

Amendment No. 125

Assembly Amendment to Assembly Bill No. 210	(BDR 54-140)
Proposed by: Assembly Committee on Commerce and Labor	
Amends: Summary: No Title: No 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. 210 (§§ 3, 8).

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) variations of green bold underlining is language proposed to be added 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 proposed to be retained in this amendment.

WBD/WLK



Date: 4/12/2021

A.B. No. 210—Revises provisions governing the practice of chiropractic.
(BDR 54-140)



ASSEMBLY BILL NO. 210—ASSEMBLYMAN YEAGER

MARCH 8, 2021

Referred to Committee on Commerce and Labor

SUMMARY—Revises provisions governing the practice of chiropractic. (BDR 54-140)

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 chiropractic; requiring a business entity that provides chiropractic services to register with the Chiropractic Physicians' Board of Nevada; establishing certain duties of a registrant; revising terminology used to refer to a person who provides chiropractic services; revising certain qualifications of an applicant for a license to engage in the practice of chiropractic; authorizing a chiropractic physician to recommend, dispense or administer certain drugs and devices; creating a privilege for confidential communication between a patient and a chiropractic physician; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law regulates the licensing and certification of the practice of chiropractic. (Chapter 634 of NRS) **Section 2** of this bill defines "business entity" for the provisions relating to the practice of chiropractic. **Section 3** of this bill requires a business entity that provides chiropractic services to register with the Chiropractic Physicians' Board of Nevada. **Section 3** requires a business entity to notify the Board of any change to certain information submitted as part of an application for registration. **Section 4** of this bill requires a registered business entity to: (1) ensure that all chiropractic physicians and chiropractic assistants who provide chiropractic services in any facility owned or operated by the business entity comply with the provisions of existing law and regulations that govern the practice of chiropractic; (2) establish a written policy and procedure relating to the medical records of a patient; and (3) notify the Board if the business entity dissolves or a facility owned or operated by the business entity closes. **Section 6** of this bill requires the Board to keep records relating to registration of a business entity in the same manner as it keeps records of licensing and disciplinary actions. **Section 8** of this bill establishes the maximum fee for the issuance or renewal of a registration as a business entity that provides chiropractic services and requires the Board to charge and collect a fee established by regulation of the Board for the late renewal of such a registration. **Section 5** of this bill makes a conforming change to indicate the placement of **section 2** in the Nevada Revised Statutes.

Existing law provides grounds for initiating disciplinary action against practitioners of chiropractic. (NRS 634.018, 634.140) **Sections 9-15** of this bill make various changes to authorize the imposition of disciplinary action against a registered business entity, as applicable. **Section 18** of this bill makes it a category ~~B~~ **D** felony to own or operate a

business entity: (1) that provides chiropractic services without being appropriately registered with the Board; or (2) for which an unlicensed person engages in the practice of chiropractic. Sections 17 and 19 of this bill make conforming changes to reflect the registration requirement for a business entity that provides chiropractic services.

Existing law requires an applicant for a license to engage in the practice of chiropractic to meet certain requirements. (NRS 634.090) Section 7 of this bill revises certain requirements relating to the education of an applicant and the successful completion of an examination. Sections 6, 8, 15-19 and 22 of this bill change the title of a person practicing chiropractic from "chiropractor" to "chiropractic physician" and the title of a person assisting a chiropractic physician from a "chiropractor's assistant" to a "chiropractic assistant."

Existing law prohibits a chiropractic physician from administering or prescribing drugs. (NRS 634.220) Section 16 of this bill authorizes a chiropractic physician to recommend, dispense or administer any drug or device for which a prescription or order is not required.

Existing law establishes a privilege for a patient to refuse to disclose and prevent any other person from disclosing confidential communication with an allopathic or osteopathic physician or dentist. (NRS 49.215, 49.225) Section 20 of this bill extends this privilege to apply to confidential communications between a patient and a chiropractic physician.

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 the provisions set forth as sections 2, 3 and 4 of this act.

