

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

LCB File No. R217-08

Effective December 17, 2008

(This regulation consists of §§1-6, 8-20, 22, 23, 25 and 26 of LCB File No. R085-08;
these sections have been split out from that regulation for separate consideration)

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

AUTHORITY: §§1, 2, 5, 6 and 21, NRS 630A.200; §3, NRS 630A.040, 630A.155 and 630A.200; §§4, 7 and 9, NRS 630A.155 and 630A.200; §8, NRS 630A.155, 630A.200 and 630A.240; §§10 and 20, NRS 630A.155, 630A.200, 630A.295 and 630A.299; §11, NRS 630A.155, 630A.200 and 630A.310; §§12-15, NRS 630A.155, 630A.200 and 630A.299; §§16-18, NRS 630A.155, 630A.200 and 630A.295; §19, NRS 630A.155, 630A.200, 630A.293 and 630A.295.

A REGULATION relating to homeopathic medicine; revising the interpretation of certain terms by the Board of Homeopathic Medical Examiners; revising provisions governing nutritional evaluations of patients; requiring an applicant for a license to practice homeopathic medicine to complete a certain amount of postgraduate medical or osteopathic training in the United States; revising the requirements for continuing education for a homeopathic physician, advanced practitioner of homeopathy or homeopathic assistant; revising the qualifications for a certificate to practice as a homeopathic assistant or an advanced practitioner of homeopathy; revising provisions governing a written protocol for an advanced practitioner of homeopathy; and providing other matters properly relating thereto.

Section 1. Chapter 630A of NAC is hereby amended by adding thereto a new section to read as follows:

“Applied kinesiology” means a method for identifying nutritional, energetic or other factors that may affect the functions of the body of a person by measuring muscle strength and endurance.

Sec. 2. NAC 630A.010 is hereby amended to read as follows:

630A.010 As used in this chapter, unless the context otherwise requires, the words and terms defined in NAC 630A.0105 to 630A.0133, inclusive, *and section 1 of this regulation* have the meanings ascribed to them in those sections.

Sec. 3. 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;

(2) Ganglia; 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 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) Manipulation of the soft tissues of the body to balance the body , *including, without limitation:*

(I) Aquastretch exercising or any other form of aquatic therapy; and

(II) Cranio-sacral manipulation; and

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

(d) “Nutrition” to include, without limitation, *applied kinesiology or any other modality or method used for* the recognition, evaluation, treatment and correction of the unique dietary needs of a patient.

(e) “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.

2. As used in this section:

(a) *“Aquastretch exercising” means a method of personal or assisted exercise used as a form of aquatic or nonaquatic therapy which enables stretching of the body to encourage dynamic intuitive movement, usually in various depths of water and with various weights attached to the body, to increase systemic flexibility and improve vascular, nerve and muscular functions.*

(b) “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)~~ (c) “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);
- (4) Penicillamine;
- (5) Diethylene triamine penta-acetic acid (DTPA);
- (6) Deferoxamine mesylate; and
- (7) Clathration agents.

~~(e)~~ (d) *“Cranio-sacral manipulation” means the manipulation of muscles, ligaments, fascia or other connective tissues, and any anatomical structures relating to those tissues, to improve the function of cranial nerves and systemic neurological dynamics.*

(e) “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)~~ (f) “Pharmaceutical preparations” includes narcotic drugs or opiates that are listed as schedule II controlled substances pursuant to chapter 453 of NRS.

~~(e)~~ (g) “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 psychophysiological distress.

~~(d)~~ (h) “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.

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

Sec. 4. 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~~ *the* analysis is performed by a laboratory; ~~and~~

(b) A functional intracellular analysis ~~;~~;

(c) *A test of muscle strength and endurance using applied kinesiology; and*

(d) *The use of dark-field microscopy.*

2. If a homeopathic physician, advanced practitioner of homeopathy or homeopathic assistant performs nutritional treatment on a patient, the treatment may include:

(a) Dietary recommendations; and

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

3. As used in this section:

(a) *“Dark-field microscopy” means a method of microscopy in which an amount of light is excluded from an object under examination, thereby resulting in a dark or nearly dark field around the specimen.*

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

~~(b)~~ (c) “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. 5. NAC 630A.031 is hereby amended to read as follows:

630A.031 1. The President of the Board shall appoint a committee composed of the Secretary-Treasurer *of the Board* and *at least* two other ~~[members of the Board.]~~ *persons who are homeopathic physicians or advanced practitioners of homeopathy.* The committee shall:

(a) 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) 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. 6. 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 as required pursuant to NRS ~~[630A.243,]~~ **630A.246**, his registration number issued by the Drug Enforcement Administration, and the address and telephone ~~[numbers]~~ **number** 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) A complete set of fingerprints on a form 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.

