

Joe Lombardo
Governor

Richard Whitley,
MS
Director



Cody Phinney,
MPH
Administrator

Ihsan Azzam,
Ph.D., M.D.
Chief Medical Officer

NOTICE OF INTENT TO ACT UPON A REGULATION

Notice of Hearing for the Amendment of Regulations of the Board of Health

LCB File No. R108-24

Licensure of Naprapaths & Practice of Naprapathy

NOTICE IS HEREBY GIVEN that the State Board of Health will hold a public hearing to consider amendments to Nevada Administrative Code (NAC) Chapters 459, 634B and 652, as the result of the passage of Assembly Bill 153 of the 82nd Legislative Session (2023). This public hearing is to be held in conjunction with the State Board of Health meeting on December 6, 2024, at 9:00 AM.

The State Board of Health will be conducted via videoconference beginning at 9:00 AM on December 6, 2024, at the following locations:

- Microsoft Teams
[- Click here to join -](#)
- Join By Phone
1-775-321-6111
Conference ID: 758 031 181#
- Physical Locations
Division of Public and Behavioral Health
Hearing Room 303
4150 Technology Way
Carson City, NV 89706

Southern Nevada Health District
Red Rock Trail Rooms A & B
208 S. Decatur Blvd.
Las Vegas, NV 89107

The purpose of R108-24 is to move forward the regulations required by Assembly Bill 153 of the 82nd Legislative Session (2023) needed to license and regulate the practice of naprapathy. R108-24 addresses the following topics:

- Infection Control.
- General application requirements.

- Initial application requirements.
- Licensure by endorsement requirements.
- Provisional Licensure requirements.
- Licensure renewal requirements.
- Validity of notices sent to licensees or applicants.
- Requirements to register as a teacher, advisor, or supervisor pursuant to subsection 2 of Section 1.29 of AB 153 of the 82nd legislative session.
- Prohibited acts by a licensee.
- List of crimes, that if convicted, may result in disciplinary action of a naprapath.
- The process for an applicant for licensure as a naprapath or a licensee to petition the Division to not impose disciplinary action despite a report of being convicted of a crime that may result in disciplinary action.
- The required actions by an applicant or licensee that must be taken if a background check cannot be completed.
- The required actions to be taken by an applicant for a license or licensee if the person feels the background check information provided by the Division is not accurate
- The actions the Division may take upon determining that an applicant has been convicted of a disqualifying crime
- Fees.
- Grounds for initiating disciplinary action
- Disciplinary action that may be imposed by the Division; Consultation with Advisory Board.
- Prescribes requirements governing the revocation of a license and the reinstatement of a revoked license.
- Licensee to pay costs of disciplinary action.
- Unlicensed practice complaints.
- Complaints against licensee or applicant.
- Terms of suspension of license.
- Appeal of decision related to disciplinary action.
- Reports received by the Division pursuant to subsection 5 of NRS 228.420.
- Continuing education requirements.
- Requirements related to advertising or the use of promotional materials by a naprapath
- Approval by Division of Program of Education in Naprapathy and related items.
- Per diem allowances and reimbursement for travel expenses for Naprapathic Practice Advisory Board members.
- Request for documents by the Division from applicants or licensees.
- Amendments to NAC 459.554 to authorize naprapaths licensed in Nevada to order medical x-rays, excluding nuclear medicine studies or other treatments that use radioactive materials.
- Amendments to NAC 652.155 to authorize naprapaths licensed in Nevada to order medical laboratory tests.

1. Anticipated effects on the business regulated by the proposed regulations:

- A. *Adverse effects.* Direct adverse effects include licensure fees, fines, insurance costs, costs to become accredited if opening a program of education in naprapathy and other related costs. Certain fees, such as the \$500 initial application fee and the renewal fee of \$500 is set in statutes and is not a direct result of the proposed regulations but is instead directly related to the passage of AB 153 of the 82nd legislative session (2023).

B. Beneficial: Beneficial effects may include revenue that is collected by persons who open practices of naprapathy or open schools of naprapathy once the regulations become effective. It is expected that once the regulations become effective and persons can apply for and become licensed naperapaths in Nevada, this will result in individuals opening small businesses in Nevada.

C. Immediate: The immediate effect would be the ability to apply for licensure and the costs related to becoming licensed. Please refer to A. Adverse effects.

D. Long-term: The long-term impacts would continue to be the ongoing, renewal costs for licensure.

2. Anticipated effects on the public:

A. Adverse: There are no adverse effects anticipated on the public.

B. Beneficial: Beneficial effects may include reduced medical and insurance costs for persons who can avoid surgery by being treated by a naperapath.

C. Immediate: As naperapaths become licensed and open up practices in Nevada, individuals will be able to utilize the services of naperapaths, potentially saving money if they are able to avoid surgery.

D. Long-term: The long-term impacts include the continued ability to utilize the services of naperapaths and any potential cost savings from utilizing such services.

3. The Division of Public and Behavioral Health determined the impact on small business by conducting a public workshop on May 22, 2024, and worked with the Southwest University of Naprapathic Medicine in New Mexico to distribute the proposed regulations and small business impact questionnaire to the University's alumni. The University's alumni were identified as persons who may have an interest in becoming licensed as a naperapath in Nevada or opening a small business in Nevada, which may include opening a school of naprapathy or an individual naprapathic practice.

One person testified he was in favor of the regulations and in full support of the bill that passed. No other individuals testified during the public hearing.

4. The estimated cost to the agency for enforcement of the proposed regulations is \$15,489.

This is an estimate based on an estimated workload as the true workload is unknown at this time.

The Division is estimated to collect \$15,250 in fees annually but the true total annual amount the Division expects to collect is unknown.

The money would be used to cover the Division's operating costs related to the work associated with governing the licensure of naperapaths and the practice of naprapathy in accordance with AB 153 of the 82nd legislative session (2023) and the proposed regulations.

5. The proposed regulations do not overlap or duplicate any other Nevada state or federal regulations.

Members of the public may make oral comments at this meeting. Persons wishing to submit written testimony or documentary evidence in excess of two typed, 8-1/2" x 11" pages must

submit the material to the Board's Secretary, Cody Phinney, to be received no later than November 21, 2024 , at the following address:

Secretary, State Board of Health
Division of Public and Behavioral Health
4150 Technology Way, Suite 300
Carson City, NV 89706
stateBOH@health.nv.gov

Written comments, testimony, or documentary evidence in excess of two typed pages will not be accepted at the time of the hearing. The purpose of this requirement is to allow Board members adequate time to review the documents.

A copy of the notice and proposed regulations are on file for inspection and/or may be copied at the following locations during normal business hours:

- Nevada Division of Public and Behavioral Health - 4150 Technology Way, Suite #300, Carson City, NV 89706
- Nevada Division of Public and Behavioral Health – 727 Fairview Dr, Suite E, Carson City, NV 89706
- Nevada Division of Public and Behavioral Health - 4220 S. Maryland Parkway, Bldg. A, Ste. 100, Las Vegas, NV 89119
- Nevada State Library and Archives - 100 Stewart Street, Carson City, NV, 89701

A copy of the regulations and small business impact statement can be found on-line by going to:

https://dpbh.nv.gov/Reg/HealthFacilities/State_of_Nevada_Health_Facility_Regulation_Public_Workshops/

A copy of the public hearing notice can also be found at Nevada Legislature's web page:

<https://www.leg.state.nv.us/App/Notice/A/>

Copies may be obtained in person, by mail, or by calling the Division of Public and Behavioral Health at:

Division of Public and Behavioral Health
727 Fairview Drive, Suite E
Carson City, NV 89701
(775) 684-1030
(775) 484-4009
lmetherell@health.nv.gov

Copies may also be obtained from the Nevada State Library at the address listed below:

Nevada State Library & Archives
100 N. Stewart Street
Carson City, NV 89701

Per NRS 233B.064(2), upon adoption of any regulation, the agency, if requested to do so by an interested person, either prior to adoption or within 30 days thereafter, shall issue a concise statement of the principal reasons for and against its adoption, and incorporate therein its reason for overruling the consideration urged against its adoption.

Joe Lombardo
Governor



Richard Whitley,
MS
Director



Cody Phinney,
MPH
Administrator

Ihsan Azzam,
Ph.D., M.D.
Chief Medical
Officer

MEMORANDUM

DATE: October 16, 2024
TO: Jon Pennell, DVM, Chairperson, State Board of Health
FROM: Cody Phinney, MPH, Administrator, Division of Public and Behavioral Health
RE: Consideration and adoption of the proposed regulation amendment to Nevada Administrative Code as a result of the passage of Assembly Bill 153 of the 82nd Legislative Session (2023) regarding the Licensure and Practice of Naprapathy

PURPOSE OF THE AMENDMENT

The purpose of the proposed regulations is to move forward the regulations required by Assembly Bill 153 of the 82nd Legislative Session (2023) needed to license and regulate the practice of naprapathy.

SUMMARY OF CHANGES TO THE NEVADA ADMINISTRATIVE CODE

R108-24 addresses the following topics as they relate to the licensure and practice of naprapathy:

- Infection Control.
- General application requirements.
- Initial application requirements.
- Licensure by endorsement requirements.
- Provisional Licensure requirements.
- Licensure renewal requirements.
- Validity of notices sent to licensees or applicants.
- Requirements to register as a teacher, advisor, or supervisor pursuant to subsection 2 of Section 1.29 of AB 153 of the 82nd legislative session.
- Rules of professional conduct for naprapaths.
- List of crimes, that if convicted, may result in disciplinary action of a naprapath.
- The process for an applicant for licensure as a naprapath or a licensee to petition the Division to not impose disciplinary action despite a report of being convicted of a crime that may result in disciplinary action.
- The required actions by an applicant or licensee that must be taken if a background check cannot be completed.
- The required actions to be taken by an applicant for a license or licensee if the person feels the background check information provided by the Division is not accurate

- The actions the Division may take upon determining that an applicant has been convicted of a disqualifying crime
- Fees.
- Grounds for initiating disciplinary action
- Disciplinary action that may be imposed by the Division; Consultation with Advisory Board.
- Contents of order of revocation of license; reinstatement of license following revocation.
- Licensee to pay costs of disciplinary action.
- Unlicensed practice complaints.
- Complaints against licensee or applicant.
- Terms of suspension of license.
- Appeal of decision related to disciplinary action.
- Reports received by the Division pursuant to subsection 5 of NRS 228.420.
- Continuing education requirements.
- Requirements governing advertising or the use of promotional materials by a naprapath
- Approval by Division of Program of Education in Naprapathy and related items.
- Per diem allowances and reimbursement for travel expenses for Naprapathic Practice Advisory Board members.
- Request for documents by the Division from applicants or licensees.
- Amendments to NAC 459.554 to authorize naprapaths licensed in Nevada to order medical x-rays, excluding nuclear medicine studies.
- Amendments to NAC 652.155 to authorize naprapaths licensed in Nevada to order medical laboratory tests.

POSSIBLE OUTCOME IF PROPOSED AMENDMENT IS NOT APPROVED

If the proposed regulations (R108-24) are not approved the Board would not be in compliance with Assembly Bill 153 of the 82nd Legislative Session (2023) directing the Board, with the advice of the Naprapathy Advisory Board, to adopt regulations governing the licensure of naprapaths and the practice of naprapathy. Failure to adopt the proposed regulations would also result in the inability to license and regulate naprapaths.

PUBLIC COMMENT RECEIVED

A public workshop was held on May 22, 2024.

