

ASSEMBLY BILL NO. 457—COMMITTEE
ON COMMERCE AND LABOR

MARCH 25, 2019

Referred to Committee on Commerce and Labor

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

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

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

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

Legislative Counsel’s Digest:

1 Existing law creates the Chiropractic Physicians’ Board of Nevada, consisting
2 of seven members, and prohibits three or more persons who are resident graduates
3 of the same school or college of chiropractic from serving on the Board at the same
4 time. (NRS 634.020) **Section 1.5** of this bill removes this prohibition.

5 Existing law requires an applicant for a license to practice chiropractic, not less
6 than 60 days before the date of the licensing examination, to: (1) file an application
7 for examination with the Secretary of the Board; (2) submit certain evidence
8 relating to his or her qualifications for licensure; and (3) pay the examination



9 application fee. (NRS 634.080, 634.090, 634.100) **Sections 2-4** of this bill
10 eliminate the requirement for such actions to be completed 60 days in advance.

11 **Section 2** of this bill additionally authorizes an applicant to take the licensing
12 examination any time after the Executive Director of the Board determines that his
13 or her application is complete. **Section 3** of this bill additionally requires an
14 applicant to submit evidence that the applicant has successfully: (1) completed
15 certain parts of the examination administered by the National Board of Chiropractic
16 Examiners; or (2) completed certain exit examinations from certain colleges of
17 chiropractic.

18 Existing law authorizes an applicant for a license to practice chiropractic who
19 has certain qualifications to perform chiropractic under the direct supervision of a
20 chiropractor while the applicant is waiting to take the Board's examination.
21 Existing law prohibits an applicant from practicing in such a manner for longer than
22 2 years. (NRS 634.105) **Section 5** of this bill prohibits an applicant from practicing
23 in such a manner for longer than 90 days.

24 Existing law requires an applicant for a temporary license to practice
25 chiropractic to file an application for a temporary license with the Secretary of the
26 Board. (NRS 634.115) **Section 5.5** of this bill requires an applicant to file such an
27 application with the Executive Director of the Board.

28 Existing law requires a license to practice chiropractic or a certificate as a
29 chiropractor's assistant to be renewed biennially. Existing law requires a
30 chiropractor and a chiropractor's assistant to submit satisfactory proof to the Board
31 that he or she attended a certain number of hours of continuing education. (NRS
32 634.130) **Section 6** of this bill authorizes the Board to adopt regulations that
33 provide for random audits of chiropractors and chiropractor's assistants to ensure
34 compliance with these continuing education requirements. Existing law authorizes
35 the Board to waive the renewal fee for a chiropractor or a chiropractor's assistant
36 if the chiropractor or chiropractor's assistant was in active military service at the
37 time the renewal fee was due. (NRS 634.130) **Section 6** authorizes the Board to
38 adopt regulations that provide for the prorating or waiving of a renewal fee if such
39 prorating or waiving is based on the date on which: (1) the license to practice
40 chiropractic or certificate to practice as a chiropractor's assistant was issued by the
41 Board; and (2) such a license or certificate must be renewed.

42 Existing law authorizes a person who held a license that has expired to apply to
43 the Board to have the license reinstated to active status. Existing law requires such
44 an applicant for reinstatement of his or her license to score 75 percent or higher on
45 an examination prescribed by the Board on the provisions relating to the practice of
46 chiropractic. (NRS 634.131) **Section 7** requires such an applicant to score: (1) for
47 certain written, closed-book examinations, 75 percent or higher; or (2) for certain
48 written, open-book examinations or online examinations, 90 percent or higher.

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

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

62 Existing law provides immunity from civil action for the Board or any person
63 or other organization which initiates or assists in any lawful investigation or



64 proceeding concerning the discipline of a chiropractor for gross malpractice,
65 repeated malpractice or unprofessional conduct. (NRS 634.216) **Section 10** of this
66 bill extends this immunity from civil action to the initiation or assistance in any
67 lawful investigation or disciplinary proceeding rather than only to investigations or
68 disciplinary proceedings related to gross malpractice, repeated malpractice or
69 unprofessional conduct. **Section 10** further amends this provision to remove: (1)
70 gross malpractice, the definition of which is repealed by **section 11** of this bill; and
71 (2) repeated malpractice, which is no longer specified as an independent ground for
72 disciplinary action.

