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CHIROPRACTIC PHYSICIAN'S BOARD OF NEVADA

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NOTICE OF WORKSHOP FOR THE ADOPTION OF REGULATIONS OF THE CHIROPRACTIC PHYSICIANS' BOARD OF NEVADA

NOTICE IS HEREBY GIVEN that the Chiropractic Physicians' Board of Nevada will hold a public workshop at **9:30 a.m. on Thursday, August 29, 2019 at the Kietzke Plaza, 4600 Kietzke Lane, Suite G160, Reno, Nevada 89502.** The purpose of the workshop is to receive comments from all interested persons regarding the potential adoption of regulations that pertain to chapter 634 of the Nevada Administrative Code.

The purpose of the proposed regulation will make various revisions to Chapter 634 of the Nevada Administrative Code.

Persons wishing to comment upon the proposed action of the Chiropractic Physicians' Board of Nevada may appear at the scheduled public workshop or may address their comments, data, views, or arguments, in written form, to Julie Strandberg, Executive Director, 4600 Kietzke Lane, Suite M245, Reno, NV 89502. Written submissions must be received by the Chiropractic Physicians' Board of Nevada on or before, Tuesday, August 20, 2019. If no person who is directly affected by the proposed action appears to request time to make an oral presentation, the Chiropractic Physicians' Board of Nevada may proceed immediately to act upon any written submissions.

Members of the public who require special accommodations or assistance at the workshop are required to notify Julie Strandberg, Executive Director, in writing at the Chiropractic Physicians' Board of Nevada, 4600 Kietzke Lane, Suite M245, Reno, Nevada 89502, Telephone: 775-688-1923, no later than Tuesday, August 20, 2019.

A copy of this notice and the regulation to be Adopted will be on file at the State Library, 100 Stewart Street, Carson City, Nevada, for inspection by members of the public during business hours. Additional copies of the notice and the regulation to be Adopted will be available at the Chiropractic Physicians' Board of Nevada, 4600 Kietzke Lane, Suite M245, Reno, NV 89502. This notice and the text of the proposed regulation are also available in the State of Nevada Register of Administrative Regulations, which is prepared and published monthly by the Legislative Counsel Bureau pursuant to NRS 233B.0653, and on the Internet at <http://www.leg.state.nv.us>. Copies of this notice and the proposed regulation will also be mailed to members of the public upon request. A reasonable fee may be charged for copies if it is deemed necessary.

Upon adoption of any regulation, the agency, if requested to do so by an interested person, either

before adoption or within 30 days thereafter, will 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.

This notice of workshop has been posted at the following locations:

Chiropractic Physicians' Board of Nevada website: <http://chirobd.nv.gov>
Notice.nv.gov

Chiropractic Physicians' Board of Nevada, 4600 Kietzke Lane, Suite M245, Reno, Nevada 89502

Office of the Attorney General, 100 N. Carson St., Carson City, NV 89701

Office of the Attorney General, Grant Sawyer Bldg., 555 E. Washington Ave., Las Vegas, NV 89101

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

PROPOSED REGULATION OF THE

CHIROPRACTIC PHYSICIANS' BOARD OF NEVADA

LCB File No. *****

July 18, 2019

EXPLANATION – Matter in *italics* is new; matter in brackets *[omitted material]* is material to be omitted.

AUTHORITY: NRS 634.030; §2, Stat. of Nev. 365, Secs. 1 & 10.5; §3, Stat. of Nev. 365, Sec. 6.

A REGULATION relating to content of continuing education courses, chiropractic physicians who desire to perform dry needling, and the proration of renewal fees for certain applicants for licensure or registration.

Section 1. NAC chapter 634 shall be amended to add the following new language:

634.3854. 1. Except as otherwise provided in subsection 7, the Board may approve

or endorse an educational class or a seminar if it ~~[is designed to advance the professional skills and knowledge of the chiropractic physicians licensed, or chiropractors' assistants certified, in this State for the purpose of ensuring an optimum quality of chiropractic health care.]~~ *addresses:*

(a) The practice of chiropractic as defined in NRS 634.013;

(b) The performing of a chiropractic adjustment as defined in NRS 634.014;

(c) Means to avoid the commission of gross malpractice as defined in NRS 634.015 or malpractice as defined in NRS 634.017;

(d) The performing of manipulation as defined in NRS 634.0173;

(e) The diagnosis and treatment of subluxation complex as defined in NRS 634.0175;

(f) Means to avoid committing any act of unprofessional conduct as defined in NRS 634.018 and as interpreted in NAC 634.430;

(g) Compliance with NRS and NAC chapters 634;

(h) Compliance with NRS chapter 629;

(i) Lifesaving skills as required by NRS 634.130(4).

