employee of the licensee; and

(2) Does not perform services under the supervision or control of the licensee.

4. A licensee shall not allow an independent contractor to provide services to patients in the licensee's chiropractic office until the licensee receives from the board notification that the board has approved the application to register the independent contractor.

5. If a licensee evades, attempts to evade or assists another person in the evasion of the provisions of this section, the board will consider such conduct to be unprofessional conduct pursuant to subsection 5 of NRS 634.018.

Sec. 18. *1. Except as otherwise provided in this section and 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

(c) 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 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, 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.*

Sec. 19. *1. If a licensee desires to surrender his license to practice chiropractic, the licensee shall submit to the board a sworn written statement of surrender of his license accompanied by delivery to the board of the actual license issued to him. The board will accept or reject the surrender of the license. If the board accepts the surrender of the license, the surrender is absolute and irrevocable and the board will notify any agency or person of the surrender and the conditions under which the surrender occurred, as the board considers advisable.*

2. The voluntary surrender of a license or the failure to renew a license does not preclude the board from hearing a complaint for disciplinary action made against the licensee.

Sec. 20. *If the license of a licensee is automatically suspended pursuant to subsection 5 of NRS 634.130, the licensee must, in addition to paying the fees for reinstatement and renewal as required by that provision, apply to the board to have the license restored.*

Sec. 21. *1. A licensee shall maintain competence in:*

(a) The application of chiropractic; and

(b) The production and interpretation of X-rays.

2. In determining whether a licensee has maintained competence in chiropractic, the board will consider whether the licensee:

(a) Applies therapeutic modalities properly, including, without limitation, whether the licensee uses therapeutic modalities that are appropriate for the treatment of a patient as documented by the record of that patient; and

(b) Manages cases in such a manner that the services provided to a patient are supported by the record of the patient.

3. In determining whether a licensee has maintained competence in the production and interpretation of X-rays, the board will consider whether the licensee:

(a) Produces X-rays that are of diagnostic quality;

(b) Uses appropriate techniques of shielding and collimation in the taking of X-rays;

(c) Ensures that the exposure of a patient to radiation is based upon clinical necessity as documented by the record of that patient;

(d) Documents the interpretation of X-rays in writing and maintains those written interpretations as a part of the record of the patient to whom the X-rays pertain; and

(e) Ensures that the radiographic equipment with which X-rays are taken and produced:

(1) Meets the specifications established by the manufacturer for the safety and use of that equipment;

(2) Is maintained properly; and

(3) Is registered with and made available for inspection by the health division of the department of human resources pursuant to chapter 459 of NAC.

Sec. 22. NAC 634.110 is hereby amended to read as follows:

634.110 As used in this chapter, unless the context otherwise requires [:

1. “Applicant” means a person who applies or petitions for any right or authority from the board.

2. “Licensee” means a person who is licensed by the board pursuant to chapter 634 of NRS.] , the words and terms defined in sections 2 to 11, inclusive, of this regulation have the meanings ascribed to them in those sections.

Sec. 23. NAC 634.200 is hereby amended to read as follows:

634.200 1. The board will charge and collect the following fees:

For an application for a license to practice chiropractic	\$200.00
For an examination for a license to practice chiropractic	100.00
For an application for, and the issuance of, a certificate as a chiropractor’s assistant <i>or chiropractor’s assistant for massage</i>	100.00
For an examination for a certificate as a chiropractor’s assistant <i>or chiropractor’s assistant for massage</i>	50.00
For the issuance of a license to practice chiropractic	200.00
<i>For the issuance of a temporary license to practice chiropractic</i>	<i>50.00</i>
For an annual renewal of an active license to practice chiropractic	250.00 300.00
For the annual renewal of an inactive license to practice chiropractic	75.00 95.00
For the annual renewal of a certificate as a chiropractor’s assistant <i>or chiropractor’s assistant for massage</i>	35.00
For the restoration to active status of an inactive license to practice chiropractic	300.00

For reinstating a license to practice chiropractic which has been suspended or revoked [<i>, or which has lapsed</i>]	300.00
<i>For reinstating a certificate as a chiropractor's assistant or chiropractor's assistant for massage which has been suspended or revoked</i>	<i>35.00</i>
<i>For reinstating an inactive license to practice chiropractic which has been suspended or revoked</i>	<i>100.00</i>
For a review of any subject on the examination	25.00
For the issuance of a duplicate license <i>or certificate</i> or for changing the name on a license <i>or certificate</i>	35.00
For written certification of licensure	25.00
For providing a list of persons who are licensed to practice chiropractic to a person who is not licensed to practice chiropractic	25.00
For providing a list of persons who were licensed to practice chiropractic following the most recent examination of the board to a person who is not licensed to practice chiropractic	10.00
For a set of mailing labels containing the names and addresses of the persons who are licensed to practice chiropractic in this state	35.00
For a check which is made payable to the board that is dishonored upon presentation for payment	25.00

For providing a copy of the statutes, regulations and other rules governing the practice of chiropractic in this state [to a person who is not licensed to practice chiropractic].....	25.00
For each page of a list of continuing education courses which have been approved by the board	0.50
For a review by the board of a course offered by a chiropractic school or college or a course of continuing education in chiropractic	10.00

2. The fees set forth in this section are not refundable.

Sec. 24. NAC 634.210 is hereby amended to read as follows:

634.210 Payment of fees and remittances made to the board by money order, bank draft or check must be made payable to the *chiropractic physicians' board of Nevada* . [state board of chiropractic examiners.] Remittances in currency or coin are made wholly at the risk of the sender , and the board assumes no responsibility for their loss. Postage stamps will not be accepted as payment.

