

ASSEMBLY BILL NO. 73—ASSEMBLYMAN KIRNER

PREFILED JANUARY 29, 2013

Referred to Committee on Commerce and Labor

SUMMARY—Revises provisions governing the practice of chiropractic. (BDR 54-538)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to chiropractic; revising certain provisions governing unprofessional conduct by a chiropractor or chiropractor's assistant; revising the information which must be submitted by an applicant for a license to practice chiropractic; revising provisions relating to the score which an applicant must obtain on an examination for a license to practice chiropractic; revising provisions governing temporary licenses to practice chiropractic; revising provisions governing the renewal of a license to practice chiropractic and a certificate as a chiropractor's assistant; revising provisions governing the reinstatement of a license to practice chiropractic; revising certain fees charged and collected by the Chiropractic Physicians' Board of Nevada; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

- 1 Existing law provides that an applicant for a license to practice chiropractic in
2 Nevada must submit an application to the Chiropractic Physicians' Board of
3 Nevada and must obtain a passing score on an examination administered by
4 the Board. (NRS 634.070, 634.080, 634.100) **Section 3** of this bill revises the
5 information an applicant for a license to practice chiropractic must submit to the
6 Board to include a copy of the applicant's official transcript from the school or
7 college of chiropractic from which the applicant received his or her degree of
8 doctor of chiropractic. **Section 4** of this bill revises provisions setting forth the
9 passing score for the examination for a license to practice chiropractic.
10 Existing law provides that a chiropractor or chiropractor's assistant may be
11 disciplined for unprofessional conduct. (NRS 634.018, 634.140) **Section 2** of this
12 bill provides that unprofessional conduct includes advertising, by any form of



13 public communication, a chiropractic practice: (1) using grossly improbable
14 statements; or (2) in any manner that will tend to deceive, defraud or mislead the
15 public.

16 Existing law provides that a temporary license to practice chiropractic in this
17 State is valid for the 10-day period designated on the license and is not renewable.
18 (NRS 634.115) **Section 5** of this bill revises provisions governing a temporary
19 license to practice chiropractic in this State to provide that a temporary license is:
20 (1) valid only for the period designated on the license, which must be not more than
21 10 days; (2) valid for the place of practice designated on the license; and (3) not
22 renewable.

23 Existing law provides that the holder of a license to practice chiropractic or a
24 certificate as a chiropractor’s assistant must complete a certain number of hours of
25 continuing education during the 24 months immediately preceding the renewal date
26 of the license or certificate. Existing law additionally requires a licensee or holder
27 of a certificate as a chiropractor’s assistant to pay a fee upon the renewal of the
28 license or certificate. (NRS 634.130) **Section 6** of this bill provides that the Board
29 may waive the continuing education requirements for a licensee or holder of a
30 certificate as a chiropractor’s assistant if the licensee or holder of a certificate
31 submits proof to the Board that the licensee or holder of a certificate was in active
32 military service which prevented the licensee or holder of a certificate from
33 completing the requirements for continuing education during the 24 months
34 immediately preceding the renewal date of the license or certificate. **Section 6** also
35 authorizes the Board to waive the renewal fee for such a licensee or holder of a
36 certificate.

37 **Section 8** of this bill increases from \$25 to \$50 the fee which the Board may
38 charge and collect for review of a course offered by a chiropractic school or college
39 or a course of continuing education in chiropractic.

40 **Section 9** of this bill deletes a provision that authorizes a person whose license
41 to practice chiropractic has been revoked to apply to the Board for the restoration of
42 the license in certain circumstances.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 **Section 1.** (Deleted by amendment.)

2 **Sec. 2.** NRS 634.018 is hereby amended to read as follows:
3 634.018 “Unprofessional conduct” means:

4 1. Obtaining a certificate upon fraudulent credentials or gross
5 misrepresentation.

6 2. Procuring, or aiding or abetting in procuring, criminal
7 abortion.

8 3. Assuring that a manifestly incurable disease can be
9 permanently cured.