(n) 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 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 retained by the Board pursuant to subsection 4 of NRS 630A.290 and the Board will notify the applicant of the reasons for the rejection.

Sec. 7. NAC 630A.070 is hereby amended to read as follows:

630A.070 **1.** An applicant for a license to practice homeopathic medicine who is a graduate of a medical *or osteopathic* school, as required pursuant to NRS 630A.230 ~~[,] and~~ 630A.240, ~~[or 630A.270,]~~ must have completed 6 months of his postgraduate *medical or osteopathic* training in the United States.

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

Sec. 8. 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 Board. In determining whether to approve a course or program, the Board will consider:

- (a) The textbooks and other instructional aids used in the course or program;
- (b) The institution offering the course or program;
- (c) The qualifications of the instructor teaching the course or program; and
- (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 *posology and* pharmacology; and
 - (5) The methodology of prescribing homeopathic medicines and therapies.
2. The Board may , *without notice*, revoke *the* approval of a course or program ~~that the~~ *Board* has previously approved if ~~the~~ *Board* 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 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 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. 9. NAC 630A.076 is hereby amended to read as follows:

630A.076 A homeopathic physician who is actively practicing homeopathy in Nevada and who is in good standing with the Board may serve as a supervisor of a person who is engaged in the postgraduate training required ~~in~~ *by* paragraph (c) of subsection 1 of NRS 630A.240 or who is engaged in training required pursuant to NAC 630A.420, if the licensee:

- 1. Receives approval in writing from the Board;
- 2. Notifies the Board in writing at the conclusion of the training ~~period~~ that the person:
 - (a) Has completed ~~6 months~~ *the required period* of training; and
 - (b) Is prepared to be examined by the Board; and
- 3. Attests in writing to the Board that he has not willfully and intentionally made a false or fraudulent statement or submitted a false or fraudulent document to the Board.

Sec. 10. 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 approved by the Board, including, without limitation, courses ~~in complementary~~ *relating to:*

(a) Homeopathy;

(b) Complementary and alternative ~~medical education.~~ therapy; or

(c) The protocol of an advanced practitioner of homeopathy.

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 ~~and~~ *for that year.*

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 or certificate 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:

(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. 11. NAC 630A.100 is hereby amended to read as follows:

630A.100 1. An applicant for a temporary license shall furnish *to* 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~~ *another* 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. 12. NAC 630A.300 is hereby amended to read as follows:

630A.300 1. An applicant for a certificate to practice as a homeopathic assistant 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;~~ 630A.246;
- (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;~~, 2 and 3 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 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. 13. 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,~~ 2 and 3 of NAC 630A.320;

(c) The applicant does not pass the examination required pursuant to NAC 630A.330 within 1 year after submitting the application; 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. 14. 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]~~ *of the United States*;
- (g) A medical technician ~~[-]~~;
- (h) A massage therapist; or*
- (i) A physical therapist or physical therapist's assistant.*

3. Successful completion of not less than ~~[40]~~ *160* hours of training ~~[in homeopathic medicine from]~~ :

(a) Under the supervision of a homeopathic physician; or

(b) In a program approved by the Board, including, without limitation, ~~[a program]~~ *education* concerning ~~[complementary]~~ :

(1) Complementary and alternative medicine ~~[-]~~;

(2) Herbal therapy;

(3) Neural therapy;

(4) Neuromuscular integration;

(5) Nutrition; or

(6) Orthomolecular therapy.

4. Successful completion of ~~[not less than 160 hours of training under the supervision of a homeopathic physician.~~

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

Sec. 15. NAC 630A.370 is hereby amended to read as follows:

630A.370 1. A homeopathic ~~assistant~~ *physician* who ceases to ~~be supervised by~~ *supervise* a homeopathic ~~physician~~ *assistant* shall notify the Board *and the homeopathic assistant* in writing within 10 days after ~~his~~ *that* supervision ceases. ~~The supervising physician of the homeopathic assistant shall also notify the Board in writing within 10 days after the cessation of the supervision.~~ Upon receipt of a notice, the Board will automatically suspend the certificate of the homeopathic assistant.

