ADOPTED REGULATION OF THE

STATE BOARD OF ORIENTAL MEDICINE

LCB File No. R149-26

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

AUTHORITY: § 1, NRS 634A.070 and 634A.110; §§ 2-4, NRS 634A.070; § 5, NRS 624A.070 and 634A.225; § 6, NRS 634A.070, 634A.110 and 634A.167.

A REGULATION relating to Oriental medicine; revising requirements related to the application for a license to practice Oriental medicine; updating the name of a certain organization; authorizing certain courses to be offered as continuing education in Oriental medicine; decreasing certain fees; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing federal law requires each state to have in effect procedures for recording the social security number of any applicant for a professional or occupational license for the purpose of: (1) identifying applicants for and holders of such licenses who owe child support arrearages or fail to comply with certain processes relating to paternity or child support proceedings; and (2) withholding, suspending or revoking such licenses for such applicants and licensees. (42 U.S.C. § 666) Existing Nevada law, which expires on the date on which the federal law is repealed, accordingly requires an applicant for a license to practice Oriental medicine to include his or her social security number in the application. (NRS 634A.115) **Section 1** of this regulation removes from existing regulations a duplicative requirement that such an applicant include his or her social security number in the application. Existing Nevada law will continue to require such an application to include the applicant's social security number until the date on which the federal law is repealed. (NRS 634A.115)

Existing law and regulations require a holder of a license to practice Oriental medicine to complete certain continuing education. (NRS 634A.167; NAC 634A.135) Existing regulations: (1) in general, require a course of continuing education to be approved by the State Board of Oriental Medicine; but (2) authorize courses in certain core competencies which are approved for recertification by the National Certification Commission for Acupuncture and Oriental Medicine to be offered as courses of continuing education without approval from the Board. (NAC 634A.137) **Section 5** of this regulation instead authorizes any course which is approved by that organization to be offered as courses of continuing education without approval from the Board, regardless of whether the course is approved for the purpose of recertification or provides instruction in a specified core competency. **Sections 2-5** of this regulation revise the name of the

National Certification Commission for Acupuncture and Oriental Medicine to the National Certification Board for Acupuncture and Herbal Medicine to reflect the current name of the organization. **Sections 2-4** also revise the name of the Oriental Medicine Certification to the Diplomate of Acupuncture and Herbal Medicine to reflect the current name of the certification.

Existing law authorizes the Board to charge and collect certain fees. (NRS 634A.110, 634A.167) **Section 6** of this regulation reduces: (1) the fee for an original application for licensure as a doctor of Oriental medicine; (2) the fee for the renewal of an active license before February 1; (3) the fee for the renewal of an active license of an active member of the Armed Forces of the United States, a veteran or the spouse of such a member or veteran before February 1; and (4) the original fee for the state examination, which is administered under existing law to each applicant for a license to practice as a doctor of Oriental medicine to test the applicant's knowledge and understanding of the laws and regulations of this State relating to health and safety in the practice of Oriental medicine. (NRS 634A.120)

Section 1. NAC 634A.071 is hereby amended to read as follows:

634A.071 1. A person who desires to be licensed by the Board as a doctor of Oriental medicine must, at least 3 months before the date of the state examination in which the person wishes to participate:

(a) File an application with the Executive Director;

(b) Pay to the Board at the time of filing his or her application any applicable fees set forth in NAC 634A.165; and

(c) Submit any other documentation or proof that the Board may require.

2. The application must be:

(a) Made on the form provided by the Board; and

(b) Typed or written in English.

3. The application must include:

(a) ~~[The social security number of the applicant;~~

~~(b)~~ A set of the fingerprints of the applicant, together with written consent for the Board to submit the fingerprints to any law enforcement agency in connection with his or her application;

~~(c)~~ ***(b)*** Written consent of the applicant to an investigation of his or her personal background, professional training and experience by the Board or any person acting on its behalf; and

~~(d)~~ ***(c)*** Evidence that the applicant possesses the qualifications required pursuant to this chapter and chapter 634A of NRS for licensure as a doctor of Oriental medicine.

Sec. 2. NAC 634A.080 is hereby amended to read as follows:

634A.080 1. An applicant for a license to practice Oriental medicine must submit, together with his or her application, evidence that he or she has successfully completed a 4-year program of study, or its equivalent, in Oriental medicine at a school or college of Oriental medicine which is approved by the Board.

2. If the application is submitted pursuant to subsection 1 of NRS 634A.140, the applicant must submit evidence showing that he or she has earned a bachelor's degree from an accredited college or university in the United States.

3. If the application for licensure by endorsement is submitted pursuant to subsection 2 of NRS 634A.140, the applicant must submit evidence that he or she:

(a) Has lawfully practiced Oriental medicine in another state or foreign country for at least 4 years;

(b) Holds ~~[Oriental Medicine Certification by]~~ ***a Diplomate of Acupuncture and Herbal Medicine from*** the National Certification ~~[Commission]~~ ***Board*** for Acupuncture and ~~[Oriental]~~ ***Herbal*** Medicine or its successor organization; and

(c) If the applicant successfully completed a 4-year program of study at a school or college of Oriental medicine described in subparagraph (3) of paragraph (a) of subsection 4, holds a valid license to practice Oriental medicine in the applicable state.