10 4. Advertising , *by any form of public communication, a*
11 chiropractic ~~business in which~~ practice:

12 (a) *Using* grossly improbable statements ~~fare made, advertising~~
13 ~~in~~; or

14 (b) *In* any manner that will tend to deceive, defraud or mislead
15 the public . ~~for preparing, causing to be prepared, using or~~
16 ~~participating in the use of any form of public communication that~~



~~contains professionally self laudatory statements calculated to attract lay patients.]~~

As used in this subsection, “public communication” includes, but is not limited to, communications by means of television, radio, newspapers, books and periodicals, motion picture, handbills or other printed matter.

5. Willful disobedience of the law, or of the regulations of the State Board of Health or of the Chiropractic Physicians’ Board of Nevada.

6. Conviction of any offense involving moral turpitude, or the conviction of a felony. The record of the conviction is conclusive evidence of unprofessional conduct.

7. Administering, dispensing or prescribing any controlled substance.

8. Conviction or violation of any federal or state law regulating the possession, distribution or use of any controlled substance. The record of conviction is conclusive evidence of unprofessional conduct.

9. Habitual intemperance or excessive use of alcohol or alcoholic beverages or any controlled substance.

10. Conduct unbecoming a person licensed to practice chiropractic or detrimental to the best interests of the public.

11. Violating, or attempting to violate, directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate, any provision of this chapter or the regulations adopted by the Board, or any other statute or regulation pertaining to the practice of chiropractic.

12. Employing, directly or indirectly, any suspended or unlicensed practitioner in the practice of any system or mode of treating the sick or afflicted, or the aiding or abetting of any unlicensed person to practice chiropractic under this chapter.

13. Repeated malpractice, which may be evidenced by claims of malpractice settled against a practitioner.

14. Solicitation by the licensee or the licensee’s designated agent of any person who, at the time of the solicitation, is vulnerable to undue influence, including, without limitation, any person known by the licensee to have recently been involved in a motor vehicle accident, involved in a work-related accident, or injured by, or as the result of the actions of, another person. As used in this subsection:

(a) “Designated agent” means a person who renders service to a licensee on a contract basis and is not an employee of the licensee.

(b) “Solicitation” means the attempt to acquire a new patient through information obtained from a law enforcement agency, medical facility or the report of any other party, which information



1 indicates that the potential new patient may be vulnerable to undue
2 influence, as described in this subsection.

3 15. Employing, directly or indirectly, any person as a
4 chiropractor's assistant unless the person has been issued a
5 certificate by the Board pursuant to NRS 634.123, or has applied for
6 such a certificate and is awaiting the determination of the Board
7 concerning the application.

8 16. Aiding, abetting, commanding, counseling, encouraging,
9 inducing or soliciting an insurer or other third-party payor to reduce
10 or deny payment or reimbursement for the care or treatment of a
11 patient, unless such action is supported by:

12 (a) The medical records of the patient; or

13 (b) An examination of the patient by the chiropractic physician
14 taking such action.

15 17. Violating a lawful order of the Board, a lawful agreement
16 with the Board, or any of the provisions of this chapter or any
17 regulation adopted pursuant thereto.

18 **Sec. 3.** NRS 634.080 is hereby amended to read as follows:

19 634.080 1. An applicant for examination must file an
20 application not less than 60 days before the date of the examination.

21 2. An application must be filed with the Secretary of the Board
22 on a form to be furnished by the Secretary.

23 3. An application must be verified and must state:

24 (a) When and where the applicant was born, the various places
25 of the applicant's residence during the 5 years immediately
26 preceding the making of the application and the address to which he
27 or she wishes the Board to mail the license.

28 (b) The name, age and sex of the applicant.

29 (c) The names and post office addresses of all persons by whom
30 the applicant has been employed for a period of 5 years immediately
31 preceding the making of the application.

32 (d) Whether or not the applicant has ever applied for a license to
33 practice chiropractic in any other state and, if so, when and where
34 and the results of the application.

35 (e) Whether the applicant is a citizen of the United States or
36 lawfully entitled to remain and work in the United States.