There were five (5) non-Division of Public and Behavioral Health participants who attended the public workshop virtually. Only Division of Public and Behavioral Health staff attended in-person. One (1) of the five (5) participants provided public comment.

The individual testified he was in favor of the regulations and in full support of the bill that passed.

CONSIDERATION OF FEEDBACK RECEIVED FROM PUBLIC WORKSHOP

After consideration of feedback received from the public workshop no additional changes were made to the proposed regulations.

WRITTEN FEEDBACK RECEIVED

The President of the American Naprapathic Association submitted two documents, each dated July 25, 2024, one titled “Nevada Naprapathy License by Endorsement Recommendations” and one titled “Concerns and Recommendations Regarding Nevada’s Naprapathy Proposed Regulations 2024 V2.0.” Both documents are included in your packet. Points of concern included:

1. Potential Bias in Advisory Input: Proposed regulations are predominantly influenced by a single institution with an accredited DN Program.
2. Recognition of Established Institutions: Proposed regulations may inadvertently discriminate against graduates from established US naprapathy schools (those that are not accredited) such as NCNM which is chartered by the State of Illinois and recognized by the Illinois Board of Higher Education to grant a Doctor of Naprapathy degree.
3. Licensure Reciprocity: “The specific requirements for endorsement are not detailed, which could lead to subjective interpretations and potential discrimination against naprapaths from other states or schools.”
4. Concerns with educational requirements including with the curriculum requirements and accreditation.

Recommendations included:

“Clarify Endorsement Criteria: Provide detailed and objective criteria for license endorsement to ensure fair treatment of out-of-state practitioners.

Flexible Curriculum Recognition: Allow for the recognition of equivalent courses and competencies from other accredited programs to facilitate smoother transitions for transfer students.

Inclusive Accreditation: Recognize a broader range of accrediting bodies to ensure that graduates from various reputable programs are not unfairly excluded.”

For full details on the comments received, please refer to the written documents included in your packet.

An individual provided written public comment which is also included in your packet noting concerns that the proposed regulations would prohibit graduates of any currently operating Naprapathic programs from licensure noting “why the regulations would be written to exclude 3000 potential practitioners globally and 200 Naprapaths domestically, in comparison to the 50 who have graduated from Southwest University of Naprapathic Medicine, is confounding and disappointing.” For the full details on the comments received, please refer to the written comments included in your packet.

A health program manager met with the president of the American Naprapathic Association and the individual that provided public comments on August 1, 2024, to discuss the concerns presented in the written comments. It was explained that in addition to the requirements prescribed in the proposed regulations to obtain a license by endorsement, AB 153 outlined additional requirements to obtain a license by endorsement. After review of the statutory requirements for licensure by endorsement, it appeared the concerns related to the requirements for licensure by endorsement were addressed in a satisfactory manner.

The president of the American Naprapathic Association and the individual that provided the public comments were emailed a copy of the Naprapathy Practice Advisory Board agenda on 10/8/2024, with information on how they can participate.

NAPRAPATHIC PRACTICE ADVISORY BOARD

The proposed regulations were reviewed by the Naprapathic Practice Advisory Board on October 15, 2024.

The Advisory Board also reviewed and took into consideration the written feedback submitted by the American Naprapathic Association, titled "Concerns and Recommendations Regarding Nevada's Naprapathy Proposed Regulations 2024 V2.0" which is included in your packet.

There was no testimony provided by members of the public in opposition to or with concerns related to the proposed regulations during the advisory board meeting.

The Advisory Board voted unanimously to move the proposed regulations forward, as written, for adoption by the State Board of Health.

STAFF RECOMMENDATION

Staff recommends that the State Board of Health adopt the proposed regulation amendments noted in LCB File No. R108-24.

PRESENTERS

Leticia Metherell, RN, CPM, Health Program Manager III, Bureau of Health Care Quality and Compliance

**PROPOSED REGULATION OF THE
STATE BOARD OF HEALTH**

LCB File No. R108-24

July 22, 2024

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

AUTHORITY: § 1, NRS 439.200 and 459.201; §§ 2-7, 9-11, 13-16 and 18-27, NRS 634B.120; § 8, NRS 634B.100; § 12, NRS 634B.120 and 634B.220; § 17, NRS 634B.120 and 634B.250; §§ 28-37, NRS 634B.120 and 634B.700; § 38, NRS 634B.120, 634B.700 and 634B.720; § 39, NRS 439.200, 652.123, 652.125 and 652.130.

A REGULATION relating to naprapathy; authorizing a naprapath to engage in certain activity; prescribing the conditions under which certain notices will be deemed valid; authorizing the Division of Public and Behavioral Health of the Department of Health and Human Services to request certain documents; prescribing the rate for the per diem allowance and travel expenses provided to the members of the Naprapathic Practice Advisory Board; prescribing requirements governing the issuance or renewal of a license to practice naprapathy; prescribing the requirements and fees to register as a teacher, advisor or supervisor; prescribing requirements relating to a program of education in naprapathy; requiring a naprapath to maintain certain liability insurance; imposing certain requirements and prohibitions relating to the practice of naprapathy; providing for the discipline of applicants and licensees for certain violations; establishing procedures for appeals relating to disciplinary action; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Assembly Bill No. 153 of the 2023 Legislative Session provides for the regulation of the practice of naprapathy by the State Board of Health and the Division of Public and Behavioral Health of the Department of Health and Human Services. (Assembly Bill No. 153, chapter 251, Statutes of Nevada 2023, at page 1661 (chapter 634B of NRS)) **Sections 4-6** of this regulation define certain terms relating to naprapathy. **Section 7** of this regulation: (1) prescribes conditions under which notices provided under provisions of law governing naprapaths will be deemed valid; and (2) authorizes the Division to request any document from an applicant for or the holder of a license or registration related to the practice of naprapathy as necessary to carry out its duties.

Existing law creates the Naprapathic Practice Advisory Board, which is made up of naprapaths and members of the public. (NRS 634B.100) Existing law requires the State Board, with the advice of the Advisory Board, to adopt regulations governing the licensure of naprapaths and the practice of naprapathy. (NRS 634B.120) Existing law provides that, while

engaged in the business of the Advisory Board, each member of the Advisory Board is entitled to receive a per diem allowance and travel expenses at a rate fixed by the State Board. (NRS 634B.100) **Section 8** of this regulation prescribes the rate for that per diem allowance and travel expenses.

Existing law sets forth certain required qualifications of an applicant for a license to practice naprapathy. (NRS 634B.200) **Section 9** of this regulation prescribes: (1) the required contents of an application for such a license; and (2) certain procedures related to such an application. **Section 10** of this regulation prescribes certain requirements that an applicant must satisfy to receive an initial license. **Section 11** of this regulation prescribes requirements to obtain a license by endorsement, in addition to the requirements prescribed by existing law. (NRS 634B.210, 634B.220)

Existing law authorizes the Division to grant certain applicants for licensure by endorsement a provisional license to practice naprapathy before making a final decision on the applicant's application. (NRS 634B.220) **Section 12** of this regulation requires an applicant to submit certain information to the Division before the Division may issue a provisional license to the applicant.

Existing law authorizes a person who is not licensed to practice naprapathy to practice naprapathy in this State for not more than 1 month as a teacher, advisor or supervisor if the person registers with the Division. (NRS 634B.080) **Section 13** of this regulation prescribes the required contents of an application for such registration.

Section 14 of this regulation requires an applicant for a license to pay certain costs related to his or her criminal background investigation.

Section 15 of this regulation prescribes certain procedures related to a criminal background investigation of an applicant or licensee that cannot be completed. **Section 16** of this regulation prescribes the procedures for an applicant or a licensee to challenge the accuracy of a criminal background investigation.

Existing law requires the State Board to: (1) prepare or cause to be prepared a test on the practice of naprapathy which must be passed by an applicant for a license; or (2) designate a national examination for that purpose. (NRS 634B.250) **Section 17** of this regulation designates the national examination administered by the National Board of Naprapathic Examiners, or its successor organization, for that purpose.

Section 18 of this regulation requires that an application to renew a license include certain attestations. **Section 18** also prescribes the conditions under which the Division is authorized to renew the license of an applicant who has committed an act which is a ground for disciplinary action. **Section 19** of this regulation requires: (1) a licensee to successfully complete certain continuing education in order to renew his or her license; and (2) a former licensee to complete certain continuing education in order to obtain a new license.

Existing law requires: (1) the State Board to adopt regulations prescribing requirements for the approval of programs of education in naprapathy by the Division; and (2) an applicant for a license to practice naprapathy to have graduated from such an approved program. (NRS 634B.120, 634B.200) **Section 20** of this regulation prescribes the contents of an application for such approval. **Sections 21-24** of this regulation establish requirements governing the operations, policies and procedures, and curriculum of such a program. **Section 20** authorizes the Division, in consultation with the Advisory Board, to approve a program that is accredited by a nationally recognized accrediting agency without an application.

Section 25 of this regulation requires a licensee to maintain certain liability insurance. **Section 26** of this regulation requires a licensee and any person working under a licensee who provides direct care to a patient to follow nationally recognized infection control and prevention guidelines that are applicable to the setting in which the care is provided. **Section 27** of this regulation prohibits a licensee from performing certain acts. **Section 28** of this regulation prohibits a licensee from advertising or using promotional materials to make certain claims or statements.

Existing law requires the State Board, with the advice of the Advisory Board, to adopt regulations governing the procedure for imposing disciplinary action and the disciplinary actions that may be imposed. (NRS 634B.700) **Section 29** of this regulation authorizes the Division to deny an application for a license or suspend or revoke a license if the applicant or licensee, as applicable, has been convicted of certain crimes. **Section 30** of this regulation authorizes an applicant or licensee who is convicted of such a crime to petition the Division to refrain from denying his or her application or suspending or revoking his or her license, as applicable. **Section 31** of this regulation sets forth certain acts that constitute grounds for disciplinary action. **Section 32** of this regulation prescribes the disciplinary actions that the Division may impose. **Section 32** also: (1) requires a licensee to pay the costs incurred in connection with any disciplinary action taken against the licensee; and (2) authorizes the Division to consult with the Advisory Board before imposing disciplinary action. **Section 33** of this regulation establishes the procedure for the investigation and resolution of a complaint that a person is engaging in the practice of naprapathy without a license. **Section 34** of this regulation: (1) authorizes a person to submit a complaint against an applicant or licensee; and (2) sets forth the procedure for the investigation of such a complaint. **Section 35** of this regulation prescribes requirements governing: (1) the revocation of a license; and (2) the reinstatement of a revoked license. **Section 36** of this regulation requires a person whose license is suspended to comply with the terms of the suspension as specified by the Division and to pay the costs of such compliance. **Section 36** also authorizes the Division to extend, modify or terminate a suspension or revoke a suspended license under certain circumstances. **Section 37** of this regulation: (1) authorizes a person aggrieved by a decision of the Division relating to disciplinary action to appeal that decision; and (2) prescribes the procedures governing such an appeal.

Existing law requires the State Board, with the advice of the Advisory Board, to adopt regulations for a hearing concerning certain violations of the Nevada Industrial Insurance Act. (NRS 634B.720) **Section 38** of this regulation prescribes certain requirements for such a hearing.

Section 1 of this regulation authorizes a naprapath to authorize the exposure of a person to certain radiation for the purpose of the healing arts.

