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NOTICE OF INTENT TO ACT UPON A REGULATION

Notice of Hearing for the Amendment of Regulations of the Board of Health

LCB File No. R108-24

Licensure of Naprapaths & Practice of Naprapathy

NOTICE IS HEREBY GIVEN that the State Board of Health will hold a public hearing to consider amendments to Nevada Administrative Code (NAC) Chapters 459, 634B and 652, as the result of the passage of Assembly Bill 153 of the 82nd Legislative Session (2023). This public hearing is to be held in conjunction with the State Board of Health meeting on January 17, 2025 at 9:00 AM.

The State Board of Health will be conducted via videoconference beginning at 9:00 AM on January 17, 2025, at the following locations:

- Join via Microsoft Teams Meeting ID: 232 173 460 326
 - [Click here to join](#) - Passcode: jU7Gt29h
- Join By Phone
 1-775-321-6111
 Conference ID: 564 670 894#
- Physical Locations
 Division of Public and Behavioral Health
 Hearing Room 303
 4150 Technology Way
 Carson City, NV 89706

 Southern Nevada Health District
 Red Rock Trail Rooms A & B
 208 S. Decatur Blvd.
 Las Vegas, NV 89107

The purpose of R108-24 is to move forward the regulations required by Assembly Bill 153 of the 82nd Legislative Session (2023) needed to license and regulate the practice of naprapathy. R108-24 addresses the following topics:

- Infection Control.
- General application requirements.

- Initial application requirements.
- Licensure by endorsement requirements.
- Provisional Licensure requirements.
- Licensure renewal requirements.
- Validity of notices sent to licensees or applicants.
- Requirements to register as a teacher, advisor, or supervisor pursuant to subsection 2 of Section 1.29 of AB 153 of the 82nd legislative session.
- Prohibited acts by a licensee.
- List of crimes, that if convicted, may result in disciplinary action of a naprapath.
- The process for an applicant for licensure as a naprapath or a licensee to petition the Division to not impose disciplinary action despite a report of being convicted of a crime that may result in disciplinary action.
- The required actions by an applicant or licensee that must be taken if a background check cannot be completed.
- The required actions to be taken by an applicant for a license or licensee if the person feels the background check information provided by the Division is not accurate
- The actions the Division may take upon determining that an applicant has been convicted of a disqualifying crime
- Fees.
- Grounds for initiating disciplinary action
- Disciplinary action that may be imposed by the Division; Consultation with Advisory Board.
- Prescribes requirements governing the revocation of a license and the reinstatement of a revoked license.
- Licensee to pay costs of disciplinary action.
- Unlicensed practice complaints.
- Complaints against licensee or applicant.
- Terms of suspension of license.
- Appeal of decision related to disciplinary action.
- Reports received by the Division pursuant to subsection 5 of NRS 228.420.
- Continuing education requirements.
- Requirements related to advertising or the use of promotional materials by a naprapath
- Approval by Division of Program of Education in Naprapathy and related items.
- Per diem allowances and reimbursement for travel expenses for Naprapathic Practice Advisory Board members.
- Request for documents by the Division from applicants or licensees.
- Amendments to NAC 459.554 to authorize naprapaths licensed in Nevada to order medical x-rays, excluding nuclear medicine studies or other treatments that use radioactive materials.
- Amendments to NAC 652.155 to authorize naprapaths licensed in Nevada to order medical laboratory tests.

1. Anticipated effects on the business regulated by the proposed regulations:

- A. *Adverse effects.* Direct adverse effects include licensure fees, fines, insurance costs, costs to become accredited if opening a program of education in naprapathy and other related costs. Certain fees, such as the \$500 initial application fee and the renewal fee of \$500 is set in statutes and is not a direct result of the proposed regulations but is instead directly related to the passage of AB 153 of the 82nd legislative session (2023).

B. Beneficial: Beneficial effects may include revenue that is collected by persons who open practices of naprapathy or open schools of naprapathy once the regulations become effective. It is expected that once the regulations become effective and persons can apply for and become licensed naprapaths in Nevada, this will result in individuals opening small businesses in Nevada.

