

**MINUTES OF THE MEETING
OF THE
ASSEMBLY COMMITTEE ON COMMERCE AND LABOR**

**Eighty-Second Session
March 22, 2023**

The Committee on Commerce and Labor was called to order by Chair Elaine Marzola at 1:36 p.m. on Wednesday, March 22, 2023, in Room 4100 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. Copies of the minutes, including the Agenda [[Exhibit A](#)], the Attendance Roster [[Exhibit B](#)], and other substantive exhibits, are available and on file in the Research Library of the Legislative Counsel Bureau and on the Nevada Legislature's website at www.leg.state.nv.us/App/NELIS/REL/82nd2023.

COMMITTEE MEMBERS PRESENT:

Assemblywoman Elaine Marzola, Chair
Assemblywoman Sandra Jauregui, Vice Chair
Assemblywoman Shea Backus
Assemblyman Max Carter
Assemblywoman Bea Duran
Assemblywoman Melissa Hardy
Assemblywoman Heidi Kasama
Assemblywoman Daniele Monroe-Moreno
Assemblyman P.K. O'Neill
Assemblywoman Selena Torres
Assemblyman Steve Yeager
Assemblyman Toby Yurek

COMMITTEE MEMBERS ABSENT:

None

GUEST LEGISLATORS PRESENT:

None

STAFF MEMBERS PRESENT:

Marjorie Paslov-Thomas, Committee Policy Analyst
Cyndi Latour, Committee Manager
Julie Axelson, Committee Secretary
Garrett Kingen, Committee Assistant



OTHERS PRESENT:

Heidi Sterner, representing National Association of Benefits and Insurance Professionals, Nevada Chapter
Chris Carothers, President, Carothers Insurance Agency, LLC, Las Vegas, Nevada
Patrick Nuzzo, DN, Founder and President, Southwest University of Naprapathic Medicine
Ashley Cruz, representing Southwest University of Naprapathic Medicine
Greg Esposito, representing Nevada State Pipe Trades
Nick Vander Poel, representing Board of Massage Therapy
Mary Kay Papen, Private Citizen, Las Cruces, New Mexico
Rick Miera, Private Citizen, Albuquerque, New Mexico
LeAnne Smith, Private Citizen, San Marcos, Texas
Beau Hightower, Private Citizen, Albuquerque, New Mexico
Harris Silver, Private Citizen, Phoenix, Arizona
Tanya Haggins, Private Citizen, Cleveland, Ohio
Sean Plake, Private Citizen, Las Vegas, Nevada
Susan L. Fisher, representing State Board of Osteopathic Medicine
Elliot Malin, representing Nevada Osteopathic Medical Association
Dan Musgrove, representing Chiropractic Physicians' Board of Nevada
Paul Klein, representing Nevada Chiropractic Association

Chair Marzola:

[Roll was called and Committee rules and protocols explained.] Welcome, everyone. This afternoon we will hear Assembly Bill 127, Assembly Bill 153, and conduct a work session on the bills we have previously heard. I will now open the hearing on Assembly Bill 127. This measure revises provisions governing Medicare supplemental policies.

**Assembly Bill 127: Revises provisions governing Medicare supplemental policies.
(BDR 57-467)**

Assemblywoman Sandra Jauregui, Assembly District No. 41:

I am here before you today to present Assembly Bill 127, which is a cleanup bill for Assembly Bill 250 of the 81st Session that I brought before the Commerce and Labor Committee. With me is Heidi Sterner representing the National Association of Benefits and Insurance Professionals.

Assembly Bill 250 of the 81st Session established the birthday rule in Nevada for persons who are currently enrolled in a Medigap plan. The Medicare program is the federal health insurance program under which qualified individuals receive health care. Medicare does not cover all medical services. Medicare supplemental plans, also known as Medigap policies, are the distinct type of insurance policy which is sold by private companies to fill the gaps in original Medicare plan coverages.

What is so great about the birthday rule? It creates a pseudo second open enrollment period for our most vulnerable populations—our seniors on Medicare—to be able to move into a different medigap policy that might be a better and less expensive fit for them now that they are one year older. The birthday rule open enrollment period begins on the first day of the birthday month of an enrollee and continues for 60 days.

What A.B. 127 is doing is clearing up language so the insurance companies in Nevada all treat the birthday rule enrollment period the same way. The easiest way to explain it is some health insurance companies are paying insurance brokers a commission for their work with a senior to enroll them in a better plan during this birthday enrollment period, and some insurance companies are not. It is simply just a difference in the way they interpret the law. This discourages insurance brokers from reaching out to our seniors to help them navigate the different options they have because the reality is, no one wants to work for free, nor should they have to. This bill is intended to create uniformity so every insurance company treats the birthday rule the same way.

I want to let the Committee know I am working on an amendment with industry stakeholders to help clarify the language but we have not finalized that language. Industry stakeholders believe there is a better way to word *Nevada Revised Statutes* that gets to the same outcome.

With me is Heidi Sterner, and with your permission, I would like to go to her for some remarks as well.

Heidi Sterner, representing National Association of Benefits and Insurance Professionals, Nevada Chapter:

Our organization represents the thousands of licensed health insurance producers in the state of Nevada as well as our clients, who include individual members on and off the exchange, small and large business owners and their employees, and Medicare beneficiaries. Nevada health insurance producers serve as the Medicare beneficiaries advocate, a trusted adviser, and a source of information by providing objective and affordable choices to meet their needs.

Prior to 2021, Medicare beneficiaries enrolled in a Medicare supplement or Medigap plan in Nevada did not have an annual open enrollment period like other forms of health insurance offers. For many seniors, this meant they were stuck in their plans unless they were healthy enough to be able to apply and be approved by medical underwriting to change to a different Medigap plan. Those with medical conditions who were not able to change plans due to their health status prior to 2021 endured premium increase after premium increase with no alternate options available to them in this market space. They could not change plans.

With the passage of A.B. 250 of the 81st Session, seniors now have an annual open enrollment period to make plan changes that better fit their current needs, and many Nevada seniors have taken advantage of this to change to the same or lesser plan and have been able to reduce their monthly and annual premiums. This is because during their Medicare

birthday enrollment period, insurers are not allowed to inquire about or rate based on their health status. They get the preferred rate for the same or lesser plan, and this is significantly impactful to seniors living on a fixed income.

Unfortunately, the Medicare supplement insurers are not consistent in their interpretation or implementation of the law. There are as many interpretations of the law as there are Medicare supplement insurers selling these plans in Nevada today. The Medicare birthday rule enrollments are replacement renewal policies to a same or lesser plan. Some insurers have interpreted the legislation as a guaranteed issue policy. We feel A.B. 127 will provide the necessary clarity so the law is interpreted consistently across the board as a renewal replacement policy.

Currently, there is adverse selection occurring due to the variety of interpretations of the law. A few insurers that interpreted the law and regulations as they were intended in 2021 as a renewal replacement policy have received a disproportionate share of enrollments, and we are already seeing increases in the premiums due to the increased risk they now have.