Existing regulations exempt an employee of a laboratory who is performing certain laboratory tests from the regulatory provisions governing medical laboratories if the director, a designee of the director or a licensed physician at the laboratory discharges certain duties to ensure that the test is performed properly. (NAC 652.155) **Section 39** of this regulation deems a naprapath to be a licensed physician for that purpose.

Section 1. NAC 459.554 is hereby amended to read as follows:

459.554 1. Except for patients who cannot be moved out of the room, only the staff and ancillary personnel required for the medical procedure or training may be in the room during the radiographic exposure. Other than the patient being examined:

(a) All persons must be positioned so that no part of the body which is not protected by 0.5 mm lead equivalent will be struck by the useful beam.

(b) Staff and ancillary personnel must be protected from the direct scatter radiation by protective aprons or whole body protective barriers of not less than 0.25 mm lead equivalent.

(c) A patient who cannot be removed from the room must be protected from the direct scatter radiation by a whole body protective barrier of 0.25 mm lead equivalent or be so positioned that the nearest portion of the body is at least 2 meters from both the tube head and the nearest edge of the image receptor.

(d) When a portion of the body of any member of the staff or ancillary personnel is potentially subjected to stray radiation which could result in his or her receiving 10 percent of the maximum permissible dose, as defined in NAC 459.320 to 459.374, inclusive, additional protective devices must be employed.

2. Persons must not be exposed to the useful beam except for the purposes of the healing arts where each exposure has been authorized by a licensed practitioner of the healing arts. This provision specifically prohibits deliberate exposure for the following purposes:

(a) Exposure of a person for training, demonstration or other purposes unless there are also healing arts requirements and proper prescription has been provided.

(b) Exposure of a person for the purpose of healing arts screening without prior written approval of the Division. Screening means an exposure of a person without a prior examination by a licensed practitioner.

3. When a patient or film must be provided with auxiliary support during a radiation exposure:

(a) Mechanical holding devices must be used when the technique permits. The safety rules, required by NAC 459.552 to 459.558, inclusive, must include individual protections where holding devices cannot be utilized;

(b) Written safety procedures required by subsection 6 of NAC 459.552 must indicate the requirements for selecting a holder and include the procedure the holder must follow;

(c) The human holder must be protected as required by subsection 1;

(d) No person may be used routinely to hold film or patients;

(e) In those cases where the patient must hold the film, except during intraoral examinations, any portion of the body other than the area of clinical interest struck by the useful beam must be protected by not less than 0.5 mm lead equivalent material; and

(f) Such holding is permitted only in very unusual and rare situations.

4. As used in this section, “licensed practitioner of the healing arts” means a physician, homeopathic physician, osteopathic physician, licensed veterinarian, dentist, chiropractic physician, practitioner of Oriental medicine , *naprapath* or podiatric physician, as those terms are defined or used, respectively, in NRS 630.014, 630A.050, 633.091 or 638.007 or chapter 631, 634, 634A , *634B* or 635 of NRS.

Sec. 2. Chapter 634B of NAC is hereby amended by adding thereto the provisions set forth as sections 3 to 38, inclusive, of this regulation.

Sec. 3. *As used in this chapter, unless the context otherwise requires, the words and terms defined in sections 4, 5 and 6 of this regulation have the meanings ascribed to them in those sections.*

Sec. 4. *“License” means a license issued pursuant to this chapter and chapter 634B of NRS that authorizes a natural person to practice naprapathy in this State.*

Sec. 5. *“Licensee” means a person licensed as a naprapath pursuant to this chapter and chapter 634B of NRS.*

Sec. 6. *“Program” means a program of education in naprapathy.*

Sec. 7. *1. Any notice that is required by the provisions of this chapter or chapter 634B of NRS to be delivered by mail or electronically to an applicant for a license or a licensee shall be deemed to be validly given if the notice is sent to the last address or electronic mail address that was provided to the Division by the applicant or licensee.*

2. The Division may request any document from an applicant for or the holder of a license or registration that the Division determines are necessary to carry out the duties prescribed in this chapter or chapter 634B of NRS.

Sec. 8. *While engaged in the business of the Advisory Board, each member of the Advisory Board is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.*

Sec. 9. *1. An application for a license must include:*

(a) The applicant’s full name, including his or her first name, middle name, if applicable, and last name;

(b) Any other name that has been used by the applicant;

(c) The applicant’s date of birth;

(d) The applicant’s physical address and the applicant’s mailing address, if different than the physical address;

(e) A telephone number at which the applicant can be reached;

(f) An electronic mail address at which the applicant can be reached;

(g) An attestation by the applicant acknowledging the mandatory reporting requirements concerning the abuse, neglect, exploitation, isolation or abandonment of an older person or vulnerable person set forth in NRS 200.5093 and the abuse or neglect of a child set forth in NRS 432B.220;

(h) If the applicant was previously licensed in this State, an attestation in the form prescribed by the Division stating whether the applicant has completed continuing education that meets the requirements of subsection 2 of section 19 of this regulation during the time that has lapsed since the applicant was most recently licensed in this State; and

(i) Any other information required by the Division to determine the applicant's identity or eligibility for a license.

2. An applicant must provide all of the information requested by the Division to complete the application not later than 90 days after the date on which the application is submitted. If the applicant does not submit the information requested by the Division on or before that date, the Division shall deny the application. The applicant may submit a new application after such denial.

3. An applicant or licensee shall notify the Division of any change to the information contained in his or her application within 30 days after the change. The notification may be made in writing, by electronic mail or by any other method authorized by the Division. The failure of an applicant or licensee to comply with the requirements of this subsection constitutes grounds for the denial of an application or an imposition of a \$1,000 fine for each instance in which the applicant or licensee fails to notify the Division of such a change.

4. The Division may require a personal interview with an applicant to evaluate the qualifications of the applicant.

Sec. 10. *Except as otherwise provided in this chapter and chapter 634B of NRS, the Division shall grant an initial license to an applicant who provides evidence satisfactory to the Division that the applicant meets the requirements of subsections 1 to 4, inclusive, of NRS 634B.200 and:*

1. Submits a complete application for a license in accordance with section 9 of this regulation;

2. Submits the application fee required by NRS 634B.200;

3. Submits proof that the applicant has a policy of professional liability insurance that complies with section 25 of this regulation;

4. If applicable, provides the name of every state or other jurisdiction of the United States in which the person currently holds or previously held a license to practice naprapathy, the number associated with each license and the date of expiration of each license;

5. Has not had a license to practice naprapathy or another license, registration or certificate as a provider of health care refused, revoked or suspended by any other jurisdiction based on the ability of the applicant to practice naprapathy unless that license, registration or certification was reinstated and the applicant is in good standing in that jurisdiction;

6. Submits two letters of recommendation, each of which must be from:

(a) A naprapath who is licensed in this State, the District of Columbia or any state or territory of the United States at the time the letter of recommendation was written and who has personal knowledge of the moral character and competence of the applicant; or

(b) A physician who is so licensed and who has such personal knowledge;

7. Submits to the Division the complete set of fingerprints and the written permission required by NRS 634B.230 in the form prescribed by the Division;

8. Attests that the information contained in his or her application and any accompanying materials is true and correct; and

9. Submits to the Division any other information requested by the Division.

Sec. 11. *1. In addition to the requirements of NRS 634B.210 or 634B.220, as applicable, for a license by endorsement, an application must include:*

(a) The jurisdiction where the applicant holds a corresponding and unrestricted license to practice naprapathy and the number of the license;

(b) An attestation under penalty of perjury that the applicant meets the requirements of subparagraphs (2) and (3) of paragraph (a) of subsection 2 of NRS 634B.210 or subparagraphs (2) and (3) of paragraph (a) of subsection 2 of NRS 634B.220, as applicable;

(c) The complete set of fingerprints and written permission required by paragraph (b) of subsection 2 of NRS 634B.210 or paragraph (b) of subsection 2 of NRS 634B.220, as applicable, in the form prescribed by the Division; and

(d) Any other information required by the Division.

2. If the entity that issued the applicant's corresponding license does not have an electronic system to verify licensure that is accessible through the Internet, the applicant must submit a request to the entity that issued the applicant's corresponding license for the entity to send verification of the applicant's licensure directly to the Division.

Sec. 12. *The Division may grant an applicant a provisional license pursuant to subsection 4 of NRS 634B.220 provided that the applicant submits to the Division:*

1. Evidence satisfactory to the Division that the applicant meets the requirements of subsection 1 of NRS 634B.220; and

2. The complete set of fingerprints and written permission required by paragraph (b) of subsection 2 of NRS 634B.220 in the form prescribed by the Division.

Sec. 13. *An application to register as a teacher, advisor or supervisor pursuant to subsection 2 of NRS 634B.080 must include, without limitation:*

1. The applicant's full name, including his or her first name, middle name, if applicable, and last name;

2. The applicant's date of birth;

3. The applicant's social security number or taxpayer identification number;

4. The applicant's physical address and the applicant's mailing address, if different than the physical address;

5. A telephone number at which the applicant can be reached;

6. An electronic mail address at which the applicant can be reached;

7. As deemed sufficient by the Division, proof of licensure to practice naprapathy in the District of Columbia or any state or territory of the United States;

8. The state of issuance, license number and expiration date of a license to practice naprapathy issued by the District of Columbia or any state or territory of the United States;

9. An attestation by the applicant acknowledging the mandatory reporting requirements concerning the abuse, neglect, exploitation, isolation or abandonment of an older person or vulnerable person set forth in NRS 200.5093 and the abuse or neglect of a child set forth in NRS 432B.220;

10. An application fee of \$50; and

11. Any other information required by the Division to determine the applicant's identity or eligibility to register as a teacher, advisor or supervisor.

Sec. 14. An applicant for a license is responsible for paying the amount of the fees charged by the Central Repository for Nevada Records of Criminal History and the Federal Bureau of Investigation for the handling of the fingerprints and issuance of the reports of criminal histories.

Sec. 15. 1. If the Division determines that a background investigation of an applicant for a license or a licensee cannot be completed because pertinent information is missing, the Division shall send a notice to the applicant or licensee which specifies the missing information and provides that the applicant or licensee must submit:

- (a) The missing information to the Division within 30 days after receipt of the notice; or*
- (b) Satisfactory evidence to the Division that the missing information cannot be obtained.*

2. If a background investigation cannot be completed because the applicant or licensee has been arrested or issued a citation, or has been the subject of a warrant for alleged criminal conduct, and there has been no disposition of the matter, the applicant or licensee shall:

(a) Notify the Division immediately upon:

- (1) The scheduling of any judicial proceeding concerning the matter; and*
- (2) The disposition of the matter; and*

(b) Forward to the Division evidence of the disposition of the matter as soon as it is available.

3. As used in this section, "disposition" has the meaning ascribed to it in NRS 179A.050.

Sec. 16. *If an applicant for a license or a licensee wishes to challenge the accuracy of the information provided through a background investigation, the applicant or licensee must notify the Division within 10 working days after being notified of the results of the background investigation. The Division shall give the applicant or licensee not less than 30 days after the Division receives notice of the challenge to provide satisfactory evidence to the Division that the information is incorrect before denying the application or suspending or revoking a license.*

Sec. 17. *For the purposes of NRS 634B.250, the Board designates the national examination administered by the National Board of Naprapathic Examiners, or its successor organization.*

Sec. 18. *1. In addition to meeting the requirements of NRS 634B.260, an application to renew a license must include an attestation in the form prescribed by the Division stating whether the applicant:*

(a) Has completed continuing education that meets the requirements of subsection 1 of section 19 of this regulation; and

(b) Has committed any act which is a ground for disciplinary action.

