

**ADOPTED REGULATION OF THE BOARD OF
HOMEOPATHIC MEDICAL EXAMINERS**

LCB File No. R105-03

Effective September 24, 2003

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

AUTHORITY: §§1, 2, 10-16, 18-23, 25, 26, 29, 31 and 38-41, NRS 630A.200; §§17 and 26, NRS 630A.200 and 630A.330; §§24 and 43-46, NRS 630A.200, 630A.295 and 630A.299; §28, NRS 630A.200, 630A.295, 630A.299 and 630A.510; §29, NRS 630A.200 and 630A.510; §31, NRS 630A.200, 630A.299 and 630A.330; §§33-35, NRS 630A.200 and 630A.299; §36, NRS 630A.200, 630A.295 and 630A.330; §§3-9 and 37, NRS 630A.200 and 630A.295; §42, NRS 630A.200, 630A.295, 630A.299 and 630A.330.

Section 1. Chapter 630A of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 9, inclusive, of this regulation.

Sec. 2. 1. *In addition to taking the constitutional oath or affirmation of office set forth in Section 2 of Article 15 of the Constitution of the State of Nevada, each member of the Board will, as required pursuant to NRS 630A.130, take the following oath or affirmation:*

I,, do solemnly swear (or affirm) that I am legally qualified to serve as a member of the Board of Homeopathic Medical Examiners and that I will well and faithfully perform all the duties of a member of the Board, on which I am about to enter, (if an oath) so help me God, (if an affirmation) under the pains and penalties of perjury.

2. *An officer of the Board will administer the oaths or affirmations described in subsection 1.*

Sec. 3. 1. *The Board will not issue a certificate as an advanced practitioner of homeopathy to an applicant who has been certified to practice any type of medicine in another jurisdiction and whose certificate was revoked for gross medical negligence by that jurisdiction.*

2. *The Board may revoke the certificate of any person certified to practice any type of medicine in another jurisdiction which was revoked for gross medical negligence by that jurisdiction.*

3. *The revocation of a certificate to practice any type of medicine in another jurisdiction on grounds other than grounds which would constitute revocation for gross medical negligence constitutes grounds for initiating disciplinary action or denying the issuance of a certificate as an advanced practitioner of homeopathy.*

Sec. 4. 1. *Except as otherwise provided in section 3 of this regulation, the Board may:*

(a) *Issue a temporary certificate, to be effective not more than 6 months after issuance, to any advanced practitioner of homeopathy who is eligible for a permanent certificate in this state and who also is of good moral character and reputation. The purpose of the temporary certificate is to enable an eligible advanced practitioner of homeopathy to serve as a substitute for some other advanced practitioner of homeopathy who is certified to practice homeopathic medicine in this state, and who is absent from his practice for reasons deemed sufficient by the Board. A temporary certificate issued under the provisions of this paragraph is not renewable.*

(b) *Issue a special certificate to an advanced practitioner of homeopathy who is certified in another state to come into this state to care for or assist in the treatment of his own patients in association with a homeopathic physician licensed in this state. A special certificate issued under the provisions of this paragraph is limited to the care of a specific patient.*

(c) Issue a restricted certificate for a specified period if the Board determines the applicant needs supervision or restriction.

2. A person who is certified pursuant to paragraph (a), (b) or (c) of subsection 1 shall be deemed to have given his consent to the revocation of the certificate at any time by the Board for any of the grounds provided in section 3 of this regulation and NAC 630A.560.

Sec. 5. *1. An applicant for a temporary certificate as an advanced practitioner of homeopathy must furnish the Board, along with his application, a letter from the advanced practitioner of homeopathy for whom the applicant is to serve as a substitute requesting the issuance of the temporary certificate and stating the reasons for the absence from his practice and the period of his absence.*

2. An advanced practitioner of homeopathy certified in an adjoining state who applies to the Board for a special certificate as an advanced practitioner of homeopathy in this state for a specified period of time and for specific purposes must do so by a letter, accompanied by proof that he holds a valid certificate issued to him by the other state.

3. The applicant for a nonrenewable temporary or a special certificate may be required to appear before the Board or one of its members for an oral interview before the issuance of the certificate.

4. A special certificate will state on its face the period during which it is valid and the specified purposes for the certificate.

Sec. 6. *The Board may, in its discretion, issue a certificate to an applicant who holds a valid certificate as an advanced practitioner of homeopathy issued to him by the homeopathic medical examining board of the District of Columbia or of any state or territory of the United States, if:*

1. The legal requirements of the homeopathic medical examining board were, at the time of issuing the certificate, in no degree or particular less than those of this state at the time when the certificate was issued.

2. The applicant is of good moral character and reputation.

3. The applicant passes an oral examination, where required by the Board.

4. The applicant furnishes to the Board such other proof of qualifications, professional or moral, as the Board may require.

Sec. 7. 1. In addition to the requirements set forth in section 6 of this regulation, an applicant may obtain a certificate as an advanced practitioner of homeopathy by reciprocity without a written examination if he submits a certificate endorsed by the Homeopathic Medical Examining Board of any state, territory or the District of Columbia which certified the applicant indicating that:

(a) He passed an examination to obtain the certificate;

(b) His certification has never been revoked or suspended; and

(c) The photograph and signature appearing on the certification are that of the applicant.

2. The applicant must appear at a meeting of the Board for an interview. The Secretary-Treasurer will notify the applicant whose application and supporting documents have been accepted by the Board of the time and place for the interview 20 days before it is to take place.

Sec. 8. If the Board has reason to believe that the conduct of any advanced practitioner of homeopathy has raised a reasonable question as to his competence to practice as an advanced practitioner of homeopathy with reasonable skill and safety to patients, the Board may order an examination of the advanced practitioner of homeopathy to determine his fitness to practice as an advanced practitioner of homeopathy. When such action is taken, the reasons

for the action must be documented and must be available to the advanced practitioner of homeopathy being examined.

Sec. 9. 1. *An advanced practitioner of homeopathy who is subject to a medical competency examination pursuant to section 8 of this regulation shall pay the costs of the examination.*

2. The medical competency examination:

(a) May be written or oral;

(b) Will last no longer than 4 hours; and

(c) Must be administered by two physicians selected by the Board who are licensed and actively engaged in the practice of homeopathic medicine in this state.

3. If the person being examined objects to the physicians selected to administer the examination and the Board finds that his objections are valid, he may submit a list of eight names of homeopathic physicians who are actively engaged in the practice of homeopathic medicine in this state from which the Board may select one or two physicians to replace one or both of the examiners previously selected.

Sec. 10. NAC 630A.0125 is hereby amended to read as follows:

630A.0125 “Homeopathic medicine” or “homeopathy” has the meaning ascribed to it in NRS 630A.040. The terms include **[the]** :

1. The methods of practicing homeopathy described in subsection 1 of NRS 630A.040 ; and **[the]**

2. The complementary and alternative methods of diagnosing and treating a patient described in subsection 2 of **[that section.] NRS 630A.040.**

Sec. 11. NAC 630A.0135 is hereby amended to read as follows:

630A.0135 As used in NRS 630A.035, the term “homeopathic service” means providing, employing, using, recommending, advising, directing or assisting in the use of homeopathic medicine, *including, without limitation, the methods and therapies set forth in subsection 2 of NRS 630A.040*, within the limitations imposed by the Board.