Sec. 2. *"Business entity" means a sole proprietorship or any lawful fictional entity by which business may be conducted lawfully in this State. The term does not include:*

1. *A facility wholly owned by one or more persons licensed pursuant to this chapter ~~for~~ or chapter 630 or 633 of NRS;*

2. *A sole proprietorship or partnership that consists solely of persons who are licensed pursuant to this chapter ~~for~~ or chapter 630 or 633 of NRS;*

3. *A professional corporation or professional limited liability company, the shares of which are wholly owned by a person or persons licensed pursuant to this chapter ~~for~~ or chapter 630 or 633 of NRS;*

4. *An administrator or executor of the estate of a deceased chiropractic physician or a person who is legally authorized to act for a chiropractic physician who has been adjudicated to be incapacitated for not more than 1 year after the date of the death or incapacitation of the chiropractic physician; or*

5. *A medical facility licensed pursuant to chapter 449 of NRS. ~~for~~*

~~6. A physician.~~

Sec. 3. 1. *To obtain a registration as a business entity that provides chiropractic services, a business entity must submit to the Board an application in the form prescribed by the Board. The application must be accompanied by the fee for the issuance of a registration required by NRS 634.135 and must include:*

(a) *The name, address and telephone number of the business entity;*

(b) *The name of any officer or director of the business entity; and*

(c) *The name of any chiropractic physician who is responsible for providing or supervising the provision of chiropractic services in any facility owned or operated by the business entity.*

2. *A registration as a business entity that provides chiropractic services expires on June 1 of each year and may be renewed by submitting to the Board before the expiration of the registration:*

(a) *An application for renewal in the form prescribed by the Board; and*

(b) *The renewal fee required by NRS 634.135.*

1 3. The Board may approve a late application for renewal that is
2 accompanied by the renewal fee required by NRS 634.135 and the additional late
3 fee prescribed by the Board pursuant to subsection 3 of NRS 634.135.

4 4. A business entity shall notify the Board in writing within 30 days after
5 any change to the information described in subsection 1.

6 5. The Board shall impose an administrative fine in an amount prescribed
7 by regulation of the Board against a registrant that does not comply with the
8 requirements of subsection 4.

9 **Sec. 4.** A business entity that is registered to provide chiropractic services
10 pursuant to section 3 of this act shall:

11 1. Ensure that all chiropractic physicians and chiropractic assistants who
12 provide chiropractic services in any facility owned or operated by the business
13 entity comply with the provisions of this chapter or the regulations adopted by the
14 Board, and any other statute or regulation pertaining to the practice of
15 chiropractic;

16 2. Establish a written policy and procedure for the secure storage and
17 transfer of the medical records of a patient and the access to those records by the
18 patient. The policy and procedure must include procedures for:

19 (a) Notifying each patient of the location to which his or her medical records
20 will be moved if the business entity ceases operations, is sold or ceases
21 maintaining medical records at the facility where the medical records are
22 currently maintained;

23 (b) Disposing of unclaimed medical records; and

24 (c) Responding to a request by a patient or a representative of the patient for
25 any copy of his or her medical records within the time period prescribed by NRS
26 629.061.

27 3. Not later than 30 days after the dissolution of the business entity or the
28 closing of any facility owned or operated by the business entity, notify the Board
29 of the dissolution or closure and the procedure by which a patient of the business
30 entity may obtain his or her medical records.

31 **Sec. 5.** NRS 634.010 is hereby amended to read as follows:

32 634.010 As used in this chapter, unless the context otherwise requires, the
33 words and terms defined in NRS 634.012 to 634.018, inclusive, and section 2 of
34 this act have the meanings ascribed to them in those sections.

35 **Sec. 6.** NRS 634.055 is hereby amended to read as follows:

36 634.055 1. The Board shall keep a record of its proceedings relating to
37 licensing, registration and disciplinary actions. Except as otherwise provided in
38 NRS 634.214, the records must be open to public inspection at all reasonable times
39 and must contain the name, known place of business and residence, and the date
40 and number of the license of every ~~chiropractor~~ chiropractic physician licensed
41 under this chapter. The Board may keep such other records as it deems desirable.