2. The Division may renew the license of an applicant who has committed any act which is a ground for disciplinary action only if the Division determines that:

(a) The applicant made sufficient restitution; or

(b) The act was not substantially related to the practice of naprapathy.

Sec. 19. *1. To renew a license, each licensee must successfully complete a total of 30 hours of continuing education that satisfies the requirements of subsection 3, with a minimum*

of 3 hours of continuing education in ethics, during the 12 months immediately preceding the expiration of the license.

2. Each applicant for a license who was previously licensed in this State must have successfully completed, during the time that has lapsed since the applicant was most recently licensed in this State, a total of 30 hours of continuing education that satisfies the requirements of subsection 3, with a minimum of 3 hours of continuing education in ethics, for each period of 12 months that has passed since the applicant was most recently licensed in this State.

3. To satisfy the requirements of this section, a course of continuing education must:

- (a) Be approved or provided by an accredited school of naprapathic medicine in the District of Columbia or any state or territory of the United States;*
- (b) Be approved or provided by a governmental entity that licenses naprapaths in the District of Columbia or any state or territory of the United States;*
- (c) Be approved by a nationally recognized naprapathic organization, including, without limitation, the American Naprapathic Association or its successor organization;*
- (d) Offer a certificate of Category 1 credit as recognized by the American Medical Association that is relevant to the practice of naprapathy, as determined by the Division;*
- (e) Be approved by a governmental entity that licenses providers of health care in the District of Columbia or any state or territory of the United States and that is relevant to the practice of naprapathy, as determined by the Division;*
- (f) Be provided by an accredited college or university that offers courses relevant to the practice of naprapathy, as determined by the Division; or*
- (g) Be recommended by the Advisory Board and approved by the Division.*

4. The Division shall perform random audits of licensees to ensure compliance with the requirements for continuing education set forth in this section.

5. If audited by the Division, a licensee shall prove that he or she successfully completed the continuing education required by this section by presenting authenticated photocopies of original certificates of completion or computer printouts from approved providers of continuing education to the Division. A certificate of completion or computer printout must include:

- (a) The title of the course;*
- (b) The name of the provider of the course;*
- (c) The name of the body which approved the course;*
- (d) The date on which the course was presented;*
- (e) The name and license number of the licensee; and*
- (f) The number of hours of continuing education earned in the course.*

6. Each licensee shall maintain a copy of a certificate of completion or computer printout described in subsection 5 for a period of 4 years after the date on which the licensee completed the course of continuing education to which the certificate or printout applies.

Sec. 20. *1. Except as otherwise provided in subsection 3, a person who wishes to offer a program must apply to the Division on a form prescribed by the Division. An application to offer a program must include:*

- (a) The name of the program;*
- (b) The address of the program;*
- (c) The name, telephone number and electronic mail address of the point of contact for the application;*

- (d) The resume or curriculum vitae of each instructor;*
- (e) The course curriculum and the related instructional materials;*
- (f) The policies and procedures required by section 22 of this regulation;*
- (g) The requirements for a student to complete the program;*
- (h) Proof that the program is accredited by a nationally recognized accrediting agency that is recognized by the United States Department of Education; and*
- (i) Any other information or documentation required by the Division.*

2. The Division shall consider the information submitted pursuant to subsection 1 to be proprietary information and shall not release that information without the consent of the applicant.

3. The Division, in consultation with the Advisory Board, may approve a program, including, without limitation, a program that does not comply with sections 21 to 24, inclusive, of this regulation, that is accredited by a nationally recognized accrediting agency that is recognized by the United States Department of Education without the submission of an application pursuant to subsection 1. A program approved pursuant to this subsection shall be deemed to meet the requirements for a program set forth in this chapter.

4. The Division shall maintain a list of approved programs on the Internet website of the Division.

Sec. 21. *Except as otherwise provided in subsection 3 of section 20 of this regulation, a program must:*

1. Be based on a 4-year academic curriculum which must not be completed more than 3 years earlier or 5 years later than the original date on which a student enrolls in the program.

2. Have a naprapathic research project committee composed of three members, of which at least one member is a licensee. Any member of a naprapathic research project committee who is not a licensee must be qualified for membership based on education, training and experience. The naprapathic research project committee must supervise each naprapathic research project required by section 23 of this regulation.

3. Specifically designate the courses that include hands-on practical training or a laboratory component.

4. Prepare students to take the examination designated by the Board in section 17 of this regulation upon completion of the program.

5. Require an applicant to enroll in the program to have completed a bachelor's degree from an accredited institution of higher education with a grade point average of at least 2.5 on a scale of 4.0 and at least 24 hours of credit, using a quarter system, in general education. Each quarter must consist of 12 weeks of academic activities. The 24 hours of credit in general education must, include, without limitation, at least 6 hours of credit in each of the following:

(a) English;

(b) Humanities;

(c) Natural and physical sciences, including, without limitation, biology and organic chemistry; and

(d) Social sciences.

6. Require a prospective student to submit official transcripts from each institution of higher education that the prospective student has attended.

7. Require that official transcripts from an institution of higher education that is located in a foreign country be evaluated by a recognized member of the National Association of Credential Evaluation Services, or its successor organization.

8. Require that a student, in order to graduate, must:

(a) Earn a minimum 3.0 cumulative grade point average;

(b) Successfully complete each course required by section 23 of this regulation; and

(c) Successfully complete a clinical internship that meets the requirements of section 24 of this regulation.

9. Require each student to pass and finish each course in order to move onto the next course.

10. Maintain paper copies of each student record for a minimum of 5 years after the most recent date to which the record applies.

Sec. 22. *Except as otherwise provided in subsection 3 of section 20 of this regulation, a program must have policies and procedures:*

1. To determine the cumulative grade point average of a student;

2. For a grading scale under which a letter grade of:

(a) A is achieved with a percentage score of 90 to 100 percent and is equivalent to a grade point of 4.0;

(b) B is achieved with a percentage score of 80 to 89 percent and is equivalent to a grade point of 3.0;

(c) C is achieved with a percentage score of 70 to 79 percent and is equivalent to a grade point of 2.0;

(d) D is achieved with a percentage score of 60 to 69 percent and is equivalent to a grade point of 1.0; and

(e) F is achieved with a percentage score of 0 to 59 percent and is equivalent to a grade point of 0.0.

3. For a drug-free environment in accordance with the Safe and Drug-Free Schools and Communities Act, 20 U.S.C. §§ 7101 et seq.

4. That allow students to appeal an academic dismissal from the program.

5. Concerning attendance, absences and tardiness, including, without limitation, policies and procedures concerning students who leave class early, making up missed class time and leave due to military duty, jury duty or illness. Such policies and procedures must require:

(a) Students to attend at least 80 percent of the scheduled time for each course for the purpose of achieving satisfactory attendance; and

(b) The program to automatically withdraw a student who misses 14 or more consecutive days of class, unless the student makes prior arrangements for the absence with the program.

6. For disciplinary probation for excessive absences, tardiness, unacceptable conduct, violating the policies and procedures of the program and the excessive use of alcohol or controlled substances.

7. To ensure that each instructor is qualified to teach the courses that the instructor is assigned to teach.

8. To ensure the program has a sufficient number of licensees to teach courses that require knowledge in the practice of naprapathy and supervise the clinical internship required by subsection 8 of section 21 of this regulation.

Sec. 23. 1. *Except as otherwise provided in subsection 3 of section 20 of this regulation and subsection 4, the curriculum for the first and second year of the program must include, without limitation:*

(a) A course on the history, theories and principles of naprapathy, with a minimum of 90 hours of instruction.

(b) A course on anatomy, with a minimum of 270 hours of instruction.

(c) A course on physiology, with a minimum of 270 hours of instruction.

(d) A course on connective tissue dynamics, with a minimum of 270 hours of instruction, including a laboratory component.

(e) A course on medical terminology, with a minimum of 90 hours of instruction.

(f) A course on information literacy for evidence-based practice, with a minimum of 90 hours of instruction.

(g) A course on spinal anatomy, with a minimum of 90 hours of instruction.

(h) A course on histology, genetics and embryology, with a minimum of 90 hours of instruction.

(i) A course on evidence-based practice for naprapathic professionals, with a minimum of 90 hours of instruction.

(j) Two courses on biochemistry, with a minimum of 90 hours of instruction for each course.

(k) A course on principles of rehabilitation, with a minimum of 90 hours of instruction.

(l) A course on scholarly design and review, with a minimum of 90 hours of instruction.

(m) A course on exercise physiology and biomechanics, with a minimum of 90 hours of instruction.

(n) A course on kinesiology, with a minimum of 90 hours of instruction.

(o) A course on naprapathic technique, with a minimum of 90 hours of instruction.

(p) A course on naprapathic clinical evaluation, with a minimum of 90 hours of instruction.

(q) A course on scholarly implementation and dissemination, with a minimum of 90 hours of instruction.

2. Except as otherwise provided in subsection 3 of section 20 of this regulation and subsection 4, the curriculum for the second and third years of the program must include, without limitation:

(a) A course on microbiology and public health, with a minimum of 90 hours of instruction.

(b) Two courses on neuroscience, with a minimum of 90 hours of instruction for each course.

(c) A course on naprapathic technique, with a minimum of 90 hours of instruction.

(d) Two courses on naprapathic clinical evaluation, with a minimum of 90 hours of instruction for each course.

(e) A course on applied biomechanics, with a minimum of 90 hours of instruction.

(f) A course on the components of naprapathic research projects, with a minimum of 90 hours of instruction.

(g) A course on therapeutic exercise, with a minimum of 90 hours of instruction.

(h) Two courses on the pathology of human diseases, with a minimum of 90 hours of instruction for each course.

(i) Two courses on the science of nutrition and diet, with a minimum of 90 hours of instruction for each course.

(j) A course for students to develop a proposal for a naprapathic research project, with a minimum of 120 hours of instruction.

(k) Two courses on accessory techniques, with a minimum of 90 hours of instruction for each course.

(l) A course on clinical orthopedic and neurological evaluation, with a minimum of 90 hours of instruction.

(m) A course on the interpretation of radiological reports and normal radiographic anatomy, with a minimum of 90 hours of instruction.

(n) A course for students to complete two naprapathic research projects, with a minimum of 240 hours of instruction.

(o) A course on stress and the body, with a minimum of 90 hours of instruction.

(p) A course to prepare students for practice in a clinical setting, with a minimum of 90 hours of instruction.

(q) A course on mind-body medicine, with a minimum of 90 hours of instruction.

(r) A course on sports and exercise injury assessment and treatment, with a minimum of 90 hours of instruction.

3. Except as otherwise provided in subsection 3 of section 20 of this regulation and subsection 4, the curriculum for the third and fourth years of the program must include, without limitation:

(a) A course on clinical protocols and public health, with a minimum of 90 hours of instruction.

(b) Four courses on clinical practice, with a minimum of 150 hours of practice in a clinical setting for each course.

(c) Four courses on the development of professional skills for practice, with a minimum of 30 hours of instruction for each course.

(d) A course for students to complete one naprapathic research project, with a minimum of 120 hours of instruction.

(e) Three courses on clinical adjunctive therapy, with a minimum of 90 hours of instruction for each course.

(f) A course on the dissemination of naprapathic research projects, with a minimum of 90 hours of instruction.

4. The courses required by this section may be combined or divided into several courses depending on whether the program is structured to be completed in 3 or 5 years, provided that all of the requirements of this section are met.

