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CHIROPRACTIC PHYSICIAN'S BOARD OF NEVADA

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INFORMATIONAL STATEMENT FOR ADOPTED PERMANENT REGULATION NRS 233B.066

LCB FILE R114-23

The following statement is submitted for adopted amendments to Nevada Administrative Code (NAC) Chapter 634.

1. A clear and concise explanation of the need for the adopted regulation.

The purpose of the proposed regulation is to reorganize and combine certain provisions governing advertising; revise provisions relating to examinations required for applicants for a license to practice chiropractic or certification as a chiropractic assistant; repeal provisions relating to chiropractic services and meetings of and practice before the Chiropractic Physicians' Board of Nevada; and providing other matters properly relating thereto. In all cases, it is the Board's intent to make the regulations less burdensome and clearer.

NAC 634 Existing law requires the Chiropractic Physicians' Board of Nevada to adopt reasonable regulations for the transaction of business and to enable the Board to carry out its duties under the provisions of law governing chiropractic physicians and chiropractic assistants. (NRS 634.030) Existing regulations prescribe certain requirements relating to advertising, specifically: (1) prohibiting a licensee from communicating in a false or misleading manner; (2) requiring a licensee to clearly designate himself or herself as a licensee in any advertisement; and (3) limiting the circumstances under which a licensee can advertise that he or she is an expert or specialist.

***Section 1** of this regulation reorganizes and combines these provisions.*

NAC 634 Existing regulations require an applicant for a license to practice chiropractic who fails on two occasions to pass any portion of an examination prescribed by the Board to either: (1) refrain from supervised practice; or (2) submit a new application for examination. (NAC 634.300)

***Section 2** of this regulation eliminates the latter option and instead requires such an applicant who fails twice to pass any portion of such an examination to refrain from supervised practice.*

- NAC 634 *Sections 3 and 4 of this regulation lower the passing score for an open-book examination from 90 percent to 75 percent for an applicant for a certificate as a chiropractic assistant. **Section 3** also: (1) revises the timeframe in which an applicant for a certificate as a chiropractic assistant may retake a failed examination without payment of an additional fee; and (2) eliminates provisions that allow such an applicant who fails to pass the required examinations after two attempts to continue to work as a chiropractic assistant trainee.*
- NAC 634 *Existing regulations authorize the Board, for good cause shown, to extend the training period of a chiropractic assistant trainee and allow the trainee to take a later scheduled examination. (NAC 634.360) **Section 5** of this regulation eliminates this authorization. Existing regulations authorize an interested party to appear, introduce evidence and, at the discretion of the Board, otherwise participate in a hearing before the Board. (NAC 634.620) **Section 8** of this regulation eliminates these provisions.*
- NAC 634 *Existing law requires the Board to hold regular meetings in this State at a place designated by the President and Secretary of the Board to transact business semiannually. Existing law also requires written notice of such meetings to include the time, place, location and agenda of the meeting. (NRS 634.040) Existing regulations provide that regular meetings of the Board will be held at its principal office or any other place specified by the Board. (NAC 634.130) **Section 10** of this regulation repeals these provisions.*
- NAC 634 *Existing law requires each applicant for a license to practice chiropractic or to practice as a chiropractic assistant, or an applicant for the reinstatement of an expired license, to submit a complete set of fingerprints to the Board. (NRS 634.093, 634.131) Existing regulations also require each applicant for examination or reinstatement to submit fingerprints to the Board and agree to a background investigation. (NAC 634.220) **Section 10** repeals this provision as it duplicates provisions of the Nevada Revised Statutes.*
- NAC 634 *Existing regulations set forth specific criteria relating to advertising and other communications by licensees, which includes: (1) requiring a licensee to maintain a copy of all documents relating to his or her advertisements for at least 2 years; (2) prohibiting a licensee from representing that he or she is affiliated with certain providers of health care under certain circumstances; (3) requiring that advertisements and written communication contain certain contact information of the licensee; (4) prohibiting certain false and deceptive advertising; (5) requiring a licensee to honor, for certain durations of time, an advertised fee or range of fees and to provide a statement of disclosure to a patient under certain circumstances regarding free or discounted services; and (6) prohibiting a licensee from advertising 24-hour service unless the licensee is available at all times. (NAC 634.515-634.565) **Section 10** repeals all such provisions relating to advertising and other communications. **Section 6** of this regulation makes conforming changes relating to the repeal of these provisions.*
- NAC 634 *Existing regulations set forth a number of additional provisions relating to the rules of practice and hearings before the Board. (NAC 634.615-634.775) Existing regulations provide that the staff of the Board may appear at any hearing and have all the rights of participation of a party to the proceeding. (NAC 634.625) **Section 10** repeals this provision.*

NAC 634 Existing law requires the Board to file a written complaint with the Executive Director of the Board if the Board becomes aware that grounds for initiating disciplinary may exist as to a person practicing chiropractic or a business entity providing chiropractic services. (NRS 634.160) Existing regulations specify that a written complaint may be made against a licensee for possible disciplinary action. (NAC 634.635) **Section 10** repeals this provision as it duplicates provisions of Nevada Revised Statutes.

