

**LCB File No. R043-03**

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

(This proposed regulation was previously adopted as LCB File No. T004-03)

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

**Authority:** NRS 630A.200

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

**Sec 2.** *Nothing set forth in Sections 2 through 9, inclusive, shall be construed to allow any person not licensed pursuant to NRS chapter 630A to engage in the intrastate practice of homeopathic medicine using electronic means.*

**Sec 3.** *Nothing set forth in Section 2 through 9, inclusive, shall be construed to regulate the interstate practice of homeopathic medicine using electronic means.*

**Sec 4.** *“Practice of homeopathic medicine using electronic means” is defined as performing any of the acts specified in NRS 630A.040 by using equipment that transfers information concerning the medical condition of the patient electronically, telephonically or by fiber optics, including through the internet.*

**Sec 5. 1.** *As used in section 4 of this temporary regulation, the term “internet” means:*

*(a) The computer network commonly known as the internet and any other computer network that is similar to or is a predecessor or successor of the internet; and*

*(b) Any identifiable site on the internet or such other computer network.*

*2. The term includes, without limitation:*

*(a) A website or other similar site on the world wide web;*

*(b) A site that is identifiable through a uniform resource location;*

*(c) A site on a computer network that is owned, operated, administered or controlled by a provider of Internet service;*

*(d) An electronic bulletin board;*

*(e) A list server;*

*(f) A newsgroup; or*

*(g) A chatroom.*

**Sec 6.** *As used in sections 2 and 7 through 9 of this temporary regulation, “intrastate” means any contact between a homeopathic physician or advanced practitioner of homeopathic medicine and a patient where the homeopathic physician or advanced practitioner of homeopathic medicine and the patient are all located in the State of Nevada.*

**Sec 7. 1.** *Subject to the limitations set forth herein, a homeopathic physician may engage in the intrastate practice of homeopathic medicine using electronic means.*

**2.** *A homeopathic physician may not in the intrastate practice of homeopathic medicine using electronic means:*

*(a) Prescribe any controlled substance without first personally examining the patient and conducting appropriate testing.*

*(b) Prescribe any controlled substance without complying with all other applicable state and federal laws.*

*(c) Provide any homeopathic service without obtaining, in accordance with all applicable federal and state laws, a reasonable homeopathic history of the patient.*

*(d) Provide any homeopathic service to a patient without personally examining the patient if a homeopathic physician in the community would ordinarily personally examine the patient prior to providing the homeopathic service.*

**Sec. 8.** *An advanced practitioner of homeopathic medicine shall not engage in the intrastate practice of homeopathic medicine using electronic means unless a written protocol allowing such practice is approved by the Board pursuant to 630A.490 of the Nevada Administrative Code. Any application for approval of a written protocol involving the intrastate practice of homeopathic medicine shall, at a minimum, incorporate all the requirements that apply to homeopathic physicians engaging in the intrastate practice of homeopathic medicine using electronic means.*

**Sec 9.** *Any homeopathic physician engaging in the intrastate practice of homeopathic medicine by electronic means shall:*

*1. Reasonably ensure that the electronic transfer of information is secure and done in accordance with all applicable federal and state laws.*

*2. Keep medical records in accordance with the requirements of Chapter 629 of the Nevada Revised Statutes.*

*3. Discuss with the patient the risks and benefits of medication or any homeopathic services.*

*4. Conduct follow-up contact with the patient in a timely manner after recommending any homeopathic services.*

*5. Discuss with the patient various treatment alternatives that are available.*

*6. Disclose to the patient that a personal physical examination or assessment by the homeopathic physician is always recommended prior to the use of homeopathic services.*