Sec. 25. NAC 634.220 is hereby amended to read as follows:

634.220 Each applicant for examination must [submit] :

1. *Submit* two sets of his fingerprints on separate standard fingerprint cards with his application [, and agree] *and pay any associated costs; and*
2. *Agree* to a background investigation.

Sec. 26. NAC 634.300 is hereby amended to read as follows:

634.300 1. *Except as otherwise provided in subsection 2:*

(a) If a person applies for a license to practice chiropractic in Nevada, the application remains open for 1 year from the date of the first examination that the person is eligible to take.

(b) During the period in which an application is open, an applicant may take any required examination twice.

(c) If an applicant does not, on the first attempt, pass an examination that is administered by the board, the applicant may retake the examination one time without paying an additional fee.

2. If an applicant provides evidence satisfactory to the board that the applicant failed to appear for an examination because of exceptional circumstances, the board may:

(a) Allow the applicant to take the next scheduled examination without the payment of an additional fee; and

(b) If necessary, extend the period during which the application is open.

3. If an applicant for a license to practice chiropractic fails on two occasions to pass any portion of the examinations administered pursuant to NRS 634.070, the applicant shall:

(a) Refrain from supervised practice; or

(b) Submit a new application for examination in accordance with NRS 634.080.

4. An applicant for a license to practice chiropractic who fails to appear for examination within 1 year after being first qualified therefor:

[1.] *(a) Shall be deemed to have withdrawn his application; and*

[2.] *(b) Forfeits the application fee.*

If the applicant applies thereafter for a license, he [shall] *must* establish his eligibility for that license [in the same manner as an original applicant,] in accordance with the provisions of this chapter and chapter 634 of NRS.

Sec. 27. NAC 634.320 is hereby amended to read as follows:

634.320 During the examination of applicants for licensing as [chiropractors,] *chiropractic physicians or for certification as chiropractor's assistants or chiropractor's assistants for massage*, 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 [communicate] :

1. *Communicate* with any person while he is in the waiting area, halls or restrooms [, or while he is taking the examination without the prior permission of a member of the board, a testing consultant or an examination proctor. An applicant may not leave] ;

2. *Leave* the waiting area without the permission of a member of the board, a testing consultant or an examination proctor [. No] ; or

3. *Bring any* written or recorded material relating to the practice of chiropractic [may be brought] into the examination facility . [by an applicant.]

Sec. 28. NAC 634.340 is hereby amended to read as follows:

634.340 1. [An] *Except as otherwise provided in this section, an* applicant for a license to practice chiropractic may perform chiropractic as specified in NRS 634.105 if:

(a) His completed application is on file in the office of the board and he meets the requirements of NRS 634.090;

(b) The fee for the application has been paid; and

(c) The board has [received a notarized statement from the supervising chiropractor setting] *approved a licensee to supervise the applicant after receiving from that licensee a completed form that is provided by the board and which sets forth:*

(1) The fact of the applicant's employment;

(2) The date that the applicant is to begin working for the [supervisor;

(3) The supervisor's acceptance of] *supervising licensee;*

(3) *A statement in which the supervising licensee agrees to take* responsibility for the applicant's work; and

(4) The [supervisor's] assurance *of the supervising licensee* that chiropractic adjustments or manipulations *or any act prohibited by subsection 3* will not be performed by the applicant.

2. The [employer] *supervising licensee* shall notify the board if the applicant leaves his employ and the date that the applicant leaves.

3. *In addition to the prohibitions set forth in NRS 634.105, an applicant shall not:*

(a) *Diagnose the condition of a patient;*

(b) *Establish a plan of treatment or prognosis for a patient;*

(c) *Perform any service, except at the direction and supervision of a licensee; or*

(d) *Bill independently of the supervising licensee for any service rendered.*

4. Any violation of chapter 634 of NRS or this chapter by the applicant constitutes [a ground] *grounds* for the board to [bar him] :

(a) *Prohibit the applicant* from taking the examination for licensure ; and [to take]

(b) *Take* appropriate disciplinary action against the supervising [chiropractor.] *licensee.*

Sec. 29. NAC 634.350 is hereby amended to read as follows:

634.350 1. An applicant for [certification] *a certificate* as a chiropractor's assistant *or chiropractor's assistant for massage* must file an application with the [secretary of the] board on a form furnished by the [secretary] *board* and pay the required fee not less than 30 days before the date of the examination.

2. The application must state:

(a) The date of the application.

(b) The applicant's date and place of birth and two personal references based upon 5 years' acquaintance.

(c) The applicant's name, age, *social security number*, sex and current residence.

(d) The *date on which the applicant graduated from high school or received his general equivalency diploma, if applicable.*

(e) If the applicant is applying for:

(1) A certificate as a chiropractor's assistant, the name and mailing address of the applicant's current employer, if any, and, if applicable, the date on which he was hired to perform the duties of a chiropractor's assistant.

[(e)]

(2) A certificate as a chiropractor's assistant for massage, the name and mailing address of the applicant's current employer, if any.

(f) Whether or not the applicant has ever applied for certification as a chiropractor's assistant *or chiropractor's assistant for massage, as appropriate*, in another state. If he has so applied, he must state when and where he applied and the result of that application.

~~[(f)]~~ (g) If the applicant has been certified in another state, whether any proceeding to discharge, dismiss or discipline him or other similar proceeding has ever been instituted against him and the disposition of each such proceeding.