Sec. 12. NAC 630A.014 is hereby amended to read as follows:

630A.014 1. As used in NRS 630A.040, unless the context otherwise requires, the Board will interpret:

(a) “Herbal therapy” to mean a system of healing art that places the chief emphasis on the flow and balance of dynamic force or energy in the body mechanism as being the most important single factor in maintaining the natural health and well-being of the living organism and includes, without limitation, the prescribing and use of plants or plant extracts or a combination thereof to treat an ailment or disease of the mind, emotions or body, or for the cure or relief of any wound, bodily injury or deformity. As used in this paragraph:

(1) “Plant” includes, without limitation, any tree, vine, shrub, vegetable or herb or any part of a tree, vine, shrub, vegetable or herb.

(2) “Plant extract” means a substance removed from a plant by physical or chemical means for medicinal purposes.

(b) “Neural therapy” to mean *dry needling, the use of an electronic testing and treatment device and* the injection of vitamins, minerals, homeopathic medications, herbal extracts, *enzymes, orthomolecular substances* or other medicinal or pharmaceutical preparations into the:

(1) Acupuncture, acupressure or trigger points; ~~for~~

(2) Ganglia ~~for~~; *or*

(3) Subcutaneous tissue, intracutaneous tissue, intra-articular tissue or periosteal tissue,

↳ of a patient to control pain or produce other beneficial *clinical* effects.

(c) “Neuromuscular integration” to mean the progressive harmonization of the ~~[body and mind]~~ *endocrine system, immune system, autonomic nervous system, skeletal system and smooth muscle system of a patient with the cognitive and noncognitive faculties* of a patient by the use of:

(1) ~~[Manual manipulation]~~ *Manipulation* of the soft tissues of the body to balance the body ; ~~[structurally;]~~ and

(2) Thought field therapy to recondition the *endocrine system, immune system, autonomic nervous system and central* nervous system.

(d) “Orthomolecular therapy” to mean the treatment and prevention of disease, including, without limitation, infection, malignancy and degenerative illness, by adjusting the natural chemical constituents of the body on the molecular level. The term includes, without limitation:

(1) The prescription of topical and oral supplements , *medicines* and pharmaceutical preparations; and

(2) The intravenous infusion , *intramuscular injection, subcutaneous injection and intradermal injection* of vitamins, amino acids, peptides, polypeptides, *enzymes, sarcodes, medicines and* pharmaceutical preparations, homeopathic medications, ozone, bio-oxidative substances or chelating agents,

↳ to detoxify and remove harmful substances from the body, including, without limitation, heavy metals, the buildup of vascular and arterial plaque and toxic environmental factors, including, without limitation, pesticides, xenobiotics, bacteria and fungi.

(e) “Nutrition” to ~~mean~~ *include, without limitation*, the recognition, evaluation, treatment and correction of the unique dietary needs of a patient.

2. As used in this section:

(a) “Bio-oxidative substances” means substances that are used to promote healing at the cellular level by the use of oxygen in its various forms.

(b) “Chelating agents” means substances that are used to remove heavy metals and other toxins from the body, including, without limitation:

(1) Sodium 2,3-dimercaptopropane-1-sulfonate (DMPS);

(2) Dimercaptosuccinic acid (DMSA);

(3) Ethylene diamine tetra-acetic acid (EDTA); ~~and~~

(4) Penicillamine ~~;~~;

(5) Diethylene triamine penta-acetic acid (DTPA);

(6) Deferoxamine mesylate; and

(7) Clathration agents.

(c) “*Dry needling*” means a procedure that involves inserting acupuncture needles under the skin at trigger points and while those needles are inserted, rotating the needles or connecting the needles to a low current electrical supply.

(d) “Pharmaceutical preparations” ~~does not include~~ *includes* narcotic drugs or opiates that are listed as schedule II controlled substances pursuant to chapter 453 of NRS . ~~;~~ ~~except as those substances may be described for use in the official Homeopathic Pharmacopoeia of the United States.~~

~~(d)~~ (e) “Thought field therapy” means a technique that uses the energy meridians of the body which are used in acupuncture and acupressure to treat *abnormal patterns of thought that cause* emotional and ~~[psychological]~~ *psychophysiological* distress.

~~(e)~~ (f) “Trigger point” means a hyperirritable spot within the skeletal muscle or the fascia of that muscle that, upon compression, causes pain, tenderness and autonomic *nervous system* phenomena.

~~(f)~~ (g) “Xenobiotics” means chemical compounds that, under normal circumstances, are foreign to living organisms.

Sec. 13. NAC 630A.015 is hereby amended to read as follows:

630A.015 1. A homeopathic physician, *advanced practitioner of homeopathy or homeopathic assistant* may use an electronic testing *and treatment* device to:

- (a) Measure the resistance of the skin at acupuncture points;
- (b) Evaluate *and treat* a patient; and
- (c) Assist in the selection *and use* of homeopathic ~~[medicine]~~ *medicines and therapies*

pursuant to NRS 630A.040.

2. A homeopathic physician shall not use an electronic testing *and treatment* device as the sole method for diagnosing a patient.

Sec. 14. NAC 630A.020 is hereby amended to read as follows:

630A.020 The use of sarcodes in macro dosage *includes the use of stem cells and* is called “cell therapy.”

Sec. 15. NAC 630A.023 is hereby amended to read as follows:

630A.023 1. If a homeopathic physician, advanced practitioner of homeopathy or homeopathic assistant performs a nutritional evaluation on a patient, the nutritional evaluation may include:

(a) An analysis of the blood, urine and body tissue for vitamins, minerals and amino acids, whether or not such analysis is performed by a laboratory; and

(b) A functional intracellular analysis.

2. If a homeopathic physician, advanced practitioner of homeopathy or homeopathic assistant performs nutritional treatment on a patient, the treatment ~~is~~

~~—(a) Must include dietary~~ *may include:*

(a) *Dietary* recommendations; and

(b) ~~May include supplementation~~ *Supplementation* of the diet with vitamins, minerals, amino acids, protomorphogens , or any combination thereof.

3. As used in this section:

(a) “Functional intracellular analysis” means the use of peripheral blood ~~lymphocytes~~ *cells* to analyze the metabolic and nutritional status of a patient.

(b) “Protomorphogens” means glandular material taken from mammals other than humans, including, without limitation, the bovine , *ovine* or porcine species, that supplies biologically active hormones, hormone precursors, enzymes, vitamins, minerals, soluble proteins and natural lipid factors.

Sec. 16. NAC 630A.025 is hereby amended to read as follows:

630A.025 The Board will elect its officers annually ~~in January.~~ *before June 30.* The term of an officer begins on July 1 after the election and ends on June 30 of the succeeding year.

Sec. 17. NAC 630A.050 is hereby amended to read as follows:

630A.050 1. An applicant for a license to practice homeopathic medicine must submit to the Board a ***completed and*** notarized application on a form furnished by the Board. ***The form may be obtained from the office of the Board or from the Internet website of the Board.*** The application must include or indicate the following:

(a) A certificate, on a form furnished by the Board, proving that the applicant holds a valid and unrestricted license to practice allopathic, ***homeopathic*** or osteopathic medicine properly issued by the District of Columbia, any state or territory of the United States or a foreign country whose standards for licensing are approved by the Educational Commission for Foreign Medical Graduates. ***The form for the certificate may be obtained from the office of the Board or from the Internet website of the Board.***

(b) A certificate proving that the applicant completed the required period of postgraduate training.