37 (f) Whether or not the applicant has ever been admitted to the
38 practice of chiropractic in any other state and, if so, whether any
39 discharge, dismissal, disciplinary or other similar proceedings have
40 ever been instituted against the applicant. Such an applicant must
41 also attach a certificate ~~of the Secretary of~~ **from** the chiropractic
42 board of ~~the~~ **each** state in which the applicant was ~~last~~
43 certifying that the applicant is a member in good standing of the
44 chiropractic profession in that state, and that no proceedings



1 affecting the applicant's standing as a chiropractor are undisposed of
2 and pending.

3 (g) The applicant's general and chiropractic education, including
4 the schools attended and the time of attendance at each school, and
5 whether the applicant is a graduate of any school or schools.

6 (h) The names of:

7 (1) Two persons who have known the applicant for at least 3
8 years; and

9 (2) A person who is a chiropractor licensed pursuant to the
10 provisions of this chapter or a professor at a school of chiropractic.

11 (i) All other information required to complete the application.

12 ***4. An application must include a copy of the applicant's***
13 ***official transcript from the school or college of chiropractic from***
14 ***which the applicant received his or her degree of doctor of***
15 ***chiropractic, which must be transmitted by the school or college of***
16 ***chiropractic directly to the Board.***

17 **Sec. 4.** NRS 634.100 is hereby amended to read as follows:

18 634.100 1. An applicant for a license to practice chiropractic
19 in this State must pay the required fee to the Secretary of the Board
20 not less than 60 days before the date of the examination.

21 2. Except as otherwise provided in NRS 622.090 ~~†~~:

22 ***(a) For a written, closed-book examination which is***
23 ***administered in person by the Board, a score of 75 percent or***
24 ***higher in all subjects taken on the examination is a passing score.***

25 ***(b) For a written, open-book examination which is***
26 ***administered in person by the Board or an examination that is***
27 ***taken online, a score of 90 percent or higher in all subjects taken***
28 ***on the examination is a passing score.***

29 3. If an applicant fails to pass the first examination, the
30 applicant may take a second examination within 1 year without
31 payment of any additional fees. Except as otherwise provided in
32 NRS 622.090, credit must be given on this examination for all
33 subjects previously passed. ~~{with a score of 75 percent or higher.}~~

34 4. An applicant for a certificate as a chiropractor's assistant
35 must pay the required fee to the Secretary of the Board before the
36 application may be considered.

37 **Sec. 5.** NRS 634.115 is hereby amended to read as follows:

38 634.115 1. Except as otherwise provided in subsections 4 and
39 5, upon application, payment of the required fee and the approval of
40 its Secretary and President, the Board may, without examination,
41 grant a temporary license to practice chiropractic in this State to a
42 person who holds a corresponding license or certificate in another
43 jurisdiction which is in good standing and who actively practices
44 chiropractic in that jurisdiction. A temporary license may be issued



1 for the limited purpose of authorizing the holder thereof to treat
2 patients in this State.

3 2. Except as otherwise provided in this subsection, an applicant
4 for a temporary license must file an application with the Secretary of
5 the Board not less than 30 days before the applicant intends to
6 practice chiropractic in this State. Upon the request of an applicant,
7 the President or Secretary may, for good cause, authorize the
8 applicant to file the application fewer than 30 days before he or she
9 intends to practice chiropractic in this State.

10 3. An application for a temporary license must be accompanied
11 by a fee of \$50 and include:

12 (a) The applicant's name, the address of his or her primary place
13 of practice and the applicant's telephone number;

14 (b) A current photograph of the applicant measuring 2 by 2
15 inches;

16 (c) The name of the chiropractic school or college from which
17 the applicant graduated and the date of graduation; and

18 (d) The number of the applicant's license to practice chiropractic
19 in another jurisdiction.

20 4. A temporary license ~~is~~:

21 (a) *Is* valid for the ~~10-day~~ period designated on the license ,
22 *which must be not more than 10 days;*

23 (b) *Is valid for the place of practice designated on the license;*
24 and ~~is~~

25 (c) *Is* not renewable.