3. An application expires after 1 year.

4. *For good cause shown, the board may, at its discretion, waive one or more of the requirements of this section.*

Sec. 30. NAC 634.355 is hereby amended to read as follows:

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

(a) *Is 18 years of age or older;*

(b) *Has graduated from high school or received a general equivalency diploma; and*

(c) *Has received a score of at least 75 percent on an 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:*

(a) *Satisfies one of the following:*

(1) Is certified as a chiropractor's assistant by a **[college accredited by the Council on Chiropractic Education;**

(b)] *program for chiropractor's assistants that is approved by the board;*

(2) Has had 6 months of full-time training and employment in a health care facility under the direct supervision of a licensed provider of health care approved by the board; or

[(c) Is currently employed to receive training while on the job]

(3) *Has had 6 months of full-time training and employment* as a chiropractor's assistant *trainee* from a **[licensed provider of health care approved by the board.**

2.] licensee.

(b) *Has received a score of at least 75 percent on the examination for certification required pursuant to NAC 634.365.*

3. *In addition to the requirements set forth in subsection 1 and NAC 634.350, an applicant for a certificate as a chiropractor's assistant for massage must furnish evidence satisfactory to the board that he has passed:*

(a) *The examination administered by the National Certification Board for Therapeutic Massage and Bodywork; or*

(b) *An examination that the board deems sufficient.*

4. Evidence of **[the] an** applicant's completion of approved training pursuant to **[paragraph (b) or (c) of subsection 1]** *subparagraph (2) or (3) of paragraph (a) of subsection 2* must consist of a certification by the licensed provider of health care , and the certification must be notarized.

[3. The training for an applicant pursuant to paragraph (c) of subsection 1 must last at least 6 months. The applicant must apply for the examination no later than 15 days after he has completed his training pursuant to that paragraph.]

5. *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) or (3) of paragraph (a) of subsection 2.

Sec. 31. NAC 634.360 is hereby amended to read as follows:

634.360 1. A person who is to be employed and trained as a chiropractor's assistant trainee in accordance with *subparagraph (3) of paragraph (a) of subsection 2 of NAC 634.355* shall **[notify]** *apply to* the board by submitting a form provided by the board before he begins performing any duties as a trainee.

2. *Except as otherwise provided in subsection 3, an applicant for a certificate as a chiropractor's assistant who completes training pursuant to subparagraph (3) of paragraph (a) of subsection 2 of NAC 634.355 shall, upon the completion of his training:*

(a) Apply to the board to sit for the next scheduled examination; and

(b) Submit the fees required by the board pursuant to NAC 634.200.

3. *For good cause shown, the board may, at its discretion, extend the training period of a chiropractor's assistant trainee and authorize the trainee to take a later scheduled examination.*

Sec. 32. NAC 634.365 is hereby amended to read as follows:

634.365 1. At least once each year the board will **[examine]** *administer an examination to* applicants for **[certification as chiropractors' assistants.]** *a certificate as a chiropractor's assistant.*

2. The examination will consist of [:

(a) A written test on,] *the following subjects, including,* without limitation:

[(1)]

(a) Radiographic technology, protection , [and] quality control [;

(2)] *and positioning of the patient;*

(b) Ancillary procedures and applications relating to chiropractic; and

[(3)] (c) The provisions of [this chapter and chapter 634 of NRS; and

(b) *A practical test on X-ray positioning.] NRS and NAC that are related to the practice of chiropractic.*

3. An applicant who receives a [general average] *score* of at least 75 percent *on the examination* is entitled to a certificate as a chiropractor's assistant.

4. If an applicant fails to [pass] *receive a score of at least 75 percent on the examination* the first *time he takes the* examination, he may [take a second] *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 (3) of paragraph (a) of subsection 2 of NAC 634.355 fails to receive a score of at least 75 percent on the examination after two attempts, the applicant must cease working as a chiropractor's assistant trainee until the board:*

(a) *Approves a plan for additional training that is submitted by the supervising chiropractic physician; and*

(b) *For good cause shown, grants an extension of the training period.*

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

(a) *Shall be deemed to have withdrawn his application;*

(b) Forfeits any application fees paid to the board; and

(c) Must, if he has been receiving training and employment as a chiropractor's assistant trainee pursuant to subparagraph (3) 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 his eligibility for the certificate in accordance with the provisions of this chapter and chapter 634 of NRS.

Sec. 33. NAC 634.370 is hereby amended to read as follows:

634.370 A licensee *or holder of a certificate* is entitled to a duplicate license [to replace the original license] *or certificate* if the original license *or certificate* is lost, stolen or mangled. Each request for a duplicate license *or certificate* must be accompanied by the required fee and a signed written statement which sets forth the circumstances concerning the need for the duplicate license [.] *or certificate*. If the duplicate license *or certificate* is requested to replace a mangled license [.] *or certificate*, the licensee *or holder of the certificate* shall submit the mangled license *or certificate* with his request.

Sec. 34. NAC 634.375 is hereby amended to read as follows:

634.375 A licensee *or holder of a certificate* who legally changes his name from that which is currently registered with the board or which appears on his license [:] *or certificate*:

1. Shall, within 15 days after the change, provide the board with the new name by submitting a written statement and legal documentation of the change to the office of the board; and

2. May obtain a replacement license *or certificate* if he:

(a) Complies with the provisions of subsection 1;

- (b) Remits the required fee; and
- (c) Returns his current license *or certificate* to the board.

Sec. 35. NAC 634.380 is hereby amended to read as follows:

634.380 1. A chiropractic physician , [or] chiropractor's assistant *or chiropractor's assistant for massage* who is licensed or certified by the board shall:

- (a) Provide the board with the address of his current legal residence; and
- (b) Notify the board, in writing, of any change in his legal residence within 15 days after the change.