(c) The applicant's place and date of birth, his social security number ~~and~~ ***as required pursuant to NRS 630A.243, his registration*** number issued by the Drug Enforcement Administration and the address and telephone numbers of his home and office.

(d) A ***chronological*** history of the years and places of his ***allopathic, homeopathic and osteopathic*** medical practice and his postgraduate training.

(e) A list of ***allopathic, homeopathic and osteopathic*** medical societies and specialty boards, if any, of which he is a member.

(f) The names and addresses of all hospitals of which he is or has been a member of the staff during the past 10 years.

(g) Whether he has ever been charged with or convicted of a felony or an offense involving moral turpitude.

(h) Whether he has ever been addicted to the use of narcotics, controlled substances or alcohol.

(i) Whether he has even been charged with, convicted of or investigated for illegally using, dispensing or selling controlled substances.

(j) Whether he has ever been refused or denied a license *or certificate* by examination or reciprocity.

(k) Whether he has ever had his *allopathic, homeopathic or osteopathic* medical license *or certificate* suspended or revoked or has been placed on probation or has ever surrendered his license *or certificate* because of a disciplinary action or a pending disciplinary action.

(l) A photograph of the applicant taken within 60 days before the date of the application.

(m) ~~[[If requested by the Board, a]~~ A complete set of fingerprints on a form furnished ~~[[with the application.]]~~ *by the Board, along with the written consent of the applicant for the Board to forward the fingerprints to a law enforcement agency for a report on the criminal history of the applicant.*

(n) ~~[[Affidavits]]~~ *Letters of recommendation* from three physicians who are currently in practice, *at least two of whom are actively engaged in the practice of homeopathic medicine in this state* and ~~[[who are]]~~ *each of whom is* personally acquainted with the applicant.

2. *The applicant must submit with the application the application fee required pursuant to NRS 630A.330. The application fee is nonrefundable.*

3. If the application is rejected, it will be ~~[[returned to the applicant]]~~ *retained by the Board pursuant to subsection 4 of NRS 630A.290* and the Board will notify ~~[[him]]~~ *the applicant* of the reasons for the rejection.

Sec. 18. NAC 630A.060 is hereby amended to read as follows:

630A.060 1. The Board will administer an examination to practice homeopathic medicine at least two times each year at the dates and times established by the Board. An applicant for a license to practice homeopathic medicine must submit the *completed* application required pursuant to NAC 630A.050 to the Secretary-Treasurer of the Board not later than 60 days before the date scheduled for the examination to be eligible to take that examination.

2. The examination will consist of a written examination that is based upon the principles of homeopathy *as* defined in NRS 630A.040. The time allowed for completing the examination must not exceed 3 hours.

3. The Secretary-Treasurer shall notify the applicant of the time and place of the examination not later than 20 days before the date scheduled for the examination.

4. Any book, computer, note or other material approved by the Secretary-Treasurer of the Board before the examination may be used during the written examination.

5. To pass the examination, an applicant must receive a score of at least 76 percent on the written examination.

Sec. 19. NAC 630A.062 is hereby amended to read as follows:

630A.062 1. *A homeopathic physician who is subject to a medical competency examination pursuant to NRS 630A.430 shall pay the costs of the examination.*

2. The medical competency examination:

(a) May be written or oral;

(b) Will last no longer than 4 hours; and

(c) Must be administered by two physicians selected by the Board **[H]** *who are licensed and actively engaged in the practice of homeopathic medicine in this state.*

~~2.]~~ 3. If the person being examined objects to the physicians selected to administer the examination and the Board finds that his objections are valid, he may submit a list of *eight* names of homeopathic physicians ~~licensed]~~ *who are actively engaged in the practice of homeopathic medicine* in this state from which the Board may select one or two *physicians* to replace *one or both of* the ~~two]~~ examiners previously selected.

Sec. 20. NAC 630A.070 is hereby amended to read as follows:

630A.070 An applicant for a license to practice homeopathic medicine who is a graduate of a medical school, *as required pursuant to NRS 630A.230, 630A.240 or 630A.270*, must have completed 6 months of his postgraduate training in the United States.

Sec. 21. NAC 630A.072 is hereby amended to read as follows:

630A.072 1. The 6 months of postgraduate training *in homeopathy* required of an applicant for a license to practice homeopathic medicine pursuant to NRS 630A.240 must consist of courses, instructors or programs which are approved by ~~the Council on Homeopathic Education or]~~ the Board. In determining whether to approve a course or program, ~~which has not been approved by the Council on Homeopathic Education,]~~ the Board will consider:

(a) ~~The reasons, if any, why the course or program is not approved by the Council on Homeopathic Education;~~

~~(b)]~~ The textbooks and other instructional aids used in the course or program;

~~(e)]~~ (b) The institution offering the course or program;

~~(d)]~~ (c) The qualifications of the instructor teaching the course or program; and

~~(e)]~~ (d) Whether the course or program includes instruction on:

(1) The *diagnostic and therapeutic* principles referred to in NRS 630A.040;

(2) The procedure for evaluating a patient;

(3) The procedure for selecting an appropriate treatment based upon the evaluation of the patient;

(4) Homeopathic pharmacology; and

(5) The methodology of prescribing homeopathic medicines ~~[]~~ *and therapies.*

2. The Board may revoke approval of a course or program it has previously approved if it determines that the course or program no longer complies with the considerations set forth in subsection 1.

3. The Board will maintain a list of courses and programs that are currently approved by ~~[the Council on Homeopathic Education or]~~ the Board.

4. If an applicant for a license to practice homeopathic medicine has completed a course or program that has not been approved by ~~[the Council on Homeopathic Education or]~~ the Board, he may submit the course or program to the Board for approval. The Board will review the course or program based upon the considerations set forth in subsection 1. If the Board approves the course or program, the applicant will receive credit for the postgraduate training.

Sec. 22. NAC 630A.080 is hereby amended to read as follows:

630A.080 Any applicant *for a license to practice homeopathic medicine* who is a graduate of a medical school , *as required pursuant to NRS 630A.230, 630A.240 or 630A.270*, shall appear personally before the Board for an interview.

Sec. 23. NAC 630A.090 is hereby amended to read as follows:

630A.090 1. In addition to the requirements set forth in NRS 630A.280, an applicant may obtain a license by reciprocity without a written examination if he submits a certificate endorsed by the Homeopathic Medical Examining Board of any state, territory or the District of Columbia which licensed or certified the applicant indicating that:

- (a) He passed ~~[a-written]~~ *an* examination to obtain the license or certificate;
- (b) His license or certification has never been revoked or suspended; and
- (c) The photograph and signature appearing on the license or certification are that of the applicant.

2. The applicant must appear at a meeting of the Board for an interview. The Secretary-Treasurer will notify the applicant whose application and supporting documents have been accepted by the Board of the time and place for the interview 20 days before it is to take place.