Sec. 24. 1. *Except as otherwise provided in subsection 3 of section 20 of this regulation, a program must require that, before participating in a clinical internship for the purpose of satisfying the requirements of subsection 8 of section 21 of this regulation, a student must:*

(a) Satisfy all of the academic requirements of the program; and

(b) Pass a clinical examination approved by the program.

2. A clinical internship completed for the purpose of satisfying the requirements of subsection 8 of section 21 of this regulation must last for at least 1 year and must include, without limitation:

(a) At least 12 hours of supervised practice in a clinic for at least 2 days each week for a total of 50 weeks;

- (b) The administration of at least 500 naprapathic treatments;*
- (c) The performance of at least 15 nutritional counseling sessions; and*
- (d) The successful completion of clinical academic courses.*

3. Except as otherwise provided in subsection 3 of section 20 of this regulation, a program must:

(a) Develop a clinical evaluation tool to measure and evaluate the skills of interns.

(b) Require that an intern:

(1) Earn a minimum of 80 percent for each day based on the clinical evaluation tool developed by the program pursuant to paragraph (a); and

(2) Maintain an average grade point average of 3.0 for clinical work.

(c) Require that a naprapathic preceptor or intern clinician designated by a licensed naprapathic preceptor:

(1) Be on duty at all times an intern is performing clinical activities to observe treatments; and

(2) Evaluate each intern daily on his or her progress toward achieving goals of the program.

Sec. 25. A licensee shall maintain a policy of professional liability insurance with a minimum coverage of \$200,000 for each claim and a minimum aggregate amount of \$600,000 for each year.

Sec. 26. A licensee and any person working under a licensee who provides direct care to a patient shall follow nationally recognized infection control and prevention guidelines that are applicable to the setting in which the care is provided. Such guidelines may include, without limitation:

1. *The guidelines provided in the Guide to Infection Prevention for Outpatient Settings: Minimum Expectations for Safe Care developed by the National Center for Emerging and Zoonotic Infectious Diseases of the Centers for Disease Control and Prevention of the United States Department of Health and Human Services.*

2. *Any applicable guidelines prescribed by the Association for Professionals in Infection Control and Epidemiology, or its successor organization.*

Sec. 27. 1. A licensee shall not:

(a) Falsify records of health care, including, without limitation, falsification so as to indicate:

(1) The licensee's presence at a time when the licensee was not in attendance with a patient; or

(2) That procedures were performed by the licensee which were in fact not performed by the licensee;

(b) Render professional services to a patient while the licensee is under the influence of alcohol or any controlled substance or is in any impaired mental or physical condition;

(c) Recommend anabolic steroids for any person to increase muscle mass for competitive or athletic purposes;

(d) Make an unreasonable additional charge for tests in a laboratory, radiological services or other services for testing which are ordered by the licensee and performed outside the office of the licensee;

(e) Fail to honor the advance directive of a patient without informing the patient or the surrogate or the guardian of the patient, and without documenting in the records of the patient the reasons for failing to honor the advance directive of the patient; or

(f) Administer or use, or allow any person under his or her supervision, direction or control to administer or use, a single-use medical device:

(1) For more than one procedure;

(2) For more than one patient; or

(3) In a manner inconsistent with the manufacturer's instruction or directions included on or with the single-use medical device.

2. As used in this section, "single-use medical device" means a medical device that is intended for one use or a single patient during a single procedure.

Sec. 28. 1. *A licensee shall not advertise in such a manner that the advertising or use of promotional materials:*

(a) Claims that a manifestly incurable disease can be permanently cured;

(b) Includes any false claim of a licensee's skill as a naprapath, or the efficacy or value of his or her treatment;

(c) Claims or implies professional superiority of the performance of any professional service in a manner superior to that of other providers of health care;

(d) Guarantees any professional service or the results of any course of treatment or the performance of any procedure painlessly;

(e) Includes any statement which is known to be false, or through the exercise of reasonable care should be known to be false, deceptive, misleading or harmful, in order to induce any person to purchase, utilize or acquire any professional services or to enter into any obligation or transaction relating thereto;

(f) Includes any extravagant claim, aggrandizement of abilities or self-laudatory statement calculated to attract patients, and which has a tendency to mislead the public or produce unrealistic expectations in particular cases; or

(g) Is false, deceptive or misleading in regard to the price, cost, charge, fee or terms of credit or services performed or to be performed.

2. It is sufficient for disciplinary purposes that any statement or other advertising described in paragraph (e), (f) or (g) of subsection 1 has a tendency to:

(a) Deceive, mislead or harm the public because of its false, deceptive, misleading or harmful character; or

(b) Produce unrealistic expectations in particular cases, even where no member of the public is actually deceived, misled or harmed, or no unrealistic expectations are actually produced by the statement or other advertising.

Sec. 29. 1. The Division may, subject to the provisions of this section and section 16 of this regulation, deny an application for a license or suspend or revoke a license if the applicant or licensee has been convicted of:

(a) Murder, voluntary manslaughter or mayhem;

(b) Any felony involving the use of a firearm or other deadly weapon;

(c) Assault or battery with intent to kill or to commit sexual assault or mayhem;

(d) Sexual assault, statutory sexual seduction, incest, lewdness, indecent exposure or any other sexually related crime that is punished as a felony;

(e) Abuse or neglect of a child or contributory delinquency;

(f) Abuse, neglect, exploitation, isolation or abandonment of older persons or vulnerable persons, including, without limitation, a violation of any provision of NRS 200.5091 to

200.50995, inclusive, or a law of any other jurisdiction that prohibits the same or similar conduct;

(g) A violation of any federal or state law regulating the possession, distribution or use of any controlled substance or any dangerous drug as defined in chapter 454 of NRS, within the immediately preceding 7 years; or

(h) Any offense involving moral turpitude.

2. If the Division receives a petition pursuant to section 30 of this regulation or notification that an applicant or licensee intends to challenge a background investigation pursuant to section 16 of this regulation, the Division may stay the denial of an application for or the suspension or revocation of a license pursuant to subsection 1 pending the outcome of the petition or challenge.

Sec. 30. 1. An applicant or a licensee who is convicted of crime listed in section 29 of this regulation may petition the Division to refrain from denying the applicant's application for a license or suspending or revoking the license of the licensee.

2. A petition submitted pursuant to subsection 1 must be in the form prescribed by the Division and include:

(a) The name of the petitioner;

(b) The social security number of the petitioner or, if the petitioner has not been assigned a social security number, the taxpayer identification number of the petitioner; and

(c) The consent of the petitioner for the Division to:

(1) Interview the petitioner or any other person or entity whom the Division determines may have information relevant to the petition, including, without limitation, current and prior employers and family members of the petitioner; and

(2) Obtain any information that the Division determines necessary to evaluate the petition.

3. A petitioner shall provide the Division with any documentation requested by the Division for the purpose of evaluating the petition.

4. When evaluating a petition submitted pursuant to subsection 1, the Division shall consider:

(a) The amount of time that has passed since the conviction;

(b) The number of times the applicant or the licensee has been convicted of any crime listed in section 29 of this regulation;

(c) The rehabilitation of the petitioner;

(d) The relevance of the crime to the practice of naprapathy;

(e) Whether the applicant or licensee is required by federal or state law to register as a sex offender; and

(f) Any relevant extenuating circumstances.

5. Not later than 90 days after the date on which the petitioner submits a petition to the Division pursuant to subsection 1, the Division shall issue a written decision to the petitioner concerning the petition.

6. The Division may rescind its written decision concerning a petition submitted pursuant to subsection 1 at any time.

7. An applicant for a license whose application is denied after submitting a petition pursuant to this subsection 1 may not apply for a license for a period of 2 years after the date on which the application was denied.

8. *A petition submitted pursuant to subsection 1 and all supplemental information is confidential. A written decision issued pursuant to subsection 5 is a public record.*

Sec. 31. 1. *The following acts constitute grounds for disciplinary action:*

(a) Any disciplinary action, including, without limitation, the revocation, suspension, modification or limitation of a license to practice naprapathy, taken by another state, the Federal Government, a foreign country or any other jurisdiction or the surrender of a license to practice naprapathy or discontinuing the practice of naprapathy while under investigation by any licensing authority, a medical facility, a branch of the Armed Forces of the United States, an insurance company, an agency of the Federal Government or an employer.

(b) Malpractice, which may be evidenced by claims settled against a licensee, but only if the malpractice is established by a preponderance of the evidence.

(c) Engaging by a licensee in any sexual activity with a patient who is currently being treated by the licensee.

(d) Engaging in sexual contact with the surrogate of a patient or other key persons related to a patient, including, without limitation, a spouse, parent or legal guardian, which exploits the relationship between the licensee and the patient in a sexual manner.

(e) Disruptive behavior with naprapaths, licensed physicians, hospital personnel, patients, members of the families of patients or any other persons if the behavior interferes with patient care or has an adverse impact on the quality of care rendered to a patient.

(f) Engaging in conduct that violates the trust of a patient and exploits the relationship between the licensee and the patient for financial or other personal gain.

(g) Failure to offer appropriate procedures or studies, to protest inappropriate denials by insurers, to provide necessary services or to refer a patient to an appropriate provider, when

the failure occurs with the intent of positively influencing the financial well-being of the licensee or an insurer.

(h) Obtaining, maintaining or renewing or attempting to obtain, maintain or renew a license by bribery, fraud or misrepresentation or by any false, misleading, inaccurate or incomplete statement.

(i) Practicing or attempting to practice naprapathy under another name.

(j) Attempting directly or indirectly, by way of intimidation coercion or deception, to obtain or retain a patient or to discourage the use of a second opinion.

(k) Terminating the naprapathic care of a patient without adequate notice or without making other arrangements for the continued care of the patient.

(l) Directly or indirectly receiving from any person, corporation or other business organization any fee, commission, rebate or other form of compensation which is intended or tends to influence the naprapath's objective evaluation or treatment of a patient.

(m) Dividing a fee between licensees except where:

(1) The patient is informed of the division of fees; and

(2) The division of fees is made in proportion to the services portion actually performed and the responsibility assumed by each licensee.

(n) Referring, in violation of NRS 439B.425, a patient to a health facility, medical laboratory, diagnostic imaging or radiation oncology center or commercial establishment in which the licensee has a financial interest.

(o) Charging for visits to the office of the licensee which did not occur or for services which were not rendered or documented in the records of the patient.

(p) Aiding, assisting, employing or advising, directly or indirectly, any unlicensed person to engage in the practice of naprapathy contrary to the provisions of this chapter or chapter 634B of NRS.

(q) Delegating responsibility for the care of a patient to a person if the licensee knows, or has reason to know, that the person is not qualified to undertake that responsibility.

(r) Failing to disclose to a patient any financial or other conflict of interest.

(s) The inability to practice naprapathy with reasonable skill and safety because of illness, a mental or physical condition or the use of alcohol, drugs or any other substance.

(t) Practicing or offering to practice beyond the scope permitted by law or performing services which the licensee knows or has reason to know that he or she is not competent to perform or which are beyond the scope of his or her training.

(u) Performing, without first obtaining the informed consent of the patient or the patient's family, any procedure or prescribing any therapy which by the current standards of the practice of naprapathy is experimental.

(v) Continual failure to exercise the skill or diligence or use the methods ordinarily exercised under the same circumstances by naprapaths in good standing.

(w) Having an alcohol or other substance use disorder.