2. In addition to providing the board with the address of each office where he practices pursuant to NRS 634.129, and the address of his legal residence, a chiropractic physician , [or] chiropractor's assistant *or chiropractor's assistant for massage* may provide the number of a post office box which is to be used as his mailing address.

Sec. 36. NAC 634.385 is hereby amended to read as follows:

634.385 1. [The board will] *Except as otherwise provided in subsection 6, the board may* approve or endorse an educational class or a seminar if it is designed to advance the professional skills and knowledge of the [chiropractors] *chiropractic physicians* licensed in this state for the purpose of ensuring an optimum quality of chiropractic health care.

2. The board may approve or endorse the attendance of licensees at an educational seminar or seminars if:

- (a) The syllabus and curriculum of the instructors of the seminar or seminars and the required fee are submitted to the board ; [at least 30 days before the date that the seminar is to be given;]

(b) The seminar or seminars provide instruction in conformity with subsection 3 of NRS 634.130;

(c) The seminar or seminars [concerned] *concern* the clinical aspects of a practice or [chiropractic technique;

(d) The attendance of the licensee at the seminar or seminars is physically monitored hourly and each hour contains] *another topic that the board determines to be in the best interest of the public;*

(d) *The sponsor of the seminar or seminars ensures that each licensee who requests credit for continuing education to satisfy the requirement set forth in subsection 3 of NRS 634.130 attends* at least 50 minutes of *each hour of* instruction;

(e) The seminar or seminars are sponsored by:

(1) A chiropractic college which has been accredited by [the] :

(I) *The Council on Chiropractic Education; or*

(II) *Another educational entity that has been approved by the board;*

(2) A state chiropractic *board or* association; or

(3) The American Chiropractic Association, the International [Chiropractor's] *Chiropractors* Association or the successor of either; and

(f) A certificate of attendance at the seminar or seminars is provided directly to the board by the sponsor before the issuance of a renewal certificate.

3. [If the licensee is absent for more than 10 minutes from the room where instruction is being provided, he must not receive credit for that hour of instruction.] The sponsor of the seminar or seminars shall ensure that each licensee attending that seminar is in attendance in a

timely manner at the start of each lecture. **[Failure]** *If the sponsor fails* to maintain the proper monitoring procedure , *such failure* may **[be]** *constitute* grounds for **[withdrawing the approval of]** the board **[for the]** *to withdraw its approval of a current or future* seminar or seminars **[.]** *hosted or arranged by that sponsor.*

4. The sponsor of a seminar shall allow any representative of the board to attend all or part of the seminar in order to monitor the content of the course or lecture and the procedures for taking attendance. A representative who is taking the seminar to satisfy the requirements of subsection 3 of NRS 634.130 shall pay the full registration fee.

5. The sponsor of a seminar which has received the approval of the board shall report to the board all changes in the seminar as soon as possible.

6. *The board will not award credit for continuing education to a licensee for an educational class or seminar that is of a nonclinical nature, including, without limitation, an educational class or seminar regarding:*

(a) The building or management of a chiropractic practice; or

(b) The billing of insurance.

7. *The board will not award credit for continuing education to an instructor of an educational class or seminar unless the instructor obtained from the board approval for such credit before teaching the educational class or seminar.*

8. *If, in a particular year, a licensee fails to obtain the two hours of continuing education in a topic specified by the board that is required pursuant to subsection 3 of NRS 634.130, the board will deem the licensee to have failed to fulfill his continuing education requirements for that year.*

Sec. 37. NAC 634.415 is hereby amended to read as follows:

634.415 A [**chiropractor**] *licensee* who supervises [**a**] :

1. A chiropractor's assistant [:

1. **Is responsible for ensuring**] ;

2. *A chiropractor's assistant for massage;*

3. *An applicant for a license to practice chiropractic who is authorized to perform chiropractic pursuant to NRS 634.105; or*

4. *Any other person who is subject to the supervision of the licensee,*

shall ensure that the [**assistant**] *person who is supervised* complies with [**all rules and regulations governing the practice of a chiropractic assistant.**

2. **Shall**] *the provisions of this chapter and chapter 634 of NRS, and shall* make all decisions relating to the diagnosis, treatment, management and future disposition of a patient.

Sec. 38. NAC 634.425 is hereby amended to read as follows:

634.425 1. If a judgment is entered against him in any court, or a settlement is reached, on a claim involving malpractice, a [**licensed chiropractor**] *licensee* shall report that fact to the board within 15 days. The [**licensed chiropractor**] *licensee* may satisfy the provisions of this subsection if he provides the board with a copy of the judgment or settlement.

2. If a licensee *or holder of a certificate* is convicted of any crime, other than a traffic violation, he shall report that fact to the board within 15 days after the conviction.

3. If a licensee *or holder of a certificate* fails to report a judgment, settlement or conviction pursuant to this section, he may be subject to disciplinary action pursuant to NRS 634.140 to 634.216, inclusive.

Sec. 39. NAC 634.430 is hereby amended to read as follows:

634.430 [For the purposes of] 1. *As used in* subsection 10 of NRS 634.018, *the board will interpret the phrase* “conduct unbecoming a person licensed to practice chiropractic or detrimental to the best interests of the public” [includes,] *to include*, without limitation:

[1.] (a) Engaging in or soliciting [:

(a) Sexual relations with a patient;

(b) Sexual misconduct;

(c) Sexual contact;

(d) Sexual exploitation; or

(e) Any offense defined in NRS 200.368, 200.730, 201.210 or 201.220.

