

LCB File No. R105-03

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

**PROPOSED PERMANENT REGULATION CONCERNING
AMENDMENTS TO CHAPTER 630A OF NAC**

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 is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this regulation.

Section 2.

Before entering upon the duties of his office, each member of the board shall take the constitutional oath of office as required in NRS 630A.130, which shall be administered by an officer of the board:

I, (name), do solemnly swear that I will support, protect and defend the constitution and government of the United States, and the constitution and government of the State of Nevada, against all enemies, whether domestic or foreign, and that I will bear true faith, allegiance and loyalty to the same, any ordinance, resolution or law of any state notwithstanding, and solemnly swear that I am legally qualified to serve as a member of the Nevada State Board of Homeopathic Medical Examiners and will well and faithfully perform all the duties of a board member, on which I am about to enter; so help me God.

Section 3.

An applicant for certification as a homeopathic assistant or advanced practitioner of homeopathy shall pay the reasonable costs of an investigation and a hearing held pursuant to

NAC 630A.560, which costs are incurred by the board and which relate directly to the costs of investigating any alleged violations of NAC 630A.560 and the costs of the hearing on the application. These costs may include but are not necessarily limited to reasonable investigation costs, court-reporter fees and transcript costs, attorneys fees for board counsel, travel expenses, and any other expenses reasonably incurred.

Section 4. NAC 630A.0125 is hereby amended to read as follows:

“Homeopathic medicine” or “homeopathy” has the meaning ascribed to it in NRS 630A.040. The terms include the methods of practicing homeopathy described in subsection 1 ~~[of NRS 630A.040]~~ and the *complementary alternative* methods of diagnosing and treating a patient described in subsection 2 of ~~[that section]~~ *630A.040 of NRS.*

Section 5. NAC 630A.0135 is hereby amended to read as follows:

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 the methods and therapies in subsection 2 of NRS 630A.040*, within the limitations imposed by the board.

Section 6. NAC 630A.014 is hereby amended to read as follows:

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 *electromagnetic stimulation, dry needling and* the injection of vitamins, minerals, homeopathic medications, *enzymes, orthomolecular substances*, herbal extracts or other medicinal or pharmaceutical preparations into the:

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

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

(3) *The subcutaneous, intracutaneous and periosteal tissues*, 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 and smooth muscle systems and cognitive and non-cognitive 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 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 and pharmaceutical preparations; *including pharmaceutical medicines without limitation* and

(2) The intravenous infusion *and intramuscular and intradermal injection* of vitamins, amino acids, peptides, polypeptides, *enzymes, sarcodes*, pharmaceutical preparations *and medications*, 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 the recognition, evaluation, treatment and correction of the unique dietary needs of a patient *without limitation*.

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: compounds formed by the inclusion of molecules of one kind in cavities of the crystal lattice of another.*

(c) "Pharmaceutical preparations" ~~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) "Thought field therapy" means a technique that uses the energy meridians of the body which are used in acupuncture and acupressure to treat *abnormal thought-patterns that cause* emotional and ~~psychological~~ *psychophysiological* distress .

(e) "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) "Xenobiotics" means chemical compounds that, under normal circumstances, are foreign to living organisms.

Section 7. NAC 630A.015 is hereby amended to read as follows:

1. A homeopathic physician, *homeopathic assistant, or advanced practitioner of homeopathy* 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 medicines *and therapies* pursuant to NRS 630A.040.

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

Section 8. NAC 630A.020 is hereby amended to read as follows:

The use of sarcodes in macro dosage is called "cell therapy" *and includes the use of stem cells*.

Section 9. NAC 630A.023 is hereby amended to read as follows:

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:

- (a) ~~Must~~ *May* include dietary recommendations; and
- (b) *May* include 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 or porcine species, that supplies biologically active hormones, hormone precursors, enzymes, vitamins, minerals, soluble proteins and natural lipid factors.

Section 10. NAC 630A.025 is hereby amended to read as follows:

The board will elect its officers annually ~~in January~~ *prior to June 30*. The term of an officer begins on July 1 after the election and ends June 30 of the succeeding year.

Section 11. NAC 630A.050 is hereby amended to read as follows:

1. An applicant for a license to practice homeopathic medicine must submit to the board a notarized application on a form furnished by the board *or obtained from the board's website*.