We are working collaboratively with other stakeholders on an amendment to provide clarity to the law. Our hope is the law will be interpreted consistently. If the law is not consistently implemented, we will see a reduction in the number of insurers offering these plans to our seniors. Our goal is to have a level playing field and to have as many options as possible available to our senior consumers. Once the amendment is finalized, we do encourage you to pass A.B. 127. I am available if there are any questions.

Chair Marzola:

I have a question, and this is not my specialty. For the individuals who did not get paid their commission, once we clarify this language, is it going to be retroactive?

Assemblywoman Jauregui:

It is not my intent to make it retroactive. It is my intent to clarify it moving forward.

Chair Marzola:

Are there any other questions? [There were none.] We will open up testimony in support of A.B. 127. Is there anyone wishing to testify in support?

Chris Carothers, President, Carothers Insurance Agency, LLC, Las Vegas, Nevada:

I am a member and current state president of the National Association of Benefits and Insurance Professionals. The last couple of years—as we have worked through this bill—we had carriers come in the market to be competitive. They have been part of the solution and offering competitive products to be able to support the birthday rule in A.B. 250 of the 81st Session. They were compensating brokers as was intended. However, due to adverse selection, a particular carrier has had to increase rates and reduce commissions because they were unnecessarily targeted since most carriers were not following the intent or spirit of the law. We want to encourage carriers to continue to do business in Nevada and make it a level playing field. We appreciate your support on A.B. 127. I am in full support of it as well.

Chair Marzola:

Is there anyone else wishing to testify in support? [There was no one.] We will move to testimony in opposition to A.B. 127. Is there anyone wishing to testify in opposition? [There was no one.] We will move to neutral testimony. Is there anyone wishing to give testimony in the neutral position on A.B. 127? [There was no one.] Assemblywoman Jauregui, would you like to give any final remarks? [There were none.] We will close the hearing on A.B. 127. [Meeting recessed at 1:51 p.m. and reconvened at 1:52 p.m.]

Chair Marzola:

Before we go to Assembly Bill 153, we are going to start our work session. We will start with Assembly Bill 22. I will turn it over to our policy analyst, Ms. Paslov-Thomas.

Assembly Bill 22: Revises provisions governing the issuance of cease and desist orders for unlicensed activity by the State Contractors' Board. (BDR 54-267)

Marjorie Paslov-Thomas, Committee Policy Analyst:

[Read from work session document Exhibit C.] Assembly Bill 22 revises the actions the State Contractors' Board is authorized or required to take after the issuance of a cease and desist order to require the Board—after issuing a cease and desist order to a person for acting as a contractor submitting a bid on a job in this State without a license as a contractor—to either issue an administrative citation and impose an administrative fine, or report the violation for possible criminal prosecution. The measure provides that after the issuance of a cease and desist order, the Board may: (1) require the person to submit an application for a license as a contractor; and (2) apply for injunctive relief. It was heard by the Committee on March 1, 2023.

John T. Jones, Jr., Nevada District Attorneys Association, proposes the following amendment [page 2, Exhibit C]:

1. Amend subsection 3(b) of section 1 of the bill to require the Board, after issuing a cease and desist order, to issue an administrative citation and impose an administrative fine if the violation is a first violation and does not involve fraud or theft. For a second or subsequent violation or for a first violation involving fraud or theft, require the Board to either issue an administrative citation and impose an administrative fine or report the violation for possible criminal prosecution.

Chair Marzola:

Are there any questions? [There were none.] I will entertain a motion to amend and do pass A.B. 22.

ASSEMBLYWOMAN JAUREGUI MOVED TO AMEND AND DO PASS
ASSEMBLY BILL 22.

ASSEMBLYWOMAN TORRES SECONDED THE MOTION.

Is there any discussion? [There was none.]

THE MOTION PASSED UNANIMOUSLY.

I will assign the floor statement to Assemblyman Yurek. We will go to Assembly Bill 23.

Assembly Bill 23: Revises provisions relating to the resolution of certain administrative citations issued by the State Contractors' Board. (BDR 54-266)

Marjorie Paslov-Thomas, Committee Policy Analyst:

[Read from work session document [Exhibit D](#).] Assembly Bill 23 creates an additional informal process for the resolution of an administrative citation issued by the State Contractors' Board. A person who is issued such a citation may submit a written request to the Executive Officer of the Board for an informal citation conference within 15 business days after the date on which the citation was served. The Executive Officer is required to conduct an informal citation conference within 60 business days after receiving such a request and must affirm, modify, or dismiss the citation. A person may contest such a decision made by the Executive Officer within 15 business days after the informal citation conference. If a person contests the citation within that period, or if that period is extended by the Board, the Board is required to hold a hearing on the matter. An affirmed or modified citation is a final order of the Board and is not subject to review by a court or agency.

The failure of a person to comply with a citation issued by the Board that has been affirmed or modified following an informal citation conference within the time permitted for compliance, or if a hearing is held on the affirmed or modified citation, within 15 business days after the hearing also constitutes cause for disciplinary action by the Board. It was heard by the Committee on March 1, 2023.

Margi Grein, Executive Officer, State Contractors' Board, proposes the following amendment [page 2, [Exhibit D](#)]:

1. Amend section 4 of the bill to require that if the Board receives written notice that a person is contesting an administrative citation or order to correct a violation, it must hold a hearing on the contested matter within 90 days of receiving the written notice.
2. Amend the effective date of the bill to October 1, 2023.

Chair Marzola:

Are there any questions? [There were none.] I will entertain a motion to amend and do pass A.B. 23.

ASSEMBLYWOMAN JAUREGUI MOVED TO AMEND AND DO PASS
ASSEMBLY BILL 23.

ASSEMBLYWOMAN TORRES SECONDED THE MOTION.

Is there any discussion? [There was none.]

THE MOTION PASSED UNANIMOUSLY.

I will assign the floor statement to Assemblyman Carter. Next, we will move to Assembly Bill 27.

Assembly Bill 27: Revises provisions relating to contractors who provide management and counseling services on construction projects. (BDR 54-269)

Marjorie Paslov-Thomas, Committee Policy Analyst:

[Read from work session document [Exhibit E](#).] Assembly Bill 27 requires a general building contractor, who provides management and counseling services on a construction project for a professional fee, to have an active license in each classification or subclassification that is required to be held by the prime contractor on the construction project. It was heard by the Committee on February 13, 2023.

Margi Grein, Executive Officer, State Contractors' Board, proposes the following amendment [page 2, [Exhibit E](#)]:

1. Amend subsection 6(a) of section 1, page 3, line 7, of the bill to replace "each" with "the same."

Chair Marzola:

Are there any questions? [There were none.] I will entertain a motion to amend and do pass A.B. 27.

ASSEMBLYWOMAN JAUREGUI MOVED TO AMEND AND DO PASS
ASSEMBLY BILL 27.

ASSEMBLYWOMAN BACKUS SECONDED THE MOTION.

Is there any discussion? [There was none.]

THE MOTION PASSED UNANIMOUSLY.

I will assign the floor statement to Assemblywoman Torres. Next, we will go to Assembly Bill 29.