(x) Failure by an applicant or a licensee to report in writing, within 30 days, any disciplinary action taken against the applicant or licensee by another state, the Federal Government or a foreign country, including, without limitation, the revocation, suspension or surrender of a license to practice naprapathy in another jurisdiction. The provisions of this paragraph do not apply to any disciplinary action taken by the Board or taken because of any disciplinary action taken by the Division.

(y) Failure by an applicant or a licensee to report in writing, within 30 days, any criminal action taken or conviction obtained against the applicant or licensee, other than a minor traffic violation, in this State or any other state or by the Federal Government, a branch of the Armed Forces of the United States or any local or federal jurisdiction of a foreign country.

(z) Violating any state or federal law or regulation that is applicable to an applicant for a license or a licensee.

(aa) Failure to maintain timely, legible, accurate and complete medical records relating to the diagnosis, treatment and care of a patient.

(bb) Altering the medical records of a patient.

(cc) Making or filing a report which the licensee knows to be false, failing to file a record or report as required by law or knowingly or willfully obstructing or inducing another to obstruct such filing.

(dd) Failure to make the medical records of a patient available for inspection and copying as provided in NRS 629.061, if the licensee is the custodian of health care records with respect to those records.

(ee) Knowingly or willfully disclosing a communication that is privileged pursuant to a statute or court order.

2. As used in this section:

(a) "Custodian of health care records" has the meaning ascribed to it in NRS 629.016.

(b) "Licensed physician" means a physician licensed pursuant to chapter 630 or 633 of NRS.

Sec. 32. 1. The Division may take one or more of the following disciplinary actions against an applicant or a licensee who commits any act or omission which is grounds for disciplinary action:

- (a) Deny, suspend, revoke or refuse to renew a license;**
- (b) Impose a limitation on the practice of naprapathy by the applicant or licensee;**
- (c) Impose an administrative fine not to exceed \$5,000 for each violation;**
- (d) Require an applicant or licensee to enter into a contract to obtain alcohol or drug rehabilitation services, if the reason for the disciplinary action is related to the use of alcohol or a controlled substance; or**
- (e) Any other disciplinary action that the Division determines to be appropriate.**

2. A licensee shall pay all costs incurred in connection with any disciplinary action taken against the licensee.

3. The Division may consult with the Advisory Board before imposing any disciplinary action pursuant to this section.

Sec. 33. 1. Upon receipt of a complaint that a person is engaging the practice of naprapathy without a license, the Division shall investigate such a complaint.

2. A person under investigation pursuant to subsection 1 shall cooperate with the Division during the course of the investigation by:

- (a) Participating in any interviews requested by the Division;**
- (b) Allowing the Division to inspect the location at which the person allegedly practiced naprapathy without a license;**

(c) Providing any documentation requested by the Division, including, without limitation, documentation that the person is not engaged in the practice of naprapathy without a license; and

(d) Performing or refraining from the performance of any other act, as requested by the Division to facilitate the investigation.

3. If the Division determines that the person is practicing naprapathy without a license, the Division shall:

(a) Direct the person to immediately cease and desist from the practice of naprapathy; and

(b) Notify the person that he or she must submit to the Division within 10 days an application for a license or evidence satisfactory to the Division that the person is not engaged in the practice of naprapathy.

4. A person who submits an application pursuant to paragraph (b) of subsection 3 shall not engage in the practice of naprapathy until the Division issues the person a license pursuant to this chapter and chapter 634B of NRS.

5. If the person fails to submit the application or the evidence in accordance with paragraph (b) of subsection 3 or does not cooperate with the investigation of the Division pursuant to subsection 2, the Division shall refer the matter to the Office of the Attorney General and the district attorney of the county in which the alleged violation occurred for investigation and possible prosecution pursuant to NRS 634B.900.

6. If an application submitted pursuant to paragraph (b) of subsection 3 is denied, the applicant may not apply for a license for a period of 2 years after the date on which the application was denied.

Sec. 34. 1. A person may submit a complaint to the Division alleging that an applicant for a license or a licensee has engaged in conduct which is grounds for disciplinary action pursuant to this chapter or chapter 634B of NRS.

2. The Division shall examine each complaint received pursuant to subsection 1 to determine whether there is good cause to conduct an investigation. If the Division determines that there is good cause, the Division shall investigate the complaint.

3. While conducting an investigation pursuant to subsection 2, the Division may:

(a) Interview the applicant or licensee or any other person or entity whom the Division determines may have relevant information concerning the complaint;

(b) Conduct onsite inspections to make observations, interview persons and review any records, including, without limitation, medical records; and

(c) Obtain any information that the Division determines necessary to conduct the investigation.

4. The Division may consult with the Advisory Board concerning any complaint. Information presented to the Advisory Board concerning a complaint is confidential.

5. An applicant or a licensee shall provide the Division with any documentation requested by the Division, including, without limitation, medical records, for the purpose of conducting an investigation pursuant to this section.

6. The failure of a licensee to cooperate with an investigation conducted pursuant to this section constitutes grounds for disciplinary action against the licensee.

Sec. 35. 1. The Division shall, in each order revoking a license, prescribe a period during which a licensee may not apply for the reinstatement of his or her license. The period must not be less than 1 year or more than 10 years.

2. An applicant for the reinstatement of a license must:

(a) Submit an application for reinstatement on a form prescribed by the Division;

(b) Satisfy all of the requirements for the renewal of a license, including, without limitation, completing the continuing education set forth in section 19 of this regulation;

(c) Attest that he or she has not, during the period of revocation of his or her license, violated any state or federal statute or regulation governing the practice of naprapathy; and

(d) Attest that he or she is not currently under investigation by a regulatory authority of the District of Columbia or the state or territory of the United States in which the applicant holds a license to practice naprapathy.

3. The Division may designate requirements in addition to the requirements of subsection 2 that must be satisfied before the Division will consider an applicant for the reinstatement of his or her license, including, without limitation, conducting an interview of the applicant or requiring the applicant to complete additional courses or programs if the license of the applicant has been revoked for more than 2 years.

4. The Division:

(a) Shall review an application for the reinstatement of a license to determine whether the application satisfies the requirements of this section; and

(b) May deny an application for the reinstatement of a license which the Division determines does not satisfy those requirements.

5. In considering an application for the reinstatement of a license which has been revoked, the Division shall evaluate:

(a) The severity of the act which resulted in the revocation of the license;

(b) The conduct of the applicant after the revocation of the license;

(c) The lapse of time since the revocation of the license;

(d) The degree of compliance by the applicant with any conditions the Division specified as a prerequisite for the reinstatement of the license;

(e) The degree of rehabilitation attained by the applicant as evidenced by statements to the Division from qualified people who have professional knowledge of the applicant; and

(f) The truthfulness of the attestations made by the applicant pursuant to subsection 2.

6. After evaluating an application for the reinstatement of a license, the Division shall grant or deny the reinstatement of the license.

7. If the Division takes any disciplinary action against a licensee after the reinstatement of his or her license, the first disciplinary action taken after the reinstatement of his or her license shall be deemed to be the licensee's first offense.

8. Before granting or denying the reinstatement of a licensee pursuant to subsection 6, the Division may consult with the Advisory Board.

Sec. 36. 1. *A person whose license is suspended shall comply with the terms of the suspension that are specified by the Division, which may include, without limitation:*

(a) Informing the Division of the name and address of his or her employer, or if self-employed, the name and address of his or her business.

(b) Submitting to the Division copies of evaluations of his or her performance made by his or her employer.

(c) Undergoing counseling with a qualified therapist.

(d) If the suspension was related to the use of alcohol or a controlled substance or another condition that may be assisted with treatment for addiction, undergoing such treatment provided by a qualified provider of health care.

(e) Entering into a contract to obtain services for rehabilitation from an alcohol or other substance use disorder, if the suspension was related to the use of alcohol or a controlled substance.

(f) Submitting to the Division copies of reports prepared by a qualified therapist or other provider of health care.

(g) Submitting to the Division self-evaluation reports.

(h) Submitting to the Division copies of the results of random screenings for alcohol or controlled substances.

(i) Meeting with the Division or a designated representative of the Division at specified intervals.

(j) Working under supervision as approved by the Division or a designated representative of the Division.

(k) Successfully completing any courses of education required by the Division.

(l) Successfully completing a rehabilitation program specified by the Division.

2. If, at any time the Division determines that the licensee violated the terms of the suspension or that the progress and performance of the licensee under the suspension are unsatisfactory, the Division may extend the period of the suspension, modify the terms of the suspension or revoke the license of the licensee.

3. The licensee shall pay all costs incurred by the licensee to comply with the terms of the suspension of his or her license which are specified by the Division pursuant to this section.

4. The Division may consult with the Advisory Board regarding the terms of the suspension of a licensee and whether to terminate or extend the suspension.

5. Except as otherwise provided in subsection 6, the Division may terminate the suspension of a license at any time.

6. If the Division consults with the Advisory Board regarding the terms of suspension of a licensee or whether to terminate or extend the suspension, the Division shall also consult with the Advisory Board before terminating the suspension and reinstating a license pursuant to subsection 5.

Sec. 37. *1. If a person is aggrieved by a decision of the Division pursuant to this chapter or chapter 634B of NRS relating to the denial, suspension, refusal to renew or revocation of a license, the imposition of an administrative sanction or any other disciplinary action, the aggrieved person may file an appeal of the decision with the Division.*

2. In any appeal filed with the Division pursuant to subsection 1, unless otherwise provided by law or the Division, the procedures set forth in NAC 439.300 to 439.395, inclusive, apply.

3. As used in this section, “disciplinary action” means any disciplinary action taken pursuant to this chapter and chapter 634B of NRS.

Sec. 38. *1. The Board will hold a hearing not later than 45 days after the Division receives a report pursuant to subsection 5 of NRS 228.420 concerning a licensee or at the next scheduled meeting of the Board after the Division receives such a report, whichever is later, to consider the contents of the report and the advice of the Advisory Board concerning such a report.*

2. The provisions of NAC 439.190 and 439.195 apply to a hearing held pursuant to this section and NRS 634B.720.

Sec. 39. NAC 652.155 is hereby amended to read as follows:

652.155 1. Except as otherwise provided in this section and section 3 of LCB File No. R126-21 and NRS 652.071, the provisions of this chapter:

(a) Apply to:

(1) A laboratory which is licensed pursuant to NRS 652.080 and which provides services to the public; and

(2) A nonexempt laboratory which is registered pursuant to NAC 652.175; and

(b) Do not apply to:

(1) An exempt laboratory which:

(I) Is licensed pursuant to chapter 652 of NRS; and

(II) Pays the applicable fees required by NAC 652.488;

(2) An HIV testing laboratory which:

(I) Is licensed pursuant to chapter 652 of NRS; and

(II) Pays the applicable fees required by NAC 652.488;

(3) A licensed laboratory only for the collection of specimens which:

(I) Is licensed pursuant to chapter 652 of NRS:

(II) Pays the applicable fees required by NAC 652.488;

(III) Has a director who possesses the qualifications prescribed by NAC 652.397; and

(IV) Complies with the requirements of section 3 of LCB File No. R126-21; or

(4) A laboratory which is registered as exempt pursuant to NAC 652.175.