The application must include or indicate the following:

(a) A certificate, on a form furnished by the board *or obtained from the board's website*, 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.

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

(c) *Pursuant to NRS 630A.243* ~~FF~~ the applicant's place and date of birth, his social security number and 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, or osteopathic* medical practice *or practices* and his postgraduate training.

(e) A list of *allopathic, homeopathic, or 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 *by the board [with the application], 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, *two of whom are actively engaged in homeopathic practice in Nevada*, and who are personally acquainted with the applicant.

2. If the application is rejected, it will be ~~returned~~ *retained [to the applicant] by the board pursuant to subsection 4 of Chapter 630A.290 of NRS* and the board will notify ~~him~~ *the applicant* of the reasons for the rejection. *The application fee is non-refundable.*

Section 12. NAC 630A.060 is hereby amended to read as follows:

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 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.

Section 13. NAC 630A.062 is hereby amended to read as follows:

1. 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 *that are licensed and actively practicing homeopathic medicine and therapies in Nevada pursuant to chapter 630A.040 of NRS; and*

(d) All costs pertaining to the examination must be paid by the licensee or certificate holder being examined.

2. 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 *and actively practicing homeopathic medicine* in this state from which the board may select one or two to replace the two examiners previously selected.

Section 14. NAC 630A.070 is hereby amended to read as follows:

An applicant for a license to practice homeopathic medicine who is a graduate of *an allopathic or osteopathic* medical school must have completed 6 months of his postgraduate training in the United States.

Section 15. NAC 630A.072 is hereby amended to read as follows:

1. The 6 months of postgraduate training in homeopath~~y~~*ic and complementary alternative medicine* required of an applicant for a license to practice homeopathic medicine pursuant to NRS 630A.240 must consist of courses 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 of 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 *any* 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.

Section 16. NAC 630A.080 is hereby amended to read as follows:

Any applicant who is a graduate of *an allopathic or osteopathic* medical school shall appear personally before the board for an interview.

Section 17. NAC 630A.090 is hereby amended to read as follows:

1. In addition to the requirements set forth in NRS 630A.280, an applicant may obtain a license *or certificate* 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 *an* ~~[written]~~ 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.

Section 18. NAC 630A.096 is hereby amended to read as follows:

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]~~ *may be required*, at the time of annual registration, *to* submit to the board evidence in such form as the board requires, that he has completed during the preceding year 20 credits of continuing education in courses ~~[sponsored by the Nevada Homeopathic 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.]~~

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 and complementary alternative* 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 chapter 630A of NRS* unless he:

(a) Pays a fee to the board which is twice the fee for renewal of a license *or certificate* set forth in subsection 1 of NAC 630A.120;

(b) Submits to the board, in such form as it requires, evidence that he has completed 20 credits of continuing *homeopathic and complementary alternative* 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.

Section 19. NAC 630A.098 is hereby amended to read as follows:

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

~~(b) Each January, provide a report to the board that explains their findings;~~ and

~~(e)~~ (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.

Section 20. NAC 630A.100 is hereby amended to read as follows:

1. An applicant for a temporary license shall furnish the board, along with his application, a letter from the homeopathic physician *or advanced practitioner of homeopathy* 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 *or advanced practitioner of homeopathy* licensed *or certified* 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.

Section 21. NAC 630A.120 is hereby amended to read as follows:

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.....\$~~150~~ 165

Section 22. NAC 630A.130 is hereby amended to read as follows:

A holder of a license *or certificate* to practice homeopathic medicine shall notify the board in writing of any change in the address of his home or office no later than 30 days after the change.

Failure to notify the board of a change in the address of his home or office within 30 days after the change will result in a fine of \$500 on the 31st day, followed by an additional fine of \$20 each day thereafter to a maximum fine of \$700. If the board is not notified after 60 days, and if the fines are not paid, the license or certificate will be automatically suspended. A suspended license or certificate may be restored in accordance with NRS 630A.530.