26 5. The Board may not grant more than two temporary licenses
27 to an applicant during any calendar year.

28 **Sec. 6.** NRS 634.130 is hereby amended to read as follows:

29 634.130 1. Licenses and certificates must be renewed
30 biennially. ~~Each~~ *Except as otherwise provided in subsection 9,*
31 *each* person who is licensed *or holds a certificate as a*
32 *chiropractor's assistant* pursuant to the provisions of this chapter
33 must, upon the payment of the required renewal fee and the
34 submission of all information required to complete the renewal, be
35 granted a renewal *license or* certificate which authorizes the person
36 to continue to practice for 2 years.

37 2. ~~The~~ *Except as otherwise provided in subsection 9, the*
38 renewal fee must be paid and all information required to complete
39 the renewal must be submitted to the Board on or before January 1
40 of:

41 (a) Each odd-numbered year for a licensee; and

42 (b) Each even-numbered year for a holder of a certificate as a
43 chiropractor's assistant.

44 3. Except as otherwise provided in subsection 5 ~~for 6,~~ *6 or 7,*
45 a licensee in active practice within this State must submit



1 satisfactory proof to the Board that, during the 24 months
2 immediately preceding the renewal date of the license, the licensee
3 has attended at least 36 hours of continuing education which is
4 approved or endorsed by the Board.

5 4. Except as otherwise provided in subsection 5 ~~for 7~~, 6 or 8,
6 a holder of a certificate as a chiropractor's assistant in active
7 practice within this State must submit satisfactory proof to the
8 Board that, during the 24 months immediately preceding the
9 renewal date of the certificate, the certificate holder has attended at
10 least 12 hours of continuing education which is approved or
11 endorsed by the Board or the equivalent board of another state or
12 jurisdiction that regulates chiropractors' assistants. The continuing
13 education required by this subsection may include education related
14 to lifesaving skills, including, without limitation, a course in
15 cardiopulmonary resuscitation. The Board shall by regulation
16 determine how many of the required 12 hours of continuing
17 education must be course work related to such lifesaving skills. Any
18 course of continuing education approved or endorsed by the Board
19 or the equivalent board of another state or jurisdiction pursuant to
20 this subsection may be conducted via the Internet or in a live setting,
21 including, without limitation, a conference, workshop or academic
22 course of instruction. The Board shall not approve or endorse a
23 course of continuing education which is self-directed or conducted
24 via home study.

25 5. The educational requirement of subsection 3 or 4 may be
26 waived by the Board if the licensee or holder of a certificate as a
27 chiropractor's assistant files with the Board a statement of a
28 chiropractic physician, osteopathic physician or doctor of medicine
29 certifying that the licensee or holder of a certificate as a
30 chiropractor's assistant is suffering from a serious or disabling
31 illness or physical disability which prevented the licensee or holder
32 of a certificate as a chiropractor's assistant from completing the
33 requirements for continuing education during the 24 months
34 immediately preceding the renewal date of the license ~~+~~ or
35 *certificate.*

36 6. *The Board may waive the educational requirement of*
37 *subsection 3 or 4 for a licensee or a holder of a certificate as a*
38 *chiropractor's assistant if the licensee or holder of a certificate*
39 *submits to the Board proof that the licensee or holder of a*
40 *certificate was in active military service which prevented the*
41 *licensee or holder of a certificate from completing the*
42 *requirements for continuing education during the 24 months*
43 *immediately preceding the renewal date of the license or*
44 *certificate.*



1 7. A licensee is not required to comply with the requirements
2 of subsection 3 until the first odd-numbered year after the year the
3 Board issues to the licensee an initial license to practice as a
4 chiropractor in this State.

5 ~~{7-}~~ 8. A ~~{certificate}~~ holder *of a certificate as a*
6 *chiropractor's assistant* is not required to comply with the
7 requirements of subsection 4 until the first even-numbered year after
8 the Board issues to the ~~{certificate}~~ holder *of a certificate* an initial
9 certificate to practice as a chiropractor's assistant in this State.

