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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 R115-23

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 remove the Providers of Approved Continuing Education from the list of entities from which a chiropractic physician or chiropractic assistant may complete such education and training, provides that the Board will award credit for continuing education, not to exceed 4 hours per calendar year, requires a chiropractic physician or chiropractic assistant to provide the Board with the electronic mail address used for professional practice, remove the biennial submittal of the self-inspection, however requires the self-inspection form be submitted to the Board in relation to a complaint made against the licensee, removes from the list, explicit reference to an act which involves the performance of any chiropractic service on a patient who is under the age of 18 years without proper consent and replaces the reference to certification in the specialty of the management of pain with certification in the subspecialty of pain medicine to reflect the specialty and subspecialty certificates currently offered by the American Board of Medical Specialties. In all cases, it is the Board's intent to make the regulations less burdensome and clearer.

- NAC 634 *Section 2 of this regulation removes the Providers of Approved Continuing Education from the list of entities from which a chiropractic physician may complete such education and training.*
- NAC 634 *Section 3 of this regulation requires a chiropractic or chiropractic assistant to additionally provide the Board with the electronic mail address that he or she uses for professional practice.*
- NAC 634 *Existing law requires a licensee to biennially submit to the Board a self-inspection form on or before December 31 of each numbered year.*
Section 4 of this regulation removes this requirement and instead requires a licensee within 10 business days after receipt of a self-inspection form in relation to

a complaint made against the licensee, to complete and submit the form to the Board. **Section 4** also provides that a failure to complete and submit such form is grounds for disciplinary action by the Board.

NAC 634 **Section 5** of this regulation removes the requirement for the Board to approve and endorse the attendance of a licensee or a holder of a certificate at an educational seminar or seminars under such circumstances. Existing regulations additionally provide the manner in which a licensee or holder of a certificate may receive credit for continuing education.

Section 5 of this regulation provides that the Board will award continuing education, not to exceed 4 hours per calendar year, to a licensee or holder of a certificate for his or her attendance at a meeting of the Board during a calendar year.

NAC 634 **Section 6** of this regulation removes from the list explicit reference to an act which involves the performance of any chiropractic service on a patient who is under the age of 18 years without proper consent. **Section 6** additionally revises the definition of "capping" to include the use by a licensee of the services of a person who, with or without remuneration, refers a prospective new patient to the licensee: (1) at the scene of a traffic crash; (2) at a county jail or detention facility; or (3) within 72 hours after the prospective new patient has been involved in a motor vehicle accident or been injured as a result of the actions of another person, if the person who refers the prospective new patient is not licensed or certified as a provider of health care.

NAC 634 Existing regulations authorize a chiropractic physician who is licensed by the Board to perform manipulation on a patient who is under conscious sedation in the office of a physician who is currently certified by a specialty board of the American Board of Medical Specialties in the specialty of anesthesiology, emergency medicine or the management of pain, if the office is approved by the Board for the administration, monitoring and control of conscious sedation by a licensee.

Section 1 of this regulation replaces the reference to certification in the specialty of the management of pain with certification in the subspecialty of pain medicine to reflect the specialty and subspecialty certificates currently offered by the American Board of Medical Specialties.

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. There were no recommended changes by the Board or the public to the language as submitted.

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 also have no adverse effects on the public.

(2) Beneficial: The Board expects that the new regulation will have positive, though unquantifiable, beneficial effects by making the regulations less burdensome and clearer.

The Board also expects that the new regulation will have positive, though unquantifiable, beneficial effects by making the regulations less burdensome and clearer as it relates to the public.

(b) Both immediate and long-term effects.

The proposed regulations will have the same effects immediately and in the long-term on the practice of chiropractic and the chiropractic businesses in Nevada. These effects being that chiropractic physicians will be able to obtain effective continuing education, will be able to receive continuing education by attending a Board meeting and stream-line the self-inspection process. The revisions to the regulations will be less burdensome and more effective to the profession of chiropractic.

The proposed regulations will have the same effects immediately and in the long-term on the Nevada public. The effects being that continuing education will be closely monitored by the Board to ensure effective courses are available to the licensees and a minor who holds proper consent will be allowed access to chiropractic physicians.

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.

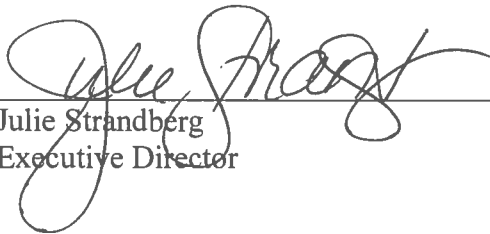
This proposed regulation is not required by federal law.

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 18th day of January, 2024.



Julie Strandberg
Executive Director