C. Immediate: The immediate effect would be the ability to apply for licensure and the costs related to becoming licensed. Please refer to A. Adverse effects.

D. Long-term: The long-term impacts would continue to be the ongoing, renewal costs for licensure.

2. Anticipated effects on the public:

A. Adverse: There are no adverse effects anticipated on the public.

B. Beneficial: Beneficial effects may include reduced medical and insurance costs for persons who can avoid surgery by being treated by a naprapath.

C. Immediate: As naprapaths become licensed and open up practices in Nevada, individuals will be able to utilize the services of naprapaths, potentially saving money if they are able to avoid surgery.

D. Long-term: The long-term impacts include the continued ability to utilize the services of naprapaths and any potential cost savings from utilizing such services.

3. The Division of Public and Behavioral Health determined the impact on small business by conducting a public workshop on May 22, 2024, and worked with the Southwest University of Naprapathic Medicine in New Mexico to distribute the proposed regulations and small business impact questionnaire to the University's alumni. The University's alumni were identified as persons who may have an interest in becoming licensed as a naprapath in Nevada or opening a small business in Nevada, which may include opening a school of naprapathy or an individual naprapathic practice.

One person testified he was in favor of the regulations and in full support of the bill that passed.

No other individuals testified during the public hearing.

4. The estimated cost to the agency for enforcement of the proposed regulations is \$15,489.

This is an estimate based on an estimated workload as the true workload is unknown at this time.

The Division is estimated to collect \$15,250 in fees annually but the true total annual amount the Division expects to collect is unknown.

The money would be used to cover the Division's operating costs related to the work associated with governing the licensure of naprapaths and the practice of naprapathy in accordance with AB 153 of the 82nd legislative session (2023) and the proposed regulations.

5. The proposed regulations do not overlap or duplicate any other Nevada state or federal regulations.

Members of the public may make oral comments at this meeting. Persons wishing to submit written testimony or documentary evidence in excess of two typed, 8-1/2" x 11" pages must

submit the material to the Board's Secretary, Cody Phinney, to be received no later than January 2, 2025, at the following address:

Secretary, State Board of Health
Division of Public and Behavioral Health
4150 Technology Way, Suite 300
Carson City, NV 89706
stateBOH@health.nv.gov

Written comments, testimony, or documentary evidence in excess of two typed pages will not be accepted at the time of the hearing. The purpose of this requirement is to allow Board members adequate time to review the documents.

A copy of the notice and proposed regulations are on file for inspection and/or may be copied at the following locations during normal business hours:

- Nevada Division of Public and Behavioral Health - 4150 Technology Way, Suite #300, Carson City, NV 89706
- Nevada Division of Public and Behavioral Health – 727 Fairview Dr, Suite E, Carson City, NV 89706
- Nevada Division of Public and Behavioral Health - 500 E Warm Springs Rd, Ste. 200, Las Vegas, NV 89119
- Nevada State Library and Archives - 100 Stewart Street, Carson City, NV, 89701

A copy of the regulations and small business impact statement can be found on-line by going to:

https://dpbh.nv.gov/Reg/HealthFacilities/State_of_Nevada_Health_Facility_Regulation_Public_Workshops/

A copy of the public hearing notice can also be found at Nevada Legislature's web page:

<https://www.leg.state.nv.us/App/Notice/A/>

Copies may be obtained in person, by mail, or by calling the Division of Public and Behavioral Health at:

Division of Public and Behavioral Health
727 Fairview Drive, Suite E
Carson City, NV 89701
(775) 684-1030
(775) 484-4009
lmetherell@health.nv.gov

Copies may also be obtained from the Nevada State Library at the address listed below:

Nevada State Library & Archives
100 N. Stewart Street
Carson City, NV 89701

Per NRS 233B.064(2), upon adoption of any regulation, the agency, if requested to do so by an interested person, either prior to adoption or within 30 days thereafter, shall 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.