NAC 634 Existing regulations establish certain procedures governing hearings before the Board and set forth: (1) who will preside over a hearing; (2) the process for resetting a hearing that has been continued; and (3) the location of where a hearing will be held. (NAC 634.710) Existing regulations also establish provisions concerning hearings in relation to: (1) the preliminary procedure; (2) testimony; (3) the order of presentation of evidence; (4) stipulations; (5) rules of evidence; (6) offers of proof; (7) continuances; (8) transcripts; and (9) the submission of matters for decision and the dissemination of orders. (NAC 634.720, 634.730, 634.735, 634.745, 634.750, 634.755, 634.760, 634.770, 634.775) **Section 10** repeals all such provisions. **Sections 7 and 9** of this regulation make conforming changes relating to the repeal of these provisions.

NAC 634 Existing regulations authorize the Board to initiate proceedings relating to certain violations even if the public is not harmed and no complaint has been filed against: (1) a licensee; (2) a chiropractic assistant; (3) an applicant for a license to practice chiropractic under certain circumstances; (4) a student who is authorized to perform chiropractic pursuant to the preceptor program; and (5) a person who holds a temporary license to practice chiropractic. (NAC 634.810) **Section 10** also repeals this provision.

2. A description of how public comment was solicited, a summary of public response, and an explanation how other interested persons may obtain a copy of the summary.

Copies of the proposed regulations, notices of workshop and notices of intent to act upon the regulation were sent via e-mail to all of the Board's licensees and chiropractic assistants who maintain an e-mail address with the Board. The Board also sent a copy of the proposed regulations, notice of workshop and notice of intent to act upon the regulation to the Nevada Chiropractic Association and Nevada Chiropractic Council, the trade associations that represents chiropractic physicians. The documents were posted at the following locations:

- Chiropractic Physicians' Board, 4600 Kietzke Lane, Suite M245, Reno, NV 89502
- Nevada State Library & Archives, 100 Stewart St., Carson City, NV 89701
- Office of the Attorney General, Grant Sawyer Bldg., 555 E. Washington Avenue, Las Vegas, NV 89101
- Office of the Attorney General, 100 N. Carson Street, Carson City, NV 89701
- Legislative Building, 401 South Carson St., Carson City, NV 89701

A workshop was held regarding the regulations on November 2, 2023. Any person who desired to make comments regarding the regulations was invited to participate in the workshop. Interested persons may obtain a copy of the summary of public response by contacting the Chiropractic Physicians' Board, 4600 Kietzke Lane, Suite M245, Reno, NV 89502 or calling 775-688-1921.

On December 12, 2023, the Board issued a Notice of Intent to Act Upon a Regulation which incorporated the proposed amendments and suggestions of the parties attending the meetings and workshops. On January 11, 2024 the Board conducted a hearing regarding the final language of the proposed regulation. No written comments were submitted prior to the hearing, and no member of the public attended or spoke at the hearing. At the conclusion of the hearing, the Board announced its final determinations regarding the language of the regulation.

3. The number of persons who:

(a) Attended the November 2, 2023 Workshop – 0
Testified at the November 2, 2023 Workshop – 0

(b) Attended the January 11, 2024 Hearing – 0
Testified at the January 11, 2024 Hearing - 0

(c) Submitted written statements for the November 2, 2023 Workshop – 0
Submitted written comments for the January 11, 2024 Hearing – 0

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

(a) Name

(b) Telephone number

(c) Business address

(d) Business telephone number

(e) Electronic mail address

(f) Name of entity or organization represented

5. A description of how comment was solicited from affected businesses, a summary of their response, and an explanation how other interested persons may obtain a copy of the summary.

There were no public comments received at the workshop or the hearing.

6. If the regulation was adopted without changing any part of the proposed regulation, a summary of the reasons for adopting the regulation with change.

The permanent regulation was adopted on January 11, 2024 and included the changes, additions, and amendments suggested at the workshop, hearing, and the Board's Legislative Committee that were acceptable to the Board as being within the legislative intent of the empowering statutes (NRS 634.030(2)).

7. The estimated economic effect of the adopted regulation on the businesses which it is to regulate and on the public. These must be stated separately, and each case must include:

(a) Both adverse and beneficial effects.

(1) Adverse: This regulation will have no adverse effects upon the practice and businesses of chiropractic in Nevada.

This regulation will not have any adverse effects on the public.

(2) Beneficial: This regulation will be beneficial to the practices and businesses of chiropractic in Nevada with the streamlining, clarifying, and reduction of the existing regulations.

This regulation will be beneficial to the public with the streamlining, clarifying, and reduction of the existing regulations.

(b) Both immediate and long-term effects.

The proposed regulations will have immediate and long-term effects on the practice of chiropractic and the chiropractic businesses in Nevada when the regulations are streamlined, clarified or reduced.

The proposed regulations will have immediate and long-term effects on the Nevada public when regulations are streamlined, clarified or reduced.

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

There is no additional cost to the agency for enforcement of this regulation.

9. A description of any regulations of other state or government agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary. If the regulation overlaps or duplicates a federal regulation, the name of the regulating federal agency,.

The Chiropractic Physicians' Board is not aware of any similar regulations of other state or government agencies that the proposed regulations overlap or duplicate.

10. If the regulation includes provisions that are more stringent than a federal regulation which regulates the same activity, a summary of such provisions.

This proposed regulation is not required by federal law.

11. If the regulation provides a new fee or increases an existing fee, the total annual amount the agency expects to collect and the manner in which the money will be used.

The proposed regulations do not recommend new or increased fees.

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

Signed this _____ day of January, 2024.

Julie Strandberg
Executive Director