2.] *sexual misconduct as defined in subsection 3.*

(b) Performing any chiropractic service on a patient who is under the age of 18 years without first obtaining the consent of the parent or legal guardian of that patient if the consent is required pursuant to NRS 129.030.

[3.]

(c) *Offering payment to a potential or existing patient as an inducement to enter into or continue care. This paragraph does not prohibit a licensee from providing complimentary chiropractic services to an existing patient.*

(d) Participating in any arrangement under which a licensee gives or receives compensation for the referral of a patient to any person.

[4. *Knowingly presenting or causing to be presented any false or fraudulent claim for the payment of a loss under a contract of insurance, or knowingly preparing, making or*

subscribing any document with the intent to present or use it or to allow it to be presented or used in support of such a claim.

5.]

(e) Engaging in practices regarding the billing of patients or the making of claims under a contract of insurance that are abusive or fraudulent, or both, including, without limitation:

(1) Billing patients or making claims under a contract of insurance for chiropractic services that have not been performed.

(2) Billing patients or making claims under a contract of insurance in a manner which misrepresents the nature of the chiropractic services that have been performed.

(3) Submitting to patients or carriers of insurance bills or claims that fail to disclose pertinent information or contain false information, including, without limitation:

(I) Failing to disclose to a patient that a bill has already been paid, in full or in part, by a carrier of insurance.

(II) Failing to disclose to a carrier of insurance that a claim has already been paid, in full or in part, by a different carrier of insurance.

(III) Stating falsely that the injury of a patient is the result of an accident or work-related incident.

(f) Engaging in a practice of waiving, abrogating or rebating the deductible or copayment required to be paid by a policy of insurance or a third party if the practice is used as a device for advertising or marketing, or both.

[6.] (g) Failing to make any report or record available to the board upon lawful request, failing to cooperate with any investigation by the board [,] or knowingly giving false information to the board.

[7.] (h) Failing to make any report or record available to another licensee, practitioner, patient or institution upon a lawful request to do so in compliance with the provisions of chapter 629 of NRS.

[8.] (i) Being delinquent in the payment of a judgment for the payment of child support pursuant to chapter 425 of NRS [.

9. **Being delinquent in the payment of a judgment for]** *or being subject to a court order for the support of one or more children and not complying with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order.*

(j) *Being in default on* the payment of a student loan.

(k) *Violating the rules or regulations of a federal program that relates to the practice of chiropractic.*

(l) *Engaging in fraud, misrepresentation or deception in any business affairs that relate to the practice of chiropractic.*

(m) *Allowing a person to:*

(1) *Perform chiropractic services; or*

(2) *Engage in any aspect of the provision of chiropractic care to patients,*

if that person is not authorized to perform such services or provide such care pursuant to this chapter and chapter 634 of NRS. The prohibition set forth in this paragraph does not apply to

a person who is licensed or certified as a provider of health care pursuant to one or more of the chapters of Title 54 of NRS.

(n) Engaging with a patient in a romantic or dating relationship.

(o) Examining or treating the anus, breast or genitalia of a patient without first:

(1) Obtaining from the patient an informed consent that refers to the specific procedures that will be performed on those parts of the body of the patient; and

(2) Making a note of such consent in the record of the patient.

2. If, at a hearing conducted pursuant to NRS 634.190, the board receives reliable, probative evidence, the preponderance of which indicates that the licensee has engaged in conduct of a sexual nature with a patient, there is a rebuttable presumption that the licensee committed sexual misconduct. The licensee may rebut this presumption by adducing evidence to include, without limitation, that the chiropractor-patient relationship had been terminated at the time the alleged conduct took place.

3. As used in this section, "sexual misconduct" means:

(a) Sexual relations between a licensee and a patient of that licensee, regardless of whether the patient initiated or consented to those sexual relations.

(b) Conduct by a licensee, in regard to a patient, that is sexual in nature or may reasonably be interpreted as being sexual in nature, including, without limitation, behavior, gestures and expressions that may reasonably be interpreted as being sexually suggestive or sexually demeaning to the patient.

(c) The commission by a licensee of one or more of the offenses defined in NRS 200.368, 200.730, 201.210 and 201.220.

(d) The use by a licensee of fraud, deception, misrepresentation or force for the purpose of engaging in sexual conduct with a patient in:

(1) A clinical setting; or

(2) A setting that is used ordinarily for the provision of chiropractic services.

The term does not include sexual conduct or sexual relations that take place between a licensee and a patient after the chiropractor-patient relationship has been terminated for a reasonable time.

Sec. 40. 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 patients:*

(a) Are clear, legible, complete and accurate;

(b) Remain confidential, where such confidentiality is required by law; and

(c) 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.

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

[1.] *(a) Report to the board the transfer of the records;*

[2.] *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 . [; and

3. Maintain those records in accordance with NRS 629.051.]

3. *A licensee who retires, moves to another state or changes the status of his license from active to inactive shall inform the board of the location at which the records of his 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.

Sec. 41. NAC 634.440 is hereby amended to read as follows:

634.440 1. Except as otherwise provided in this section, a referral bureau for [licensed chiropractors] licensees must have at least five [licensed chiropractors] licensees who do not have a fiduciary relationship with each other. A member of the referral bureau may represent no more than 20 percent of the [chiropractors] licensees listed with the bureau. The board will consider any extenuating circumstances which would prevent a referral bureau from complying with this subsection.