Assembly Bill 29: Revises the grounds for disciplinary action against a licensed contractor. (BDR 54-268)

Marjorie Paslov-Thomas, Committee Policy Analyst:

[Read from work session document [Exhibit F.](#)] Assembly Bill 29 provides that knowingly making, or causing to be made, any false or misleading statement or representation, or knowingly omitting any material fact, in connection with the application of another person for a contractor's license for the purpose of assisting the applicant to obtain the license constitutes cause for disciplinary action against a licensed contractor by the State Contractors' Board. It was heard by the Committee on February 13, 2023.

Margi Grein, Executive Officer, State Contractors' Board, proposes the following amendment [page 2, [Exhibit F](#)]:

1. Amend subsection 14 of section 1 of the bill to remove the provisions of subsection 14, and instead provide that the making, or the causing to be made, of a false or misleading statement or representation or the omission of a material fact by a licensee who is a natural person, an owner of a licensee, a managing officer of a licensee, or any person who qualifies on behalf of a licensee pursuant to subsection 2 of *Nevada Revised Statutes* 624.260 in connection with the application of another person for a contractor's license for the purpose of assisting the applicant to obtain a license constitutes cause for disciplinary action against a licensee by the State Contractors' Board.

Chair Marzola:

Are there any questions? [There were none.] I will entertain a motion to amend and do pass A.B. 29.

ASSEMBLYWOMAN JAUREGUI MOVED TO AMEND AND DO PASS
ASSEMBLY BILL 29.

ASSEMBLYMAN YUREK SECONDED THE MOTION.

Is there any discussion? [There was none.]

THE MOTION PASSED UNANIMOUSLY.

I will assign the floor statement to Assemblywoman Kasama. Next, we will move to Assembly Bill 39.

Assembly Bill 39: Revises provisions relating to contracts for work concerning certain residential improvements. (BDR 54-265)

Marjorie Paslov-Thomas, Committee Policy Analyst:

[Read from work session document [Exhibit G.](#)] Assembly Bill 39 authorizes the State Contractors' Board to adopt regulations establishing certain requirements pertaining to contracts used by a residential contractor and the owner of a completed single-family residence who occupies the single-family residence for any construction, remodeling, repair,

or improvement performed by a residential contractor to the single-family residence or any activity for the supervision of such work. The measure also sets forth certain information that must be included in such a contract. A contractor's failure to comply with the requirements for contracts for work concerning a residential improvement or regulations adopted by the Board is subject to disciplinary action. It was heard by the Committee on February 13, 2023.

Margi Grein, Executive Officer, State Contractors' Board, proposes the following amendment [page 2, [Exhibit G](#)]:

1. Amend subsection 2(g) of section 1 of the bill, which sets forth requirements for an initial down payment or deposit, to provide that those requirements do not apply if the residential contractor has filed with the Board a bond for the protection of consumers in the amount of \$100,000.

Chair Marzola:

Are there any questions?

Assemblyman O'Neill:

This is not a question. I will be voting yes, but I will be reserving my right on the floor. I still have some concerns with the contract and the bonding language in the amendment. I want to talk to some folks still and see if I can clarify it.

Chair Marzola:

Are there any other questions? [There were none.] I will entertain a motion to amend and do pass [A.B. 39](#).

ASSEMBLYWOMAN JAUREGUI MOVED TO AMEND AND DO PASS
[ASSEMBLY BILL 39](#).

ASSEMBLYMAN CARTER SECONDED THE MOTION.

Is there any discussion?

Assemblywoman Backus:

I will be voting no because I do have concerns over [A.B. 39](#). I struggle with the specialized legislation that does not have any justification to support the regulation to this extent of contracts between a consumer and a contractor who is doing a remodel, especially since we have so many protections under *Nevada Revised Statutes* Chapter 624. As a highlight, I still struggle with the specifications portion that it would all have to be up front when that is not a reality for remodels. To provide the failure to include such as making the contract voidable, I have a lot of concern, so I will be voting no.

Chair Marzola:

Is there any other discussion? [There was none.]

THE MOTION PASSED. (ASSEMBLYWOMAN BACKUS VOTED NO.)

I will assign the floor statement to Assemblywoman Hardy. Our last bill in our work session is Assembly Bill 236.

Assembly Bill 236: Revises provisions governing the practice of psychology. (BDR 54-799)

Marjorie Paslov-Thomas, Committee Policy Analyst:

[Read from work session document [Exhibit H](#).] Assembly Bill 236 eliminates an exception from the prohibition of a person representing himself or herself as a psychologist without a license issued by the Board of Psychological Examiners for psychological scientists employed by certain educational institutions or public agencies, thereby prohibiting a psychological scientist from representing himself or herself as a psychologist without a license issued by the Board. The bill specifies that the provisions governing psychologists do not prevent the teaching of psychology or psychological research that does not involve the delivery or supervision of direct psychological services to a person when conducted at an accredited educational institution. Additionally, the bill authorizes certain persons to use the title "psychologist" in conjunction with teaching or psychological research only when those activities are conducted at an accredited educational institution. It was sponsored by Assemblywoman Monroe-Moreno and heard on March 13, 2023. There are no proposed amendments.

Chair Marzola:

Are there any questions? [There were none.] I will entertain a motion to do pass A.B. 236.

ASSEMBLYWOMAN JAUREGUI MADE A MOTION TO DO PASS
ASSEMBLY BILL 236.

ASSEMBLYMAN O'NEILL SECONDED THE MOTION.

Is there any discussion? [There was none.]

THE MOTION PASSED UNANIMOUSLY.

I will assign the floor statement to Assemblywoman Monroe-Moreno. This concludes our work session for today. [The meeting recessed at 2:02 p.m. and reconvened at 2:04 p.m.]

[Assemblywoman Jauregui assumed the Chair.]

Vice Chair Jauregui:

I will now open the hearing on Assembly Bill 153.

Assembly Bill 153: Provides for the regulation of the practice of naprapathy. (BDR 54-724)

Assemblywoman Elaine Marzola, Assembly District No. 21:

I am here to present Assembly Bill 153, which provides for the regulation of the practice of naprapathy. Ashley Cruz from Carrara Nevada and Dr. Patrick Nuzzo are joining me today and will walk the Committee through the bill and answer any questions the Committee may have.

To give you a little bit of background information, naprapathy is a branch of medicine that focuses on the evaluation and treatment of neuromusculoskeletal conditions. Doctors of naprapathy are connective tissue specialists. Naprapaths treat the connective tissue, pulling the bony structure out of alignment. He or she treats through the muscle into the fascia to effect and realign the ligaments that pull the bony structure out of alignment, which differs from a chiropractic approach that focuses on forcing the vertebrae into alignment.

Naprapathy was founded in the early 1900s by Dr. Oakley Smith. The National College of Naprapathic Medicine, founded by Dr. Smith, stayed open and continues to offer programs since 1906. Naprapaths in the United States are licensed as doctors of naprapathy and are currently practicing in Illinois, New Mexico, and are regulated in Ohio.