73 Existing law prohibits a chiropractor from piercing or severing any body tissue,
74 except to draw blood for diagnostic purposes. (NRS 634.225) **Section 10.5** of this
75 bill adds an exception to this prohibition for the performance of dry needling by a
76 chiropractor who is authorized to do so by regulations adopted by the Board.
77 **Section 1** of this bill requires the Board to adopt regulations regarding the
78 qualifications a chiropractor must obtain before he or she is authorized to perform
79 dry needling, which qualifications must include not less than 150 hours of didactic
80 education and training in dry needling.

81 **Section 10.5** also prohibits a chiropractor from offering to engage in,
82 advertising, soliciting or otherwise claiming to be able to perform acupuncture
83 unless he or she is licensed to practice Oriental medicine. However, under **section**
84 **10.5**, a chiropractor who is qualified to perform dry needling pursuant to the
85 regulations adopted by the Board is authorized to offer to engage in, advertise,
86 solicit or otherwise claim to be able to perform dry needling.

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

1 **Section 1.** Chapter 634 of NRS is hereby amended by adding
2 thereto a new section to read as follows:

3 *1. The Board shall adopt regulations establishing the*
4 *qualifications a chiropractor must obtain before he or she is*
5 *authorized to perform dry needling. The qualifications adopted by*
6 *regulation pursuant to this section must include, without*
7 *limitation, the successful completion of not less than 150 hours of*
8 *didactic education and training in dry needling.*

9 *2. As used in this section, "dry needling":*

10 *(a) Means an advanced needling skill or technique limited to*
11 *the treatment of myofascial pain, using a single-use, single-*
12 *insertion, sterile needle, without the use of heat, cold or any other*
13 *added modality or medication, which is inserted into the skin or*
14 *underlying tissue to stimulate a trigger point.*

15 *(b) Does not include:*

16 *(1) The stimulation of an auricular point;*

17 *(2) Utilization of a distal point or nonlocal point;*

18 *(3) Needle retention;*

19 *(4) Application of a retained electrical stimulation lead; or*

20 *(5) The teaching or application of other acupuncture*

21 *theory.*



1 **Sec. 1.5.** NRS 634.020 is hereby amended to read as follows:
2 634.020 1. The Chiropractic Physicians' Board of Nevada,
3 consisting of seven members appointed by the Governor, is hereby
4 created.

5 2. The Governor shall appoint:

6 (a) Four members who are:

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

13 (2) Licensed under this chapter; and

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

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

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

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

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

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

31 **Sec. 2.** NRS 634.080 is hereby amended to read as follows:

32 634.080 1. An applicant for examination must file an
33 application ~~[not less than 60 days before the date of the~~
34 ~~examination.~~

35 ~~—2.— An application must be filed]~~ with the Secretary of the
36 Board on a form to be furnished by the ~~[Secretary.]~~ *Executive*
37 *Director of the Board. An applicant may take the examination any*
38 *time after the Executive Director determines that his or her*
39 *application is complete.*

40 ~~[3.]~~ 2. An application must be verified and must state:

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

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



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

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

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

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

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

21 (h) The names of:

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

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

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

27 ~~[4.]~~ 3. An application must include a copy of the applicant's
28 official transcript from the school or college of chiropractic from
29 which the applicant received his or her degree of doctor of
30 chiropractic, which must be transmitted by the school or college of
31 chiropractic directly to the Board.

