

**Amendment No. 430**

Assembly Amendment to Assembly Bill No. 73 (BDR 54-538)

**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. 73 (§ 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.

KRO/TMC



Date: 4/14/2013

A.B. No. 73—Revises provisions governing the practice of chiropractic.  
(BDR 54-538)



## ASSEMBLY BILL NO. 73—ASSEMBLYMAN KIRNER

PREFILED JANUARY 29, 2013

Referred to Committee on Commerce and Labor

SUMMARY—Revises provisions governing the practice of chiropractic.  
(BDR 54-538)

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

~

EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to chiropractic; revising certain provisions governing unprofessional conduct by a chiropractor or chiropractor's assistant; revising the information which must be submitted by an applicant for a license to practice chiropractic; revising provisions relating to the score which an applicant must obtain on an examination for a license to practice chiropractic; revising provisions governing temporary licenses to practice chiropractic; revising provisions governing the renewal of a license to practice chiropractic and a certificate as a chiropractor's assistant; revising provisions governing the reinstatement of a license to practice chiropractic; ~~revising the circumstances under which a chiropractor may pierce or cover any body tissue;~~ revising certain fees charged and collected by the Chiropractic Physicians' Board of Nevada; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Existing law provides that an applicant for a license to practice chiropractic in Nevada must submit an application to the Chiropractic Physicians' Board of Nevada and must obtain a passing score on an examination administered by the Board. (NRS 634.070, 634.080, 634.100) **Section 3** of this bill revises the information an applicant for a license to practice chiropractic must submit to the Board to include a copy of the applicant's official transcript from the school or college of chiropractic from which the applicant received his or her degree of doctor of chiropractic. **Section 4** of this bill revises provisions setting forth the passing score for the examination for a license to practice chiropractic.

Existing law provides that a chiropractor or chiropractor's assistant may be disciplined for unprofessional conduct. (NRS 634.018, 634.140) **Section 2** of this bill provides that unprofessional conduct includes advertising, by any form of public communication, a chiropractic practice: (1) using grossly improbable statements; or (2) in any manner that will tend to deceive, defraud or mislead the public.

Existing law provides that a temporary license to practice chiropractic in this State is valid for the 10-day period designated on the license and is not renewable. (NRS 634.115) **Section 5** of this bill revises provisions governing a temporary license to practice chiropractic in this State to provide that a temporary license is: (1) valid only for the period designated on the license, which must be not more than 10 days; (2) valid for the place of practice designated on the license; and (3) not renewable.

Existing law provides that the holder of a license to practice chiropractic or a certificate as a chiropractor's assistant must complete a certain number of hours of continuing education during the 24 months immediately preceding the renewal date of the license or certificate. Existing law additionally requires a licensee or holder of a certificate as a chiropractor's assistant to pay a fee upon the renewal of the license or certificate. (NRS 634.130) **Section 6** of this bill provides that the Board may waive the continuing education requirements for a licensee or holder of a certificate as a chiropractor's assistant if the licensee or holder of a certificate submits proof to the Board that the licensee or holder of a certificate was in active military service which prevented the licensee or holder of a certificate from completing the requirements for continuing education during the 24 months immediately preceding the renewal date of the license or certificate. **Section 6** also authorizes the Board to waive the renewal fee for such a licensee or holder of a certificate.

**Section 8** of this bill increases from \$25 to \$50 the fee which the Board may charge and collect for review of a course offered by a chiropractic school or college or a course of continuing education in chiropractic.

**Section 9** of this bill deletes a provision that authorizes a person whose license to practice chiropractic has been revoked to apply to the Board for the restoration of the license in certain circumstances.

~~Existing law prohibits a chiropractor from piercing or severing any body tissue, except to draw blood for diagnostic purposes. (NRS 634.225) Section 10 of this bill revises that provision to authorize a chiropractor to pierce or sever any body tissue for diagnostic purposes.~~

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

**Section 1.** ~~NRS 634.0173 is hereby amended to read as follows:~~  
~~634.0173 "Manipulation" means an application of a resistive movement by applying a nonspecific force, *with or* without the use of a thrust, which is directed into a region and not into a focal point of the anatomy.~~ (Deleted by amendment.)