Dr. Nuzzo founded the first and only U.S. accredited school of naprapathy, Southwest University of Naprapathic Medicine (SUNM). The SUNM program is a professional degree, which is 190 academic quarter credit hours beyond the bachelor's degree. Currently, it is a licensed profession in New Mexico and Illinois. While some states may recognize the degree and profession, they do not license it. This means treatments are not covered by health insurance. Naprapathy provides Nevadans another treatment option for a variety of health conditions. As we all know, Nevada struggles as a state with access to care, ranking 46 out of 51 in active physicians per state. Naprapaths can help fill this very important gap by helping patients who are seeking relief for back and joint pain from our doctors, freeing up their offices to treat other ailments and diseases. Naprapathy is also a better alternative to painkillers and can help fight the opioid epidemic in our state.

One of the Ultimate Fighting Championship (UFC) doctors is a doctor who practices here in Nevada and is trained in naprapathy. Many sports are looking at alternative medicines and treatments for their athletes. Naprapathy will create more access to care, give Nevada residents options, and provide for economic development opportunities in our state. With your permission, Vice Chair, I would like to have Dr. Nuzzo go through the bill and answer any questions the Committee may have.

Patrick Nuzzo, DN, Founder and President, Southwest University of Naprapathic Medicine:

Naprapathic medicine brings a great opportunity to the state of Nevada and their citizens in treating pain without pharmaceutical medications. I am going to go through the bill starting with section 10. I will answer any questions after we go through this.

Section 10 sets out to put an advisory board together. In New Mexico, we are licensed under the medical board, and I am chair of the advisory board there. We advise the medical board on all issues of naprapathic medicine and anything that goes on with the profession. The advisory board does the bulk of the work for the profession for the board in New Mexico, and we would do the same here.

Section 11 defines a naprapath. " 'Naprapath' means a person who is a graduate of a program of education in naprapathy approved by the Board or who, by general education," and who practices in the state. We make recommendations as an advisory board to the osteopathic board on the education as an accredited institution. We have our standards and curriculum in place, and it meets the standards of an accredited university given a doctoral-level program.

Section 12 explains and defines naprapathy. Assemblywoman Marzola talked about how naprapaths are connective tissue specialists. We focus on treating the connective tissue. In New Mexico, our license is a doctor of naprapathic medicine, and we are designated as connective tissue specialists. We are covered by every major insurance company in New Mexico.

In section 13, the Naprapathic Practice Advisory Board is created. This is where the Governor will create an advisory board that will serve under the osteopathic board as giving recommendations to. Again, we do the bulk of the work. We do not expect many naprapaths to begin with. We may only have a half dozen get licensed the first year here. Our plan is once we get the license to practice, we will open the school. Within about three years, we will start seeing good numbers of naprapaths graduating from our program. Are there any questions on anything yet? [There were none.]

Section 14 says, "The Advisory Board shall: (a) Elect from its members a Chair" The rules and regulations are stated in here. These will be people who live in the state and there will be three naprapaths and two public members who are appointed. Again, we will serve the osteopathic board and serve the state as the advisers to the profession.

In section 15 it says, "The State Board of Osteopathic Medicine, with the advice of the Advisory Board, shall adopt the regulations . . ." of ruling naprapathic medicine. They will guide the licensure and continuing education. Again, we provide all this information, and even on continuing education. In New Mexico, as an advisory board, we review all the continuing education and make sure it meets the standards for relicensure. We do that for the board there, and we would do the same thing for the osteopathic board here.

Section 16 states, "A person who is enrolled in a program of education in naprapathy that is approved by the Board pursuant to the regulations . . . is not licensed to practice naprapathy" This is saying we could bring a naprapath or teacher in for a period of one month to be a guest lecturer or teacher at the school or in one of the clinics. It makes a provision for that.

Moving on to section 17 which says, "Except as otherwise provided in sections 18 and 19 of this act, an applicant for a license to practice naprapathy must: 1. Be at least 21 years of age;" graduate from a school that is accredited, and provide the required amount of hours they can sit for a licensure exam.

Section 18 states, "The Board may issue a license by endorsement to practice naprapathy to an applicant who meets the requirements set forth in this section." Again, that is all laid out in the school's curriculum, and we are governed by the accreditor. We meet those standards and are very compliant with those rules.

In section 19 it says, "The Board may issue a license by endorsement to practice naprapathy to an applicant who meets the requirements set forth in this section." An endorsement would be somebody who comes to the state from either Illinois or New Mexico who would want to get a license here. As long as they met the requirements of the board here—the educational and licensure requirements—a license could be issued by endorsement then.

Section 20 states, "The Board shall: 1. Prepare or cause to be prepared a test in the practice of naprapathy which must be passed by an applicant for a license pursuant to section 17 of this act." There is a National Board of Naprapathic Examiners that gives the test in New Mexico and Illinois. We would do the same thing here. We would not need to write a new license exam here in Nevada. We would recommend that we use the national board exam that is already in place and is already given to naprapaths around the country. Southwest University of Naprapathic Medicine has graduated 48 naprapaths already, and they have all taken and passed that license exam to get licensed by the New Mexico Medical Board.

Section 21 states, "Each license to practice naprapathy issued pursuant to this chapter expires on January 1 of each year and may be renewed if, before the license expires, the licensee submits to the Board." This is a renewal of each license every year, and there will be continuing education credits that go along with the renewal of licenses each year. Again, the advisory board, school, and association would provide the continuing education credits for the relicensing and reissuing of licenses here.

In section 22 it says, "Each person licensed to practice naprapathy shall display his or her license" The license must be displayed in an office so people can see we are licensed naprapaths and are protected by the citizens of New Mexico and by the licensing board.

Section 23 states, "If a naprapath determines that the diagnosis or treatment of a patient is beyond the scope of practice or the skill, training and competence of the naprapath, the naprapath shall refer the patient to an appropriate provider of health care." This is very important, and we teach this in all of our classes. If this is out of our scope of practice, we know when to send patients to a medical doctor. We treat neuromusculoskeletal conditions. The number two and three reasons people see medical doctors everywhere is joint pain and back pain. By having naprapaths, chiropractors, or acupuncturists treat these conditions, you get these people off medical doctors' rolls where they can treat arthritis, heart disease, and some of the conditions that are really necessary for medical care. There is no chance of any

kind of opioid prescription overdose when you are seeing a manual therapist. Those are the sections we have changed within the Osteopathic Practice Act. Are there any questions I can answer?

Vice Chair Jauregui:

We can continue through the whole bill and then we will take questions at the end.

Assemblywoman Marzola:

We will go through the amendments.