Sec. 24. NAC 630A.096 is hereby amended to read as follows:

630A.096 1. Except as otherwise provided in subsection 2, each homeopathic physician, homeopathic assistant or advanced practitioner of homeopathy applying for renewal of his license or certificate must, at the time of annual registration, submit to the Board evidence in such form as the Board requires, that he has completed during the preceding year 20 credits of continuing *homeopathic medical* education in courses ~~[sponsored by the Nevada Homeopathic and Integrative Medical Association or the Arizona Homeopathic and Integrative Medical Association, or in courses]~~ approved by the Board ~~[. Such credits must include:~~

~~—(a) Ten credits of continuing education in homeopathic medicine as described in subsection 1 of NRS 630A.040; and~~

~~—(b) Ten credits of continuing education in methods and therapies described in subsection 2 of NRS 630A.040.]~~, *including, without limitation, courses in complementary and alternative medical education.*

2. A homeopathic physician who has completed a full year of residency or fellowship in allopathic, osteopathic or homeopathic medicine any time during the period for annual

registration immediately preceding the submission of the application for annual registration is exempt from the requirements set forth in subsection 1.

3. If a homeopathic physician, *homeopathic assistant or advanced practitioner of homeopathy* fails to submit evidence of his completion of continuing *homeopathic* medical education within the time and in the manner set forth in subsection 1, his license will not be renewed. Such a person may not resume the practice of homeopathic medicine *pursuant to this chapter and chapter 630A of NRS* unless he:

(a) Pays a fee to the Board which is twice the fee for renewal of ~~the~~:

(1) A license *as* set forth in subsection 1 of NAC 630A.120;

(2) A *certificate to practice as a homeopathic assistant as set forth in paragraph (c) of subsection 2 of NAC 630A.550; or*

(3) A *certificate to practice as an advanced practitioner of homeopathy as set forth in paragraph (c) of subsection 2 of NAC 630A.550;*

(b) Submits to the Board, in such form as it requires, evidence that he has completed the 20 credits of continuing *homeopathic* medical education required by subsection 1; and

(c) Is found by the Board to be otherwise qualified for active status pursuant to the provisions of this chapter and chapter 630A of NRS.

Sec. 25. NAC 630A.098 is hereby amended to read as follows:

630A.098 1. The President of the Board shall appoint a committee composed of the Secretary-Treasurer and two other members of the Board. The committee shall:

(a) ~~Examine~~ *Periodically examine* the educational activities, quality of training seminars, meetings and materials used for educating homeopathic physicians, homeopathic assistants or advanced practitioners of homeopathy; *and*

(b) ~~Each January, provide a report to the Board that explains their findings; and~~
~~(e)~~ Make recommendations to the Board regarding the education of homeopathic physicians, homeopathic assistants and advanced practitioners of homeopathy.

2. The Board may accept, reject or alter any recommendation of the committee.

Sec. 26. NAC 630A.100 is hereby amended to read as follows:

630A.100 1. An applicant for a temporary license shall furnish the Board, along with his application, a letter from the homeopathic physician for whom the applicant is to serve as a substitute requesting the issuance of the temporary license, stating the reasons for the absence from his practice, and the period of his absence.

2. A homeopathic physician licensed in an adjoining state who applies to the Board for a special license to practice homeopathic medicine in this state for a specified period of time and for specific purposes must do so by a letter, accompanied by proof that he holds a valid license issued to him by the other state.

3. The applicant for a *nonrenewable* temporary or a special license may be required to appear before the Board or one of its members for an oral interview before the issuance of the license.

4. A special license will state on its face the period during which it is valid and the specified purposes for the license.

Sec. 27. NAC 630A.120 is hereby amended to read as follows:

630A.120 The Board will charge and collect the following fees:

1. For the renewal of a license to practice homeopathic medicine ~~[\$500]~~ **\$550**
2. For the reexamination of an applicant who fails the examination for a license to practice homeopathic medicine ~~[\$300]~~ **\$330**

- 3. For the reexamination of an applicant who fails the examination for a certificate to practice as an advanced practitioner of homeopathy~~[\$150]~~ **\$165**
- 4. For the reexamination of an applicant who fails the examination for a certificate to practice as a homeopathic assistant.....~~[\$75]~~ **\$83**
- 5. For a temporary, special or limited license *or certificate*\$150

Sec. 28. NAC 630A.130 is hereby amended to read as follows:

630A.130 **1.** A holder of a license to practice homeopathic medicine , *a certificate to practice as an advanced practitioner of homeopathy or a certificate to practice as a homeopathic assistant* shall notify the Board in writing of any change in the address of his home or office ~~[no]~~ *not* later than 30 days after the change.

2. If a holder of a license to practice homeopathic medicine, a certificate to practice as an advanced practitioner of homeopathy or a certificate to practice as a homeopathic assistant fails to notify the Board in writing of any change in the address of his home or office within the period set forth in subsection 1, the Board may by order, after providing a hearing pursuant to NRS 630A.480 or NAC 630A.580 and except as otherwise provided in this subsection, impose an administrative fine. If the holder of a license to practice homeopathic medicine, a certificate to practice as an advanced practitioner of homeopathy or a certificate to practice as a homeopathic assistant waives his right to a hearing set forth in NRS 630A.480 or NAC 630A.580, the Board will impose an administrative fine in the amount of \$500 for the first day after the period set forth in subsection 1 plus an additional \$20 per day for each day thereafter that the holder of the license or certificate does not notify the Board of the change. The total amount of the administrative fine will not exceed \$700.

3. *If a holder of a license to practice homeopathic medicine, a certificate to practice as an advanced practitioner of homeopathy or a certificate to practice as a homeopathic assistant fails to notify the Board in writing of any change in the address of his home or office within 60 days after the change and the holder of the license or certificate fails to pay a fine imposed pursuant to subsection 2, the Board will by order, after providing a hearing pursuant to NRS 630A.480 or NAC 630A.580, suspend the license or certificate of the holder for a specified period or until the Board orders the license or certificate to be reinstated.*

4. *A person may restore a license that has been suspended pursuant to this section in the manner provided in subsection 5 of NRS 630A.530 for the restoration of a license that has been revoked by the Board.*

5. *A person may restore a certificate that has been suspended pursuant to this section in the manner provided in NAC 630A.620.*

Sec. 29. NAC 630A.132 is hereby amended to read as follows:

630A.132 1. A homeopathic physician shall:

(a) ~~Limit the scope of his practice to homeopathy as defined in NRS 630A.040 unless he is licensed by another board that regulates healing arts which grants the homeopathic physician additional authority to practice;~~

~~—(b)]~~ Complete and return any official practice surveys, questionnaires or *other* necessary information required by the Board to protect the public within 30 days after the date the survey, questionnaire or *other* necessary information is postmarked; and

~~[(e)]~~ (b) Maintain a legible, written record, *including, without limitation, a record that is typed, printed or generated by a computer*, for each patient attended, as required by chapter 629

of NRS, and keep this record available for copying or inspection, as necessary, upon receipt of a written request for records authorized pursuant to chapter 629 of NRS.

2. A homeopathic physician shall not:

(a) Falsify records of health care or insurance;

(b) Falsify medical records of a patient, including, without limitation, altering records to indicate the presence of the homeopathic physician at a time when the homeopathic physician was not in attendance or to indicate that procedures were performed on the patient by the homeopathic physician that were in fact not performed by him;

(c) Render professional service to a patient while under the influence of alcohol or any controlled substance or while in any other impaired mental or physical condition;

(d) Acquire any controlled substance from a pharmacy or other source by misrepresentation, fraud, deception or subterfuge;

(e) Allow any person who is unlicensed and uncertified to treat a patient by means of homeopathy;

(f) Fail to provide adequate supervision of a homeopathic assistant or advanced practitioner of homeopathy who is employed or supervised by him;

(g) Fail to honor the advance directive of a patient without informing the patient, 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 contained therein;

(h) Fail to prescribe adequately therapies or substances allowed in NRS 630A.040 for the control of pain;

(i) Enter into a multilevel marketing agreement with a patient or an immediate family member of the patient; or

(j) Submit false or fraudulent information to the Board.

