

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 naprapaths 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 naprapath.

C. Immediate: As naprapaths become licensed and open up practices in Nevada, individuals will be able to utilize the services of naprapaths, 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 naprapaths 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 naprapath 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 naprapaths 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.
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- 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

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 the 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;

**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.
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- 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