2. A homeopathic assistant whose certificate is suspended pursuant to subsection 1 may reactivate his certificate before the date on which his certificate is due for renewal if:

- (a) He is reemployed as a homeopathic assistant; and
- (b) He submits to the Board proof of employment from his new supervising homeopathic physician.

Sec. 16. 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 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;~~ *630A.246;*

- (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 *or professional* training or which authorizes him to provide medical *or professional* 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 *or professional* 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 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. 17. NAC 630A.420 is hereby amended to read as follows:

630A.420 An applicant for a certificate to practice as an advanced practitioner of homeopathy must possess the qualifications required by the Board, including, without limitation:

1. A baccalaureate degree from a college or university which is approved by the Board or equivalent qualifications as determined and approved by the Board.

2. Successful completion of at least one of the following training programs approved by the Board:

(a) A program to become certified or licensed to practice as:

(1) A nurse practitioner;

(2) A *registered nurse*;

(3) A chiropractor; ~~for~~

~~(3)]~~ (4) An acupuncturist or doctor of oriental medicine;

(5) *A naturopathic physician*;

(6) *A physician assistant*;

(7) *A psychologist*;

(8) *A marriage and family therapist*;

(9) *A physical therapist*;

(10) *An occupational therapist*;

(11) *An emergency medical technician*;

(12) *A medical technician*; or

(13) *A midwife*;

(b) A program to receive a degree *or other certification specified by the Board* from:

(1) A domestic or foreign medical *or osteopathic* school approved by the Board;

(2) A homeopathic medical school approved by the Board; ~~for~~

- (3) A school of naturopathy approved by the Board; or
- (4) A professional school or academic program approved by the Board; or*
- (c) Any other medical *or professional* training approved by the Board.
3. Successful completion of ~~[not less than 6 months]~~ *a period* of training *specified by the Board* in ~~[homeopathy.]~~ *at least one of the following areas:*
- (a) Homeopathy;*
- (b) Noninvasive electrodiagnosis;*
- (c) Cell therapy;*
- (d) Herbal therapy;*
- (e) Neural therapy;*
- (f) Neuromuscular integration;*
- (g) Orthomolecular therapy; or*
- (h) Nutrition.*
4. Successful completion of the examination administered by the Board pursuant to NAC 630A.430.

Sec. 18. NAC 630A.443 is hereby amended to read as follows:

- 630A.443 1. An applicant for a temporary certificate as an advanced practitioner of homeopathy must furnish *to* 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]~~ *the District of Columbia or in any state or territory of the United States* 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]~~ *District of Columbia*, state ~~[]~~ *or territory*.

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. 19. NAC 630A.490 is hereby amended to read as follows:

630A.490 1. An advanced practitioner of homeopathy and his supervising homeopathic physician shall prepare and sign a written protocol, demonstrating agreement to the terms and content of the protocol. The protocol must include, without limitation:

(a) A description of the scope of practice of the advanced practitioner as authorized by the supervising homeopathic physician ~~[]~~, *which may include, without limitation:*

(1) A statement setting forth the modalities and services the advanced practitioner may provide; and

(2) A statement setting forth any limitations or restrictions imposed by the Board upon the practice of the advanced practitioner;

(b) A statement from the supervising homeopathic physician that he has determined that the advanced practitioner is qualified and competent to provide the services authorized in the scope of practice; *and*

(c) A list of ~~[any programs of training from which the advanced practitioner has graduated;~~
~~and~~

~~—(d) A list of~~ conditions under which the advanced practitioner agrees to refer a patient to the supervising homeopathic physician.

2. If an advanced practitioner of homeopathy intends to engage in the intrastate practice of homeopathic medicine using electronic means, the written protocol must incorporate all the requirements and prohibitions that apply to homeopathic physicians engaging in the intrastate practice of homeopathic medicine using electronic means.

3. The protocol must ~~reflect~~ :

(a) *Reflect* established national or customary standards for the practice of homeopathic medicine ~~and~~; *and*

(b) *Include a summary of all applicable provisions of this chapter and chapter 630A of NRS relating to the advanced practitioner of homeopathy deemed necessary by the supervising homeopathic physician.*

4. An advanced practitioner of homeopathy and his supervising homeopathic physician shall prepare a written informed consent form for patients. The informed consent form must:

(a) Disclose to a patient that the advanced practitioner of homeopathy is:

(1) An advanced practitioner of homeopathy;

(2) Not a licensed homeopathic physician; and

(3) Governed by a protocol that is available for inspection.