2. The Board may approve or endorse the attendance by licensees or holders of certificates, in person or on-line, of an educational seminar or seminars if:

(a) The syllabus and curriculum of the instructors of the seminar or seminars and the required fee are submitted to the Board;

(b) The seminar or seminars provide instruction in conformity with subsection 3 or 4 of NRS 634.130, as applicable;

(c) The seminar or seminars [~~concern the clinical aspects of a practice or another topic that the Board determines to be in the best interest of the public~~] *conforms to subsection 1.*

(d) The sponsor of the seminar or seminars ensures that each licensee and holder of a certificate who requests credit for continuing education to satisfy the requirement set forth in subsection 3 or 4 of NRS 634.130, as applicable, attends at least 50 minutes of each hour of instruction;

(e) The seminar or seminars are sponsored by:

(1) A chiropractic college which has been accredited by:

(I) The Council on Chiropractic Education; or

(II) Another educational entity that has been approved by the Board;

(2) A state chiropractic board or association;

(3) The American Chiropractic Association, the International Chiropractors Association or the successor of either;

(4) A major hospital, as defined in NRS 439B.115;

(5) An accredited university or college; or

(6) A regulatory body as defined in NRS 622.060; and

(f) An original or a copy of a certificate of attendance at the seminar or seminars is provided directly to the Board by the sponsor, or licensee or holder of a certificate, as applicable, on or before January 1 of each odd-numbered year before the issuance of a renewal certificate.

3. As an alternative to the method of approval and endorsement provided in subsection 2, the Board will approve and endorse the attendance by licensees or holders of certificates, as applicable, in person or on-line, of an educational seminar or seminars if the seminar or seminars have been granted recognition status by the Providers of Approved Continuing Education of the Federation of Chiropractic Licensing Boards *and the subject matter conforms to subsection 1.*

4. The sponsor of the seminar or seminars shall ensure that each licensee or holder of a certificate, as applicable, attending that seminar is in attendance in a timely manner at the start of each lecture. If the sponsor fails to maintain the proper monitoring procedure, such failure may constitute grounds for the Board to withdraw its approval of a current or future seminar or seminars hosted or arranged by that sponsor.

5. The sponsor of a seminar shall allow any representative of the Board to attend all or part of the seminar in order to monitor the content of the course or lecture and the procedures for taking attendance. A representative who is taking the seminar to satisfy the requirements of subsection 3 or 4 of NRS 634.130, as applicable, shall pay the full registration fee.

6. The sponsor of a seminar which has received the approval of the Board shall report to the Board all changes in the seminar as soon as possible.

7. Except as otherwise provided in this subsection, the Board will not award credit for continuing education to a licensee or holder of a certificate, as applicable, for an educational class or seminar that is of a nonclinical nature, including, without limitation, an educational class or seminar regarding the building or management of a chiropractic practice *or whose subject matter does not conform with subsection 1*. For the purposes of this subsection, an educational class or seminar regarding proper billing procedures shall not be deemed to be an educational class or seminar regarding the building or management of a chiropractic practice.

8. The Board will not award credit for continuing education to an instructor of an educational class or seminar unless the instructor obtained from the Board approval for such credit before teaching the educational class or seminar.

9. Continuing education hours earned through the completion of a specific educational class or seminar may be counted only once during a calendar year toward the hours of continuing education required by subsection 3 or 4 of NRS 634.130, as applicable, even if the licensee or holder of a certificate completes that class or seminar more than once during that calendar year.

10. The Board will award credit for continuing education to a licensee or a holder of a certificate for all educational classes or seminars which are approved and endorsed by the Board pursuant to this section and are attended by the licensee or holder of a certificate.

Sec. 2. NAC chapter 634 shall be amended to add the following new language:

1. A chiropractic physician may not perform dry needling unless he is certified pursuant to this section. To obtain certification, a chiropractic physician shall:

(a) Apply on a form provided by the Board;

(b) Provide with the form copies of certificates evidencing successful completion of at least 50 hours of didactic education and training in dry needling.

2. The Board shall approve courses for the didactic education and training in dry needling where the courses are offered or certified by:

(a) The Federation of Chiropractic Licensing Boards;

(b) The American Chiropractic Association;

(c) The International Chiropractic Association;

(d) The Providers of Approved Continuing Education (PACE);

(e) The American Medical Association;

(f) The American Osteopathic Association;

(g) The Accreditation Council for Continuing Medical Education (ACCME); or

(h) The Nevada State Board of Oriental Medicine.

3. A chiropractic physician may maintain his or her certification to perform dry needling as long as he or she successfully completes at least four hours of continuing education related to dry needling for each renewal period.

4. Only a chiropractic physician may perform dry needling. A chiropractor's assistant may not perform dry needling.

Sec. 3. NAC chapter 634 shall be amended to add the following new language:

1. The renewal fee that would otherwise be due for a chiropractic physician shall be prorated:

(a) By 50% for any person who applies to become a chiropractic physician from January 1 to May 31 of any odd-numbered year; and

(b) By 100% for any person who applies to become a chiropractic physician from June 1 through December 31 of any odd-numbered year.

2. The renewal fee that would otherwise be due for a chiropractor's assistant shall be prorated:

(a) By 50% for any person who applies to become a chiropractor's assistant from January 1 to May 31 of any even-numbered year; and

(b) By 100% for any person who applies to become a chiropractor's assistant from June 1 through December 31 of any even-numbered year.