

CHAPTER.....

AN ACT relating to chiropractic; increasing the number of members of the Chiropractic Physicians' Board of Nevada; requiring any person who practices chiropractic and who does not maintain professional liability insurance to provide notice to patients that the person does not maintain such insurance; revising provisions governing disclosure by the Board of certain information related to investigations and disciplinary actions; increasing certain fees that may be charged by the Board; and providing other matters properly relating thereto.

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

Section 1. Chapter 634 of NRS is hereby amended by adding thereto a new section to read as follows:

1. If a person practices chiropractic in this State without maintaining professional liability insurance, the person shall:

(a) Post in a conspicuous place in each location at which the person practices chiropractic under his license a written disclosure which discloses to patients that the person does not maintain professional liability insurance; or

(b) Before providing any chiropractic treatment or care to a patient, give the patient a written disclosure which discloses to the patient that the person does not maintain professional liability insurance. The written disclosure may be included with other written information given to the patient.

2. The Board:

(a) Shall adopt regulations prescribing the form, size, contents and placement of the written disclosures required by this section; and

(b) May adopt any other regulations that are necessary to carry out the provisions of this section.

Sec. 2. NRS 634.018 is hereby amended to read as follows:

634.018 "Unprofessional conduct" means:

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

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

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

4. Advertising chiropractic business in which grossly improbable statements are made, advertising in any manner that will tend to deceive, defraud or mislead the public or preparing, causing

to be prepared, using or 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 his 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 indicates that the potential new patient may be vulnerable to undue influence, as described in this subsection.

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

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

(a) The medical records of the patient; ~~and~~ **or**

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

Sec. 3. NRS 634.020 is hereby amended to read as follows:

634.020 1. The Chiropractic Physicians' Board of Nevada, consisting of ~~six~~ **seven** members appointed by the Governor, is hereby created.

2. The Governor shall appoint:

(a) Four members who are:

(1) Graduates of chiropractic schools or colleges giving a course of study embracing the following subjects: Anatomy, bacteriology, chiropractic theory and practice, diagnosis or analysis, elementary chemistry and toxicology, histology, hygiene and sanitation, obstetrics and gynecology, pathology, physiology and symptomatology;

(2) Licensed under this chapter; and

(3) Actually engaged in the practice of chiropractic in this State and who have been so engaged in this State for at least 3 years preceding their appointment.

(b) One member who represents the interests of persons or agencies that regularly provide health care to patients who are indigent, uninsured or unable to afford health care. This member may be licensed under the provisions of this chapter.

(c) ~~One member who is a representative~~ **Two members who are representatives** of the general public. ~~This~~ **A member appointed pursuant to this paragraph** must not be:

(1) A chiropractor or a chiropractor's assistant; or

(2) The spouse or the parent or child, by blood, marriage or adoption, of a chiropractor or a chiropractor's assistant.

3. At least two of the appointees must have had a course in physiotherapy in a school or college of chiropractic. Not more than two persons who are resident graduates of the same school or college of chiropractic may serve simultaneously as members of the Board.

4. If a member is not licensed under the provisions of this chapter, the member shall not participate in preparing any examination required by the Board.

Sec. 3.5. NRS 634.135 is hereby amended to read as follows:
634.135 1. The Board may charge and collect fees not to exceed:

For an application for a license to practice chiropractic	\$200.00
For an examination for a license to practice chiropractic	200.00
For an application for, and the issuance of, a certificate as a chiropractor's assistant	100.00
For an examination for a certificate as a chiropractor's assistant.....	100.00
For the issuance of a license to practice chiropractic	300.00
For the annual renewal of a license to practice chiropractic.....	300.00 500.00
For the annual renewal of an inactive license to practice chiropractic.....	100.00 150.00
For the annual renewal of a certificate as a chiropractor's assistant.....	50.00 100.00
For the restoration to active status of an inactive license to practice chiropractic	300.00
For reinstating a license to practice chiropractic which has been suspended or revoked.....	500.00
For reinstating a certificate as a chiropractor's assistant which has been suspended pursuant to NRS 634.130	100.00
For a review of any subject on the examination.....	25.00
For the issuance of a duplicate license or for changing the name on a license	35.00
For written certification of licensure.....	25.00
For providing a list of persons who are licensed to practice chiropractic to a person who is not licensed to practice chiropractic	25.00
For providing a list of persons who were licensed to practice chiropractic following the most recent examination of the Board to a person who is not licensed to practice chiropractic	10.00
For a set of mailing labels containing the names and addresses of the persons who are licensed to practice chiropractic in this State.....	35.00

For providing a copy of the statutes, regulations and other rules governing the practice of chiropractic in this State to a person who is not licensed to practice chiropractic	\$25.00
For each page of a list of continuing education courses that have been approved by the Board	.50
For an application to a preceptor program offered by the Board to graduates of chiropractic schools or colleges	35.00
For a review by the Board of a course offered by a chiropractic school or college or a course of continuing education in chiropractic	10.00 25.00

2. In addition to the fees set forth in subsection 1, the Board may charge and collect reasonable and necessary fees for any other service it provides.

3. For a check made payable to the Board that is dishonored upon presentation for payment, the Board shall assess and collect a fee in the amount established by the State Controller pursuant to NRS 353C.115.

Sec. 4. NRS 634.214 is hereby amended to read as follows:

634.214 1. Except as otherwise provided in this section, a complaint filed with the Board, all documents and other information filed with the complaint and all documents and other information compiled as a result of the investigation conducted to determine whether to initiate disciplinary action are confidential ~~and~~ *and may be disclosed in whole or in part only as necessary in the course of administering this chapter or to a licensing board or agency or any other governmental agency, including, without limitation, a law enforcement agency, that is investigating a person who is licensed pursuant to the provisions of this chapter.*

2. The complaint or other document filed by the Board to initiate disciplinary action and all documents and information considered by the Board when determining whether to impose discipline are public records.

Sec. 5. The Governor shall appoint to the Chiropractic Physicians' Board of Nevada the additional representative of the general public required by paragraph (c) of subsection 2 of NRS 634.020, as amended by section 3 of this act, to a term that begins on November 1, 2005, and expires on October 31, 2009.