2. Unless there is a request for a [chiropractor] licensee who uses a specific technique, is located in a specific area or is able to speak a certain language, all referrals by a bureau must be made on a rotating basis so that each [chiropractor] licensee listed with the bureau receives the same number of referrals.

3. The telephone number for the referral bureau must not be the number of the office, residence or answering service of any of the [chiropractors] licensees listed with the bureau.

4. *The name of the referral bureau must not be deceptively similar to the name of:*

(a) A licensee who is listed with the bureau;

(b) A chiropractic office;

(c) A research association; or

(d) A chiropractic association.

5. A record of all referrals must be made by the bureau and maintained by it for at least 1 year after the referral is made. The record must include , *without limitation*, the date and time of the referral, the name and address of the person referred, and the name of the [chiropractor]

licensee to whom the person was referred. The record must be made available upon request for inspection to any [**chiropractor**] *licensee* listed with the bureau and must be submitted to the board [on a quarterly basis.

5.] *within 30 days after the end of each quarter of the calendar year.*

6. A referral bureau shall [**file**] :

(a) *File* a letter of application with the board for its approval which properly identifies the referral bureau, its structure and its members.

(b) *Report to the board any change in the membership of the referral bureau within 15 days after the change occurs.*

Sec. 42. NAC 634.455 is hereby amended to read as follows:

634.455 1. A chiropractor's assistant *or chiropractor's assistant for massage* shall display his [**license**] *certificate* at the place of practice of the supervising [**chiropractor.**] *licensee.*

2. If the supervising [**chiropractor**] *licensee* practices at more than one location and the chiropractor's assistant *or chiropractor's assistant for massage* works at more than one of those locations, the chiropractor's assistant *or chiropractor's assistant for massage* shall:

(a) Display his certificate at the office where he performs the majority of his work; and

(b) Display a duplicate [**license,**] *certificate*, which the chiropractor's assistant *or chiropractor's assistant for massage* shall obtain from the board, at each of the other locations where he works.

3. A chiropractor's assistant *or chiropractor's assistant for massage* shall not display his [**license**] *certificate* except as otherwise provided in this section.

Sec. 43. NAC 634.460 is hereby amended to read as follows:

634.460 [1.] A chiropractor's assistant *or chiropractor's assistant for massage* may not:

[(a)] 1. Diagnose a patient or establish a prognosis.

[(b)] 2. Prescribe a program of treatment for any patient.

[(c)] 3. Perform any service which is not specifically authorized by the provisions of chapter 634 of NRS.

[(d)] 4. *Perform any service that is not specifically authorized by the terms of his certificate.*

5. Perform a chiropractic adjustment.

[(e)] 6. Perform any service, except at the direction and under the direct supervision of a [licensed chiropractor.

(f)] *licensee.*

7. Bill independently of the supervising [chiropractor] *licensee* for any services rendered.

[2. *As used in this section, "direct supervision" means that the supervising chiropractor is actually present in the chiropractic facility during the period of supervision.*]

Sec. 44. NAC 634.515 is hereby amended to read as follows:

634.515 1. Subject to the provisions of NAC 634.521, a [chiropractor] *licensee* may advertise his services through the public media, if that advertisement is not solicitation which is prohibited by subsection 14 of NRS 634.018.

2. The following information included in an advertisement or written communication shall be deemed to be in compliance with NAC [634.510 to 634.565,] *634.515 to 634.570*, inclusive:

(a) Information relating to the [chiropractor] *licensee* or chiropractic office, including, but not limited to:

- (1) The name of the [chiropractor] *licensee* or chiropractic office;
- (2) A list of [chiropractors] *licensees* associated with a chiropractic office and their designations, such as doctor of chiropractic, chiropractor or chiropractic physician;
- (3) The address and telephone number of the office; and
- (4) The hours during which the office will be open or the [chiropractor] *licensee* will be available.

(b) The date on which a license was issued to the [chiropractor] *licensee* by the board or by the licensing agency of another state.

(c) Technical and professional licenses granted by this or any other state.

(d) The ability of the [chiropractor] *licensee* or persons employed by the [chiropractor] *licensee* or in the chiropractic office to speak a language other than English.

(e) The fields of chiropractic in which the [chiropractor] *licensee* is certified or is a specialist, subject to the restrictions of NAC 634.550.

(f) Information regarding prepaid or group plans for health care services in which the [chiropractor] *licensee* participates.

(g) The types of credit cards, if any, which are accepted.

(h) The fee for an initial consultation or a schedule of fees provided in accordance with NAC 634.556.

(i) The use of the name and address of a [chiropractor] licensee or chiropractic office in a public service announcement or in connection with a charitable, civic or community program or event.

Sec. 45. NAC 634.521 is hereby amended to read as follows:

634.521 A [chiropractor] licensee shall not make any false or misleading communications about himself or his services. A communication shall be deemed to be misleading if it:

1. Contains a material misrepresentation of fact or law, or omits a fact necessary to make the statement, considered as a whole, not misleading;

2. Is likely to create an unjustified expectation about the results that the [chiropractor] licensee can achieve, or states or implies that the [chiropractor] licensee can achieve results by any means which violate any provision of this chapter or chapter 634 of NRS; [or]

3. Compares the services to be provided by the [chiropractor] licensee with the services that may be provided by another [chiropractor] licensee and the comparison cannot be factually substantiated [.] ;

4. *Contains letters or initials following the name of the licensee that imply or indicate that the licensee:*

(a) Is a specialist in chiropractic; or

(b) Has received additional post-graduate training in chiropractic,

unless the licensee is registered with the board pursuant to NAC 634.550 as possessing the credentials that those letters or initials represent; or

5. *States that a licensee possesses training, skills or certification in a specialty that is not recognized by the board.*

Sec. 46. NAC 634.525 is hereby amended to read as follows:

634.525 1. An advertisement for any electronic media [, such as television or radio,] may contain the same factual information and illustrations which are [permitted] *allowed* in advertisements for any printed media.