4. For the purposes of subsection 1, the Board may approve a 4-year program of study, or its equivalent, in Oriental medicine at a school or college of Oriental medicine if the Board finds that:

(a) The school or college of Oriental medicine is:

(1) Accredited by the Accreditation Commission for Acupuncture and Herbal Medicine or its successor organization;

(2) In pre-accreditation status with the Accreditation Commission for Acupuncture and Herbal Medicine or its successor organization and satisfies the requirements of paragraph (b); or

(3) Approved by a licensing agency that regulates the practice of Oriental medicine in another state, if the applicant currently holds a valid license to practice Oriental medicine in that state;

(b) The program of study includes training or instruction in the subjects of acupuncture, moxibustion, herbology, Oriental physiology, Oriental pathology, Oriental diagnosis, tuina or qigong, biology, anatomy, Western physiology, Western pathology, Western diagnosis, pharmacology, laboratory and radiology; and

(c) The program of study:

(1) Required the completion of at least 2,800 hours of instruction, including not less than 2,500 didactic hours, for a student to have graduated before November 25, 2002; or

(2) Requires the completion of at least 3,000 hours of instruction, including not less than 2,500 didactic hours, for a student to graduate on or after November 25, 2002, or results in the award of a combined bachelor's and master's degree in Oriental medicine to a student who graduates on or after November 25, 2002.

5. For the purposes of subsection 1, the Board will deem a master's degree to be the equivalent of a 4-year program of study if the program of study for the degree conforms to the requirements of paragraphs (b) and (c) of subsection 4.

6. For the purposes of subsections 2 and 3, evidence that the applicant is qualified for licensure as a doctor of Oriental medicine must include certified copies of any diplomas, transcripts, licenses and certificates issued to the applicant. If possible, all certified copies of official diplomas, transcripts, licenses or certificates must be forwarded directly to the Executive Director from the issuing entity rather than from the applicant.

Sec. 3. NAC 634A.085 is hereby amended to read as follows:

634A.085 To comply with the requirement of passing the national examination in Oriental medicine, an applicant for licensure as a doctor of Oriental medicine must have passed each examination for ~~[Oriental Medicine Certification]~~ ***a Diplomate of Acupuncture and Herbal Medicine*** administered by the National Certification ~~[Commission]~~ ***Board*** for Acupuncture and ~~[Oriental]~~ ***Herbal*** Medicine or its successor organization.

Sec. 4. NAC 634A.133 is hereby amended to read as follows:

634A.133 Each holder of a new license that is first issued after December 31, 2018, including, without limitation, a holder of a license by endorsement issued pursuant to subsection 2 of NRS 634A.140, shall:

1. Maintain ~~[Oriental Medicine Certification by]~~ ***a Diplomate of Acupuncture and Herbal Medicine from*** the National Certification ~~[Commission]~~ ***Board*** for Acupuncture and ~~[Oriental]~~ ***Herbal*** Medicine or its successor organization; and

2. Provide proof of ~~[that certification]~~ ***the unexpired Diplomate of Acupuncture and Herbal Medicine from the National Certification Board for Acupuncture and Herbal Medicine*** to the Executive Director upon:

(a) ~~[Certification;]~~ ***Each annual license renewal; and***

(b) ~~[Recertification; and~~

~~(c)]~~ The change of classification of his or her license from inactive status to active status.

Sec. 5. NAC 634A.137 is hereby amended to read as follows:

634A.137 1. Except as otherwise provided in subsection 2, a person or entity shall not offer a course of continuing education for licensees in this State unless the person or entity has first obtained approval for the course from the Board pursuant to this section.

2. Courses ~~[in any of the core competencies of Acupuncture and Oriental Medicine and Biomedicine (AOM-BIO), Oriental Medicine Foundation and Theory (AOM-OM), Acupuncture (AOM-AC), Chinese Herbology (AOM-CH), Asian Bodywork Therapy (AOM-ABT),Safety (SA) or Ethics (ET),]~~ which are approved ~~[for recertification]~~ by the National Certification ~~[Commission]~~ ***Board*** for Acupuncture and ~~[Oriental]~~ ***Herbal*** Medicine ~~[,]~~ ***or its successor organization*** may be offered as courses of continuing education for licensees in this State without approval from the Board and are exempt from the imposition of fees for approval of courses of continuing education pursuant to NAC 634A.165.

3. A person or entity may apply for approval of a course of continuing education by submitting to the Board:

(a) An application, on a form provided by the Board, which must include information indicating the specific subject or topics to be presented and the name of each proposed instructor;

(b) All material relating to the course, including, without limitation, written material to be provided to a licensee attending the course; and

(c) The fee required pursuant to NAC 634A.165.

4. If the Board approves a course of continuing education pursuant to this section, the Board will determine the number of hours of continuing education that a licensee may receive for attending the course.

5. Board approval of a course of continuing education other than a course described in subsection 2 expires 4 years after that approval.

Sec. 6. NAC 634A.165 is hereby amended to read as follows:

634A.165 The Board will charge and collect the following fees:

Original application for licensure as a doctor of Oriental medicine .....~~[$900.00]~~ ***$500.00***

Renewal of active license before February 1 .....~~[600.00]~~ ***500.00***

Renewal of inactive license before February 1 .....500.00

Renewal of active license of an active member of the Armed Forces of the United States, a veteran or the spouse of such a member or veteran before February 1 .....~~[500.00]~~ ***400.00***

Penalty for late renewal of license within 90 days after February 1 .....100.00

Replacement of license.....200.00

Original fee for state examination.....~~[900.00]~~ ***500.00***

Reexamination fee for state examination.....500.00

Approval of course of continuing education.....100.00

Check returned for insufficient funds.....25.00

For copies, per compact disc or tape recording.....20.00

Original application fee for a school or college of Oriental medicine.....2,000.00

Annual fee for approval of curriculum before February 1 .....1,000.00