32 **Sec. 3.** NRS 634.090 is hereby amended to read as follows:

33 634.090 1. An applicant must, in addition to the requirements
34 of NRS 634.070 and 634.080, furnish satisfactory evidence to the
35 Board:

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

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



- 1 (1) Anatomy;
- 2 (2) Bacteriology;
- 3 (3) Chiropractic theory and practice;
- 4 (4) Diagnosis and chiropractic analysis;
- 5 (5) Elementary chemistry and toxicology;
- 6 (6) Histology;
- 7 (7) Hygiene and sanitation;
- 8 (8) Obstetrics and gynecology;
- 9 (9) Pathology;
- 10 (10) Physiology; and
- 11 (11) Physiotherapy; and

12 (c) That the applicant ~~[:]~~ **has successfully:**

13 (1) ~~[Holds certificates which indicate that he or she has~~
14 ~~passed]~~ **Completed** parts I, II, III and IV, and the portion relating to
15 physiotherapy, of the examination administered by the National
16 Board of Chiropractic Examiners ~~[:]~~ **or its successor organization;**
17 or

18 (2) ~~[Has actively practiced chiropractic in another state for~~
19 ~~not fewer than 7 of the immediately preceding 10 years without~~
20 ~~having any adverse disciplinary action taken against him or her.]~~
21 **Completed an examination that is required to graduate from a**
22 **college of chiropractic which is accredited by the Council on**
23 **Chiropractic Education or which has a reciprocal agreement with**
24 **the Council on Chiropractic Education or any governmental**
25 **accrediting agency. Such an examination must be:**

26 (I) **Administered by such a college; and**

27 (II) **Approved by the Board.**

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

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

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

41 5. If an applicant has received his or her training and education
42 at a school or college located in a foreign country, the Board may, if
43 the Board determines that such training and education is
44 substantially equivalent to graduation from a college of chiropractic
45 that is accredited by the Council on Chiropractic Education and



1 otherwise meets the requirements specified in paragraph (b) of
2 subsection 1, waive the requirement that an applicant attend or
3 graduate from a college that:

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

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

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

8 634.100 1. An applicant for a license to practice chiropractic
9 in this State must pay the required fee to the Secretary of the Board
10 ~~[not less than 60 days]~~ before the date of the examination.

11 2. Except as otherwise provided in NRS 622.090:

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

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

19 3. If an applicant fails to pass the first examination, the
20 applicant may take a second examination within 1 year without
21 payment of any additional fees. Except as otherwise provided in
22 NRS 622.090, credit must be given on this examination for all
23 subjects previously passed.

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

27 **Sec. 5.** NRS 634.105 is hereby amended to read as follows:

28 634.105 An applicant for a license to practice chiropractic who
29 has the qualifications prescribed in NRS 634.090 may, while
30 waiting to take the Board's examination but for no longer than ~~2~~
31 ~~years.] 90 days,~~ perform chiropractic, including, without limitation,
32 chiropractic adjustment or manipulation, under the direct
33 supervision of a chiropractor who is professionally and legally
34 responsible for the applicant's performance.

35 **Sec. 5.5.** NRS 634.115 is hereby amended to read as follows:

36 634.115 1. Except as otherwise provided in subsections 4 and
37 5, upon application, payment of the fee, if required, and the approval
38 of its ~~[Secretary]~~ *Executive Director* and President, the Board may,
39 without examination, grant a temporary license to practice
40 chiropractic in this State to a person who holds a corresponding
41 license or certificate in another jurisdiction which is in good
42 standing and who actively practices chiropractic in that jurisdiction.
43 A temporary license may be issued for the limited purpose of
44 authorizing the holder thereof to treat patients in this State.



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

8 3. Except as otherwise provided in subsection 6, an application
9 for a temporary license must be accompanied by a fee of \$50 and
10 include:

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

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

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

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

19 4. A temporary license:

20 (a) Is valid for the period designated on the license, which must
21 be not more than 10 days;

22 (b) Is valid for the place of practice designated on the license;
23 and

24 (c) Is not renewable.

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

27 6. A chiropractic physician who applies for a temporary license
28 solely for the purpose of providing chiropractic services to a patient
29 in this State without remuneration is not required to pay the fee
30 required pursuant to subsection 3.

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

32 634.130 1. Licenses and certificates must be renewed
33 biennially. Except as otherwise provided in subsection ~~9,~~ *10 or 11*,
34 each person who is licensed or holds a certificate as a chiropractor's
35 assistant pursuant to the provisions of this chapter must, upon the
36 payment of the required renewal fee and the submission of all
37 information required to complete the renewal, be granted a renewal
38 license or certificate which authorizes the person to continue to
39 practice for 2 years.

