

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

**LCB File No. R043-03**

July 31, 2003

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

AUTHORITY: §§1-10, NRS 630A.200.

**Section 1.** Chapter 630A of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 8, inclusive, of this regulation.

**Sec. 2. 1. “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 chat room.*

**Sec. 3.** *“Intrastate practice of homeopathic medicine using electronic means” means the practice of homeopathic medicine using electronic means by a homeopathic physician located in this state to treat a patient located in this state or an advanced practitioner of homeopathy located in this state to treat a patient located in this state.*

**Sec. 4.** *“Practice of homeopathic medicine using electronic means” means the practice of homeopathic medicine by using equipment that transfers information concerning the medical condition of a patient electronically, telephonically or by fiber optics, including, without limitation, through the Internet.*

**Sec. 5. 1.** *Except as otherwise provided in subsection 2, a homeopathic physician may engage in the intrastate practice of homeopathic medicine using electronic means.*

**2.** *While engaging in the intrastate practice of homeopathic medicine using electronic means, a homeopathic physician shall not:*

*(a) Provide any homeopathic service to a patient unless the homeopathic physician:*

*(1) Obtains a reasonable homeopathic history of the patient before providing the homeopathic service to the patient;*

*(2) Personally examines the patient before providing the homeopathic service to the patient if homeopathic physicians in the community in which the homeopathic physician practices would ordinarily personally examine such a patient before providing the homeopathic service; and*

*(3) Complies with all applicable state and federal laws; or*

*(b) Prescribe any controlled substance to a patient unless the homeopathic physician:*

*(1) Personally examines the patient and conducts any appropriate tests concerning the patient before prescribing the controlled substance to the patient; and*

*(2) Complies with all applicable state and federal laws.*

**Sec. 6.** *A homeopathic physician engaging in the intrastate practice of homeopathic medicine by electronic means shall:*

*1. Ensure that the electronic transfer of information is reasonably secure and conducted in accordance with all applicable state and federal laws;*

*2. Retain health care records in accordance with the requirements of chapter 629 of NRS;*

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

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

*5. Discuss with each patient various treatment alternatives that are available; and*

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

**Sec. 7.** *An advanced practitioner of homeopathy shall not engage in the intrastate practice of homeopathic medicine using electronic means unless a written protocol authorizing such practice is submitted to and approved by the Board pursuant to NAC 630A.490.*

**Sec. 8.** *Nothing in sections 2 to 7, inclusive, of this regulation shall be construed to:*

*1. Authorize any person not licensed or certified pursuant to chapter 630A of NRS to engage in the intrastate practice of homeopathic medicine using electronic means; or*

*2. Regulate the practice of homeopathic medicine using electronic means by a homeopathic physician or advanced practitioner of homeopathy if:*

*(a) The homeopathic physician or advanced practitioner of homeopathy is not located in this state; or*

*(b) The patient who is being treated by the homeopathic physician or advanced practitioner of homeopathy is not located in this state.*

**Sec. 9.** 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.013, inclusive, *and sections 2, 3 and 4 of this regulation* have the meanings ascribed to them in those sections.

**Sec. 10.** 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;

(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;

(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 established national or customary standards for the practice of homeopathic medicine.

~~[3.]~~ 4. Before an advanced practitioner *of homeopathy* may provide a medical service to a patient, he must obtain the signature of the patient on a form which discloses to the patient that he is an advanced practitioner of homeopathy and is not a licensed homeopathic physician.

~~[4.]~~ 5. The supervising physician shall submit a copy of the protocol to the Board for approval. If the Board does not approve the protocol, it will return the protocol to the physician with an explanation for the denial. The supervising homeopathic physician shall rewrite the protocol 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.

~~[5.]~~ 6. A copy of the protocol must be maintained at each location where the advanced practitioner provides medical services.