3. A homeopathic physician is not subject to disciplinary action solely for prescribing, administering or dispensing to a patient under his care:

(a) Amygdalin (laetrile), if the patient has consented in writing to the use of the substance;

(b) Procaine hydrochloride with preservatives and stabilizers (Gerovital GH3);

(c) A controlled substance or controlled substance analog which is listed in the *official Homeopathic Pharmacopoeia of the United States* (HPUS) *or any supplement thereto* or which is approved by the State Board of Pharmacy pursuant to NRS 453.146, if the homeopathic physician is authorized by law to prescribe the substance;

(d) A device or agent approved by the United States Food and Drug Administration in a manner that is not approved by the United States Food and Drug Administration if:

(1) The device or agent has not been scientifically proven to be of greater morbidity or mortality than the prevailing method of treatment;

(2) The device or agent is within the scope of practice of homeopathic medicine; and

(3) The patient has consented in writing to the use of the device or agent;

(e) Homeopathy for the treatment of chronic degenerative disease, cancer or intractable pain;

(f) Preventive or early intervention using homeopathy; or

(g) Homeopathic medicines:

(1) In single, alternating or sequential doses, or a combination of these methods; or

(2) From material doses and tinctures through low, medium, high and ultrahigh potencies relating to the specialty, subspecialty, school, method or style of homeopathy used.

4. *If a homeopathic physician fails to complete and return a survey, questionnaire or other necessary information as required pursuant to paragraph (a) of subsection 1, the Board may*

by order, after a formal hearing held pursuant to NRS 630A.480 and except as otherwise provided in this subsection, impose an administrative fine. If the homeopathic physician waives his right to the hearing set forth in NRS 630A.480, the Board will impose an administrative fine in the amount of \$20 for each day a survey, questionnaire or other necessary information required to be completed and returned pursuant to paragraph (a) of subsection 1 is overdue, up to a maximum of \$500.

5. As used in this section:

(a) “Controlled substance analog” means:

(1) A substance whose chemical structure is substantially similar to the structure of a controlled substance listed in schedule III pursuant to NAC 453.530; or

(2) A substance that is substantially similar to or greater than the stimulant, depressant or hallucinogenic effect on the central nervous system of a person treated with a controlled substance listed in schedule III pursuant to NAC 453.530, and which has, is represented as having or is intended to have a stimulant, depressant or hallucinogenic effect on the central nervous system of a person.

(b) “Intractable pain” means a condition of discomfort for which the cause cannot be removed or otherwise treated and for which a method of providing relief or a cure for the cause has not been found after reasonable efforts have been taken, including, without limitation, evaluation by an attending homeopathic physician and one or more physicians specializing in the treatment of the area, system or organ of the body which is believed to be the source of the discomfort.

Sec. 30. NAC 630A.134 is hereby amended to read as follows:

630A.134 A homeopathic physician who uses intravenous hydrogen peroxide or intravenous ~~[ethylene diamine tetra acetic acid (EDTA)]~~ chelation in the treatment of a patient shall:

1. Follow a protocol that has been approved by the Board; and
2. Be on the premises or have a licensed ~~[HMD,]~~ *homeopathic physician*, homeopathic assistant or advanced practitioner of homeopathy on the premises at all times while a patient is receiving intravenous hydrogen peroxide or intravenous ~~[EDTA]~~ chelation therapy.

Sec. 31. NAC 630A.136 is hereby amended to read as follows:

630A.136 **1.** If a judgment is entered against ~~[him]~~ *a homeopathic physician or advanced practitioner of homeopathy* in any court, or a settlement is reached, on a claim involving malpractice, ~~[a]~~ *the homeopathic physician or advanced practitioner of homeopathy* shall report that fact to the Board within 60 days after the judgment is entered or the settlement is reached.

2. As used in this section:

(a) *“Community” embraces the entire area customarily served by homeopathic physicians and advanced practitioners of homeopathy among whom a patient may reasonably choose, not merely the particular area inhabited by the patients of that individual homeopathic physician or advanced practitioner of homeopathy or the particular city or place where the homeopathic physician or advanced practitioner of homeopathy has his office.*

(b) *“Malpractice” means failure on the part of a homeopathic physician or advanced practitioner of homeopathy to exercise the degree of care, diligence and skill ordinarily exercised by homeopathic physicians and advanced practitioners of homeopathy in good standing in the community in which he practices.*

Sec. 32. NAC 630A.300 is hereby amended to read as follows:

630A.300 1. An applicant for a certificate to practice as a homeopathic assistant ~~[shall]~~ *must* submit to the Board a notarized application on a form furnished by the Board. *The form may be obtained from the office of the Board or from the Internet website of the Board.*

2. The applicant must include on the application, or in an attachment thereto, any information required by the Board, including, without limitation:

- (a) His place and date of birth;
- (b) His social security number ~~[is]~~ *as required pursuant to NRS 630A.243;*
- (c) The address and telephone number of his place of residence and place of business;
- (d) Proof that he meets the qualifications required by the Board pursuant to subsections 1 to 4, inclusive, of NAC 630A.320;
- (e) A list describing any license or certificate that the applicant has earned which required the completion of medical training or which authorizes him to provide medical services;
- (f) A statement disclosing whether he has ever been convicted of a crime;
- (g) A statement disclosing whether any disciplinary action has ever been taken against him in his capacity as the holder of a license or certificate which authorizes him to provide medical services;
- (h) A photograph of the applicant which was taken not more than 60 days before the application is submitted;
- (i) A complete set of his fingerprints on a form which is furnished by the Board, along with the written consent of the applicant for the Board to forward the fingerprints to a law enforcement agency for a report on the criminal history of the applicant; and
- (j) A letter of recommendation from:

(1) A ~~licensed practicing~~ homeopathic physician ~~;~~ *who is actively engaged in the practice of homeopathic medicine in this state;* and

(2) Two persons who have known the applicant for at least 1 year.

3. The applicant must submit with the application, the application fee required pursuant to NRS 630A.330. The application fee is nonrefundable.

Sec. 33. NAC 630A.310 is hereby amended to read as follows:

630A.310 1. The Board may deny a certificate to practice as a homeopathic assistant to an applicant if:

(a) The application does not contain the information required pursuant to NAC 630A.300;

(b) The applicant does not possess the qualifications required pursuant to subsections 1 to 4, inclusive, of NAC 630A.320; ~~or~~

(c) The applicant does not pass the examination required pursuant to ~~subsection 5 of~~ NAC 630A.330 within 1 year after submitting the application ~~;~~

~~—2. The Board will return the application of an applicant to whom a certificate is denied with an explanation for the denial.; or~~

(d) Disciplinary action has been taken against the applicant in his capacity as the holder of a license or certificate which authorizes him to provide medical services.

2. If the application is rejected, it will be retained by the Board and the Board will notify the applicant of the reasons for the rejection.

Sec. 34. NAC 630A.320 is hereby amended to read as follows:

630A.320 An applicant for a certificate to practice as a homeopathic assistant must possess the qualifications required by the Board, including, without limitation:

1. Graduation from high school.

2. Successful completion of at least one training program approved by the Board. This training may include, without limitation, a program to become certified or licensed to practice as:

- (a) A medical assistant;
- (b) A physician assistant;
- (c) A registered nurse;
- (d) A licensed practical nurse;
- (e) An emergency medical technician;
- (f) A medic in the Armed Forces; or
- (g) A medical technician.