**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 , *by any form of public communication*, a chiropractic ~~business in which~~ practice:

(a) Using grossly improbable statements ~~are made, advertising in~~ ; or

(b) In any manner that will tend to deceive, defraud or mislead the public . ~~for 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 the licensee's 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 a lawful order of the Board, a lawful agreement with the Board, or any of the provisions of this chapter or any regulation adopted pursuant thereto.

**Sec. 3.** NRS 634.080 is hereby amended to read as follows:

634.080 1. An applicant for examination must file an application not less than 60 days before the date of the examination.

2. An application must be filed with the Secretary of the Board on a form to be furnished by the Secretary.

3. An application must be verified and must state:

(a) When and where the applicant was born, the various places of the applicant's residence during the 5 years immediately preceding the making of the application and the address to which he or she wishes the Board to mail the license.

(b) The name, age and sex of the applicant.

(c) The names and post office addresses of all persons by whom the applicant has been employed for a period of 5 years immediately preceding the making of the application.

(d) Whether or not the applicant has ever applied for a license to practice chiropractic in any other state and, if so, when and where and the results of the application.

(e) Whether the applicant is a citizen of the United States or lawfully entitled to remain and work in the United States.

(f) Whether or not the applicant has ever been admitted to the practice of chiropractic in any other state and, if so, whether any discharge, dismissal, disciplinary or other similar proceedings have ever been instituted against the applicant. Such an applicant must also attach a certificate ~~to the Secretary of~~ *from the chiropractic board of ~~the~~ each state in which the applicant was ~~last~~ licensed,* certifying that the applicant is a member in good standing of the chiropractic profession in that state, and that no proceedings affecting the applicant's standing as a chiropractor are undisposed of and pending.

(g) The applicant's general and chiropractic education, including the schools attended and the time of attendance at each school, and whether the applicant is a graduate of any school or schools.

(h) The names of:

(1) Two persons who have known the applicant for at least 3 years; and

(2) A person who is a chiropractor licensed pursuant to the provisions of this chapter or a professor at a school of chiropractic.

(i) All other information required to complete the application.

*4. An application must include a copy of the applicant's official transcript from the school or college of chiropractic from which the applicant received his or her degree of doctor of chiropractic, which must be transmitted by the school or college of chiropractic directly to the Board.*

**Sec. 4.** NRS 634.100 is hereby amended to read as follows:

634.100 1. An applicant for a license to practice chiropractic in this State must pay the required fee to the Secretary of the Board not less than 60 days before the date of the examination.

2. Except as otherwise provided in NRS 622.090 ~~it~~:

*(a) For a written, closed-book examination which is administered in person by the Board, a score of 75 percent or higher in all subjects taken on the examination is a passing score.*

*(b) For a written, open-book examination which is administered in person by the Board or an examination that is taken online, a score of 90 percent or higher in all subjects taken on the examination is a passing score.*

3. If an applicant fails to pass the first examination, the applicant may take a second examination within 1 year without payment of any additional fees. Except as otherwise provided in NRS 622.090, credit must be given on this examination for all subjects previously passed. ~~[with a score of 75 percent or higher.]~~

4. An applicant for a certificate as a chiropractor's assistant must pay the required fee to the Secretary of the Board before the application may be considered.

**Sec. 5.** NRS 634.115 is hereby amended to read as follows:

634.115 1. Except as otherwise provided in subsections 4 and 5, upon application, payment of the required fee and the approval of its Secretary and President, the Board may, without examination, grant a temporary license to practice chiropractic in this State to a person who holds a corresponding license or certificate in another jurisdiction which is in good standing and who actively practices chiropractic in that jurisdiction. A temporary license may be issued for the limited purpose of authorizing the holder thereof to treat patients in this State.

2. Except as otherwise provided in this subsection, an applicant for a temporary license must file an application with the Secretary of the Board not less than 30 days before the applicant intends to practice chiropractic in this State. Upon the request of an applicant, the President or Secretary may, for good cause, authorize the applicant to file the application fewer than 30 days before he or she intends to practice chiropractic in this State.

