

SENATE BILL NO. 174—SENATOR CARLTON

MARCH 10, 2005

Referred to Committee on Commerce and Labor

SUMMARY—Makes various changes relating to chiropractic.
(BDR 54-699)

FISCAL NOTE: Effect on Local Government: Increases or Newly
Provides for Term of Imprisonment in County or City
Jail or Detention Facility.
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; 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



1 *patient that the person does not maintain professional liability*
2 *insurance. The written disclosure may be included with other*
3 *written information given to the patient.*

4 **2. The Board:**

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

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

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

11 634.018 "Unprofessional conduct" means:

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

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

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

18 4. Advertising chiropractic business in which grossly
19 improbable statements are made, advertising in any manner that will
20 tend to deceive, defraud or mislead the public or preparing, causing
21 to be prepared, using or participating in the use of any form of
22 public communication that contains professionally self-laudatory
23 statements calculated to attract lay patients. As used in this
24 subsection, "public communication" includes, but is not limited to,
25 communications by means of television, radio, newspapers, books
26 and periodicals, motion picture, handbills or other printed matter.

27 5. Willful disobedience of the law, or of the regulations of the
28 State Board of Health or of the Chiropractic Physicians' Board of
29 Nevada.

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

33 7. Administering, dispensing or prescribing any controlled
34 substance.

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

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

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

43 11. Violating, or attempting to violate, directly or indirectly, or
44 assisting in or abetting the violation of, or conspiring to violate, any
45 provision of this chapter or the regulations adopted by the Board, or



1 any other statute or regulation pertaining to the practice of
2 chiropractic.

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

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

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

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

17 (b) "Solicitation" means the attempt to acquire a new patient
18 through information obtained from a law enforcement agency,
19 medical facility or the report of any other party, which information
20 indicates that the potential new patient may be vulnerable to undue
21 influence, as described in this subsection.

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

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

31 (a) The medical records of the patient; ~~hand~~ or

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

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

35 634.020 1. The Chiropractic Physicians' Board of Nevada,
36 consisting of ~~six~~ **seven** members appointed by the Governor, is
37 hereby created.

38 2. The Governor shall appoint:

39 (a) Four members who are:

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



1 (2) Licensed under this chapter; and
2 (3) Actually engaged in the practice of chiropractic in this
3 State and who have been so engaged in this State for at least 3 years
4 preceding their appointment.

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

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

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

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

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

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

23 **Sec. 3.5.** NRS 634.135 is hereby amended to read as follows:

24 634.135 1. The Board may charge and collect fees not to
25 exceed:

26	
27	For an application for a license to practice
28	chiropractic \$200.00
29	For an examination for a license to practice
30	chiropractic 200.00
31	For an application for, and the issuance of, a
32	certificate as a chiropractor's assistant 100.00
33	For an examination for a certificate as a
34	chiropractor's assistant..... 100.00
35	For the issuance of a license to practice
36	chiropractic 300.00
37	For the annual renewal of a license to
38	practice chiropractic..... 300.00 <i>500.00</i>
39	For the annual renewal of an inactive license
40	to practice chiropractic..... 100.00 <i>150.00</i>
41	For the annual renewal of a certificate as a
42	chiropractor's assistant..... 50.00 <i>100.00</i>
43	For the restoration to active status of an
44	inactive license to practice chiropractic..... 300.00



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

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

44 3. For a check made payable to the Board that is dishonored
45 upon presentation for payment, the Board shall assess and collect a



1 fee in the amount established by the State Controller pursuant to
2 NRS 353C.115.

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

4 634.214 1. Except as otherwise provided in this section, a
5 complaint filed with the Board, all documents and other information
6 filed with the complaint and all documents and other information
7 compiled as a result of the investigation conducted to determine
8 whether to initiate disciplinary action are confidential ~~H~~ *and may*
9 *be disclosed in whole or in part only as necessary in the course of*
10 *administering this chapter or to a licensing board or agency or*
11 *any other governmental agency, including, without limitation, a*
12 *law enforcement agency, that is investigating a person who is*
13 *licensed pursuant to the provisions of this chapter.*

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

18 **Sec. 5.** The Governor shall appoint to the Chiropractic
19 Physicians' Board of Nevada the additional representative of the
20 general public required by paragraph (c) of subsection 2 of NRS
21 634.020, as amended by section 3 of this act, to a term that begins
22 on November 1, 2005, and expires on October 31, 2009.