40 2. Except as otherwise provided in subsection ~~9,~~ *10 or 11*, the
41 renewal fee must be paid and all information required to complete
42 the renewal must be submitted to the Board by January 1 of:

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

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



1 3. Except as otherwise provided in subsection 5, 6 or 7, a
2 licensee in active practice within this State must submit satisfactory
3 proof to the Board that, during the 24 months immediately
4 preceding the renewal date of the license, the licensee has attended
5 at least 36 hours of continuing education which is approved or
6 endorsed by the Board.

7 4. Except as otherwise provided in subsection 5, 6 or 8, a
8 holder of a certificate as a chiropractor's assistant in active practice
9 within this State must submit satisfactory proof to the Board that,
10 during the 24 months immediately preceding the renewal date of the
11 certificate, the certificate holder has attended at least 12 hours of
12 continuing education which is approved or endorsed by the Board or
13 the equivalent board of another state or jurisdiction that regulates
14 chiropractors' assistants. The continuing education required by this
15 subsection may include education related to lifesaving skills,
16 including, without limitation, a course in cardiopulmonary
17 resuscitation. The Board shall by regulation determine how many of
18 the required 12 hours of continuing education must be course work
19 related to such lifesaving skills. Any course of continuing education
20 approved or endorsed by the Board or the equivalent board of
21 another state or jurisdiction pursuant to this subsection may be
22 conducted via the Internet or in a live setting, including, without
23 limitation, a conference, workshop or academic course of
24 instruction. The Board shall not approve or endorse a course of
25 continuing education which is self-directed or conducted via home
26 study.

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

37 6. The Board may waive the educational requirement of
38 subsection 3 or 4 for a licensee or a holder of a certificate as a
39 chiropractor's assistant if the licensee or holder of a certificate
40 submits to the Board proof that the licensee or holder of a certificate
41 was in active military service which prevented the licensee or holder
42 of a certificate from completing the requirements for continuing
43 education during the 24 months immediately preceding the renewal
44 date of the license or certificate.



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

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

10 9. *The Board may adopt regulations that provide for random*
11 *audits of licensees and holders of a certificate as a chiropractor's*
12 *assistant to ensure compliance with subsection 3 or 4, as*
13 *appropriate.*

14 10. The Board may waive the renewal fee for a licensee or
15 holder of a certificate as a chiropractor's assistant if the licensee
16 or holder of a certificate submits proof to the Board that the licensee
17 or holder of a certificate was in active military service at the time
18 the renewal fee was due.

19 ~~10.1~~ 11. *The Board may adopt regulations that provide for*
20 *the prorating or waiving of the renewal fee for a licensee or holder*
21 *of a certificate as a chiropractor's assistant if such prorating or*
22 *waiving is based upon the date on which:*

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

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

26 12. If a licensee fails to:

27 (a) Except as otherwise provided in subsection ~~10.1~~ *10 or 11*, pay
28 the renewal fee by January 1 of an odd-numbered year;

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

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

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

39 ~~11.1~~ 13. If a holder of a certificate as a chiropractor's assistant
40 fails to:

41 (a) Except as otherwise provided in subsection ~~10.1~~ *10 or 11*, pay
42 the renewal fee by January 1 of an even-numbered year;

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



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

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

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

8 634.131 1. If a license expires pursuant to the provisions of
9 subsection ~~1101~~ 12 of NRS 634.130 and the license was not
10 reinstated pursuant to the provisions of that subsection, the person
11 who held the license may apply to the Board to have the license
12 reinstated to active status.

13 2. An applicant to have an expired license reinstated to active
14 status pursuant to subsection 1 must:

15 (a) Either:

16 (1) Submit satisfactory evidence to the Board:

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

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

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

25 (2) Score :

26 (I) *For a written, closed-book examination which is*
27 *administered in person by the Board, 75 percent or higher in all*
28 *subjects on ~~an~~ the examination ~~prescribed by the Board on~~*
29 *concerning the provisions of this chapter and the regulations*
30 *adopted by the Board; or*

31 (II) *For a written, open-book examination which is*
32 *administered in person by the Board or an examination that is*
33 *taken online, 90 percent or higher in all subjects on the*
34 *examination concerning the provisions of this chapter and the*
35 *regulations adopted by the Board;*

36 (b) Pay:

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

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

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

43 (c) Submit a complete set of fingerprints and written permission
44 authorizing the Board to forward the fingerprints to the Central



1 Repository for Nevada Records of Criminal History for submission
2 to the Federal Bureau of Investigation for its report.