3. An application for a temporary license must be accompanied by a fee of \$50 and include:

(a) The applicant's name, the address of his or her primary place of practice and the applicant's telephone number;

(b) A current photograph of the applicant measuring 2 by 2 inches;

(c) The name of the chiropractic school or college from which the applicant graduated and the date of graduation; and

(d) The number of the applicant's license to practice chiropractic in another jurisdiction.

4. A temporary license ~~is~~ :

(a) *Is* valid for the ~~10-day~~ period designated on the license, *which must be not more than 10 days;*

(b) *Is valid for the place of practice designated on the license;* and ~~is~~

(c) *Is* not renewable.

5. The Board may not grant more than two temporary licenses to an applicant during any calendar year.

**Sec. 6.** NRS 634.130 is hereby amended to read as follows:

634.130 1. Licenses and certificates must be renewed biennially. ~~Each~~ *Except as otherwise provided in subsection 9, each* person who is licensed *or holds a certificate as a chiropractor's assistant* 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 *license or* certificate which authorizes the person to continue to practice for 2 years.

2. ~~The~~ *Except as otherwise provided in subsection 9, 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:

(a) Each odd-numbered year for a licensee; and

(b) Each even-numbered year for a holder of a certificate as a chiropractor's assistant.

3. Except as otherwise provided in subsection 5 ~~for 6, 7~~, *6 or 7*, 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 the license, the licensee has attended at least 36 hours of continuing education which is approved or endorsed by the Board.

4. Except as otherwise provided in subsection 5 ~~for 7, 8~~, *6 or 8*, a holder of a certificate as a chiropractor's assistant in active practice within this State must submit satisfactory proof to the Board that, during the 24 months immediately preceding the renewal date of the certificate, the certificate holder has attended at least 12 hours of continuing education which is approved or endorsed by the Board or the equivalent board of another state or jurisdiction that regulates chiropractors' assistants. The continuing education required by this subsection may include education related to lifesaving skills, including, without limitation, a course in cardiopulmonary resuscitation. The Board shall by regulation determine how many of the required 12 hours of continuing education must be course work related to such lifesaving skills. Any course of continuing education approved or endorsed by the Board or the equivalent board of another state or jurisdiction pursuant to this subsection may be conducted via the Internet or in a live setting, including, without

1 limitation, a conference, workshop or academic course of instruction. The Board  
2 shall not approve or endorse a course of continuing education which is self-directed  
3 or conducted via home study.

4 5. The educational requirement of subsection 3 or 4 may be waived by the  
5 Board if the licensee or holder of a certificate as a chiropractor's assistant files with  
6 the Board a statement of a chiropractic physician, osteopathic physician or doctor  
7 of medicine certifying that the licensee or holder of a certificate as a chiropractor's  
8 assistant is suffering from a serious or disabling illness or physical disability which  
9 prevented the licensee or holder of a certificate as a chiropractor's assistant from  
10 completing the requirements for continuing education during the 24 months  
11 immediately preceding the renewal date of the license ~~or~~ *or certificate*.

12 6. *The Board may waive the educational requirement of subsection 3 or 4*  
13 *for a licensee or a holder of a certificate as a chiropractor's assistant if the*  
14 *licensee or holder of a certificate submits to the Board proof that the licensee or*  
15 *holder of a certificate was in active military service which prevented the licensee*  
16 *or holder of a certificate from completing the requirements for continuing*  
17 *education during the 24 months immediately preceding the renewal date of the*  
18 *license or certificate.*

19 7. A licensee is not required to comply with the requirements of subsection 3  
20 until the first odd-numbered year after the year the Board issues to the licensee an  
21 initial license to practice as a chiropractor in this State.

22 ~~7.7~~ 8. A ~~certificate~~ holder *of a certificate as a chiropractor's assistant* is  
23 not required to comply with the requirements of subsection 4 until the first even-  
24 numbered year after the Board issues to the ~~certificate~~ holder *of a certificate* an  
25 initial certificate to practice as a chiropractor's assistant in this State.