42 2. Except as otherwise provided in this subsection and NRS 239.0115, all
43 information pertaining to the personal background, medical history or financial
44 affairs of an applicant for licensure or licensee, an officer or director of an
45 applicant for registration or registrant or a chiropractic physician who provides
46 or supervises the provision of chiropractic services at the facility of an applicant
47 for registration or registrant which the Board requires to be furnished to it under
48 this chapter, or which it otherwise obtains, is confidential and may be disclosed in
49 whole or in part only as necessary in the course of administering this chapter or
50 upon the order of a court of competent jurisdiction. The Board may, under
51 procedures established by regulation, permit the disclosure of this information to
52 any agent of the Federal Government, of another state or of any political
53 subdivision of this State who is authorized to receive it.

3. Notice of the disclosure and the contents of the information disclosed pursuant to subsection 2 must be given to the ~~applicant or licensee~~ **person** who is the subject of that information.

Sec. 7. 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~~ **3** and ~~5~~ **6**, 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;~~ **its successor organization, or an accrediting agency recognized by that organization;** and

(c) ~~That~~ **Except as otherwise provided in subsection 2, that** the applicant has successfully ~~;~~

~~(1) Completed parts~~ **completed:**

(1) Parts I, II, III and IV, and the portion relating to physiotherapy, of the examination administered by the National Board of Chiropractic Examiners, or its successor organization; or

(2) ~~Completed an~~ An examination that is required to 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.~~ its successor organization, or an accrediting agency recognized by that organization. Such an examination must be:

(I) Administered by such a college; and

(II) Approved by the Board.

2. If an applicant has actively engaged in the practice of chiropractic in another state, the District of Columbia, the Commonwealth of Puerto Rico or any other territory or possession of the United States for not less than 7 of the immediately preceding 10 years without any adverse disciplinary action taken against him or her, the applicant is only required to have successfully completed those parts of the examination administered by the National Board of Chiropractic Examiners, or its successor organization, at the time that the applicant graduated from a college of chiropractic.

3. 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 ~~for have a reciprocal agreement with the Council on Chiropractic Education or a governmental~~

~~accrediting agency~~}, or its successor organization, or an accrediting agency recognized by that organization.

~~{3.}~~ 4. Except as otherwise provided in subsections ~~{4.}~~ 5 and ~~{5.}~~ 6, 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.}~~ 5. 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.}~~ 4.

~~{5.}~~ 6. If an applicant has received his or her training and education at a school or college located in a foreign country ~~{1.}~~ and the course of study leading to his or her degree of doctor of chiropractic consisted of not less than 4,000 hours of instruction, 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.}~~, or its successor organization, waive the requirement that an applicant attend or graduate from a college that ~~{1.}~~

~~— (a) Is~~ is accredited by the Council on Chiropractic Education, ~~{1.}~~ or

~~{(b) Has a reciprocal agreement with the Council on Chiropractic Education or a governmental accrediting agency.}~~ its successor organization, or an accrediting agency recognized by that organization.

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} chiropractic assistant.....	100.00
For an examination for a certificate as a {chiropractor's}	
chiropractic 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}	
chiropractic 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	
expired pursuant to NRS 634.130 or has been	
suspended	500.00
For reinstating a certificate as a {chiropractor's}	
chiropractic assistant which has expired pursuant to	
NRS 634.130 or has been suspended.....	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