(b) Include any other information the Board determines is necessary to provide to a patient and requires to be included in the form.

5. Before an advanced practitioner of homeopathy may provide a medical service to a patient:

(a) The informed consent form must be reviewed and approved by the Board; and

(b) The advanced practitioner of homeopathy must obtain the signature of the patient on the informed consent form prepared and approved by the Board pursuant to this section.

6. The supervising homeopathic physician shall submit a copy of the protocol and the informed consent form to the Board for approval. If the Board does not approve the protocol or the informed consent form, it will return the protocol or the informed consent form to the physician with an explanation for the denial. The supervising homeopathic physician shall rewrite the protocol or the informed consent form to conform with any suggestion of the Board and resubmit it to the Board for consideration at the next regularly scheduled meeting of the Board.

7. A copy of the protocol and the informed consent form must be maintained and be available to the Board or an authorized representative of the Board for inspection at each location where the advanced practitioner provides medical services.

Sec. 20. 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;

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

16. *Failed to report timely to the Board any judgment or settlement required to be reported pursuant to NAC 630A.136; or*

17. 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. 21. NAC 630A.025 is hereby repealed.

TEXT OF REPEALED SECTION

630A.025 Election and terms of officers. (NRS 630A.140, 630A.200) The Board will elect its officers annually before June 30. The term of an officer begins on July 1 after the election and ends on June 30 of the succeeding year.

**NOTICE OF ADOPTION OF PROPOSED REGULATION
LCB File No. R085-08 and R217-08**

The Board of Homeopathic Medical Examiners adopted regulations assigned LCB File Nos. R085-08 and R217-08 which pertain to chapter 630A of the Nevada Administrative Code.

INFORMATIONAL STATEMENT

- 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.**

Copies of the proposed regulations, notices of workshop and notices of intent to act upon the regulation were sent by U.S. mail and email to persons who were known to have an interest in the subject of industrial development bonds as well as any persons who had specifically requested such notice. These documents were also made available at the website of the Office of the Nevada State Board of Homeopathic Medical Examiners (BHME), <http://www.nvbhme.com/>, mailed to all county libraries in Nevada and posted at the following locations:

Washoe County Library
301 South Center
Street, Reno, NV 89505

Office of the Attorney General
100 North Carson Street
Carson City, NV 89701

Bio Health Center
615 Sierra Rose Drive, Suite 3
Reno, NV 89511

Office of the Attorney General
555 East Washington Ave.
Las Vegas, NV 89101

Board of Homeopathic Medical Examiners
435 Court Street
Reno, NV 89501

Sierra Integrative Medical Center
6512 South McCarran, Suite E
Reno, NV 89509

Cancer Screening & Treatment Center
521 Hammill Lane
Reno, NV 89511

The Nevada Clinic
3663 Pecos-McLeod Intersection
Las Vegas, NV 89121

A workshop was held on May 15, 2008 at the Sierra Integrative Medical Center, 6512 S. McCarran Blvd. Ste E, Reno, NV 89509 and at The Nevada Clinic, 3663 Pecos McLeod Int., Las Vegas, NV 89121, and the minutes of those meetings, attached hereto, contain a summary of the discussion held regarding the proposed amendments. Thereafter, on or about May 22, 2008, the Executive Director of the Nevada State Board of Homeopathic Medical Examiners issued a Notice of Intent to Act upon a Regulation which incorporated in the proposed amendments the suggestions of the parties attending the May 15th workshop.

2. **The number persons who:**
 - (a) **Attended each hearing:** May 15, 2008; June 26, 2008: 15
 - (b) **Testified at each hearing:** May 15, 2008; June 26, 2008: 10
 - (c) **Submitted to the agency written comments:** No written comments were submitted.

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.**

Comments were solicited from affected businesses in the same manner as they were solicited from the public. The summary may be obtained as instructed in the response to question #1.

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 permanent regulation was adopted on June 26, 2008 and included one of the three changes suggested at the workshop and Regulation Board Meeting held on June 26, 2008.

“**Chiropractic physician**” was added to **Section 17**, paragraph 2, subparagraph (l) in accordance with a request from the Chiropractic Board (NAC 630A.320).