3. Successful completion of not less than 40 hours of training in homeopathic medicine from a program approved by the Board ~~[.]~~, *including, without limitation, a program concerning complementary and alternative medicine.*

4. Successful completion of not less than 160 hours of training under the supervision of a ~~[licensed homeopathic medical doctor.]~~ *homeopathic physician.*

5. Successful completion of the examination administered by the Board pursuant to NAC 630A.330.

Sec. 35. NAC 630A.330 is hereby amended to read as follows:

630A.330 1. The Board will administer an examination to practice as a homeopathic assistant at least two times each year at the dates and times established by the Board. An applicant for a ~~[license]~~ *certificate* to practice as a homeopathic assistant must submit the application required pursuant to NAC 630A.300 to the Secretary-Treasurer of the Board not later than 60 days before the date scheduled for the examination to be eligible to take that examination.

2. The examination will consist of ~~{a}~~ *an open-book* written examination and an oral examination. ~~{The written examination will include a closed-book portion and an open-book portion as directed by the Board.}~~

3. The Secretary-Treasurer shall notify an applicant to practice as a homeopathic assistant of the time and place of the examination not later than 20 days before the date scheduled for the examination.

4. Any book, note or other material approved by the Board may be used during the ~~{open-book portion of the}~~ written examination.

5. To ~~{pass the examination to}~~ practice as a homeopathic assistant, an applicant must receive:

(a) A score of at least ~~{75}~~ *70* percent on the written examination; ~~{and}~~ *or*

(b) A passing score on the oral examination ~~{}~~ *from a majority of the board members who are present and grading the examination*, which will be graded on a pass or fail basis.

Sec. 36. NAC 630A.400 is hereby amended to read as follows:

630A.400 1. An applicant for a certificate to practice as an advanced practitioner of homeopathy ~~{shall}~~ *must* submit to the Board a notarized application on a form furnished by the Board. *The form may be obtained from the office of the Board or from the Internet website of the Board.*

2. The applicant must include on the application, or in an attachment thereto, any information required by the Board, including, without limitation:

(a) His place and date of birth;

(b) His social security number ~~{}~~ *as required pursuant to NRS 630A.243;*

(c) The address and telephone number of his place of residence and place of business;

- (d) Proof that he meets the qualifications required by the Board pursuant to subsections 1, 2 and 3 of NAC 630A.420;
- (e) A list describing any license or certificate that the applicant has earned which required the completion of medical training or which authorizes him to provide medical services;
- (f) A statement disclosing whether he has ever been convicted of a crime;
- (g) A statement disclosing whether any disciplinary action has ever been taken against him in his capacity as the holder of a license or certificate which authorizes him to provide medical services;
- (h) A photograph of the applicant which was taken not more than 60 days before the application is submitted;
- (i) A complete set of his fingerprints on a form which is furnished by the Board, along with the written consent of the applicant for the Board to forward the fingerprints to a law enforcement agency for a report on the criminal history of the applicant; and
- (j) A letter of recommendation from:
 - (1) A ~~licensed practicing~~ homeopathic physician ~~[-]~~ *who is actively engaged in the practice of homeopathic medicine in this state;* and
 - (2) Two persons who have known the applicant for at least 1 year.

3. The applicant must submit with the application, the application fee required pursuant to NRS 630A.330. The application fee is nonrefundable.

Sec. 37. NAC 630A.410 is hereby amended to read as follows:

630A.410 1. The Board may deny a certificate to practice as an advanced practitioner of homeopathy to an applicant if:

- (a) The application does not contain the information required pursuant to NAC 630A.400;

(b) The applicant does not possess the qualifications required pursuant to subsections 1, 2 and 3 of NAC 630A.420; ~~{or}~~

(c) The applicant does not pass the examination required pursuant to subsection 4 of NAC 630A.420 within 1 year after submitting the application ~~{~~

~~—2. The} ; or~~

(d) Disciplinary action has been taken against the applicant in his capacity as the holder of a license or certificate which authorizes him to provide medical services.

2. If the application is rejected, it will be retained by the Board and the Board will ~~{return the application of an applicant to whom a certificate is denied with an explanation}~~ notify the applicant of the reasons for the ~~{denial.}~~ rejection.

Sec. 38. NAC 630A.450 is hereby amended to read as follows:

630A.450 1. A homeopathic physician who supervises an advanced practitioner of homeopathy ~~{must be licensed to practice homeopathic medicine in the State of Nevada and}~~ must currently practice homeopathic medicine in the State of Nevada.

2. The supervising homeopathic physician shall ~~{spend not less than 4 hours each month at each location where an advanced practitioner whom he supervises provides medical services. During this time, the supervising homeopathic physician shall}~~ consult with and monitor the quality of care provided by the advanced practitioner.

3. The supervising homeopathic physician shall provide to the Board:

(a) The current physical address and telephone number of each location where an advanced practitioner of homeopathy whom he supervises provides medical services; *and*

(b) ~~{The date and time that he will be present at each location to consult with and monitor the care provided by the advanced practitioner; and~~

~~—(e)] Any change in such information.~~

Sec. 39. NAC 630A.460 is hereby amended to read as follows:

630A.460 A homeopathic physician who supervises an advanced practitioner of homeopathy shall develop and implement a program to monitor the quality of care provided by the advanced practitioner. As part of the program, the supervising homeopathic physician shall:

1. Assess the competency of the advanced practitioner to provide medical services;
2. Review selected medical charts of the advanced practitioner; *and*
3. ~~[Evaluate each referral to another health care professional made by the advanced~~

~~practitioner;~~

~~—4. Evaluate each consultation with another health care professional made by the advanced practitioner;~~

~~—5. Observe the ability of the advanced practitioner to take a medical history from and to perform a physical examination on a patient who is representative of a typical patient for whom the advanced practitioner provides care; and~~

~~—6.] Maintain accurate records and documentation of the program for each advanced practitioner whom the homeopathic physician supervises.~~

Sec. 40. NAC 630A.470 is hereby amended to read as follows:

630A.470 1. Except as otherwise provided in this subsection, a homeopathic physician who supervises an advanced practitioner of homeopathy must be available to consult with the advanced practitioner by phone or in person at all times when the advanced practitioner provides medical services. If the supervising *homeopathic* physician cannot be available, he shall designate an equally qualified ~~[icensed]~~ *homeopathic* physician to be available for consultation.

2. The supervising homeopathic physician shall ensure that the advanced practitioner:

(a) Does not use a prescription which has been signed by a physician before a patient requires the prescription; and

(b) Is aware of all laws and regulations with which he must comply, including, without limitation, the regulations of the State Board of Pharmacy regarding prescriptions, controlled substances, and dangerous drugs and devices.

Sec. 41. NAC 630A.500 is hereby amended to read as follows:

630A.500 1. A homeopathic physician and an advanced practitioner of homeopathy whom he supervises shall conduct and document a ~~comprehensive~~ review of the protocol *required pursuant to NRS 630A.293* each year at the time the certificate of the advanced practitioner is renewed.

2. The advanced practitioner shall maintain accurate records documenting all pertinent historical and physical findings concerning a patient, including, without limitation, the plan for the treatment of a patient.