1	For providing a list of persons who were licensed to	
2	practice chiropractic following the most recent	
3	examination of the Board to a person who is not	
4	licensed to practice chiropractic	10.00
5	For a set of mailing labels containing the names and	
6	addresses of the persons who are licensed to practice	
7	chiropractic in this State	35.00
8	For providing a copy of the statutes, regulations and other	
9	rules governing the practice of chiropractic in this State	
10	to a person who is not licensed to practice chiropractic.....	\$25.00
11	For each page of a list of continuing education courses that	
12	have been approved by the Board.....	.50
13	For an application to a preceptor program offered by the	
14	Board to graduates of chiropractic schools or colleges.....	35.00
15	For an application for a student or chiropractor	
16	<i>chiropractic physician</i> to participate in the preceptor	
17	program established by the Board pursuant to NRS	
18	634.137	35.00
19	For a review by the Board of a course offered by a	
20	chiropractic school or college or a course of continuing	
21	education in chiropractic	50.00
22	<i>For the issuance or renewal of a registration as a business</i>	
23	<i>entity that provides chiropractic services</i>	<i>200.00</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. *In addition to the fees set forth in subsection 1, the Board shall charge and collect a fee in an amount established by regulation of the Board for the late renewal of a registration as a business entity that provides chiropractic services.*

4. 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 634.140 is hereby amended to read as follows:

634.140 The *following acts, as applied to a licensee, an officer or director of a registrant or a person who provides or supervises the provision of chiropractic services at the facility of a registrant, are* grounds for initiating disciplinary action *against a licensee or registrant* 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 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.

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

5. Referring, in violation of NRS 439B.425, a patient to a health facility, medical laboratory or commercial establishment in which the licensee , *officer,*

1 *director or person providing or supervising the provision of chiropractic services*
2 has a financial interest.

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

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

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

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

10 **Sec. 10.** NRS 634.160 is hereby amended to read as follows:

11 634.160 1. The Board or any of its members who become aware that any
12 one or a combination of the grounds for initiating disciplinary action may exist as to
13 a person practicing chiropractic *or a business entity providing chiropractic*
14 *services* in this State shall, and any other person who is so aware may, file a written
15 complaint specifying the relevant facts with the Executive Director of the Board. A
16 complaint may be filed anonymously. If a complaint is filed anonymously, the
17 Board may accept the complaint but may refuse to consider the complaint if
18 anonymity of the complainant makes processing the complaint impossible or unfair
19 to the person *or entity* who is the subject of the complaint.

20 2. The Board shall retain all complaints filed with the Executive Director
21 pursuant to this section for at least 10 years, including, without limitation, any
22 complaints not acted upon.

23 **Sec. 11.** NRS 634.170 is hereby amended to read as follows:

24 634.170 1. When a complaint is filed with the Executive Director of the
25 Board, it must be considered by the President or a member of the Board designated
26 by the President. If, from the complaint or from other official records, it appears
27 that the complaint may be well founded in fact, the Executive Director shall cause
28 written notice of the charges in the complaint to be served upon the person *or*
29 *business entity* charged at least 20 days before the date fixed for the hearing. If the
30 Board receives a report pursuant to subsection 5 of NRS 228.420, a hearing must be
31 held within 30 days after receiving the report.

32 2. If the complaint is not deemed by the President or designated member of
33 the Board to be of sufficient import or sufficiently well founded to merit bringing
34 proceedings against the person *or business entity* charged, the complaint must be
35 held in abeyance and discussed at the next meeting of the Board.

36 **Sec. 12.** NRS 634.190 is hereby amended to read as follows:

37 634.190 1. The person *or business entity* charged is entitled to a hearing
38 before the Board, but the failure of the person charged *or a representative of the*
39 *business entity charged* to attend a hearing or to defend himself or herself *or the*
40 *business entity, as applicable*, does not delay or void the proceedings. The Board
41 may, for good cause shown, continue any hearing from time to time.

42 2. If the Board finds that the person *or business entity* committed one or more
43 of the charges made in the complaint, the Board may by order:

44 (a) Place the person *or business entity* on probation for a specified period or
45 until further order of the Board.

46 (b) Administer to the person *or business entity* a public reprimand.

47 (c) Limit the practice of the person *or business entity* to, or by the exclusion
48 of, one or more specified branches of chiropractic.

