

ASSEMBLY BILL NO. 199—ASSEMBLYMEN DURAN; CARTER,
CONSIDINE, D’ SILVA, GONZÁLEZ, THOMAS AND TORRES

FEBRUARY 20, 2023

Referred to Committee on Commerce and Labor

SUMMARY—Authorizes chiropractic physicians to evaluate and treat a person who has sustained an injury to the head. (BDR 54-828)

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

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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; authorizing a chiropractic physician to evaluate and treat a person who has sustained an injury to the head; authorizing a chiropractic physician to clear a pupil or youth for participation in certain activities after the pupil or youth has sustained an injury to the head; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

- 1 Existing law requires the Chiropractic Physicians’ Board of Nevada to adopt
- 2 regulations establishing the qualifications a chiropractic physician must obtain
- 3 before he or she is authorized to perform dry needling. (NRS 634.035) **Section 1** of
- 4 this bill also requires the Board to adopt regulations establishing the qualifications a
- 5 chiropractic physician must obtain before he or she is authorized to: (1) evaluate
- 6 and treat a person who has sustained an injury to the head; and (2) clear a person
- 7 who has sustained such an injury to return to physical activity and competition.
- 8 Existing law authorizes a physician, advanced practice registered nurse,
- 9 physical therapist or athletic trainer to clear a pupil or youth, as applicable, for
- 10 participation in certain sports and activities after sustaining an injury to the head.
- 11 (NRS 385B.080, 392.452, 455A.200) **Sections 2-4** of this bill additionally
- 12 authorize a chiropractic physician to clear such a pupil or youth, as applicable, for
- 13 participation in such a sport or activity if the chiropractic physician is qualified to
- 14 do so pursuant to **section 1**.



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

1 **Section 1.** NRS 634.035 is hereby amended to read as follows:

2 634.035 1. The Board shall adopt regulations establishing the
3 qualifications a chiropractic physician must obtain before he or she
4 is authorized to perform dry needling. The qualifications adopted by
5 regulation pursuant to this ~~[section]~~ *subsection* must include,
6 without limitation, the successful completion of didactic education
7 and training in dry needling.

8 2. *The Board shall adopt regulations establishing the*
9 *qualifications a chiropractic physician must obtain before he or*
10 *she is authorized to evaluate and treat a person who has sustained*
11 *an injury to the head, including, without limitation, a concussion*
12 *to the brain, and clear the person to return to physical activity and,*
13 *if applicable, competition in a sport or other activity, after*
14 *sustaining such an injury. The qualifications established by*
15 *regulation pursuant to this subsection must include, without*
16 *limitation, successful completion of training in:*

17 (a) *Evidence-based tests to determine if a person has sustained*
18 *an injury to the head and the type of injury that the person has*
19 *sustained;*

20 (b) *Best practices for treating an injury to the head;*

21 (c) *Evidence-based tests to determine if the brain of a person*
22 *has healed after sustaining an injury to the head; and*

23 (d) *Any evaluation or treatment that must be conducted on a*
24 *person less than 18 years of age for that person to be medically*
25 *cleared to return to participation in an interscholastic activity or*
26 *event after sustaining an injury to the head.*

27 3. As used in this section, “dry needling”:

28 (a) Means an advanced needling skill or technique limited to the
29 treatment of myofascial pain, using a single-use, single-insertion,
30 sterile needle, without the use of heat, cold or any other added
31 modality or medication, which is inserted into the skin or underlying
32 tissue to stimulate a trigger point.

33 (b) Does not include:

34 (1) The stimulation of an auricular point;

35 (2) Utilization of a distal point or nonlocal point;

36 (3) Needle retention;

37 (4) Application of a retained electrical stimulation lead; or

38 (5) The teaching or application of other acupuncture theory.

39 **Sec. 2.** NRS 385B.080 is hereby amended to read as follows:

40 385B.080 1. The Nevada Interscholastic Activities
41 Association shall adopt a policy concerning the prevention and
42 treatment of injuries to the head which may occur during a pupil’s



1 participation in interscholastic activities and events, including,
2 without limitation, a concussion of the brain. The policy must
3 provide information concerning the nature and risk of injuries to the
4 head which may occur during a pupil's participation in
5 interscholastic activities and events, including, without limitation,
6 the risks associated with continuing to participate in the activity or
7 event after sustaining such an injury.

8 2. The policy adopted pursuant to subsection 1 must require
9 that if a pupil sustains or is suspected of sustaining an injury to the
10 head while participating in an interscholastic activity or event, the
11 pupil:

12 (a) Must be immediately removed from the activity or event;
13 and

14 (b) May return to the activity or event if the parent or legal
15 guardian of the pupil provides a signed statement of a provider of
16 health care indicating that the pupil is medically cleared for
17 participation in the activity or event and the date on which the pupil
18 may return to the activity or event.

19 3. Before a pupil participates in an interscholastic activity or
20 event, and on an annual basis thereafter, the pupil and his or her
21 parent or legal guardian:

22 (a) Must be provided with a copy of the policy adopted pursuant
23 to subsection 1; and

24 (b) Must sign a statement on a form prescribed by the Nevada
25 Interscholastic Activities Association acknowledging that the pupil
26 and his or her parent or guardian have read and understand the terms
27 and conditions of the policy.

