

## Amendment No. 430

Assembly Amendment to Assembly Bill No. 382 (BDR 54-1006)

**Proposed by:** Assembly Committee on Commerce and Labor**Amends:** Summary: No 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 A.B. 382 (§ 8).

| ASSEMBLY ACTION |                          |      | Initial and Date               | SENATE ACTION |                          |      | Initial and Date               |
|-----------------|--------------------------|------|--------------------------------|---------------|--------------------------|------|--------------------------------|
| Adopted         | <input type="checkbox"/> | Lost | <input type="checkbox"/> _____ | Adopted       | <input type="checkbox"/> | Lost | <input type="checkbox"/> _____ |
| Concurred In    | <input type="checkbox"/> | Not  | <input type="checkbox"/> _____ | Concurred In  | <input type="checkbox"/> | Not  | <input type="checkbox"/> _____ |
| Receded         | <input type="checkbox"/> | Not  | <input type="checkbox"/> _____ | Receded       | <input type="checkbox"/> | Not  | <input type="checkbox"/> _____ |

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 underlining*** is newly added transitory language.

TMC/SLP



Date: 4/19/2011

A.B. No. 382—Requires the Chiropractic Physicians' Board of Nevada to establish a preceptor program. (BDR 54-1006)



ASSEMBLY BILL NO. 382—ASSEMBLYMEN HAMMOND,  
OHRENSCHALL, SHERWOOD; AND WOODBURY

MARCH 21, 2011

Referred to Committee on Commerce and Labor

SUMMARY—Requires the Chiropractic Physicians' Board of Nevada to establish a preceptor program. (BDR 54-1006)

FISCAL NOTE: Effect on Local Government: No.  
Effect on the State: Yes.

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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 health care; requiring the Chiropractic Physicians' Board of Nevada to establish a preceptor program; prescribing requirements for participation in the program; authorizing unlicensed persons participating in the program to perform chiropractic under certain circumstances; authorizing an applicant for a license to practice chiropractic to perform chiropractic adjustment or manipulation under certain circumstances; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Under existing law, with certain exceptions, a person is not allowed to engage in the practice of chiropractic unless he or she is licensed by the Chiropractic Physicians' Board of Nevada. (NRS 634.227) **Sections 3-5** of this bill require the Board to establish a preceptor program to enable a student who is enrolled in a college of chiropractic and satisfies other eligibility criteria to obtain supervised clinical experience under an agreement with a licensed chiropractor who is approved by the Board to act as a preceptor in the program. **Section 4** of this bill authorizes a student participating in the program to perform chiropractic, ~~other than~~ including chiropractic adjustment or manipulation, under the direct supervision of a preceptor for up to 1 year. Section 7 of this bill authorizes an applicant for a license to practice chiropractic to perform chiropractic adjustment or manipulation under the direct supervision of a chiropractor under certain circumstances. **Section 8** of this bill authorizes the Board to impose a fee for filing an application to participate in the preceptor program. **Section 9** of this bill provides that a student who participates in the program and who performs chiropractic does not violate the law prohibiting the unlicensed practice of chiropractic.

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

1       **Section 1.** Chapter 634 of NRS is hereby amended by adding thereto the  
2 provisions set forth as sections 2 to 5, inclusive, of this act.

3       **Sec. 2.** *“Manipulation” means an application of a resistive movement by*  
4 *applying a nonspecific force, without the use of a thrust, which is directed into a*  
5 *region and not into a focal point of the anatomy.*

6       **Sec. 3.** 1. *The Board shall establish a preceptor program to provide*  
7 *supervised clinical experience to students enrolled in colleges of chiropractic.*

8       2. *The Board shall adopt regulations to carry out the preceptor program*  
9 *required by this section. The regulations must include, without limitation:*

10       (a) *The application procedure for participation in the preceptor program;*

11       (b) *Eligibility requirements for students which are in addition to the*  
12 *requirements set forth in section 4 of this act;*

13       (c) *The form, content and provisions required for a preceptor agreement*  
14 *between a student and a chiropractor; and*

15       (d) *Eligibility requirements for the approval of a chiropractor to serve as a*  
16 *preceptor which are in addition to the requirements set forth in section 5 of this*  
17 *act.*

18       **Sec. 4.** 1. *A student who wishes to participate in the preceptor program*  
19 *established by the Board pursuant to section 3 of this act must:*

20       (a) *File with the Board an application in the form required by the Board;*

21       (b) *Pay the fee for filing an application required by NRS 634.135;*

22       (c) *Be enrolled in his or her final academic year at a college of chiropractic*  
23 *that meets the criteria established in paragraph (b) of subsection 1 of NRS*  
24 *634.090;*

25       (d) *Have completed all clinical work required by the Board;*

26       (e) *Enter into a preceptor agreement with a chiropractor who is approved by*  
27 *the Board to act as a preceptor pursuant to section 5 of this act; and*

28       (f) *Comply with any other requirements prescribed by the Board.*

29       2. *The Board may approve or deny an application for a student who wishes*  
30 *to participate in the preceptor program and shall provide notice to the student of*  
31 *its decision.*

32       3. *A student who is approved to participate in the preceptor program:*

33       (a) *May perform chiropractic, ~~other than~~ including, without limitation,*  
34 *chiropractic adjustment or manipulation, under the direct supervision of a*  
35 *chiropractor who is approved to act as a preceptor pursuant to section 5 of this*  
36 *act.*

37       (b) *Shall not perform chiropractic as a participant in the preceptor program*  
38 *for more than 1 year.*

39       **Sec. 5.** 1. *A chiropractor who wishes to act as a preceptor pursuant to the*  
40 *preceptor program established by the Board pursuant to section 3 of this act*  
41 *must:*

42       (a) *File with the Board an application in the form required by the Board;*

43       (b) *Pay the fee for filing an application with the Board required by NRS*  
44 *634.135;*

45       (c) *Hold in good standing a license on active status issued pursuant to this*  
46 *chapter;*

47       (d) *Have malpractice insurance as may be required by the Board; and*

48       (e) *Comply with any other requirements prescribed by the Board.*

2. The Board may approve or deny an application for a chiropractor to act as a preceptor and shall give notice to the chiropractor of its decision.