3. The supervising homeopathic physician shall review a sample of the records of the findings of the advanced practitioner *at least* once ~~each month~~ *every 6 months* to ensure that the advanced practitioner is complying with the protocol.

4. The supervising homeopathic physician and the advanced practitioner shall make any medical record available to the Board for review. A review conducted by the Board will be in accordance with the laws relating to the confidentiality of medical records.

Sec. 42. NAC 630A.550 is hereby amended to read as follows:

630A.550 1. A certificate to practice as a homeopathic assistant or advanced practitioner of homeopathy which is issued by the Board must be renewed each year ~~on or~~ before January 1.

2. To renew a certificate, a homeopathic assistant or advanced practitioner must:

- (a) Submit an application for renewal to the Board;
- (b) Submit proof that he has completed the required annual continuing education; and
- (c) Pay to the Board:

(1) An annual renewal fee of ~~[\$150]~~ **\$165** for a certificate to practice as a homeopathic assistant.

(2) An annual renewal fee of ~~[\$300]~~ **\$330** for a certificate to practice as an advanced practitioner of homeopathy.

3. ~~[An]~~ **A homeopathic assistant or** advanced practitioner **of homeopathy** who fails to submit proof to the Board, ~~[on or]~~ before January 1, that he has completed the required annual continuing education may not renew his certificate until:

- (a) He submits proof that he has completed the continuing education;
- (b) The Board determines that he is otherwise qualified to practice as ~~[an]~~ **a homeopathic assistant or** advanced practitioner ~~[:]~~ **of homeopathy;** and
- (c) He pays to the Board a renewal fee which is equivalent to two times the fee set forth in subsection 2.

4. The Board may revoke the certificate of a homeopathic assistant or advanced practitioner who does not pay the renewal fee ~~[within 60 days after]~~ **before** January 1. A homeopathic assistant or advanced practitioner whose certificate is revoked for this reason may request, within 2 years after revocation, that the Board restore his certificate.

Sec. 43. NAC 630A.560 is hereby amended to read as follows:

630A.560 The Board may initiate disciplinary action against a homeopathic assistant or an advanced practitioner of homeopathy or may deny the issuance or renewal of a certificate if the

Board finds after providing notice and a hearing that the homeopathic assistant or advanced practitioner of homeopathy:

1. Willfully and intentionally made a false or fraudulent statement or submitted a forged or false document to the Board;
2. Represented to another that the homeopathic assistant or advanced practitioner of homeopathy was a licensed physician or knowingly permitted another person to represent him as such;
3. Performed medical services which were not directed or supervised by a homeopathic physician as required by NAC 630A.350 and 630A.470;
4. Provided medical services when he did not have the ability to provide such services with reasonable skill and safety because:
 - (a) He was under the influence of alcohol or a controlled substance; or
 - (b) He had a mental or physical illness;
5. Provided medical services in a negligent manner;
6. Failed to obey an order of the Board or an investigative committee of the Board, a law or a regulation which relates to the provision of health care or dispensing of drugs, including, without limitation, a regulation of the Board or the State Board of Health;
7. Administered, dispensed or possessed a controlled substance, except as authorized by law in the course of providing medical services;
8. Is not competent to provide the services required of a homeopathic assistant or advanced practitioner of homeopathy;
9. Has been convicted of a felony or any offense involving moral turpitude;
10. Falsified records of health care or insurance;

11. Falsified medical records of a patient, including, without limitation, altering records to indicate the presence of the homeopathic assistant or advanced practitioner of homeopathy at a time when the homeopathic assistant or advanced practitioner of homeopathy was not in attendance or to indicate that procedures were performed on the patient by the homeopathic assistant or advanced practitioner of homeopathy that were in fact not performed by him;

12. Acquired any controlled substance from a pharmacy or other source by misrepresentation, fraud, deception or subterfuge;

13. Allowed any person who is unlicensed and uncertified to treat a patient by means of homeopathy;

14. Failed to honor the advance directive of a patient without informing the patient, 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 contained therein; ~~or~~

15. Entered into a multilevel marketing agreement with a patient or an immediate family member of the patient ~~or~~; *or*

16. Has had disciplinary action taken against him in another jurisdiction or by another board that regulates health care in this state if the disciplinary action was taken against the homeopathic assistant or advanced practitioner of homeopathy in his capacity as the holder of a license or certificate which authorizes him to provide medical services.

Sec. 44. NAC 630A.580 is hereby amended to read as follows:

630A.580 1. If the Board proceeds with disciplinary action against a homeopathic assistant or advanced practitioner of homeopathy, it will set a time and place for a disciplinary hearing. The Board will notify the homeopathic assistant or advanced practitioner and his supervising homeopathic physician of:

- (a) The specific complaint against the homeopathic assistant or advanced practitioner;
- (b) The time and place set for the disciplinary hearing; and
- (c) The sanctions which the Board may impose ~~[pursuant to NAC 630A.610.]~~ *for the conduct in which the homeopathic assistant or advanced practitioner of homeopathy allegedly engaged.*

2. The Board will serve the notice required by subsection 1 not less than 20 days before the date set for the disciplinary hearing, and will serve notice in the manner set forth in NAC 630A.590.

3. During a disciplinary hearing conducted pursuant to this section:

- (a) Formal rules of evidence will not be applied;
- (b) Proof of actual injury need not be established; and
- (c) The Board will consider a certified copy of the record of a court or a certifying agency showing a conviction or plea of nolo contendere or the suspension, revocation, limitation, modification, denial or surrender of a certificate to practice as a homeopathic assistant or advanced practitioner of homeopathy as conclusive evidence of its occurrence.

Sec. 45. NAC 630A.610 is hereby amended to read as follows:

630A.610 1. If the Board determines that a homeopathic assistant or advanced practitioner of homeopathy has engaged in an activity for which disciplinary action is authorized pursuant to NAC 630A.560, the Board will issue an order:

- (a) Placing him on probation for a specified period of time, according to any conditions set forth in the order;
- (b) Publicly reprimanding him;
- (c) Placing a limitation on his certificate;

(d) Suspending his certificate for a specified period of time or until the Board orders his certificate to be reinstated; or

(e) Revoking his certificate.

2. *If the Board determines that a homeopathic assistant or advanced practitioner of homeopathy has engaged in an activity for which disciplinary action is authorized pursuant to NAC 630A.130, the Board may issue an order imposing an administrative fine in accordance with NAC 630A.130. If the Board determines that a homeopathic assistant or advanced practitioner of homeopathy has engaged in an activity for which disciplinary action is required pursuant to NAC 630A.130, the Board will issue an order imposing an administrative fine or suspending the certificate of the homeopathic assistant or advanced practitioner of homeopathy in accordance with NAC 630A.130.*

3. An order of the Board which limits the ability of a homeopathic assistant or advanced practitioner of homeopathy to provide medical services or revokes his certificate is effective from the date the Secretary-Treasurer of the Board certifies the order until the date the order is modified or reversed.

~~[3.]~~ 4. For the purposes of NRS 233B.130, a decision of the Board pursuant to this section is a final decision.

~~[4.]~~ 5. In addition to any other action, if the Board determines that a homeopathic assistant or advanced practitioner of homeopathy is engaging in unlawful or unauthorized conduct, the Board will take any appropriate action authorized by law to prevent such conduct.