49 (d) Suspend the license of the person to practice chiropractic *or the*
50 *registration as a business entity that provides chiropractic services* for a specified
51 period or until further order of the Board.

52 (e) Revoke the license of the person to practice chiropractic ~~H~~ *or registration*
53 *as a business entity that provides chiropractic services*.

(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 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. 13. NRS 634.200 is hereby amended to read as follows:

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

2. 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. 14. 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 **or registration to operate a business entity offering chiropractic services** has been suspended until further order,

➤ 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 **H or registration.**

2. In hearing the application, the Board:

(a) May require the person **or an officer or director of the business entity, as applicable**, 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;

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

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

Sec. 15. 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~~ **chiropractic physician or a business entity that provides chiropractic services** 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. 16. NRS 634.220 is hereby amended to read as follows:

634.220 1. Nothing in this chapter shall be construed to permit a ~~chiropractor~~ **chiropractic physician** to practice medicine, osteopathic medicine, dentistry, optometry or podiatry, or to administer or prescribe drugs **H except where authorized by subsection 2.**

2. **A chiropractic physician may recommend, dispense or administer any drug or device for which the prescription or order of a practitioner is not required by federal or state law.**

3. **As used in this section, "practitioner" has the meaning ascribed to it in NRS 639.0125.**

1 **Sec. 17.** NRS 634.226 is hereby amended to read as follows:

2 634.226 Unless the Board determines that extenuating circumstances exist,
3 the Board shall forward to the appropriate law enforcement agency any
4 substantiated information submitted to the Board concerning ~~it~~:

5 1. A person who practices or offers to practice chiropractic or as a
6 ~~chiropractor's~~ **chiropractic** assistant without the appropriate license or certificate
7 issued pursuant to the provisions of this chapter.

8 2. **A business entity that provides chiropractic services without being**
9 **registered pursuant to the provisions of this chapter.**

10 **Sec. 18.** NRS 634.227 is hereby amended to read as follows:

11 634.227 1. A person who:

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

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

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

17 ↪ is guilty of a misdemeanor.

18 2. Except as otherwise provided in NRS 634.105, 634.117 and 634.1375, a
19 person who does not hold a license issued pursuant to this chapter and:

20 (a) Practices chiropractic in this State;

21 (b) Holds himself or herself out as a ~~chiropractor;~~ **chiropractic physician;**

22 (c) Uses any combination, variation or abbreviation of the terms
23 "chiropractor," "chiropractic" or "chiropractic physician" as a professional or
24 commercial representation; or

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

27 ↪ is guilty of a category D felony and shall be punished as provided in NRS
28 193.130, unless a greater penalty is provided pursuant to NRS 200.830 or 200.840.

29 3. In addition to any other penalty prescribed by law, if the Board determines
30 that a person has committed any act described in subsection 2, the Board may:

31 (a) Issue and serve on the person an order to cease and desist until the person
32 obtains from the Board the proper license or certificate or otherwise demonstrates
33 that he or she is no longer in violation of subsection 2. An order to cease and desist
34 must include a telephone number with which the person may contact the Board.

35 (b) Issue a citation to the person. A citation issued pursuant to this paragraph
36 must be in writing, describe with particularity the nature of the violation and inform
37 the person of the provisions of this paragraph. Each activity in which the person is
38 engaged constitutes a separate offense for which a separate citation may be issued.
39 To appeal a citation, the person must submit a written request for a hearing to the
40 Board not later than 30 days after the date of issuance of the citation.

41 (c) Assess against the person an administrative fine of not more than \$5,000.

42 (d) Impose any combination of the penalties set forth in paragraphs (a), (b) and
43 (c).