Sec. 6. NRS 634.010 is hereby amended to read as follows:  
634.010 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 634.012 to 634.018, inclusive, and section 2 of this act have the meanings ascribed to them in those sections.

Sec. 7. NRS 634.105 is hereby amended to read as follows:  
634.105 ~~1-1~~ An applicant for a license to practice chiropractic who has the qualifications prescribed in NRS 634.090 may, while waiting to take the Board's examination but for no longer than 2 years, perform chiropractic, ~~but not~~ including without limitation, chiropractic adjustment or manipulation, under the direct supervision of a chiropractor who is professionally and legally responsible for the applicant's performance.

~~2. As used in this section, "manipulation" means an application of a resistive movement by applying a nonspecific force, without the use of a thrust, which is directed into a region and not into a focal point of the anatomy.~~

Sec. 8. 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<br>chiropractor's assistant.....                                                                                                     | 100.00   |
| For an examination for a certificate as a chiropractor's<br>assistant .....                                                                                                                          | 100.00   |
| For the issuance of a license to practice chiropractic .....                                                                                                                                         | 300.00   |
| For the biennial renewal of a license to practice chiropractic .....                                                                                                                                 | 1,000.00 |
| For the biennial renewal of an inactive license to practice<br>chiropractic.....                                                                                                                     | 300.00   |
| For the biennial renewal of a certificate as a chiropractor's<br>assistant .....                                                                                                                     | 200.00   |
| For the restoration to active status of an inactive license to<br>practice chiropractic.....                                                                                                         | 300.00   |
| For reinstating a license to practice chiropractic which has<br>been suspended or revoked .....                                                                                                      | 500.00   |
| For reinstating a certificate as a chiropractor's assistant which<br>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<br>name on a license .....                                                                                                               | 35.00    |
| For written verification of licensure or issuance of a certificate<br>of good standing.....                                                                                                          | 25.00    |
| For providing a list of persons who are licensed to practice<br>chiropractic to a person who is not licensed to practice<br>chiropractic.....                                                        | 25.00    |
| For providing a list of persons who were licensed to practice<br>chiropractic following the most recent examination of the<br>Board to a person who is not licensed to practice<br>chiropractic..... | 10.00    |
| For a set of mailing labels containing the names and addresses<br>of the persons who are licensed to practice chiropractic in<br>this State.....                                                     | 35.00    |

|    |                                                                |              |
|----|----------------------------------------------------------------|--------------|
| 1  | For providing a copy of the statutes, regulations and other    |              |
| 2  | rules governing the practice of chiropractic in this State to  |              |
| 3  | a person who is not licensed to practice chiropractic .....    | 25.00        |
| 4  | For each page of a list of continuing education courses that   |              |
| 5  | have been approved by the Board .....                          | .50          |
| 6  | For an application to a preceptor program offered by the       |              |
| 7  | Board to graduates of chiropractic schools or colleges .....   | \$35.00      |
| 8  | <i>For an application for a student or chiropractor to</i>     |              |
| 9  | <i>participate in the preceptor program established by the</i> |              |
| 10 | <i>Board pursuant to section 3 of this act.....</i>            | <i>35.00</i> |
| 11 | For a review by the Board of a course offered by a             |              |
| 12 | chiropractic school or college or a course of continuing       |              |
| 13 | education in chiropractic .....                                | 25.00        |

14  
15 2. In addition to the fees set forth in subsection 1, the Board may charge and  
16 collect reasonable and necessary fees for the expedited processing of a request or  
17 for any other incidental service it provides.

18 3. For a check or other method of payment made payable to the Board or  
19 tendered to the Board that is returned to the Board or otherwise dishonored upon  
20 presentation for payment, the Board shall assess and collect a fee in the amount  
21 established by the State Controller pursuant to NRS 353C.115.

22 **Sec. 9.** NRS 634.227 is hereby amended to read as follows:

23 634.227 1. A person who:

24 (a) Presents to the Board as his or her own the diploma, license or credentials  
25 of another;

26 (b) Gives false or forged evidence of any kind to the Board; or

27 (c) Practices chiropractic under a false or assumed name or falsely personates  
28 another licensee,

29 ☛ is guilty of a misdemeanor.

30 2. Except as otherwise provided in NRS 634.105, *and section 4 of this act*, a  
31 person who does not hold a license issued pursuant to this chapter and:

32 (a) Practices chiropractic in this State;

33 (b) Holds himself or herself out as a chiropractor;

34 (c) Uses any combination, variation or abbreviation of the terms  
35 "chiropractor," "chiropractic" or "chiropractic physician" as a professional or  
36 commercial representation; or

37 (d) Uses any means which directly or indirectly conveys to another person the  
38 impression that he or she is qualified or licensed to practice chiropractic,

39 ☛ is guilty of a category D felony and shall be punished as provided in NRS  
40 193.130.

41 **Sec. 10.** This act becomes effective:

42 1. Upon passage and approval for purposes of adopting regulations and  
43 performing any other preparatory administrative tasks that are necessary to carry  
44 out the provisions of this act; and

45 2. On October 1, 2011, for all other purposes.