10 ~~{8-}~~ 9. *The Board may waive the renewal fee for a licensee or*
11 *holder of a certificate as a chiropractor's assistant if the licensee*
12 *or holder of a certificate submits proof to the Board that the*
13 *licensee or holder of a certificate was in active military service at*
14 *the time the renewal fee was due.*

15 10. If a licensee fails to:

16 (a) ~~{Pay}~~ *Except as otherwise provided in subsection 9, pay* the
17 renewal fee by January 1 of an odd-numbered year;

18 (b) ~~{Submit}~~ *Except as otherwise provided in subsection 5 or 6,*
19 *submit* proof of continuing education pursuant to subsection 3;

20 (c) Notify the Board of a change in the location of his or her
21 office pursuant to NRS 634.129; or

22 (d) Submit all information required to complete the renewal,
23 → the license ~~{is}~~ automatically ~~{suspended}~~ *expires* and, except as
24 otherwise provided in NRS 634.131, may be reinstated only upon
25 the payment, by January 1 of the even-numbered year following the
26 year in which the license ~~{was suspended,}~~ *expired*, of the required
27 fee for reinstatement in addition to the renewal fee.

28 ~~{9-}~~ 11. If a holder of a certificate as a chiropractor's assistant
29 fails to:

30 (a) ~~{Pay}~~ *Except as otherwise provided in subsection 9, pay* the
31 renewal fee by January 1 of an even-numbered year;

32 (b) ~~{Submit}~~ *Except as otherwise provided in subsection 5 or 6,*
33 *submit* proof of continuing education pursuant to subsection 4;

34 (c) Notify the Board of a change in the location of his or her
35 office pursuant to NRS 634.129; or

36 (d) Submit all information required to complete the renewal,
37 → the certificate ~~{is}~~ automatically ~~{suspended}~~ *expires* and may be
38 reinstated only upon the payment of the required fee for
39 reinstatement in addition to the renewal fee.

40 **Sec. 7.** NRS 634.131 is hereby amended to read as follows:

41 634.131 1. If a license ~~{has been automatically suspended}~~
42 *expires* pursuant to the provisions of subsection ~~{8}~~ 10 of NRS
43 634.130 and *the license was* not reinstated pursuant to the
44 provisions of that subsection, the person who held the license may
45 apply to the Board to have the license reinstated to active status.



1 2. An applicant to have ~~fa-suspended~~ *an expired* license
2 reinstated to active status pursuant to subsection 1 must:

3 (a) Either:

4 (1) Submit satisfactory evidence to the Board:

5 (I) That the applicant has maintained an active practice in
6 another state, territory or country within the preceding 5 years;

7 (II) From all other licensing agencies which have issued
8 the applicant a license that he or she is in good standing and has no
9 legal actions pending against him or her; and

10 (III) That the applicant has participated in a program of
11 continuing education in accordance with NRS 634.130 for the year
12 in which he or she seeks to be reinstated to active status; or

13 (2) Score 75 percent or higher on an examination prescribed
14 by the Board on the provisions of this chapter and the regulations
15 adopted by the Board; and

16 (b) Pay:

17 (1) The fee for the biennial renewal of a license to practice
18 chiropractic; and

19 (2) The fee for reinstating a license to practice chiropractic
20 which has ~~been suspended or revoked~~ *expired*.

21 3. If any of the requirements set forth in subsection 2 are not
22 met by an applicant for the reinstatement of ~~fa-suspended~~ *an*
23 *expired* license to active status, the Board, before reinstating the
24 license of the applicant to active status:

25 (a) Must hold a hearing to determine the professional
26 competency and fitness of the applicant; and

27 (b) May require the applicant to:

28 (1) Pass the Special Purposes Examination for Chiropractic
29 prepared by the National Board of Chiropractic Examiners; and

30 (2) Satisfy any additional requirements that the Board deems
31 to be necessary.