28 4. As used in this section, "provider of health care" means a
29 physician or physician assistant licensed under chapter 630 or 633
30 of NRS, *a chiropractic physician qualified to evaluate, treat and*
31 *clear a pupil for participation in an interscholastic activity or*
32 *event pursuant to the regulations adopted pursuant to NRS*
33 *634.035*, an advanced practice registered nurse licensed under
34 chapter 632 of NRS, a physical therapist licensed under chapter 640
35 of NRS or an athletic trainer licensed under chapter 640B of NRS.

36 **Sec. 3.** NRS 392.452 is hereby amended to read as follows:

37 392.452 1. For those competitive sports not governed by the
38 Nevada Interscholastic Activities Association pursuant to chapter
39 385B of NRS, the board of trustees of each school district shall
40 adopt a policy concerning the prevention and treatment of injuries to
41 the head which may occur during a pupil's participation in
42 competitive sports within the school district, including, without
43 limitation, a concussion of the brain. To the extent practicable, the
44 policy must be consistent with the policy adopted by the Nevada
45 Interscholastic Activities Association pursuant to NRS 385B.080.



1 The policy must provide information concerning the nature and risk
2 of injuries to the head which may occur during a pupil's
3 participation in competitive sports, including, without limitation, the
4 risks associated with continuing to participate in competitive sports
5 after sustaining such an injury.

6 2. The policy adopted pursuant to subsection 1 must require
7 that if a pupil sustains or is suspected of sustaining an injury to the
8 head while participating in competitive sports, the pupil:

9 (a) Must be immediately removed from the competitive sport;
10 and

11 (b) May return to the competitive sport if the parent or legal
12 guardian of the pupil provides a signed statement of a provider of
13 health care indicating that the pupil is medically cleared for
14 participation in the competitive sport and the date on which the
15 pupil may return to the competitive sport.

16 3. Before a pupil participates in competitive sports within a
17 school district, and on an annual basis thereafter, the pupil and his or
18 her parent or legal guardian:

19 (a) Must be provided with a copy of the policy adopted pursuant
20 to subsection 1; and

21 (b) Must sign a statement on a form prescribed by the board of
22 trustees acknowledging that the pupil and his or her parent or
23 guardian have read and understand the terms and conditions of the
24 policy.

25 4. As used in this section, "provider of health care" means a
26 physician or physician assistant licensed under chapter 630 or 633
27 of NRS, *a chiropractic physician qualified to evaluate, treat and*
28 *clear a pupil for participation in an interscholastic activity or*
29 *event pursuant to the regulations adopted pursuant to NRS*
30 *634.035*, an advanced practice registered nurse licensed under
31 chapter 632 of NRS, a physical therapist licensed under chapter 640
32 of NRS or an athletic trainer licensed under chapter 640B of NRS.

33 **Sec. 4.** NRS 455A.200 is hereby amended to read as follows:

34 455A.200 1. Each organization for youth sports that
35 sanctions or sponsors competitive sports for youths in this State
36 shall adopt a policy concerning the prevention and treatment of
37 injuries to the head which may occur during a youth's participation
38 in those competitive sports, including, without limitation, a
39 concussion of the brain. To the extent practicable, the policy must
40 be consistent with the policy adopted by the Nevada Interscholastic
41 Activities Association pursuant to NRS 385B.080. The policy must
42 provide information concerning the nature and risk of injuries to the
43 head which may occur during a youth's participation in competitive
44 sports, including, without limitation, the risks associated with



1 continuing to participate in competitive sports after sustaining such
2 an injury.

3 2. The policy adopted pursuant to subsection 1 must require
4 that if a youth sustains or is suspected of sustaining an injury to the
5 head while participating in competitive sports, the youth:

6 (a) Must be immediately removed from the competitive sport;
7 and

8 (b) May return to the competitive sport if the parent or legal
9 guardian of the youth provides a signed statement of a provider of
10 health care indicating that the youth is medically cleared for
11 participation in the competitive sport and the date on which the
12 youth may return to the competitive sport.

13 3. Before a youth participates in competitive sports sanctioned
14 or sponsored by an organization for youth sports in this State, the
15 youth and his or her parent or legal guardian:

16 (a) Must be provided with a copy of the policy adopted pursuant
17 to subsection 1; and

18 (b) Must sign a statement on a form prescribed by the
19 organization for youth sports acknowledging that the youth and his
20 or her parent or legal guardian have read and understand the terms
21 and conditions of the policy.

22 4. As used in this section:

23 (a) "Provider of health care" means a physician or physician
24 assistant licensed under chapter 630 or 633 of NRS, *a chiropractic*
25 *physician qualified to evaluate, treat and clear a youth for*
26 *participation in an interscholastic activity or event pursuant to the*
27 *regulations adopted pursuant to NRS 634.035*, an advanced
28 practice registered nurse licensed under chapter 632 of NRS, a
29 physical therapist licensed under chapter 640 of NRS or an athletic
30 trainer licensed under chapter 640B of NRS.

31 (b) "Youth" means a person under the age of 18 years.

32 **Sec. 5.** This act becomes effective on July 1, 2023.