2. A person who appears in an advertisement for any electronic media as a [chiropractor] *licensee* or appears in such a manner as to imply that he is a [chiropractor] *licensee* must be:

(a) A [chiropractor] *licensee* who holds a license in good standing to practice chiropractic in this state; and

(b) The [chiropractor] *licensee* who will provide the services advertised or who is associated with the practice which is advertising the service.

3. A person who appears in an advertisement on electronic media as an employee of a [chiropractor] *licensee* or chiropractic practice must be an actual employee of the [chiropractor] *licensee* or chiropractic practice whose services are being advertised, unless the advertisement discloses that such a person is an actor.

4. If an actor appears in an advertisement in accordance with this section, the advertisement must disclose that the person is an actor.

Sec. 47. NAC 634.530 is hereby amended to read as follows:

634.530 A [licensed chiropractor] *licensee* shall not represent that he is affiliated *within the same office* with any *other* provider of health care unless that other provider of health care spends at least 20 percent of his time in the [chiropractor's] *licensee's* office.

Sec. 48. NAC 634.536 is hereby amended to read as follows:

634.536 The failure of a licensee in any advertising to clearly designate himself as a [chiropractor] licensee shall be deemed to be false and misleading for the purposes of subsection 4 of NRS 634.018.

Sec. 49. NAC 634.541 is hereby amended to read as follows:

634.541 All advertisements and written communication must include the name of at least one [chiropractor] licensee or a referral bureau for [licensed chiropractors] licensees that is responsible for the content of the advertisement or communication.

Sec. 50. NAC 634.545 is hereby amended to read as follows:

634.545 If a [licensed chiropractor] licensee advertises any affiliation with a research project, he must make a written statement of the objectives, cost and budget of the project and the persons conducting the research available on request to the board, to scientific organizations and to the general public. Any willful failure to comply with the requirements of this section shall be deemed to be false and deceptive advertising for the purposes of subsection 4 of NRS 634.018.

Sec. 51. NAC 634.550 is hereby amended to read as follows:

634.550 Except as otherwise provided in NAC [634.510 to 634.565,] 634.515 to 634.570, inclusive, a [chiropractor] licensee shall not hold himself out in any advertisement as being [an] :

1. *Certified; or*
2. *An expert or specialist ,*

in a field of chiropractic unless he is registered with *and approved by* the board as holding the applicable professional credentials in that field.

Sec. 52. NAC 634.556 is hereby amended to read as follows:

634.556 1. Except as otherwise provided in this section, a [chiropractor] licensee who advertises a specific fee or range of fees shall honor the advertised fee or range of fees for at least 90 days after the last date that the advertisement is broadcast or disseminated, unless the advertisement specifies a shorter period. If a specific fee or range of fees is advertised in a telephone directory or other type of media which is not published more frequently than annually, the [chiropractor] licensee shall honor that fee or range of fees for at least 1 year after the publication of the telephone directory or other type of media.

2. [A] *If an advertisement states that a chiropractic service [which is advertised as] is being offered free of charge or at a discounted rate :*

(a) The service must be provided at the advertised rate regardless of whether the service is to be paid for by the patient or a third party, such as an insurer.

(b) The advertisement must state the price that the licensee ordinarily charges to provide the service, including, if applicable, that the licensee ordinarily provides the service free of charge.

(c) The licensee who advertises the service shall ensure that:

(1) A patient to whom the service is provided receives and signs a statement of disclosure which sets forth:

(I) A detailed description of the service that will be provided free of charge or at a discounted rate.

(II) The amount that will be charged for any additional services that will be provided.

(III) If the offer to provide a service free of charge or at a discounted rate is valid for a limited time, the date on which that offer will end.

(2) A statement of disclosure that is required pursuant to subparagraph (1):

(I) Is placed and maintained in the record of a patient to whom a service is provided free of charge or at a discounted rate.

(II) Accompanies any claim that the licensee submits for payment or reimbursement for services provided to a patient to whom some services have been provided free of charge or at a discounted rate.

3. *If a licensee provides diagnostic services, including, without limitation, examinations and X-rays, free of charge or at a discounted rate pursuant to an advertisement, the licensee shall provide those services in a sufficiently complete and thorough manner so as to allow the licensee to make a proper diagnosis.*

4. No separate charge may be made for the professional evaluation of diagnostic tests or procedures which are provided free of charge or at a discount, regardless of whether the professional evaluation is made at the time of the initial office visit or at a later time.

Sec. 53. NAC 634.560 is hereby amended to read as follows:

634.560 1. A [licensed chiropractor] licensee shall maintain a record of any advertisement for his services, in a form appropriate to the medium used to present the advertisement, for at least 1 year after the advertisement was last presented.

2. The record must:

(a) Include information concerning the dates and places that the advertisement was broadcast or disseminated; and

(b) Be made available to the board upon demand.

Sec. 54. NAC 634.565 is hereby amended to read as follows:

634.565 No [licensed chiropractor] *licensee* or referral bureau for [licensed chiropractors] *licensees* may advertise 24-hour service unless a [licensed chiropractor] *licensee* is available at all times to perform any chiropractic service which may be needed.

