

ASSEMBLY BILL NO. 457—COMMITTEE  
ON COMMERCE AND LABOR

MARCH 25, 2019

Referred to Committee on Commerce and Labor

SUMMARY—Revises provisions governing chiropractic physicians and chiropractor's assistants. (BDR 54-933)

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; revising provisions relating to membership of the Chiropractic Physicians' Board of Nevada; revising provisions governing the application for a license to practice chiropractic; revising the time period in which a qualified applicant for a license to practice chiropractic may practice while waiting to take the Board's examination; authorizing the Board to adopt certain regulations concerning the renewal of certain licenses and certificates; revising provisions governing disciplinary action by the Board; repealing the definition of gross malpractice; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Existing law creates the Chiropractic Physicians' Board of Nevada, consisting of seven members, and prohibits three or more persons who are resident graduates of the same school or college of chiropractic from serving on the Board at the same time. (NRS 634.020) **Section 1** of this bill this removes prohibition.

Existing law requires an applicant for a license to practice chiropractic, not less than 60 days before the date of the licensing examination, to: (1) file an application for examination with the Secretary of the Board; (2) submit certain evidence relating to his or her qualifications for licensure; and (3) pay the examination application fee. (NRS 634.080, 634.090, 634.100) **Sections 2-4** of this bill eliminate the requirement for such actions to be completed 60 days in advance. **Section 2** of this bill also prohibits an applicant from taking the licensing examination until the Board determines that his or her application is complete.

Existing law authorizes an applicant for a license to practice chiropractic who has certain qualifications to perform chiropractic under the direct supervision of a



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chiropractor while the applicant is waiting to take the Board's examination. Existing law prohibits an applicant from practicing in such a manner for longer than 2 years. (NRS 634.105) **Section 5** of this bill prohibits an applicant from practicing in such a manner for longer than 90 days.

Existing law requires a license to practice chiropractic or a certificate as a chiropractor's assistant to be renewed biennially. Existing law requires a chiropractor and a chiropractor's assistant to submit satisfactory proof to the Board that he or she attended a certain number of hours of continuing education. (NRS 634.130) **Section 6** of this bill authorizes the Board to adopt regulations that provide for random audits of chiropractors and chiropractor's assistants to ensure compliance with these continuing education requirements. Existing law authorizes the Board to waive the renewal fee for a chiropractor or a chiropractor's assistant if the chiropractor or chiropractor's assistant was in active military service at the time the renewal fee was due. (NRS 634.130) **Section 6** authorizes the Board to adopt regulations that provide for the prorating or waiving of a renewal fee if such prorating or waiving is based on the date on which: (1) the license to practice chiropractic or certificate to practice as a chiropractor's assistant was issued by the Board; and (2) such a license or certificate must be renewed. **Section 7** of this bill makes a conforming change.

Existing law prescribes the grounds for initiating disciplinary action, including conviction of a felony relating to the practice of chiropractic. (NRS 634.140) **Section 8** of this bill revises the grounds by including conviction for any crime and adding incompetence or negligence in the practice of chiropractic as a ground for disciplinary action.

Existing law provides that a person charged with a ground for disciplinary action is entitled to a hearing before the Board. Existing law further provides that if the Board finds the person guilty as charged in a complaint, the Board may order specified disciplinary actions. (NRS 634.190) **Section 9** of this bill revises provisions governing the Board's finding to whether the person violated one or more of the grounds made in the complaint. **Section 9** also provides that the Board's order of disciplinary action may contain such terms, provisions or conditions as the Board deems proper to remedy or address the facts and circumstances of the case.

Existing law provides immunity from civil action for the Board or any person or other organization which initiates or assists in any lawful investigation or proceeding concerning the discipline of a chiropractor for gross malpractice, repeated malpractice or unprofessional conduct. (NRS 634.216) Existing law provides that unprofessional conduct includes malpractice. (NRS 634.018) **Section 10** of this bill amends this provision to remove: (1) gross malpractice, the definition of which is repealed by **section 11** of this bill; and (2) repeated malpractice, which is no longer specified as an independent ground for disciplinary action.

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

**Section 1.** NRS 634.020 is hereby amended to read as follows:  
634.020 1. The Chiropractic Physicians' Board of Nevada,  
consisting of seven members appointed by the Governor, is hereby  
created.