Ashley Cruz, representing Southwest University of Naprapathic Medicine:

We have accepted two friendly amendments [[Exhibit I](#) and [Exhibit J](#)] for this bill, one from the Board of Massage Therapy and one from the Chiropractic Physicians' Board of Nevada. The amendments are to clearly define that naprapathy is specific to their scope of practice, and they are not going to creep into chiropractic or massage therapy. In section 12, subsection 2, paragraph (b), the term "(b) Does not include: (4) Massage therapy, as defined in NRS 640C.060; or (5) Structural integration as defined in NRS 640C.085." The other amendment is also in section 12 and will be "excluding any manipulation that would constitute a chiropractic adjustment as defined in NRS 634.014"; and section 12, subsection 2, paragraph (b), subparagraph (1), "Surgery, pharmacology or any procedure or technique that is invasive or otherwise breaks the skin including, but not limited to, the use of needles or syringes." We worked with a number of stakeholders on this bill to make sure naprapathy is practicing in their scope and not creeping into other lanes.

Assemblywoman Marzola:

We are going to finish the remainder of the bill and stand for questions.

Patrick Nuzzo:

Section 24 states, "As used in this chapter, unless the context otherwise requires, the words and terms defined" Section 25, subsection 1 regarding "gross malpractice," it says, "Providing medical or naprapathic services to a patient while the osteopathic physician, naprapath or physician assistant is under the influence of alcohol or any controlled substance;" and subsection 3, "Knowing or willful disregard of established medical or naprapathic procedures." These changes are adding naprapathy to the osteopathic bill.

Ashley Cruz:

The additions to the rest of the bill are adding in naprapathy as a practice. We are happy to walk through each section, although I know the bill is 65 pages long. It is adding in the practice of naprapathy or adding in naprapath to the rest of the bill.

Patrick Nuzzo:

Section 39 is the actual license and fees associated with the license for naprapathy. Section 39, subsection 1 states, "the Board shall charge and collect fees not to exceed the following amounts" The naprapath's application fee and a license fee of \$500 and an annual renewal fee of \$500 for a naprapath were added in. The other fees would be more for the

osteopathic board. Our fees include a \$500 application fee and an annual license renewal of \$500 for a naprapath to practice here. That would go along with some continuing education requirements as well.

Ashley Cruz:

We are happy to answer any questions the Committee may have.

Assemblyman Yurek:

Thank you for taking the time to come in and meet me beforehand. I will confess, I heard naprapathy, and I had no idea what that was. In fact, subsequent to our meeting, I reached out to a couple of doctor friends, including doctors of osteopathic medicine, which I understand this is kind of a tailing of part of that practice. I will be honest, none of them have heard of this practice.

Having gone through the bill, it sounds like you have done a great job of regulating yourselves, licensing yourselves, and training yourselves to make sure you are up to speed on everything that is there. A decision to have the state license you is an endorsement of the state for this relatively new or unknown practice in this state. That is a big step. I did not see anything in here or anything you necessarily provided that showed any data or research that might justify this sort of step to have the state endorse this practice through licensure and classify you as providers of health care.

Patrick Nuzzo:

This practice is manual medicine, and manual medicine is utilized throughout Nevada by chiropractors, acupuncturists, physical therapists, and osteopaths. We are another branch. We are a branch that is not new; we are almost 130 years old. We have been around for a long time. We just have not been recognized. We did not accredit a school until two years ago. This profession will bring health care and people to the state for health care.

We started the same way 20 years ago in New Mexico where nobody knew about us. We went through the session, got ourselves licensed, and were then asked to bring a school to the state, which we did. We brought a school to the state, and we graduated almost 50 naprapaths.

Every major insurance company in New Mexico covers naprapathic treatments. As a matter of fact, the Governor of New Mexico has waived all deductibles for state employees who are insured so they can see someone for musculoskeletal pain without a deductible and without being on a medical doctor's roll. They do not need to make an appointment in a medical doctor's office. They come directly to a manual therapist such as a naprapath.

I believe that 20 years ago the osteopathic school opened here. There were 40 students and a 4,000-square-foot building. The school now has 1,500 students and a 500,000-square-foot building. I believe we could do the same thing in ten years. We will bring doctors here, we will bring naprapaths here, and we will bring economic development. We work hard to make

ourselves known. I have come up here four times already. I am going to be treating, and we are going to get this profession known. I have seen it happen in New Mexico and there is no reason it is not going to happen here in Nevada.

As for the data, you are short of doctors in Nevada. There is no question about it. You have a huge opioid problem here, just like every other state. We can come in and solve two of those problems by having the state license us and our bringing other naprapaths into the state.

Vice Chair Jauregui:

Before I go to other Committee members, I want to jump in because my question is along the same lines. I am a big proponent of licensing and regulating industries for a couple of reasons. Mainly, when we create a new license for an industry, there are a lot of consumer protections that go along with it. If our constituents are being seen by a naprapath and something goes wrong, there is really no overseeing agency. Now they will have a mechanism by which they can file complaints. There will be regulations and standards set in place. Are there any practicing naprapaths in Nevada right now?

Patrick Nuzzo:

We have two licensed naprapaths in the state, but they cannot practice naprapathy. One practices as a chiropractor, and the other practices as a massage therapist. They are working within mixed martial arts (MMA) and the UFC. They have very large practices here. We are looking to train more doctors and get them working alongside these doctors who are already here.

Vice Chair Jauregui:

I think I did see it in here. Once you are licensed in the state, you would have the authority to prescribe, correct?

Patrick Nuzzo:

No, there are no prescriptions. We treat stress aches and pains without the use of pharmaceutical medications. It is all hands-on.

Vice Chair Jauregui:

I thought so, but I wanted to put that on the record. Committee members, are there any other questions?

Assemblywoman Backus:

I am now a big fan of naprapathy. I think it is good to put on the record the type of education that goes into becoming a naprapath.

Assemblywoman Marzola:

Dr. Nuzzo will answer this, but I want the Committee members to know I put a curriculum [[Exhibit K](#)] on everyone's desk before the meeting. You should have a copy, and it is very thorough, but I am sure Dr. Nuzzo can go through it as well.

Patrick Nuzzo:

Our program is 190 quarter credit hours past a bachelor's degree. We are an incredibly thorough educational program. Again, we are the very first school of naprapathic medicine to ever be accredited. That brought a lot of problems to us because there were no comparisons between us and any other naprapathic schools. We had to self-compare to chiropractic schools and osteopathic schools. We had to reach our level up to those standards in order for our accreditor to accept us. It took us quite a few years to accomplish this.

We have 90 hours in basic sciences, spinal anatomy, neuroanatomy, physiology, biology, and chemistry. We really educate these students. Then we have 90 hours of what we call naprapathic sciences. That is our hands-on manual medicine. Our curriculum is delivered 75 percent online. It is a hybrid program. Our students come into the clinic and classroom once a week. Depending on their quarter, they are either doing one, two, or three classes a week, which are hands-on. They have an internship component of the program. It is the last year of the school and is in one of the school intern clinics. Research is a huge part of our curriculum. The naprapathic research project is something that is going to carry this profession forward.

Again, it is a 130-year-old profession. There has not been much known about it or done about it, but we plan to change that. Dr. Oakley Smith was a genius; he developed this program, and he developed scientific manipulative therapy. It is the only manual medicine that has science behind it. We are going to prove manual medicine so we are accepted by medicine, known by medicine, and working alongside medical doctors. We are integrative. We are not other than; we are integrative with them. We work alongside medical practitioners.