32 **Sec. 8.** NRS 634.135 is hereby amended to read as follows:

33 634.135 1. The Board may charge and collect fees not to
34 exceed:

35		
36	For an application for a license to practice	
37	chiropractic.....	\$200.00
38	For an examination for a license to practice	
39	chiropractic.....	200.00
40	For an application for, and the issuance of, a	
41	certificate as a chiropractor's assistant.....	100.00
42	For an examination for a certificate as a	
43	chiropractor's assistant.....	100.00
44	For the issuance of a license to practice	
45	chiropractic.....	300.00



1	For the biennial renewal of a license to practice	
2	chiropractic.....	\$1,000.00
3	For the biennial renewal of an inactive license	
4	to practice chiropractic.....	300.00
5	For the biennial renewal of a certificate as a	
6	chiropractor's assistant.....	200.00
7	For the restoration to active status of an inactive	
8	license to practice chiropractic.....	300.00
9	For reinstating a license to practice chiropractic	
10	which has <i>expired pursuant to NRS 634.130</i>	
11	<i>or has</i> been suspended for revoked	500.00
12	For reinstating a certificate as a chiropractor's	
13	assistant which has been—suspended	
14	<i>expired</i> pursuant to NRS 634.130 <i>or has</i>	
15	<i>been suspended</i>	100.00
16	For a review of any subject on the examination.....	25.00
17	For the issuance of a duplicate license or for	
18	changing the name on a license.....	35.00
19	For written verification of licensure or issuance	
20	of a certificate of good standing.....	25.00
21	For providing a list of persons who are licensed	
22	to practice chiropractic to a person who is	
23	not licensed to practice chiropractic.....	25.00
24	For providing a list of persons who were	
25	licensed to practice chiropractic following	
26	the most recent examination of the Board to	
27	a person who is not licensed to practice	
28	chiropractic.....	10.00
29	For a set of mailing labels containing the names	
30	and addresses of the persons who are	
31	licensed to practice chiropractic in this State.....	35.00
32	For providing a copy of the statutes, regulations	
33	and other rules governing the practice of	
34	chiropractic in this State to a person who is	
35	not licensed to practice chiropractic.....	25.00
36	For each page of a list of continuing education	
37	courses that have been approved by the	
38	Board.....	.50
39	For an application to a preceptor program	
40	offered by the Board to graduates of	
41	chiropractic schools or colleges.....	35.00
42	For an application for a student or chiropractor	
43	to participate in the preceptor program	
44	established by the Board pursuant to	
45	NRS 634.137.....	35.00



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1 For a review by the Board of a course offered
2 by a chiropractic school or college or a
3 course of continuing education in
4 chiropractic..... ~~25.00~~ \$50.00
5

6 2. In addition to the fees set forth in subsection 1, the Board
7 may charge and collect reasonable and necessary fees for the
8 expedited processing of a request or for any other incidental service
9 it provides.

10 3. For a check or other method of payment made payable to the
11 Board or tendered to the Board that is returned to the Board or
12 otherwise dishonored upon presentation for payment, the Board
13 shall assess and collect a fee in the amount established by the State
14 Controller pursuant to NRS 353C.115.

15 **Sec. 9.** NRS 634.204 is hereby amended to read as follows:

16 634.204 1. Any person:

17 (a) Whose practice of chiropractic has been limited; or

18 (b) Whose license to practice chiropractic has been suspended
19 until further order, ~~for revoked,~~

20 by an order of the Board may apply to the Board after a
21 reasonable period for removal of the limitation or restoration of his
22 or her license.

23 2. In hearing the application, the Board:

24 (a) May require the person to submit to a mental or physical
25 examination by physicians or other appropriate persons whom it
26 designates and submit such other evidence of changed conditions
27 and of fitness as it deems proper;

28 (b) Shall determine whether under all the circumstances the time
29 of the application is reasonable; and

30 (c) May deny the application or modify or rescind its order as it
31 deems the evidence and the public safety warrant.

32 **Sec. 10.** (Deleted by amendment.)