2. Except as otherwise provided in subsection 3, a person who is employed by a laboratory that is licensed by or registered with the Division pursuant to chapter 652 of NRS may perform a test without complying with the provisions of this chapter if:

(a) The test has been classified as a waived test pursuant to 42 C.F.R. Part 493, Subpart A;
and

(b) The director, a designee of the director or a licensed physician at the laboratory at which the test is performed:

- (1) Verifies that the person is competent to perform the test;
- (2) Ensures that the test is performed in accordance with instructions of the manufacturer of the test; and
- (3) Validates and verifies the manner in which the test is performed by using controls which ensure that the results of the test will be accurate and reliable.

3. Except as otherwise provided in subsection 4, the provisions of subsection 2 do not relieve a person who performs a test from the requirement to:

(a) Comply with the policies and procedures that the director of the laboratory at which the test is performed has established pursuant to NAC 652.280;

(b) Comply with the laboratory safety guidelines adopted by the laboratory pursuant to NAC 652.291; or

(c) Obtain certification pursuant to NAC 652.470 and pay the applicable fees as set forth in NAC 652.488.

4. An advanced practice registered nurse as defined in NRS 632.012 or a physician assistant as defined in NRS 630.015 who is employed by a laboratory that is licensed by or registered with the Division pursuant to chapter 652 of NRS and who has not received certification pursuant to NAC 652.470 may perform a test without complying with the provisions of this chapter if the test:

(a) Has been classified as a waived test pursuant to 42 C.F.R. Part 493, Subpart A; or

(b) Is a provider-performed microscopy procedure categorized pursuant to 42 C.F.R. § 493.19.

5. Except as otherwise provided in this subsection, a person may perform a test for the detection of the human immunodeficiency virus that is classified as a waived test pursuant to 42 C.F.R. Part 493, Subpart A, without complying with the provisions of this chapter if he or she complies with NRS 652.186. This subsection does not apply to a person who holds a license or certification issued pursuant to this chapter or a license or certification described in NRS 652.210.

6. A medical officer employed by the Armed Forces of the United States to provide clinical laboratory services who is not licensed or certified pursuant to this chapter may provide clinical laboratory services in a hospital as part of a training or educational program pursuant to an agreement entered into in accordance with the provisions of NRS 449.2455.

7. As used in this section, “licensed physician” includes:

- (a) A physician licensed as a doctor of medicine pursuant to chapter 630 of NRS;
- (b) A physician licensed as a doctor of osteopathic medicine pursuant to chapter 633 of NRS;
- (c) A chiropractic physician licensed pursuant to chapter 634 of NRS; ~~and~~
- (d) *A naprapath licensed pursuant to chapter 634B of NRS; and*
- (e) A podiatric physician licensed pursuant to chapter 635 of NRS.

Joe Lombardo
Governor

Richard Whitley,
MS
Director



Cody Phinney,
MPH
Administrator

Ihsan Azzam,
Ph.D., M.D.
Chief Medical
Officer

NOTICE OF PUBLIC WORKSHOP

NOTICE IS HEREBY GIVEN that the Division of Public and Behavioral Health will hold a public workshop to add to the Nevada Administrative Code regulations governing the licensure of naprapaths and the practice of naprapathy pursuant to AB 153 of the 82nd legislative session (2023).

The workshop will be conducted in-person, by phone and virtually beginning at 9:00 AM on May 22, 2024, via the following:

- Join online using Microsoft Teams by clicking on the link below:
[Join the meeting now](#)
Meeting ID: 269 832 420 248
Passcode: jkyCxm
- Call in (audio only): 1-775-321-6111 (Phone Conference ID: 476 088 034#)
- Attend in person at:
 - Division of Public and Behavioral Health
Bureau of Health Care Quality and Compliance
727 Fairview Drive, Suite E
Carson City, NV 89701

These workshops will be conducted in accordance with NRS 241.020, Nevada's Open Meeting Law.

AGENDA

1. Introduction of workshop process
2. Public comment on proposed amendments to add to the Nevada Administrative Code regulations governing the licensure of naprapaths and the practice of naprapathy pursuant to AB 153 of the 82nd legislative session (2023).
3. General Public Comment

The proposed changes will add to the Nevada Administrative Code regulations governing the licensure of naprapaths and the practice of naprapathy pursuant to AB 153 of the 82nd legislative session (2023) and are being proposed in accordance with AB 153 of the 82nd legislative session (2023).

The proposed regulations provide provisions for the following:

- Infection Control.
- General application requirements.
- Initial application requirements.
- Licensure by endorsement requirements.
- Provisional Licensure requirements.
- Licensure renewal requirements.
- Validity of notices sent to licensees or applicants.

- Requirements to register as a teacher, advisor, or supervisor pursuant to subsection 2 of Section 1.29 of AB 153 of the 82nd legislative session.
- Rules of professional conduct for naprapaths.
- List of crimes, that if convicted, may result in disciplinary action of a naprapath.
- The process for an applicant for licensure as a naprapath or a licensee to petition the Division to not impose disciplinary action despite a report of being convicted of a crime that may result in disciplinary action.
- The required actions by an applicant or licensee that must be taken if a background check cannot be completed.
- The required actions to be taken by an applicant for a license or licensee if the person feels the background check information provided by the Division is not accurate
- The actions the Division may take upon determining that an applicant has been convicted of a crime listed in Section 21 of the proposed regulations.
- Fees.
- Grounds for initiating disciplinary action
- Disciplinary action that may be imposed by the Division; Consultation with Advisory Board.
- Contents of order of revocation of license; reinstatement of license following revocation.
- Licensee to pay costs of disciplinary action.
- Unlicensed practice complaints.
- Complaints against licensee or applicant.
- Terms of suspension of license.
- Appeal of decision related to disciplinary action.
- Reports received by the Division pursuant to subsection 5 of NRS 228.420.
- Continuing education requirements.
- Requirements governing advertising or the use of promotional materials by a naprapath
- Approval by Division of Program of Education in Naprapathy and related items.
- Per diem allowances and reimbursement for travel expenses for Naprapathic Practice Advisory Board members.
- Request for documents by the Division from applicants or licensees.
- Amendments to NAC 459.554 to authorize naprapaths licensed in Nevada to order medical x-rays, excluding nuclear medicine studies or other treatments that use radioactive materials.
- Amendments to NAC 652.155 to authorize naprapaths licensed in Nevada to order medical laboratory tests.

Members of the public may make oral comments at this meeting. Persons wishing to submit written testimony or documentary evidence may submit the material to Leticia Metherell, Health Program Manager, at the following address:

Division of Public and Behavioral Health
 727 Fairview Drive, Suite E
 Carson City, NV 89701
 775-684-1073 (fax)
lmetherell@health.nv.gov

Members of the public who require special accommodations or assistance at the workshop are required to notify Leticia Metherell in writing to the Division of Public and Behavioral Health, via fax, email or by mail using the information provided above, or by calling 775-684-1045 at least five (5) working days prior to the date of the public workshop.

You may contact Leticia Metherell by calling 775-684-1045 for further information on the proposed regulations or how to obtain copies of the supporting documents.

A copy of the notice and the proposed regulations are on file for inspection and/or may be copied at the following locations during normal business hours:

Division of Public and Behavioral Health
727 Fairview Drive, Suite E
Carson City, NV

Division of Public and Behavioral Health
4220 S. Maryland Parkway, Suite 100, Bldg. A
Las Vegas, NV

Nevada State Library and Archives
100 Stewart Street
Carson City, NV

A copy of the regulations and small business impact statement can be found on the [Division of Public and Behavioral Health's Health Facilities Regulation Development web page linked here](#).

A copy of the public workshop notice can also be found at Nevada Legislature's web page: <https://www.leg.state.nv.us/App/Notice/A/>

A copy of this notice has been posted at the following locations:

1. Division of Public and Behavioral Health, 4150 Technology Way, First Floor Lobby, Carson City
2. Nevada State Library and Archives, 100 Stewart Street, Carson City
3. Legislative Building, 401 S. Carson Street, Carson City
4. Southern Nevada Health District, 280 S Decatur Blvd, Las Vegas
5. Washoe County District Health Department, 9th St. and Wells Ave., Reno

Copies may be obtained in person, by mail, or by calling the Division of Public and Behavioral Health at (775) 684-1030 in Carson City or (702) 486-6515 in Las Vegas.

Per NRS 233B.064(2), upon adoption of any regulations, the agency, if requested to do so by an interested person, either prior to adoption or within 30 days thereafter, shall issue a concise statement of the principal reasons for and against its adoption, and incorporate therein its reason for overruling the consideration urged against its adoption.

**SMALL BUSINESS IMPACT STATEMENT
PROPOSED REGULATIONS TO THE STATE BOARD OF HEALTH**

**PRACTICE OF NAPRAPATHY PURSUANT TO ASSEMBLY BILL 153 OF THE 82ND
LEGISLATIVE SESSION (2023)**

The Division of Public and Behavioral Health (DPBH) has determined that the proposed regulations are not likely to impose a direct and significant economic burden upon a small business or directly restrict the formation, operation or expansion of a small business. The proposed regulations are being moved forward as a result of the passage of AB 153 of the 82nd legislative session (2023) governing the practice of naprapathy; therefore, there are no existing Nevada licensees that the proposed regulations would impact. It is anticipated that once the proposed regulations become effective and individuals are able to apply for and become licensed naprapaths that this may increase the formation of small businesses, as some licensees may open a naprapathic medical practice or start a school of naprapathy.

A small business is defined in Nevada Revised Statutes NRS 233B as a "business conducted for profit which employs fewer than 150 full-time or part-time employees."

This small business impact statement is made pursuant to NRS 233B.0608 (3) and complies with the requirements of NRS 233B.0609. As required by NRS 233B.0608(3), this statement identifies the methods used by the agency in determining the impact of the proposed regulation on a small business in sections 1, 2, 3, and 4 below and provides the reasons for the conclusions of the agency in section 8 below followed by the certification by the person responsible for the agency.

Background

The proposed regulations are the direct result of the passage of AB 153 of the 82nd legislative session (2023) which requires the Board of Health, with the advice of the Naprapathic Practice Advisory Board, to adopt regulations governing the licensure of naprapaths and the practice of naprapathy.

The proposed regulations provide provisions for the following:

- Infection Control.
- General application requirements.
- Initial application requirements.
- Licensure by endorsement requirements.
- Provisional Licensure requirements.
- Licensure renewal requirements.
- Validity of notices sent to licensees or applicants.
- Requirements to register as a teacher, advisor, or supervisor pursuant to subsection 2 of Section 1.29 of AB 153 of the 82nd legislative session.
- Rules of professional conduct for naprapaths.
- List of crimes, that if convicted, may result in disciplinary action of a naprapath.

- The process for an applicant for licensure as a naprapath or a licensee to petition the Division to not impose disciplinary action despite a report of being convicted of a crime that may result in disciplinary action.
- The required actions by an applicant or licensee that must be taken if a background check cannot be completed.
- The required actions to be taken by an applicant for a license or licensee if the person feels the background check information provided by the Division is not accurate
- The actions the Division may take upon determining that an applicant has been convicted of a crime listed in Section 21 of the proposed regulations.
- Fees.
- Grounds for initiating disciplinary action
- Disciplinary action that may be imposed by the Division; Consultation with Advisory Board.
- Contents of order of revocation of license; reinstatement of license following revocation.
- Licensee to pay costs of disciplinary action.
- Unlicensed practice complaints.
- Complaints against licensee or applicant.
- Terms of suspension of license.
- Appeal of decision related to disciplinary action.
- Reports received by the Division pursuant to subsection 5 of NRS 228.420.
- Continuing education requirements.
- Requirements governing advertising or the use of promotional materials by a naprapath
- Approval by Division of Program of Education in Naprapathy and related items.
- Per diem allowances and reimbursement for travel expenses for Naprapathic Practice Advisory Board members.
- Request for documents by the Division from applicants or licensees.
- Amendments to NAC 459.554 to authorize naprapaths licensed in Nevada to order medical x-rays, excluding nuclear medicine studies or other treatments that use radioactive materials.
- Amendments to NAC 652.155 to authorize naprapaths licensed in Nevada to order medical laboratory tests.