Assemblywoman Hardy:

I, too, have never heard of this. I am very familiar with chiropractors and physical therapists. It was quite interesting to learn that this exists. I wanted to make sure, as far as the test you mentioned they would take, this national examination, that it is something that already exists, and you would bring to Nevada for individuals to be licensed here. Is that correct?

Patrick Nuzzo:

Yes, the National Board of Naprapathic Examiners test is available. It is a national test and yes, we can bring that to the state very easily.

Assemblywoman Hardy:

You mentioned that continuing education is required each year. How many hours is that? Would it be your intent to possibly have a school here in Nevada?

Patrick Nuzzo:

Yes, we are bringing a school here. That was the whole impetus. I was going to get the license for the school first, but then I thought we would do the legislation first and see what

kind of support we have here—we have wonderful support. My purpose is to bring a school to Nevada and to duplicate that osteopathic school that sits in Henderson, Nevada, right now. I think we can graduate 100 to 150 students a year within the first five or six years.

Being accredited and having financial aid as a school is going to open the door significantly, and we could not be in a better time. The COVID-19 pandemic made people aware of how important it is to take care of themselves. Naprapathic medicine is anti-inflammatory medicine, and that is what people are understanding now. They cannot take medication for their ills. They need to do other things.

Continuing education is something our association provides, but the university also provides continuing education. In New Mexico, we have to do 30 hours of continuing education every year with 3 hours of that in ethics and the rest has to be in naprapathic and manual sciences. We will provide all that.

Assemblywoman Torres:

I, too, am interested to hear about naprapathy. My father had back surgery twice at around the age of 22. Maybe something like this could have been helpful for him. I am wondering what that treatment process looks like. How long does the individual have to have treatment? Do they have to consistently go to naprapathic treatment for the course of their lifetime? Is it something that would be treatable and then they would be able to stop and come back if something else occurred?

Patrick Nuzzo:

That is a great question. Naprapathic treatments focus on areas of complaint, but it is a full body treatment. With somebody like your father, we would probably be doing treatments weekly for probably three weeks in a row and then do an evaluation. Naprapathic treatments are very specific. They go right after the affected areas. We take findings and treat according to the findings.

Usually, if someone is scheduled for a surgery, we will take a look at them, and they will come in for three consecutive treatments. We will give them some exercises, some rehab, some diet recommendations, and see how they are progressing. We usually get a person who needs surgery to come once a month for maybe two or three months. Then, we will see how they are doing.

People who have problems that are needing surgery are usually people who are working in repetitive motion-type jobs. Unless they can stop doing what is causing the irritation, they will need to continue the treatments. If they are doing something all day long that is irritating a portion of their body, they need correction. If it was a fall, an injury, or it was a one-time thing, then we can get them in and out. We do not have to do a lifetime of treatment. It all depends upon the person, but we have great success. We have saved an abundance of surgeries for the state of New Mexico by having patients come to us before they see a medical doctor.

Assemblyman O'Neill:

It is an interesting proposal you brought before us. A friend of mine was on one of the Tour de France and the European bicycling teams for years. I rode bikes with him. He introduced me to a massage therapy program or technique called rolfing. It sounds very similar to what you are doing in the sense it was deep tissue movement and massage. Can you explain to me what the difference is? You said one of the doctors here is licensed and is only working as a massage therapist. Explain to me rolfing and the difference between the two.

Patrick Nuzzo:

Rolfing is fascia; it is the working of the fascia. Naprapaths work on fascia, but that is only one of the things we work on. Naprapaths do spinal manipulation; we align bony structure; we do not just massage. What we do is work through the fascia into the connective tissue and the ligaments that affect the bony structure alignment. It is scientific spinal manipulation. The only real likeness we have to rolfing is we both touch the fascia. We are spinal manipulators, and that is what our forté is. We bring spinal alignment and nerve and lymph blood flow in its optimal form. I forget the second question you asked about.

Assemblyman O'Neill:

You said your one doctor is working as a massage therapist.

Patrick Nuzzo:

No, he is doing naprapathic techniques, but he cannot get a naprapathic license here. He is treating under a massage therapist license—it is a massage therapy license with naprapathic techniques. We do not do any high-velocity adjustments. He learned spinal manipulation through a naprapathic school, and that is what he is utilizing right now to treat MMA [mixed martial arts] fighters.

Assemblyman O'Neill:

You said two schools have been accredited in the last couple of years. Where did you get your training from? Also, you said you are covered by insurance. Does that include Medicare?

Patrick Nuzzo:

It does not include Medicare.

Assemblyman O'Neill:

Where did you get your training?

Patrick Nuzzo:

I got my education from the school in Chicago. That was the only school open in the United States when I went to school 40 years ago. They are not accredited. We are the only accredited school. That is one of the reasons this profession has not grown. Nobody ever accredited a school.

Vice Chair Jauregui:

One of my colleagues brought up the school that would be built here. Your accredited school in New Mexico, was that funded by the state or with private dollars?

Patrick Nuzzo:

It is a self-funded private school. I am one of the majority owners of the school, and we will be bringing a school to Nevada.

Assemblywoman Duran:

I am interested in this as well. I have back issues. Who accredits you and who makes the rules for that?

Patrick Nuzzo:

We are accredited by the Distance Education Accrediting Commission (DEAC), and they are overseen by the U.S. Department of Education. The DEAC has to answer to the federal government as we have to answer to the DEAC and their standards.

Assemblywoman Duran:

This is not my wheelhouse, so I was wondering if there was a higher-up that does this for you.

Vice Chair Jauregui:

Are there any other questions? [There were none.] We are going to move to testimony in support of A.B. 153. Is there anyone wishing to testify in support?

Greg Esposito, representing Nevada State Pipe Trades:

I have not been able to feel these three fingers for two weeks. I have carpal tunnel syndrome, and I have been wearing this brace for a week. Dr. Nuzzo was downstairs, and he beat up on me for about five minutes and my fingers are actually feeling better already. I am hoping I can get another couple of treatments before he leaves. In all seriousness, I represent construction workers. We do not like taking pills. We do not want to be on prescription medications the rest of our lives. As the doctor said, you commit to surgery and sometimes you are going to be out for a long time and do not always recover. If this is a medical technique that keeps us out from underneath the knife and not at the pharmacy every couple of weeks, I would really like to see it explored as an option.

Nick Vander Poel, representing Board of Massage Therapy:

The Board of Massage Therapy appreciates Assemblywoman Marzola and Ms. Cruz working with us on the friendly amendment [[Exhibit I](#)]. On naprapathy and A.B. 153, the Board of Massage Therapy welcomes another profession that focuses on rehabilitation, health, and wellness for Nevadans.

Mary Kay Papen, Private Citizen, Las Cruces, New Mexico:

I am a former senator for the state of New Mexico for 20 years, and I was pro tempore for 8 years. I first met Dr. Nuzzo in 2020. I have always been very active and rode horses,

motorcycles, and all kinds of things. I was roller skating in California, and I did a flip in the air because I was showing off and slammed my back down. Dr. Nuzzo came to the Legislature in New Mexico and offered to give me a treatment or two. I was walking with a cane. I thought I was going to be in a wheelchair and thought I might even have to leave the session because I was in such bad shape. He came and gave me treatments, and I never had to have surgery. I did not walk with a cane or use a wheelchair.