2. The Governor shall appoint:

(a) Four members who are:



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

(2) Licensed under this chapter; and

(3) Actually engaged in the practice of chiropractic in this State and who have been so engaged in this State for at least 3 years preceding their appointment.

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

(c) Two members who are representatives of the general public. A member appointed pursuant to this paragraph must not be:

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

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

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

**Sec. 2.** 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. *An applicant may not take the examination until the Board determines that his or her application is complete.*

~~[3.]~~ 2. 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 from the chiropractic board of each state in which the applicant was 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.]~~ **3.** 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. 3.** NRS 634.090 is hereby amended to read as follows:

634.090 1. An applicant must, in addition to the requirements of NRS 634.070 and 634.080, furnish satisfactory evidence to the Board:

(a) That the applicant is of good moral character;

(b) Except as otherwise provided in subsections 2 and 5, ~~[not less than 60 days before the date of the examination,]~~ that the applicant has a high school education and is a graduate from a college of chiropractic which is accredited by the Council on Chiropractic Education or which has a reciprocal agreement with the Council on Chiropractic Education or any governmental accrediting agency, whose minimum course of study leading to the degree of doctor of chiropractic consists of not less than 4,000 hours of credit which includes instruction in each of the following subjects:

(1) Anatomy;

(2) Bacteriology;

(3) Chiropractic theory and practice;

(4) Diagnosis and chiropractic analysis;

(5) Elementary chemistry and toxicology;

(6) Histology;



- (7) Hygiene and sanitation;
- (8) Obstetrics and gynecology;
- (9) Pathology;
- (10) Physiology; and
- (11) Physiotherapy; and

(c) That the applicant:

(1) Holds certificates which indicate that he or she has passed parts I, II, III and IV, and the portion relating to physiotherapy, of the examination administered by the National Board of Chiropractic Examiners; or

(2) Has actively practiced chiropractic in another state for not fewer than 7 of the immediately preceding 10 years without having any adverse disciplinary action taken against him or her.

2. The Board may, for good cause shown, waive the requirement for a particular applicant that the college of chiropractic from which the applicant graduated must be accredited by the Council on Chiropractic Education or have a reciprocal agreement with the Council on Chiropractic Education or a governmental accrediting agency.

3. Except as otherwise provided in subsections 4 and 5, every applicant is required to submit evidence of the successful completion of not less than 60 credit hours at an accredited college or university.

4. Any applicant who has been licensed to practice in another state, and has been in practice for not less than 5 years, is not required to comply with the provisions of subsection 3.

5. If an applicant has received his or her training and education at a school or college located in a foreign country, the Board may, if the Board determines that such training and education is substantially equivalent to graduation from a college of chiropractic that is accredited by the Council on Chiropractic Education and otherwise meets the requirements specified in paragraph (b) of subsection 1, waive the requirement that an applicant attend or graduate from a college that:

(a) Is accredited by the Council on Chiropractic Education; or

(b) Has a reciprocal agreement with the Council on Chiropractic Education or a governmental accrediting agency.

**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:

(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.

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 634.105 is hereby amended to read as follows:

634.105 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~~ **90 days**, perform chiropractic, 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.

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

634.130 1. Licenses and certificates must be renewed biennially. Except as otherwise provided in subsection ~~9~~ **10 or 11**, 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. Except as otherwise provided in subsection ~~9~~ **10 or 11**, the renewal fee must be paid and all information required to complete the renewal must be submitted to the Board by 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, 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, 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 limitation, a conference, workshop or academic course of instruction. The Board shall not approve or endorse a course of continuing education which is self-directed or conducted via home study.

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

6. The Board may waive the educational requirement of subsection 3 or 4 for a licensee or a holder of a certificate as a chiropractor's assistant if the licensee or holder of a certificate submits to the Board proof 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.

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

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

9. *The Board may adopt regulations that provide for random audits of licensees and holders of a certificate as a chiropractor's*



*assistant to ensure compliance with subsection 3 or 4, as appropriate.*

**10.** The Board may waive the renewal fee 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 at the time the renewal fee was due.