1) A description of the manner in which comment was solicited from affected small businesses, a summary of their response and an explanation of the manner in which other interested persons may obtain a copy of the summary.

Pursuant to NRS 233B.0608 (1)(a) (b), the Division of Public and Behavioral Health (DPBH), before conducting the public workshop for the proposed regulation, made a concerted effort to determine whether the proposed regulations are likely to impose a direct and significant economic burden upon a small business or directly restrict the formation, operation or expansion of a small business.

The requirement to govern the licensure of naprapaths and the practice of naprapathy was established by AB 153 of the 82nd legislative session (2023); therefore, there was not a list of Nevada licensees available to distribute the list. The Division worked with Dr. Patrick Nuzzo and staff from the

Southwest University of Naprapathic Medicine in New Mexico to distribute the proposed regulations and small business impact questionnaire to the University’s alumni. The University’s alumni were identified as persons who may have an interest in becoming licensed as a naprapath in Nevada or opening a small business in Nevada, which may include opening a school of naprapathy or an individual naprapathic practice. The proposed regulations and small business impact questionnaire were distributed via email to 35 of the University’s alumni on April 16, 2024.

The questions on the questionnaire were:

- 1) How many employees are currently employed by your business?
- 2) Will a specific regulation have an adverse economic effect upon your business?
- 3) Will the regulation(s) have any beneficial effect upon your business?
- 4) Do you anticipate any indirect adverse effects upon your business?
- 5) Do you anticipate any indirect beneficial effects upon your business?

Summary of Responses

Summary of Comments Received (1 response was received out of 35 small business impact questionnaires distributed)			
Will a specific regulation have an adverse economic effect upon your business?	Will the regulation (s) have any beneficial effect upon your business?	Do you anticipate any indirect adverse effects upon your business?	Do you anticipate any indirect beneficial effects upon your business?
Yes- 0 No - 1	Yes – 0 No - 1	Yes –0 No – 1	Yes – 0 No – 1
No additional comments were provided.	No additional comments were provided.	No additional comments were provided.	No additional comments were provided.

Any other persons interested in obtaining a copy of the summary may e-mail, call, or mail in a request to Leticia Metherell, RN, CPM, HPM III at the Division of Public and Behavioral Health at:

Division of Public and Behavioral Health
 Bureau of Health Care Quality and Compliance
 727 Fairview Drive, Suite E
 Carson City, NV 89701
 Leticia Metherell
 Phone: 775-684-1045
 Email: lmetherell@health.nv.gov

2) Describe the manner in which the analysis was conducted.

An analysis of industry input collected was conducted by a health program manager. The analysis involved analyzing feedback obtained from the small business impact questionnaire, review of the proposed regulations, review of AB 153 of the 82nd legislative session (2023) and review of literature to help determine the economic impact to small business. Please see number 4 for the methods the agency considered to reduce the impact of the proposed regulations on small businesses. This information was then used to complete this small business impact statement including the conclusion on the impact of the proposed regulation on a small business found in number 8.

3) The estimated economic effect of the proposed regulation on the small business which it is to regulate including, without limitation both adverse and beneficial effects and both direct and indirect effects.

Direct Beneficial Effects: Direct beneficial effects may include revenue that is collected by persons who open practices of naprapathy or open schools of naprapathy once the regulations become effective. It is expected that once the regulations become effective and persons can apply for and become licensed naprapaths in Nevada, this will result in individuals opening small businesses in Nevada.

Indirect Beneficial Effects: Indirect beneficial effects may include reduced medical and insurance costs for persons who can avoid surgery by being treated by a naprapath.

Direct Adverse Effects: Direct adverse effects include licensure fees, fines, insurance costs, costs to become accredited if opening a program of education in naprapathy and other related costs. Certain fees, such as the \$500 initial application fee and the renewal fee of \$500 is set in statutes and is not a direct result of the proposed regulations but is instead directly related to the passage of AB 153 of the 82nd legislative session (2023).

The fee to register as a teacher, advisor or supervisor pursuant to Section 1.29 of AB 153 of the 82nd legislative session (2023) is set at \$50. It is anticipated that this will not create a significant financial burden or prevent individuals from registering to be a teacher, advisor or supervisor.

There will be a cost associated with obtaining the liability insurance required pursuant to subsection 1 (d) of Section 14 of the proposed regulations. The actual costs are unknown as they may vary based on the amount of coverage a person obtains and other factors. The proposed regulations set a minimum coverage of \$200,000 per claim and a minimum aggregate amount of \$600,000 per year. As it is anticipated most practicing naprapaths would carry liability insurance, it is not anticipated that this would prevent persons from becoming licensed as naprapaths in Nevada. By providing a minimum coverage amount it also provides flexibility for individuals who want to purchase a higher level of coverage.

AB 153 of the 82nd legislative session (2023) requires the Board, with the advice of the Advisory Board, to adopt regulations related to the requirements for continuing education for the renewal of a license as a naprapath. There are costs associated with continuing educations but the proposed regulations are written to provide several options to meet the continuing education requirements

which may allow flexibility in the cost of courses. The cost is unknown as it is dependent on which courses are chosen and the applicable costs.

If disciplinary action is imposed on a licensee there are additional costs that may be incurred, for example penalties may be incurred that are not to exceed \$5,000 for each violation of this Chapter or AB 153 of the 82nd legislative session (2023). In addition, a licensee is required pay all costs incurred in connection with any disciplinary action taken against the licensee. It is anticipated that the majority of licensees will not be subject to disciplinary action; therefore, these costs would not apply. If disciplinary action is taken it is unknown what the costs would entail as it would be dependent on a variety of factors.

AB 153 of the 82nd legislative session (2023) requires the Board, with the advice of the Advisory Board, to adopt regulations prescribing the requirements for the approval of programs of education in naprapathy by the Division, including, without limitation, regulations governing the curriculum for such programs. Although the proposed regulations do not set a fee for the approval of such programs, there is a requirement that a program be accredited by a nationally recognized accrediting agency of institutions of higher education that is recognized by the United States Department of Education. The cost is unknown as it is dependent on several factors, including, but not limited to the accrediting organization. One estimate cited on the JAC Consulting website (<https://jacconsultingservices.com/how-much-does-it-cost-to-get-a-school-accredited/>) noted that “*Accreditation costs are between 5% and 10% of the overall investment costs of any institution.*”

There is also a preventable fine related to failing to notify the Division of a change of information, of \$1,000 per instance. An applicant or licensee can avoid paying this fine by complying with the change of information requirements noted in subsection 3 of Section 13 of the proposed regulations.

Section 1.4 of AB 153 of the 82nd legislative session (2023) requires each applicant for a license, to submit to the Division a complete set of fingerprints and written permission authorizing the Division to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report. The proposed regulations require the fees charged by the Central Repository for Nevada Records of Criminal History and the Federal Bureau of Investigation for the handling of the fingerprint cards and issuance of the reports of criminal histories be paid by the applicant. According to the Nevada Department of Public Safety’s website, checked on April 16, 2024, fingerprint-based submissions include a \$13.25 FBI fee and a \$27 State fee for a total fee of \$40.25. The applicant would also be responsible for the cost to have their fingerprint rolled which varies depending on the entity that is used.

Indirect Adverse Effects: Indirect adverse effects may include loss of revenue if disciplinary action is taken that impacts a person’s ability to practice naprapathy, for example if a license is suspended or revoked. Complaints against a licensee that result in disciplinary action may also have indirect adverse effects including the potential loss of clients.

4) Provide a description of the methods that the agency considered to reduce the impact of the proposed regulation on small businesses and a statement regarding whether the agency actually used any of those methods.

The Division of Public and Behavioral Health considered and used the following method to reduce the impact of the proposed regulation on small business.

The Division reviewed AB 153 of the 82nd legislative session (2023) to identify the minimum requirements that must be established in regulations and attempted to meet those requirements without adding a significant financial burden to small business. The Division also identified requirements that could not be modified via regulations, for example, the costs for initial and renewal applications are set in statutes; therefore, cannot be modified in regulations. The costs related to being fingerprinted pursuant to Section 1.4 of AB 153 of the 82nd legislative session (2023) is set by outside entities, such as the Department of Public Safety.

An industry member was also consulted during regulation development to help ensure minimum requirements were not a significant financial burden, for example when setting the minimum coverage required for professional liability insurance.

A public workshop will be held allowing for further input by stakeholders regarding the proposed regulations and their impact. These comments will be taken into consideration for possible further revisions to the regulations to reduce the economic impact on programs.

5) The estimated cost to the agency for enforcement of the proposed regulation.

The estimated cost to the agency for enforcement of the proposed regulations is \$15,489.

This is an estimate based on an estimated workload as the true workload is unknown at this time.

6) If the proposed regulation provides a new fee or increases an existing fee, the total annual amount DPBH expects to collect and the manner in which the money will be used.

The total annual amount DPBH expects to collect is unknown because we do not know the number of individuals that will apply to become licensed as a naprapath, register as a teacher, advisor or supervisor, or be assessed fines. Below is an example of a possible scenario to illustrate what the total amount may look like, but again this is an unknown amount.

Thirty (30) initial applicants at \$500 per application equals \$15,000. If all 30 applicants remained licensed and renewed annually it would be expected the Division would collect \$15,000 a year. This amount may increase or decrease depending on whether new applicants are added or existing licensees drop their licensure.

Five (5) individuals register as a teacher, advisor or supervisor at \$50 per year. In this case, the total amount collected would be \$250.

An annual amount collected as a result of disciplinary action is not included as it is anticipated that there will be no, to very few cases of disciplinary action imposed on naprapaths and if imposed the amount and frequency is unknown.

Based on the above scenario the total annual amount DPBH would be expected to collect is \$15,250 annually but the true total annual amount DPBH expects to collect is unknown.

The money would be used to cover the Division's operating costs related to the work associated with governing the licensure of naprapaths and the practice of naprapathy in accordance with AB 153 of the 82nd legislative session (2023) and the proposed regulations.

7) An explanation of why any duplicative or more stringent provisions than federal, state or local standards regulating the same activity are necessary.

There are no known federal, state, or local standards that regulate the same activity.

8) Provide a summary of the reasons for the conclusions of the agency regarding the impact of a regulation on small businesses.

The reasons for the conclusion of the Division regarding the impact of a regulation on small business include:

The requirement to license naprapaths and govern the practice of naprapathy is the direct result of the passage of AB 153 of the 82nd legislative session (2023). The proposed regulations address the requirements in the bill without adding a significant additional burden beyond the bill's requirements.

It is anticipated that the passage of the proposed regulations will encourage individuals to become licensed naprapaths in Nevada which may result in the opening of small businesses such as naprapathic medical practices.

Certification by Person Responsible for the Agency

I, Cody Phinney, Administrator of the Division of Public and Behavioral Health certify to the best of my knowledge or belief, a concerted effort was made to determine the impact of the proposed regulation on small businesses and the information contained in this statement was prepared properly and is accurate.

Signature Cody Phinney Date: 4/26/2024