I have been fully supportive of what Dr. Nuzzo has done. I carried legislation in New Mexico, and we were able to get it passed and watch the progress with the school and what has happened here in New Mexico. I believe recently the Office of the Governor of New Mexico called him to come and take care of all the people in her office as well. It is something that makes a difference in your posture, in the way you feel, the way your body can operate, and the relief of pain moving forward. I would be happy to answer any questions.

Rick Miera, Private Citizen, Albuquerque, New Mexico:

I am a former state representative. During my service in the New Mexico Legislature, I served as the majority floor leader and the longest-serving chair of education in the state of New Mexico. I am also retired from the Department of Psychiatry at the University of New Mexico and a strong advocate for alternative medicine, most notably naprapathy.

I come before you to speak on behalf of A.B. 153. During my 24 years in the education arena, many significant measures were researched and passed in regular and higher education, but none more important and significant than those that allow students to receive licensure in naprapathy, which allowed students to attend high school and receive higher education credit to attain this medical and other degrees in New Mexico. I am sure students in Nevada will experience the opportunity to graduate with a degree and postgraduate experience that can serve the citizens of Nevada.

The number of college admissions has significantly increased since the creation of a pipeline from postsecondary institutions to a doctoral degree with hands-on training. Naprapathy has transformed into a first-rate medical career, benefiting urban and especially rural communities so lacking in these services. What can this mean for the state of Nevada? It means a new medical sector assisting patients with more treatment options and numerous economic benefits. Thank you for your time, and I ask that you pass A.B. 153.

LeAnne Smith, Private Citizen, San Marcos, Texas:

I am the granddaughter of Oakley Smith, founder of naprapathic medicine. I am a professor of dance at Texas State University, where I have taught for 40 years with expertise in the field of kinesiology. I currently serve on the advisory board for SUNM and as secretary for the Naprapathic Research Foundation. As someone who has rigorously trained in the art of dance with a performance career spanning 50 years, I can attest to the brilliance of the science and medicine that is the practice of naprapathy. I have seen chiropractors, rolfers, and massage therapists, and no other manual medicine has so comprehensively and

consistently addressed my needs as a human mover and dance artist. It was due to the naprapathic treatments that I received over the last year at SUNM that I was able to perform this past October at the age of 68 in my final professional performance at Texas State.

Licensing naprapathy in Nevada is critical to the well-being of your citizens. As people who are living longer and desire a good quality of life, including the ability to be active for as long as possible, access to naprapathic medical care in Nevada will provide access to a modality that has proven to be profoundly healing.

My grandfather was very careful in naming his work. The word "naprapathy" comes from the word "napravit," which means to correct the cause. Oakley was determined to develop research and practice a medical modality that did more than merely treat symptoms, and he did. Southwest University of Naprapathic Medicine continues this brilliant work today. Steeped in research, pedagogy, and practice, SUNM is the flagship for naprapathy, which is an integrative medicine that can and does address chronic pain, inflammation, and body trauma, all without the use of drugs.

Beau Hightower, Private Citizen, Albuquerque, New Mexico:

I am a licensed naprapath and licensed chiropractor in New Mexico. I also have my chiropractic degree and license in Nevada as well. I am an alumnus of SUNM and also clinical faculty there as well. I joined the school once I realized how great a treatment naprapathy was and how much it improved my skill set from my previous chiropractic education. Using that technique and these skill sets has allowed me to work with over 20 UFC champions, gold medal winners, and celebrities who are able to experience the benefits of naprapathy that takes my chiropractor skills to a completely different level. We are hoping to expand into Nevada as well. From a business perspective, we would like to bring our skill set to the UFC and into Las Vegas. We are hoping to bring a lot of business and practitioners there.

Harris Silver, Private Citizen, Phoenix, Arizona:

I am a retired ear, nose, throat, head, and neck surgeon. I have also worked in New Mexico as a drug policy analyst and advocate since 2010. I left New Mexico a couple of years ago. Most recently, I served for two years as the chair of the Integrative Medicine Treatment Subcommittee of the New Mexico Overdose Prevention and Pain Management Advisory Council.

I support all modalities for managing acute and chronic pain that reduce the risk of addiction to opioid pain medications. Naprapathic medicine is an evidence-based discipline that accomplishes this by itself or as part of a multidisciplinary program with other modalities. Opioid addiction and associated overdose deaths are one of the most important and dangerous crises we continue to struggle with nationally, as well as in New Mexico and Nevada, with no relief in sight. All it takes is one prescription of opioid medication to begin a dangerous and, at times, deadly addiction to opioids such as oxycodone, fentanyl, and even heroin. Naprapathy absolutely voids or reduces the need for opioid pain medication.

I want to say for the record, I refer to this as integrative medicine, not as alternative medicine. It is not an alternative. It in itself works. On our committee, we did a review and there was evidence. I am also a researcher and worked as an epidemiologist and there was some fairly good evidence this works to reduce pain on its own. I strongly support that you pass this bill.

Tanya Haggins, Private Citizen, Cleveland, Ohio:

I am here today representing both naprapathic medicine and the bill that is before you, A.B. 153. I met Dr. Nuzzo at a conference. We both have schools. I am president of Lakewood University. I was suffering from a sciatic nerve injury, and at that time, the only treatment that was recommended for me was a combination of three medications: Lyrica, trileptal, and Percocet. As you can imagine, being on opioids, it is very difficult to function and do your job accurately and completely.

Having medication with such severe pain, I was recommended to speak with Dr. Nuzzo, and I immediately set up treatments with him. I am from Cleveland, Ohio, but I flew out to New Mexico. I had no hope. I was wearing a brace and was told I would have to wear a metal brace on my leg the rest of my life in order for me to function because I had drop foot. After the treatments, the first thing I noticed was I did not need medication anymore because the pain had subsided. Not only that, but my movement also became much better. I received a series of over a week's worth of treatments and for several hours. After a few months, I noticed I was able to regain my mobility. I no longer wear the brace. In fact, I have been able to compete in a bodybuilding competition and return to my normal functions, as I was very fit and healthy before that. I just want to say I fully support both naprapathic medicine and A.B. 153.

Sean Plake, Private Citizen, Las Vegas, Nevada:

I am currently living in Las Vegas, Nevada. I am the massage therapist and naprapathy previous testifiers have been talking about. I went to SUNM in Santa Fe, New Mexico, and had a great experience there. The education was phenomenal. I learned a ton of great information that has helped my practice. I was a massage therapist beforehand in the state of New Mexico, and that added a new level to what I could provide to my patients.