Sec. 55. NAC 634.570 is hereby amended to read as follows:

634.570 The provisions of NAC [634.510 to 634.565,] *634.515 to 634.570*, inclusive, do not prohibit the inclusion of information relating to a [chiropractor] *licensee* or chiropractic office in a list or directory of [chiropractors] *licensees* or chiropractic offices which is intended primarily for use by persons in the chiropractic profession, if the information has been traditionally included in such a list or directory.

Sec. 56. NAC 634.610 is hereby amended to read as follows:

634.610 1. NAC 634.610 to 634.775, inclusive, govern all practice and procedure before the *chiropractic physicians' board of Nevada* , [state board of chiropractic examiners] except as otherwise directed by the board.

2. Each provision of NAC 634.610 to 634.775, inclusive, must be liberally construed to secure a just, speedy and economical determination of all issues presented to the board.

3. In special cases, for good cause shown and when not contrary to statute, the board may permit deviation from a provision of NAC 634.610 to 634.775, inclusive, if it finds that compliance is impractical or unnecessary.

Sec. 57. NAC 634.645 is hereby amended to read as follows:

634.645 1. An original [and three legible copies] of all pleadings must be filed with the board. A copy of any pleading designated by the board must be made available by the party

filing it to any other person whom the board determines may be affected by the proceeding and who desires a copy of the pleading.

2. All notices, findings of fact, opinions and orders required to be served by the board and all documents filed by any party may be served by mail, and service thereof shall be deemed complete when a copy of the paper or document, properly addressed and stamped, is deposited in the United States mail.

3. An acknowledgment of service or certificate of mailing must appear on each document which is required to be served.

Sec. 58. NAC 634.665 is hereby amended to read as follows:

634.665 1. At a hearing, the board may order briefs to be filed within a time which it prescribes. [Three copies of any] Any requested brief must be filed with the board and must be accompanied by an acknowledgment of service on, or a certificate of mailing to the other parties of record.

2. The board may set the matter for oral argument after briefs are filed or when a motion is contested. Ten days' notice of the time set for oral argument must be given to all parties of record, unless the board specifies a shorter time.

Sec. 59. NAC 634.715 is hereby amended to read as follows:

634.715 1. If the party who filed the complaint or the licensee fails to appear at the hearing scheduled by the board and no continuance has been requested or granted, the board may hear the evidence of those witnesses who have appeared and proceed to consider the matter and dispose of it on the basis of the evidence before it in the manner required by NAC 634.720 to 634.775, inclusive.

2. Where, because of accident, sickness or other reasonable cause, a person fails to appear for a hearing scheduled by the board or fails to request a continuance thereof, he may, within a reasonable time, but not more than 15 days, apply to the secretary of the board *at the office of the board* to reopen the proceedings. The board, if it finds that the cause for failing to appear is sufficient and reasonable, will immediately fix a time and place for the hearing and give the person notice thereof. At the time and place fixed by the board, the person may testify in his own behalf or present other evidence. Witnesses who have previously testified are not required to appear at the second hearing unless so directed by the board.

Sec. 60. NAC 634.810 is hereby amended to read as follows:

634.810 The board may begin proceedings against **[a licensed chiropractor]** :

1. A licensee;

2. A chiropractor's assistant;

3. A chiropractor's assistant for massage;

4. An applicant for a license to practice chiropractic who is authorized to perform chiropractic pursuant to NRS 634.105; or

5. A person who holds a temporary license to practice chiropractic pursuant to NRS 634.115,

for a violation of any provision of this chapter or of chapter 634 of NRS even though no member of the public is actually harmed by the violation and there is no complaint from **[a member of the public or another chiropractor.]** *any other person.*

Sec. 61. 1. A person who:

(a) Holds a valid certificate as a chiropractor's assistant; and

(b) Performs the ancillary service of massage in the office of a licensee, on the date on which this regulation becomes effective is exempt from the requirements of NAC 634.350 and 634.355 and sections 15 and 16 of this regulation until January 1, 2000. If such a person desires to perform the ancillary service of massage on or after January 1, 2000, he must obtain a certificate as a chiropractor's assistant for massage pursuant to this section.

2. In addition to submitting the application and fee required by subsection 1 of NAC 634.350, a person described in subsection 1 must have performed the ancillary service of massage in the office of a licensee during the 2-year period immediately preceding February 2000, and must:

(a) Pass a practical examination that the board will administer in February 2000; or

(b) Furnish evidence satisfactory to the board that he:

(1) Has passed:

(I) The examination administered by the National Certification Board for Therapeutic Massage and Bodywork; or

(II) An examination that the board deems to be comparable in scope and substance.

3. A passing score on the practical examination set forth in paragraph (a) of subsection 2 is 75 percent.

4. The board will administer a single retake examination for applicants who fail to receive a passing score on the first practical examination. An applicant may retake the examination one time without payment of an additional fee.

5. If an applicant fails to receive a passing score when he retakes the practical examination, he must satisfy the applicable provisions of NAC 634.355 before he may continue to perform the ancillary service of massage.

Sec. 62. NAC 634.345 and 634.510 are hereby repealed.

TEXT OF REPEALED SECTIONS

634.345 Practice by applicant after successful completion of examination. An applicant for a license to practice chiropractic who is notified by the board that he has successfully completed the examination may, upon remittance of the required fee for the issuance of a license to practice chiropractic, immediately commence the practice of chiropractic in this state pending the receipt of his certificate.

634.510 “Advertisement” defined. As used in NAC 634.510 to 634.565, inclusive, “advertisement” means calling cards, inside and outside signs, stationery, listings in telephone and other directories, and advertisements in newspapers, magazines and by electronic means.