

Amendment No. 11

Senate Amendment to Senate Bill No. 19	(BDR 54-573)
Proposed by: Senate Committee on Commerce and Labor	
Amends: Summary: Yes Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes	

Adoption of this amendment will MAINTAIN the 2/3s majority vote requirement for final passage of S.B. 19 (§§ 1, 3).

ASSEMBLY ACTION		Initial and Date	SENATE ACTION		Initial and Date
Adopted	☐	Lost ☐	Adopted	☐	Lost ☐
Concurred In	☐	Not ☐	Concurred In	☐	Not ☐
Receded	☐	Not ☐	Receded	☐	Not ☐

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) *green bold italic underlining* is new language proposed in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill that is proposed to be retained in this amendment; and (6) *green bold* is newly added transitory language.

TMC/BJE



Date: 4/9/2007

S.B. No. 19—Revises provisions relating to licenses and certificates issued by the Chiropractic Physicians' Board of Nevada. (BDR 54-573)



SENATE BILL NO. 19—COMMITTEE ON COMMERCE AND LABOR

(ON BEHALF OF THE CHIROPRACTIC PHYSICIANS'
BOARD OF NEVADA)

PREFILED JANUARY 26, 2007

Referred to Committee on Commerce and Labor

SUMMARY—Revises provisions relating to ~~licenses and certificates issued by~~ the Chiropractic Physicians' Board of Nevada. (BDR 54-573)

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 the Chiropractic Physicians' Board of Nevada; providing requirements for the reinstatement of certain licenses that have been suspended; revising provisions governing the renewal of a license or certificate; increasing the number of hours of continuing education required for the renewal of a license; **increasing the maximum amount of certain fees that the Board may charge**; eliminating the requirement that the Board file certain orders relating to the discipline of a licensee with the county recorder; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, a license or certificate issued by the Chiropractic Physicians' Board of Nevada must be renewed annually and a licensee must complete at least 12 hours of continuing education annually. (NRS 634.130) **Section 2** of this bill revises the renewal requirement for a license or certificate to provide that a license or certificate must be renewed biennially. **Section 2** also increases the number of hours of continuing education a licensee must complete.

Existing law authorizes the Board to charge various fees up to a maximum amount as indicated by statute. (NRS 634.135) Section 3 of this bill revises the ~~fee schedule for the renewal of a license or certificate to~~ **existing statutory schedule of maximum fees: (1) to reflect the renewal of a license or certificate biennially** ~~to~~; **(2) to clarify the purpose of the existing fee for written certification of licensure; and (3) to increase the fee for the review by the Board of various courses of continuing education in chiropractic.**

Existing law also provides that if a licensee or holder of a certificate does not renew a license or certificate on time or fails to notify the Board of a change in the location of the office of the licensee or holder, the license or certificate of the person will be automatically suspended. (NRS 634.130) **Section 2** of this bill provides that a license that was suspended for the failure to renew on time or the failure to notify the Board of a change in location may be reinstated by paying the reinstatement and renewal fees within 1 year of the original renewal deadline. **Section 1** of this bill provides for the reinstatement of suspended licenses that have not been reinstated within 1 year.

Existing law provides that every order of the Board which limits the practice of chiropractic or suspends or revokes a license must be filed with the county recorder. (NRS 634.200) **Section 4** of this bill eliminates this requirement.

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 license has been automatically suspended pursuant to the provisions of subsection 5 of NRS 634.130 and not reinstated pursuant to the provisions of that subsection, the person who held the license may apply to the Board to have the license reinstated to ~~either~~ active status ~~for inactive status~~.*

2. An applicant to have a suspended license reinstated to active status pursuant to subsection 1 must:

(a) Either:

(I) Submit satisfactory evidence to the Board: ~~that~~

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

~~— (b) Submit satisfactory evidence to the Board from~~

(II) From all other licensing agencies which have issued him a license that he is in good standing and has no legal actions pending against him;

and

~~— (c) Submit satisfactory evidence to the Board that~~

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

~~— (d)~~

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

~~— (e)~~

(b) Pay:

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

(2) The fee for reinstating a license to practice chiropractic which has been suspended or revoked ~~for~~ and

~~— (3) The fee for the biennial renewal of an inactive license to practice chiropractic, on a pro rata basis, for each year during which the license was suspended.~~

3. If any of the requirements set forth in subsection 2 are not met by an applicant for the reinstatement of a suspended license to active status, the Board, before reinstating the license of the applicant to active status:

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

(b) May require the applicant to:

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

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

~~4. An applicant to have a suspended license reinstated to inactive status pursuant to subsection 1 must:~~