Section 23. NAC 630A.132 is hereby amended to read as follows:

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 *additional* necessary information required by the board to protect the public within 30 days after the date the survey, questionnaire or *additional* necessary information is postmarked; and

~~(e)~~ (b) *Shall pay a fine of \$20 for each day the requested information has not been received by the board beyond the required 30 days, not to exceed \$500.00;*

(c) Maintain a legible, written, *printed, typed or computer generated* record for each patient attended, as required by chapter 629 of NRS, and keep this record available for 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 Homeopathic Pharmacopoeia *Convention* of the United States (HPCUS) *and any additions of supplements 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
- (h) 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. 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.

Section 24. NAC 630A.134 is hereby amended to read as follows:

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.

Section 25. NAC 630A.136 is hereby amended to read as follows:

If a judgment is entered against him in any court, or a settlement is reached, on a claim involving malpractice, a 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.

Section 26. NAC 630A.300 is hereby amended to read as follows:

1. An applicant for a certificate to practice as a homeopathic assistant shall submit to the board a notarized application on a form furnished by the board *or obtained from the board's website*.

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 *pursuant to Chapter 630A.243 of NRS*;

(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 *Nevada* licensed *physician actively* practicing homeopathic *medicine* ~~[physician]~~;
and

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

Section 27. NAC 630A.310 is hereby amended to read as follows:

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~~[.];~~ *or*

(d) The applicant has been subject to disciplinary action in his capacity as the holder of a license of certificate which authorizes him to provide medical services.

2. ~~[The board will return the application of an applicant to whom a certificate is denied with an explanation for the denial]~~ *If the application is rejected, it will be retained by the board pursuant to subsection 4 of Chapter 630A.290 of NRS and the board will notify the applicant of the reasons for the rejection. The application fee is non-refundable.*

Section 28. NAC 630A.320 is hereby amended to read as follows:

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 *and complementary alternative* medicine from a program approved by the board.
4. Successful completion of not less than 160 hours of training under the supervision of a *Nevada* licensed homeopathic medical doctor.
5. Successful completion of the examination administered by the board pursuant to NAC 630A.330.

Section 29. NAC 630A.330 is hereby amended to read as follows:

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 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 written *open-book* 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 7~~5~~0 percent on the written examination; ~~and~~or

(b) *Must receive a [A] passing score on the oral examination by a majority of board members present*, which will be graded on a pass or fail basis.

Section 30. NAC 630A.400 is hereby amended to read as follows:

1. An applicant for a certificate to practice as an advanced practitioner of homeopathy shall submit to the board a notarized application on a form furnished by the board *or obtained from the board's website*.

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 *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 *Nevada* licensed *and actively* practicing homeopathic physician; and

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

2. If the application is rejected, it will be retained by the board pursuant to subsection 4 of Chapter 630A.290 of NRS and the board will notify the applicant of the reasons for the rejection. The application fee is non-refundable.

Section 31. NAC 630A.410 is hereby amended to read as follows:

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; *or* ~~or~~

(d) The applicant has been subject to disciplinary action in his capacity as the holder of a license of certificate which authorizes him to provide medical services.

2. *If the application is rejected, ~~[[~~the board will ~~return]~~retain the application of an applicant to whom a certificate is denied pursuant to NRS 630A.290(4) and the board will notify him of the reasons for the rejection ~~[with an explanation for the denial]. The application fee is non-refundable.~~*

Section 32. NAC 630A.450 is hereby amended to read as follows:

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.

Section 33. NAC 630A.460 is hereby amended to read as follows:

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]~~

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

Section 34. NAC 630A.470 is hereby amended to read as follows:

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 physician cannot be available, he shall designate an equally qualified *Nevada* licensed *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.

Section 35. NAC 630A.500 is hereby amended to read as follows:

1. A homeopathic physician and an advanced practitioner of homeopathy whom he supervises shall conduct and document a ~~comprehensive~~ review of the protocol 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 six 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.

Section 36. NAC 630A.550 is hereby amended to read as follows:

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. A *homeopathic assistant or an* advanced practitioner 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 *a homeopathic assistant or* an advanced practitioner; 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 *shall* ~~may~~ revoke the certificate of a homeopathic assistant or advanced practitioner who does not pay the renewal fee *before* ~~within 60 days after~~ 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.

Section 37. NAC 630A.560 is hereby amended to read as follows:

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 elates 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*

16. The applicant has been subject to disciplinary action in another jurisdiction or by another board regulating medical care in Nevada in his capacity as the holder of a license or certificate which authorizes him to provide medical services.