26 ~~8.8~~ 9. *The Board may waive the renewal fee for a licensee or holder of a*  
27 *certificate as a chiropractor's assistant if the licensee or holder of a certificate*  
28 *submits proof to the Board that the licensee or holder of a certificate was in*  
29 *active military service at the time the renewal fee was due.*

30 10. If a licensee fails to:

31 (a) ~~Pay~~ *Except as otherwise provided in subsection 9, pay* the renewal fee by  
32 January 1 of an odd-numbered year;

33 (b) ~~Submit~~ *Except as otherwise provided in subsection 5 or 6, submit* proof  
34 of continuing education pursuant to subsection 3;

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

37 (d) Submit all information required to complete the renewal,  
38 ~~the license is~~ automatically ~~suspended~~ *expires* and, except as otherwise  
39 provided in NRS 634.131, may be reinstated only upon the payment, by January 1  
40 of the even-numbered year following the year in which the license ~~was~~  
41 ~~suspended~~ *expired*, of the required fee for reinstatement in addition to the renewal  
42 fee.

43 ~~9.9~~ 11. If a holder of a certificate as a chiropractor's assistant fails to:

44 (a) ~~Pay~~ *Except as otherwise provided in subsection 9, pay* the renewal fee by  
45 January 1 of an even-numbered year;

46 (b) ~~Submit~~ *Except as otherwise provided in subsection 5 or 6, submit* proof  
47 of continuing education pursuant to subsection 4;

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

50 (d) Submit all information required to complete the renewal,  
51 ~~the certificate is~~ automatically ~~suspended~~ *expires* and may be reinstated only  
52 upon the payment of the required fee for reinstatement in addition to the renewal  
53 fee.

**Sec. 7.** NRS 634.131 is hereby amended to read as follows:

634.131 1. If a license ~~has been automatically suspended~~ *expires* pursuant to the provisions of subsection ~~10~~ *10* of NRS 634.130 and *the license was* 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 active status.

2. An applicant to have ~~is suspended~~ *an expired* license reinstated to active status pursuant to subsection 1 must:

(a) Either:

(1) Submit satisfactory evidence to the Board:

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

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

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

(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

(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~~ *expired*.

3. If any of the requirements set forth in subsection 2 are not met by an applicant for the reinstatement of ~~is suspended~~ *an expired* 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.

**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 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 biennial renewal of a license to practice chiropractic.....	1,000.00
For the biennial renewal of an inactive license to practice chiropractic.....	300.00
For the biennial renewal of a certificate as a chiropractor's assistant .....	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 <i>expired pursuant to NRS 634.130 or has</i> been suspended <del>for revoked</del> .....	500.00
For reinstating a certificate as a chiropractor's assistant which has <del>been suspended</del> <i>expired</i> pursuant to NRS 634.130 <i>or has been suspended</i> .....	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 verification of licensure or issuance of a certificate of good standing .....	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 an application for a student or chiropractor to participate in the preceptor program established by the Board pursuant to NRS 634.137.....	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 .....	<del>125.00</del> <i>50.00</i>

2. In addition to the fees set forth in subsection 1, the Board may charge and collect reasonable and necessary fees for the expedited processing of a request or for any other incidental 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. 9.** NRS 634.204 is hereby amended to read as follows:

634.204 1. Any person:

(a) Whose practice of chiropractic has been limited; or

(b) Whose license to practice chiropractic has been suspended until further order, ~~for revoked~~  
by an order of the Board may apply to the Board after a reasonable period for removal of the limitation or restoration of his or her license.

2. In hearing the application, the Board:

(a) May require the person to submit to a mental or physical examination by physicians or other appropriate persons whom it designates and submit such other evidence of changed conditions and of fitness as it deems proper;

1 (b) Shall determine whether under all the circumstances the time of the  
2 application is reasonable; and

3 (c) May deny the application or modify or rescind its order as it deems the  
4 evidence and the public safety warrant.

5 **Sec. 10.** ~~NRS 634.225 is hereby amended to read as follows:~~  
6 ~~634.225 A chiropractor shall not pierce or sever any body tissue, except [to~~  
7 ~~draw blood] for diagnostic purposes.]~~ (Deleted by amendment.)