~~H0.1~~ **11.** *The Board may adopt regulations that provide for the prorating or waiving of the renewal fee for a licensee or holder of a certificate as a chiropractor's assistant if such prorating or waiving is based upon the date on which:*

*(a) The Board issues a license to practice chiropractic or a certificate as a chiropractor's assistant; and*

*(b) Such license or certification must be renewed.*

**12.** If a licensee fails to:

(a) Except as otherwise provided in subsection ~~9.1~~ **10 or 11**, pay the renewal fee by January 1 of an odd-numbered year;

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

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

(d) Submit all information required to complete the renewal, ➤ the license automatically expires and, except as otherwise provided in NRS 634.131, may be reinstated only upon the payment, by January 1 of the even-numbered year following the year in which the license expired, of the required fee for reinstatement in addition to the renewal fee.

~~H1.1~~ **13.** If a holder of a certificate as a chiropractor's assistant fails to:

(a) Except as otherwise provided in subsection ~~9.1~~ **10 or 11**, pay the renewal fee by January 1 of an even-numbered year;

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

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

(d) Submit all information required to complete the renewal, ➤ the certificate automatically expires and may be reinstated only upon the payment of the required fee for reinstatement in addition to the renewal fee.

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

634.131 1. If a license expires pursuant to the provisions of subsection ~~H0.1~~ **12** 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 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;

(b) Pay:

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

(2) The fee for reinstating a license to practice chiropractic which has expired; and

(3) The fee for the processing of fingerprints established pursuant to subsection 4; and

(c) Submit a complete set of fingerprints and written permission authorizing the Board to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report.

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

4. The Board shall establish by regulation the fee for processing fingerprints. The fee must not exceed the sum of the amounts charged by the Central Repository for Nevada Records of Criminal History and the Federal Bureau of Investigation for processing the fingerprints.

**Sec. 8.** NRS 634.140 is hereby amended to read as follows:

634.140 The grounds for initiating disciplinary action pursuant to this chapter are:



1. Unprofessional conduct.

2. *Incompetence or negligence in the practice of chiropractic.*

3. Conviction of:

(a) A violation of any federal or state law regulating the possession, distribution or use of any controlled substance or any dangerous drug as defined in chapter 454 of NRS;

(b) A ~~felony~~ *crime* relating to the practice of chiropractic;

(c) A violation of any of the provisions of NRS 616D.200, 616D.220, 616D.240 or 616D.300 to 616D.440, inclusive; or

(d) Any offense involving moral turpitude.

~~3.4~~ 4. Suspension or revocation of the license to practice chiropractic by any other jurisdiction.

~~4.4~~ 5. Referring, in violation of NRS 439B.425, a patient to a health facility, medical laboratory or commercial establishment in which the licensee has a financial interest.

~~5.4~~ 6. Operation of a medical facility, as defined in NRS 449.0151, at any time during which:

(a) The license of the facility is suspended or revoked; or

(b) An act or omission occurs which results in the suspension or revocation of the license pursuant to NRS 449.160.

➤ This subsection applies to an owner or other principal responsible for the operation of the facility.

**Sec. 9.** NRS 634.190 is hereby amended to read as follows:

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

2. If the Board finds the person ~~guilty as charged~~ *violated one or more of the grounds made* in the complaint, it may by order:

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

(b) Administer to the person a public reprimand.

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

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

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

(f) Impose a fine of not more than \$5,000 for each act which constitutes a ground for disciplinary action, which must be deposited with the State Treasurer for credit to the State General Fund.

➤ The order of the Board may contain such other terms, provisions or conditions as the Board deems proper ~~and which are not~~



~~inconsistent with law.] to remedy or address the facts and circumstances of the particular case.~~

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

4. The Board shall not administer a private reprimand.

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

**Sec. 10.** NRS 634.216 is hereby amended to read as follows:

634.216 The Board or any person who or other organization which initiates or assists in any lawful investigation or proceeding concerning the discipline of a chiropractor for ~~[gross malpractice, repeated malpractice or]~~ unprofessional conduct is immune from any civil action for that initiation or assistance or any consequential damages, if the person or organization acted without malicious intent.

**Sec. 11.** NRS 634.015 is hereby repealed.

**Sec. 12.** This act becomes effective on July 1, 2019.

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#### TEXT OF REPEALED SECTION

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**634.015 “Gross malpractice” defined.** “Gross malpractice” means malpractice where the failure to exercise the requisite degree of care, diligence or skill consists of ministering to a patient while the chiropractor is under the influence of alcohol or any controlled substance.