~~(a) Submit satisfactory evidence to the Board that he has maintained an active practice in another state, territory or country within the preceding 5 years;~~

~~(b) Submit satisfactory evidence to the Board from all other licensing agencies which have issued him a license that he is in good standing and has no legal actions pending against him;~~

~~(c) Score 75 percent or higher on an examination prescribed by the Board on the provisions of this chapter and the regulations adopted by the Board; and~~

~~(d) Pay:~~

~~(1) The fee for reinstating a license to practice chiropractic which has been suspended or revoked; and~~

~~(2) The fee for the biennial renewal of an inactive license to practice chiropractic, on a pro rata basis, for each year during which the license was suspended.~~

~~5. If any of the requirements set forth in subsection 4 are not met by an applicant for the reinstatement of a suspended license to inactive status, the Board, before reinstating the license of the applicant to inactive status:~~

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

~~(b) May require the applicant to satisfy any additional requirements that the Board deems to be necessary.~~

Sec. 2. NRS 634.130 is hereby amended to read as follows:

634.130 1. Licenses and certificates must be renewed ~~annually;~~ **biennially.**

Each person who is licensed pursuant to the provisions of this chapter must, upon the payment of the required renewal fee and the submission of all information required to complete the renewal, be granted a renewal certificate which authorizes him to continue to practice for ~~1 year;~~ **2 years.**

2. The renewal fee must be paid and all information required to complete the renewal must be submitted to the Board on or before January 1 of ~~the year to which it applies;~~ **each odd-numbered year.**

3. Except as otherwise provided in subsection 4, a licensee in active practice within this State must submit satisfactory proof to the Board that **, during the 24 months immediately preceding the renewal date of his license,** he has attended at least ~~36~~ **24** hours of continuing education which is approved or endorsed by the Board. The educational requirement of this section may be waived by the Board if the licensee files with the Board a statement of a chiropractic physician, osteopathic physician or doctor of medicine certifying that the licensee is suffering from a serious or disabling illness or physical disability which prevented him from completing the requirements for continuing education during the ~~36~~ **24** months immediately preceding the renewal date of his license.

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

5. If a licensee fails to:

(a) Pay his renewal fee by January 1 ~~of an odd-numbered year;~~

(b) Submit proof of continuing education pursuant to subsection 3;

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

(d) Submit all information required to complete the renewal,

his license is automatically suspended and **, except as otherwise provided in section 1 of this act,** may be reinstated only upon the payment **, by January 1 of**

the even-numbered year following the year in which the license was suspended,
of the required fee for reinstatement in addition to the renewal fee.

6. If a holder of a certificate as a chiropractor's assistant fails to:

(a) Pay his renewal fee by January 1 ~~of an odd-numbered year;~~

(b) Notify the Board of a change in the location of his office pursuant to NRS 634.129; or

(c) Submit all information required to complete the renewal,
his certificate is automatically suspended and may be reinstated only upon the payment of the required fee for reinstatement in addition to the renewal fee ~~for each period of renewal during which the certificate was suspended.~~

Sec. 3. 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 <i>biennial</i> renewal of a license to practice chiropractic.....	500.00 1,000.00
For the annual <i>biennial</i> renewal of an inactive license to practice chiropractic.....	150.00 300.00
For the annual <i>biennial</i> renewal of a certificate as a chiropractor's assistant.....	100.00 200.00
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 <i>verification</i> of licensure <i>or issuance of a certificate of good standing</i>	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..... ~~15~~ 35.00

For a review by the Board of a course of continuing education in
chiropractic offered by a nonprofit professional chiropractic
association of this State or another state 25.00

For a review by the Board of a course of continuing education in
chiropractic offered by a chiropractic school or college ~~for a
course of continuing education in chiropractic 25.00~~
accredited by the Council on Chiropractic Education 200.00

For a review by the Board of a course of continuing education in
chiropractic offered by a commercial entity, an association
that is not a nonprofit professional chiropractic association
of this State or another state, or a chiropractic school or
college that is not accredited by the Council on Chiropractic
Education 500.00

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 or other method of payment made payable to the Board or tendered to the Board that is returned to the Board or otherwise 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 634.200 is hereby amended to read as follows:

634.200 1. Any person who has been placed on probation or whose license has been limited, suspended or revoked by the Board is entitled to judicial review of the Board's order.

~~2. Every order of the Board which limits the practice of chiropractic or suspends or revokes a license is effective from the date the Secretary certifies the order to the proper county recorder until the order is modified or reversed by a final judgment of the court.~~

~~3.~~ The district court shall give a petition for judicial review of the Board's order priority over other civil matters which are not expressly given that priority by law.

Sec. 5. This act becomes effective on July 1, 2007.