The Nursing Board requested that the term, “A **registered nurse**,” be removed from **Section 20**, paragraph 2, subparagraph (a), sub-subparagraph (2). The Nursing Board representative attending the Regulation Board Meeting stated a registered nurse is not allowed to perform a “medical diagnosis” or prescribe any treatment or therapy. A registered nurse certified as an advanced practitioner of homeopathy would be diagnosing and treating patients, and would be in violation of the law. (NRS 632). The Board referred the Nursing Board to a January 31, 2000, LCB Opinion rendered to Senator O’Connell as to the legality of an individual having a license under two Boards: “the Medical Board may not regulate the practices of a person who is licensed to practice both allopathic and homeopathic medicine while that person is actually practicing homeopathy within the scope of chapter 630A of NRS” (http://www.nvbhme.com/opinion_Re_99-06.html). Upon further examination of chapter 632 of NRS, the following language did not support the Nursing Board concerns and reads as follows:

NRS 632.0169 “Practice of nursing” defined. “Practice of nursing” means the general observation, diagnosis and treatment of changes in a person’s health. The term does not include acts of medical diagnosis or prescription of therapeutic or corrective measures, **except as authorized by specific statute.** (Emphasis added)

A registered nurse who is also certified to practice as an advanced practitioner of homeopathy would be allowed to make a “diagnosis and prescribe therapeutic or corrective measures” as allowed under chapter 630A of NRS and approved by the Board. Therefore, the term, “A **registered nurse**,” remains in the regulation.

During the May 15, 2008 workshop, 2 members of the public suggested the following terms be removed from **Section 20**, paragraph 2, subparagraph (a): “(7) **A master of social work;** (10) **A medical technician;** (11) **A music therapist;** (12) **A massage therapist;** (13) **An athletic trainer, kinesiologist, or exercise physiologist;** (13) **A midwife;** and (15) **A yoga instructor;** (Workshop Minutes)”

During the June 26, 2008 Regulation Board Meeting, 2 members asked the Board to leave **Section 20** in the regulation, stating “. . . psychologists, graduates in kinesiology from UNLV, physical therapists, marriage and family counselors, social workers, and others in the health care field that would like to use certain of the therapies and homeopathic medicine listed in NRS 630A.040, practicing under a specific protocol and supervision of a homeopathic physician. . . (and) explained that the protocol controls the level of practice. The Board has the final decision as to the qualifications of the applicant and controls the practice of an advanced practitioner of homeopathy by examining and approving a specific protocol as to his level of practice (Regulation Board Meeting Minutes).”

After reviewing and hearing comments from the public, the Board approved **Section 20** as written to protect the public by regulating the practices of qualified practitioners using homeopathy and the therapies in chapter 630A.040 of NRS.

New language in the regulation to be added to chapter 630A of NAC was originally approved by the LCB. This language was removed in the finalized regulation by the LCB legal counsel on Friday, June 20, 2008. The legal counsel failed to contact the Board or the Board’s representative to discuss the removal, which is required in NRS 233B.063, paragraph 1. The LCB counsel approving the finalized regulation could not be reached through the LCB prior to the June 26, 2008, Board meeting. Therefore, the Board voted to reinstate the new language, **Section 26**.

5. The estimated economic effect of the adopted regulation on the businesses which 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) There will be no adverse effects on the businesses or public. There will be beneficial effects by enabling the Board to regulate the practice of homeopathic medicine and complementary integrative therapies, protecting the public from harm, and providing the public with qualified practitioners and professionals trained to use specific therapies and homeopathy.

(b) Both immediate and long-term effects.

See Item # 5(a)

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

There is no additional cost to the agency for enforcement of this regulation.

7. A description of any regulations of other 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.

There are no other state or government agency regulations that the proposed amendments duplicate.

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

N/A

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

The total increase for the agency is \$3,255.00 for a total of \$32,075.00. (Based on existing renewals)

The increased income will be used to cover basic office expenditures, purchase supplies, travel costs of members and staff, and will be used to pay for legal services

10. Is the proposed regulation 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? What methods did the agency use in determining the impact of the regulation on a small business?

The Board has determined that the proposed regulation does not impose a direct and significant economic burden upon a small business or restrict the formation, operation or expansion of a small business. In making this determination the Board considered the fact that the proposed regulation only applies to licensees and certificate holders under chapter 630A and imposes no direct requirements on any private businesses.