After graduating in 2018 and practicing for three years in New Mexico, I moved to Las Vegas, Nevada. In 2021, I opened up a practice at one of the best MMA gyms in the world. They wanted us to be their team staff to take care of their fighters so they did not have to pull out of fights. Professional UFC fighting is very hard on the body, so you can imagine the type of people they need to take care of them, and I have been able to do an amazing job. I have had probably one out of hundreds of fighters pull out of a fight due to injury, and that is because it was a very serious injury.

I have been able to help out a lot of people. These top athletes trust me. I see a lot of other professionals in Las Vegas, helping them with massage therapy techniques. I would love to be able to do more for them with naprapathy, and I think it would be great for our state. We would have a great school with a lot of students who can also help out more people down

the line. I think we can really pick it up. I have a ton of interest from the people that I talk to, other professionals I treat, whether they are massage therapists or someone in the field. Even personal trainers would love to have something like this. They are looking for that next level. They may not enjoy one of the other professions, but they know and see what I do, and have done, in both states and really look up to me. I would love to teach more people to be able to provide this therapy.

[A letter in support, [Exhibit L](#), was submitted but not discussed and will become part of the record.]

Vice Chair Jauregui:

Is there anyone else wishing to testify in support? [There was no one.] We will move to opposition. Is there anyone wishing to testify in opposition to [A.B. 153](#)?

Susan L. Fisher, representing State Board of Osteopathic Medicine:

We do not have any issue at all with the practice that has been described to you. As discussed under the Open Meeting Law in an open meeting, the Board did vote to oppose the bill because we do not think that it should be under the Board of Osteopathic Medicine. If it was under the Board of Massage Therapy or something that seems more like the practice, that makes more sense to us. I would like to thank the bill sponsor for talking with us about it and also appreciate the great team at Carrara Nevada for having open conversations with us.

Assemblywoman Backus:

I was curious why the Board was not comfortable with having this new advisory board underneath them. Could you give a little more detail why they voted against it?

Susan Fisher:

It is not just the advisory board but that our Board would be licensing them. I would add, though, that if it does come under us, their initial license is waived because we do not charge for initial licenses. We waived those last session during the COVID-19 pandemic. They do not feel it is a good fit for the Board of Osteopathic Medicine. They are different types of medicine.

Assemblywoman Backus:

I feel like that is all you can offer, unless there was any other information. Could you elaborate about having the licensing underneath it? It sounds like it is the same reasoning.

Susan Fisher:

They do not feel that it fits within osteopathic medicine. It fits more under the Board of Massage Therapy.

Elliot Malin, representing Nevada Osteopathic Medical Association:

We are currently also in opposition to the bill as written, specifically the portion placing this under the Board of Osteopathic Medicine. To answer that question a little bit, the Board of

Osteopathic Medicine is one of the two medical licensing boards in the state. The other medical boards are not medical boards, they are healing arts boards. The way we understand it—and what we have done through the conversations, and we are very thankful for the open conversations we have had—is that this falls more in line with the healing arts.

We would be thrilled to have naprapathy here in Nevada. It sounds like there could be a good fit here. We feel it needs to go under one of the healing arts boards such as the Board of Massage Therapy.

To Assemblyman Yurek, we also did not know what naprapathy was at first. I want to thank the Carrara team for coming to us and having open conversations with the bill sponsor. We would love to have them here. Our hesitation is having it under the Board of Osteopathic Medicine.

Vice Chair Jauregui:

Is there anyone else wishing to testify in opposition? [There was no one.] Is there anyone wishing to testify in the neutral position on A.B. 153?

Dan Musgrove, representing Chiropractic Physicians' Board of Nevada:

We want to thank the sponsor and the folks at Carrara Nevada whom we worked with, and Dr. Nuzzo, whom we had a couple of conversations with, to understand this healing art. Candidly, our chiropractors were not familiar with it. Although I know in our discussions, the genesis of it was when the father of chiropractic, Dr. Palmer, worked with the grandfather of the woman who was on the phone earlier.

Our position is we are neutral at this point, as long as the amendment [[Exhibit J](#)] which takes out chiropractic is adopted and making sure that those who work in this art are not doing chiropractic manipulations. That is our concern. You heard Dr. Nuzzo talk a lot of times about spinal manipulation, and that is what they do. That is also what chiropractors do, and we are concerned there might be some encroachment in the scope of practice. We certainly appreciate the fact they want to be licensed and want to submit themselves for certification. At this point, we are objectively neutral.

Paul Klein, representing Nevada Chiropractic Association:

We echo what Mr. Musgrove testified. The Nevada Chiropractic Association is neutral with some considerable consideration about the impact on the scope of practice.

Vice Chair Jauregui:

Is there anyone else wishing to testify in neutral? [There was no one.] Assemblywoman Marzola, would you like to give any closing remarks?

Assemblywoman Marzola:

This bill is truly about access to health care and economic development in our state. I know we talk about that a lot here, and we want to keep progressing in a positive manner. I think passing this legislation is one of the ways to do that.

Vice Chair Jauregui:

Thank you. I will now close the hearing on A.B. 153. We will recess. [The meeting recessed at 3:08 p.m. and reconvened at 3:09 p.m.]

[Assemblywoman Marzola reassumed the Chair.]

Chair Marzola:

The Committee will come back to order. I will now open up for public comment. Is there anyone wishing to give public comment? [There was no one.] Are there any comments from the Committee members? [There were none.] This concludes our meeting for today. Our next meeting will be Friday, March 24, 2023, at 1:30 p.m. With that, this meeting is adjourned [at 3:10 p.m.].

RESPECTFULLY SUBMITTED:

Julie Axelson
Committee Secretary

APPROVED BY:

Assemblywoman Elaine Marzola, Chair

DATE: _____

EXHIBITS

[Exhibit A](#) is the Agenda.

[Exhibit B](#) is the Attendance Roster.

[Exhibit C](#) is the Work Session Document for [Assembly Bill 22](#), presented by Marjorie Paslov-Thomas, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit D](#) is the Work Session Document for [Assembly Bill 23](#), presented by Marjorie Paslov-Thomas, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit E](#) is the Work Session Document for [Assembly Bill 27](#), presented by Marjorie Paslov-Thomas, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit F](#) is the Work Session Document for [Assembly Bill 29](#), presented by Marjorie Paslov-Thomas, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit G](#) is the Work Session Document for [Assembly Bill 39](#), presented by Marjorie Paslov-Thomas, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit H](#) is the Work Session Document for [Assembly Bill 236](#), presented by Marjorie Paslov-Thomas, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit I](#) is a proposed amendment to [Assembly Bill 153](#), submitted and presented by Nick Vander Poel, representing Board of Massage Therapy.

[Exhibit J](#) is a proposed amendment to [Assembly Bill 153](#), submitted and presented by Ashley Cruz, representing Southwest University of Naprapathic Medicine.

[Exhibit K](#) is a document titled "SUNM Doctor of Naprapathic Medicine Program Outcomes and Course Descriptions," presented by Assemblywoman Elaine Marzola, Assembly District No. 21, regarding [Assembly Bill 153](#).

[Exhibit L](#) is a letter submitted by Brandon Snead, MD, MS, CIME, Private Citizen, Las Vegas, Nevada, in support of [Assembly Bill 153](#).