44 4. **A person who owns or operates a business entity that offers chiropractic**
45 **services:**

46 (a) **Which is not registered with the Board pursuant to section 3 of this act;**
47 **or**

48 (b) **For which a chiropractic physician who is not licensed pursuant to this**
49 **chapter engages in the practice of chiropractic,**

50 ↪ **is guilty of a category ~~(B)~~ D felony and shall be punished ~~(by imprisonment in~~**
51 **~~the state prison for a minimum term of not less than 1 year and a maximum term~~**
52 **~~of not more than 6 years.~~ as provided in NRS 193.130.**

1 **Sec. 19.** NRS 634.240 is hereby amended to read as follows:

2 634.240 1. In addition to any other remedy provided by law, the Board,
3 through its President, Secretary or its attorney, or the Attorney General, may bring
4 an action in any court of competent jurisdiction to enjoin any person who does not
5 hold a license issued by the Board from practicing chiropractic or representing
6 himself or herself to be a ~~chiropractor~~ **chiropractic physician or any business**
7 **entity that is providing chiropractic services and is not registered pursuant to**
8 **section 3 of this act.** As used in this subsection, “practicing chiropractic” includes
9 the conducting of independent examinations and the offering of opinions regarding
10 the treatment or care, or both, with respect to patients who are residents of this
11 State.

12 2. The court in a proper case may issue an injunction for such purposes
13 without proof of actual damage sustained by any person, this provision being a
14 preventive as well as a punitive measure. The issuance of such an injunction does
15 not relieve the person from criminal prosecution for a violation of NRS 634.227.

16 **Sec. 20.** NRS 49.215 is hereby amended to read as follows:

17 49.215 As used in NRS 49.215 to 49.245, inclusive:

18 1. A communication is “confidential” if it is not intended to be disclosed to
19 third persons other than:

20 (a) Those present to further the interest of the patient in the consultation,
21 examination or interview;

22 (b) Persons reasonably necessary for the transmission of the communication; or

23 (c) Persons who are participating in the diagnosis and treatment under the
24 direction of the doctor, including members of the patient’s family.

25 2. “Doctor” means a person licensed to practice medicine, dentistry or
26 osteopathic medicine **or chiropractic** in any state or nation, or a person who is
27 reasonably believed by the patient to be so licensed, and in addition includes a
28 person employed by a public or private agency as a psychiatric social worker, or
29 someone under his or her guidance, direction or control, while engaged in the
30 examination, diagnosis or treatment of a patient for a mental condition.

31 3. “Patient” means a person who consults or is examined or interviewed by a
32 doctor for purposes of diagnosis or treatment.

33 **Sec. 21.** 1. Notwithstanding any provision of this act to the contrary, any
34 business entity that is providing chiropractic services on or before January 1, 2022:

35 (a) May continue to provide such services without being registered with the
36 Chiropractic Physicians’ Board of Nevada pursuant to section 3 of this act until
37 July 1, 2022; and

38 (b) Must be registered pursuant to section 3 of this act if the entity continues to
39 provide such services after that date.

40 2. As used in this section, “business entity” has the meaning ascribed to it in
41 section 2 of this act.

42 **Sec. 22.** The Legislative Counsel shall:

43 1. In preparing the Nevada Revised Statutes, use the authority set forth in
44 subsection 10 of NRS 220.120 to substitute appropriately:

45 (a) The term “chiropractic physician” for the term “chiropractor” as previously
46 used in reference to the practice of chiropractic; and

47 (b) The term “chiropractic assistant” for the term “chiropractor’s assistant” as
48 previously used in reference to the practice of chiropractic.

49 2. In preparing supplements to the Nevada Administrative Code, substitute
50 appropriately:

51 (a) The term “chiropractic physician” for the term “chiropractor” as previously
52 used in reference to the practice of chiropractic; and

1 (b) The term “chiropractic assistant” for the term “chiropractor’s assistant” as
2 previously used in reference to the practice of chiropractic.

3 **Sec. 23.** 1. This section becomes effective upon passage and approval.

4 2. Sections 1 to 22, inclusive, of this act become effective:

5 (a) Upon passage and approval for the purpose of adopting any regulations and
6 performing any other preparatory administrative tasks that are necessary to carry
7 out the provisions of this act; and

8 (b) On January 1, 2022, for all other purposes.