

Amendment No. 39

Senate Amendment to Senate Bill No. 26	(BDR 54-349)
Proposed by: Senate Committee on Commerce and Labor	
Amends: Summary: No Title: No Preamble: No Joint Sponsorship: No Digest: Yes	

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 dashed underlining* is newly added transitory language.

AAK/WLK



Date: 4/1/2009

S.B. No. 26—Revises provisions governing chiropractic physicians. (BDR 54-349)



SENATE BILL NO. 26—COMMITTEE ON COMMERCE AND LABOR

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

PREFILED DECEMBER 5, 2008

Referred to Committee on Commerce and Labor

SUMMARY—Revises provisions governing chiropractic physicians.
(BDR 54-349)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 chiropractic physicians; including certain activities within the scope of unprofessional conduct; allowing the Chiropractic Physicians' Board of Nevada to impose a fine for each act which constitutes a ground for disciplinary action under chapter 634 of NRS; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 1 of this bill includes within the definition of "unprofessional conduct" the violation of any **lawful** order of or agreement with the Chiropractic Physicians' Board of Nevada and of any statute or regulation governing chiropractic physicians. (NRS 634.018)

Section 2 of this bill authorizes the imposition of a fine of up to \$10,000 for each act that constitutes a ground for disciplinary action under chapter 634 of NRS. (NRS 634.190)

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

Section 1. 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; or

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

17. Violating ~~any~~ a lawful order of the Board, ~~any~~ a lawful agreement with the Board, or any of the provisions of this chapter or any regulation adopted pursuant thereto.

1 **Sec. 2.** NRS 634.190 is hereby amended to read as follows:

2 634.190 1. The person charged is entitled to a hearing before the Board, but
3 the failure of the person charged to attend his hearing or his failure to defend
4 himself does not delay or void the proceedings. The Board may, for good cause
5 shown, continue any hearing from time to time.

6 2. If the Board finds the person guilty as charged in the complaint, it may by
7 order:

8 (a) Place the person on probation for a specified period or until further order of
9 the Board.

10 (b) Administer to the person a public reprimand.

11 (c) Limit the practice of the person to, or by the exclusion of, one or more
12 specified branches of chiropractic.

13 (d) Suspend the license of the person to practice chiropractic for a specified
14 period or until further order of the Board.

15 (e) Revoke the license of the person to practice chiropractic.

16 (f) Impose a fine of not more than \$10,000 ~~for~~ *for each act which constitutes a*
17 *ground for disciplinary action*, which must be deposited with the State Treasurer
18 for credit to the State General Fund.

19 ➤ The order of the Board may contain such other terms, provisions or conditions as
20 the Board deems proper and which are not inconsistent with law.

21 3. If the Board finds that a licensee has violated the provisions of NRS
22 439B.425, the Board shall suspend his license for a specified period or until further
23 order of the Board.

24 4. The Board shall not administer a private reprimand.

25 5. An order that imposes discipline and the findings of fact and conclusions of
26 law supporting that order are public records.