Sec. 46. NAC 630A.620 is hereby amended to read as follows:

630A.620 1. A homeopathic assistant or advanced practitioner of homeopathy whose certificate to practice as a homeopathic assistant or advanced practitioner has been limited,

suspended or revoked pursuant to NAC *630A.130 or* 630A.610 may apply to the Board to remove the limitation or restore his certificate.

2. The applicant has the burden of proving by clear and convincing evidence that he has complied with all of the terms and conditions set forth in the final order of the Board and that he is capable of practicing as a homeopathic assistant or advanced practitioner with reasonable skill and safety to patients. The Board will not remove a limitation or restore a certificate until it is satisfied that the applicant has met this burden of proof.

3. In addition to the requirements of subsection 2, a homeopathic assistant or advanced practitioner whose certificate has been *suspended pursuant to NAC 630.130 or* revoked must submit an application to the Board pursuant to NAC 630A.300 or 630A.400, respectively, and successfully complete the examination required of new applicants.

NOTICE OF ADOPTION OF PROPOSED REGULATION
LCB File No. R105-03

The Board of Homeopathic Medical Examiners adopted regulations assigned LCB File No. R105-03 which pertain to chapter 630A of the Nevada Administrative Code on September 13, 2003.

Notice date: 8/14/2003
Hearing date: 9/13/2003

Date of adoption by agency: 9/13/2003
Filing date: 9/24/2003

INFORMATIONAL STATEMENT

The following statement is submitted for adopted amendments to Nevada Administrative Code chapter 630A.

1. A description of how public comment was solicited, a summary of public response, and an explanation how other interested persons may obtain a copy of the summary:

Public comment was solicited by sending notices of the workshop and hearings to all of the licensed homeopathic physicians, certified Advanced Practitioners of Homeopathy, and certified Homeopathic Assistants in the state of Nevada. Public comment was also solicited by posting notices of the hearings at public libraries throughout the state and several other locations. The public response to the proposed regulation was in the form of a written response from Robert Field, a certified Advanced Practitioner of Homeopathy, who also attended the workshop and hearing, and comments from Dr. Frank Schallenberger, a licensed homeopathic physician. Mr. Field in his written response and at the hearing questioned whether the addition of “complementary alternative” to define homeopathic practice would impact on his students at the Resonance School of Homeopathy and their training, since the curriculum at the school is based entirely on classical homeopathy.

Dr. Schallenberger had some proposed additions to the definitional sections of the proposed regulations, which were incorporated into the regulations. The Board members and their counsel also had some relatively minor proposed wording changes. One substantive change is found in section 28, which imposes a certain fine for failure to provide a change of address pursuant to NAC 630A.130 within 30 days if a hearing is waived. Interested persons may obtain a copy of any written responses and the minutes of the workshop and hearing from the Board of Homeopathic Medical Examiners by mailing a request to the Board at 3663 Pecos McLeod Int., Las Vegas, NV 89121, or by telephone to (702) 451-3332 .

2. A statement indicating the number of persons who attended each meeting or workshop, testified at each hearing, and submitted written statements regarding the proposed regulation:

A. The number of persons who:

(a)	Attended each workshop: September 13, 2003	10
(b)	Attended each hearing: September 13, 2003	10
(c)	Testified at each workshop: September 13, 2003	8
(d)	Testified at each hearing: September 13, 2003	8
(e)	Submitted written comments to the agency:	1

3. A description of how comment was solicited from affected businesses, a summary of their response, and an explanation how other interested persons may obtain a copy of the summary:

Public comment was solicited by sending notices to the all of the licensed homeopathic physicians, certified Advanced Practitioners of Homeopathy, and certified Homeopathic Assistants in the state of Nevada with a copy of the proposed regulation changes and by posting the proposed regulation at public libraries throughout the state of Nevada. The public comment is summarized in section 1 above. Interested persons may obtain a copy of the minutes of the workshop and hearing from the Board of Homeopathic Medical Examiners by mailing a copy to Board at 3663 Pecos McLeod Int., Las Vegas, NV 89121, or by telephone to (702) 451-3332 .

4. If the regulation was adopted without changing any part of the proposed regulation, a summary of the reasons for adopting the regulation without change. The statement should also explain the reasons for making any changes to the regulation proposed.

The regulation was changed from the proposed regulation, LCB File No. R105-03, but the changes were generally not substantial and consisted primarily of some minor wording changes and additions to several of the sections. These changes, summarized in section 1 above, were made primarily at the request of Dr. Schallenberger and several Board members and counsel, who noticed that in certain definitional sections, some additional wording was necessary to fully define these terms. The only substantive change from LCB file no. R105-03 is a change in the proposed section 28 of the LCB version, which in that version imposed a set fine for failure to timely file a change of address of no more than \$700.00. The Board changed this provision to apply only in instances in which the licensee waived a hearing. If the hearing is not waived, the licensee is subject to any of the proposed fines or other disciplinary action found in chapter 630A of NRS or NAC. This was done to encourage licensees to pay the fine without a hearing, because of the limited resources of the Board to have numerous hearings. All of the specific changes to the original LCB version are stated in the minutes of the workshop and hearing, which can be obtained from the Board.

5. The estimated economic effect of the adopted regulation on the business that it is to regulate and on the public. These must be stated separately, and each case must include: (a) both adverse and beneficial effects and (b) both immediate and long-term effects:

A. Estimated economic effect on homeopathic physicians or other licensees:

It is estimated that this regulation has a negligible economic effect on homeopathic physicians or other licensees. The regulations do establish a new fee of ten percent increase in

six (6) areas: a new fee for the renewal of a license to practice homeopathic medicine; a new fee for the re-examination of an applicant who fails the examination for a license to practice homeopathic medicine; a fee for the re-examination of an applicant who fails the examination for a certificate to practice as an advanced practitioner of homeopathy; a fee for the re-examination of an applicant who fails the examination for a certificate to practice as a homeopathic assistant; a new fee for a temporary, special or limited license; and a new fee for the renewal of a temporary, special or limited license.

(a) Adverse and beneficial effects:

There are no apparent adverse economic effects of the regulation on licensed homeopathic physicians, advanced practitioners of homeopathy or homeopathic assistants. There are no beneficial economic effects from this regulation for a homeopathic physician, Advanced Practitioner of homeopathy or homeopathic assistant.

(b) Immediate and long-term effects:

There are no apparent immediate or long-term effects of this regulation on licensed homeopathic physicians, advanced practitioners of homeopathy or homeopathic assistants.

B. Estimated economic effect on the public:

It is estimated that the proposed regulation to be adopted and amended will not have any significant negative or positive economic effect on the public.

(a) Adverse and beneficial effects:

There are no apparent adverse effects to the public of this regulation. There are also no apparent beneficial effects on the public.

(b) Immediate and long-term effects:

The temporary regulation has similar immediate and long-term effects for the public, which are stated immediately above.

6. The estimated cost to the agency for enforcement of the proposed regulation:

There is no cost to the Board of Homeopathic Medical Examiners for enforcement of the proposed regulation.

7. A description of any regulations of the state or government agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary. If the regulation overlaps or duplicates a federal regulation, the name of the regulating federal agency.

The regulation does not overlap or duplicate any regulations of other state or local

government agencies or of any federal agency.

8. If the regulation includes provisions that are more stringent than a federal regulation that regulates the same activity, a summary of those provisions.

Not applicable.

9. If the regulation establishes a new fee or increases an existing fee, a statement indicating the total annual amount the agency expects to collect and the manner in which the money will be used.

Not applicable.