3 3. If any of the requirements set forth in subsection 2 are not
4 met by an applicant for the reinstatement of an expired license to
5 active status, the Board, before reinstating the license of the
6 applicant to active status:

7 (a) Must hold a hearing to determine the professional
8 competency and fitness of the applicant; and

9 (b) May require the applicant to:

10 (1) Pass the Special Purposes Examination for Chiropractic
11 prepared by the National Board of Chiropractic Examiners; and

12 (2) Satisfy any additional requirements that the Board deems
13 to be necessary.

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

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

20 634.140 The grounds for initiating disciplinary action pursuant
21 to this chapter are:

22 1. Unprofessional conduct.

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

24 3. Conviction of:

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

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

29 (c) A violation of any of the provisions of NRS 616D.200,
30 616D.220, 616D.240 or 616D.300 to 616D.440, inclusive; or

31 (d) Any offense involving moral turpitude.

32 ~~[3.]~~ 4. Suspension or revocation of the license to practice
33 chiropractic by any other jurisdiction.

34 ~~[4.]~~ 5. Referring, in violation of NRS 439B.425, a patient to a
35 health facility, medical laboratory or commercial establishment in
36 which the licensee has a financial interest.

37 ~~[5.]~~ 6. Operation of a medical facility, as defined in NRS
38 449.0151, at any time during which:

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

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

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



1 **Sec. 9.** NRS 634.190 is hereby amended to read as follows:
2 634.190 1. The person charged is entitled to a hearing before
3 the Board, but the failure of the person charged to attend a hearing
4 or to defend himself or herself does not delay or void the
5 proceedings. The Board may, for good cause shown, continue any
6 hearing from time to time.

7 2. If the Board finds *that* the person ~~[guilty as charged]~~
8 *committed one or more of the charges made* in the complaint, ~~[it]~~
9 *the Board* may by order:

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

12 (b) Administer to the person a public reprimand.

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

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

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

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

22 ↪ The order of the Board may contain such other terms, provisions
23 or conditions as the Board deems proper ~~[and which are not~~
24 ~~inconsistent with law.]~~ *to remedy or address the facts and*
25 *circumstances of the particular case.*

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

29 4. The Board shall not administer a private reprimand.

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

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

33 634.216 The Board or any person who or other organization
34 which initiates or assists in any lawful investigation or proceeding
35 concerning the discipline of a chiropractor ~~[for gross malpractice,~~
36 ~~repeated malpractice or unprofessional conduct]~~ is immune from
37 any civil action for that initiation or assistance or any consequential
38 damages, if the person or organization acted without malicious
39 intent.

40 **Sec. 10.5.** NRS 634.225 is hereby amended to read as follows:

41 634.225 1. A chiropractor shall not pierce or sever any body
42 tissue, except to ~~[draw]~~ :

43 (a) *Draw* blood for diagnostic purposes ~~[;]~~ ; *or*



1 ***(b) Perform dry needling, if the chiropractor is qualified to do***
2 ***so pursuant to the regulations adopted by the Board pursuant to***
3 ***section 1 of this act.***

4 ***2. A chiropractor shall not offer to engage in, advertise,***
5 ***solicit or otherwise claim to be able to perform acupuncture unless***
6 ***he or she is licensed to practice Oriental medicine pursuant to***
7 ***chapter 634A of NRS, except that a chiropractor who is qualified***
8 ***to perform dry needling pursuant to the regulations adopted***
9 ***pursuant to section 1 of this act may offer to engage in, advertise,***
10 ***solicit or otherwise claim to be able to perform dry needling.***

11 ***3. As used in this section:***

12 ***(a) "Acupuncture" has the meaning ascribed to it in***
13 ***NRS 634A.020.***

14 ***(b) "Dry needling" has the meaning ascribed to it in section 1***
15 ***of this act.***

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

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

TEXT OF REPEALED SECTION

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



