

LCB File No. T007-04

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

**NOTICE OF HEARING
*** PUBLIC NOTICE *****

**NOTICE OF WORKSHOP TO SOLICIT COMMENTS ON
PROPOSED TEMPORARY REGULATION OF THE
NEVADA STATE BOARD OF HOMEOPATHIC MEDICAL EXAMINERS**

The Board of Homeopathic Medical Examiners (Board) is proposing a new temporary regulation pertaining to the practice of Homeopathic Medicine and the supervision of Advanced Practitioners of Homeopathy by licensed homeopathic physicians. A workshop has been set for Friday, October 22nd, 2004, at the hour of 12:30 p.m., or soon thereafter as it may be conducted on that date, at the Homeopathic Board Office, 3663 Pecos McLeod Int., Las Vegas, Nevada 89121. The purpose of the workshop is to solicit comments from interested persons on the following topics addressed in the proposed regulations.

The temporary regulation proposed for the workshop was approved by the Board during its July 24, 2004 meeting. This regulation pertains to homeopathic physicians and advanced practitioners of homeopathy practicing homeopathy, and certain requirements to so practice, and provides for changes and additions to NAC 630A relating to supervising physicians and advanced practitioners of homeopathy. The Board believes this regulation is necessary to protect the public from harm.

Licensed homeopathic physicians, advanced practitioners of homeopathic medicine, members of the medical community, and the public are also invited to comment on any impact the proposed regulations may have on small businesses. The proposed temporary regulation does not appear to impose a direct or significant impact on a small business, or directly restrict the formation, operation, or expansion of a small business.

A copy of this notice and the proposed regulation will be on file at the State Library, 100 Stewart Street, Carson City, Nevada, for inspection by members of the public during business hours. Additional copies of the notice and the proposed regulations will be available at the offices of the Board of Homeopathic Medical Examiners at 3663 Pecos McLeod, Las Vegas, Nevada 89121, and in all counties in which an office of the agency is not maintained, at the main public library, for inspection and copying by members of the public during business hours. Copies will also be mailed to members of the public upon request. A reasonable fee may be charged for copies if it is deemed necessary.

This Notice of Workshop to Solicit Comments on Proposed Temporary Regulations has been sent to all persons on the agency's mailing list for administrative regulations and posted at the following locations:

Nevada State Board of Medical
Examiners
1105 Terminal Way
Reno, NV 89509

Washoe County Library
301 S. Center Street
Reno, NV 89505

The Nevada Clinic
3663 Pecos McLeod
Las Vegas, NV 89121

Attorney General's Office
100 North Carson St.
Carson City, NV 89701

Las Vegas Clark County Library
833 Las Vegas Blvd.
N. Las Vegas, NV 89101

Members of the public who are disabled and require special accommodations or assistance at the hearing are requested to notify the Administrator of the Board of Homeopathic Medical Examiners, Mary Lou Heacock, in writing at 3663 Pecos McLeod, Las Vegas, Nevada, 89121, or by calling no later than 5 working days prior to the hearing (702) 732-1400.

DATED this 16th day of September, 2004.

BOARD OF HOMEOPATHIC MEDICAL EXAMINERS

By: _____
F. FULLER ROYAL, M.D., H.M.D.
Secretary-Treasurer

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

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

Authority: NRS 630A.200

Section 1. NAC 630A.450 is hereby amended to read as follows:

1. A homeopathic physician who supervises an advanced practitioner of homeopathy must currently practice homeopathic medicine in the State of Nevada.
2. 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) Any change in such information~~{.};~~ *and*
 - (c) *Any additional quality or public safety measures, activities or requirements imposed on the advanced practitioner of homeopathy by the board.*

Section 2. 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. Maintain accurate records and documentation of the program for each advanced practitioner whom the homeopathic physician supervises~~{.};~~ *and*
4. *The board may require additional quality and public safety measures.*

Section 3. 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 homeopathic physician cannot be available, he shall designate an equally qualified 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~~{.};~~ *and*

3. The board may require the supervising homeopathic physician to provide continuous on site supervision of an advanced homeopathic practitioner as deemed necessary by the board.

Section 4. NAC 630A.480 is hereby amended to read as follows:

1. An advanced practitioner of homeopathy may perform only those acts which he is:
 - (a) ~~[Qualified]~~ **Authorized** to perform, as determined by **the board** ~~[his supervising homeopathic physician]~~; and
 - (b) Authorized to perform pursuant to the protocol established pursuant to NAC 630A.490.
2. ~~[A]~~ **The board** ~~[homeopathic physician]~~ may authorize the advanced practitioner of homeopathy ~~[whom he supervises]~~ to:
 - (a) Systematically assess the health of a person or family by:
 - (1) Taking, recording and interpreting a medical history;
 - (2) Performing a physical examination; and
 - (3) Performing or initiating any specific diagnostic procedure which is authorized in the protocol established pursuant to NAC 630A.490.
 - (b) Manage the care of a person who has a common, acute, recurrent or chronic health-related problem, based on an assessment of the health of that person by:
 - (1) Initiating a program of treatment;
 - (2) Evaluating the response to health-related problems and programs of treatment;
 - (3) Informing a patient or a member of his family about the health of the patient and the alternatives for treatment;
 - (4) Evaluating the compliance of a patient with the program of treatment that was agreed upon by him or his family and the advanced practitioner;
 - (5) Modifying a program of treatment based upon the response of the patient to that treatment;
 - (6) Referring a patient to an appropriate provider of health care, if necessary;
 - (7) Treating minor lacerations which do not involve damage to a nerve, tendon or major blood vessel; and
 - (8) Commencing care which is necessary to stabilize the condition of a patient during an emergency until a physician can be consulted or the patient can be transported to a facility where emergency medical care is available.
 - (c) Perform any other procedure related to the practice of homeopathy if:
 - (1) The advanced practitioner is certified to perform that procedure by an organization which is recognized by the Board;
 - (2) The advanced practitioner learned how to perform the procedure in a program of education which he attended;
 - (3) The advanced practitioner learned how to perform the procedure during the successful completion of a comprehensive program of instruction which included clinical experience; or
 - (4) The act is within the authorized scope of practice of an advanced practitioner of homeopathy as determined by the Board.

3. The board may require of any advanced practitioner any additional quality and public safety measures deemed necessary by the board.

Section 5. NAC 630A.490 is hereby amended to read as follows:

1. An advanced practitioner of homeopathy and his supervising homeopathic physician shall prepare and sign a written protocol **and informed consent form**, demonstrating agreement to the terms and content of the protocol **and informed consent**. 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.

4. Before an advanced practitioner of homeopathy may provide a medical service to a patient, he must obtain the signature of the patient on an *informed consent* form which discloses to the patient that he is an advanced practitioner of homeopathy and is not a licensed homeopathic physician. *Additional information may be required by the board to be included in the consent form as the board deems necessary. Before an advanced practitioner may provide homeopathic medical services to a patient the informed consent form must be reviewed and approved by the board.*

5. The supervising physician shall submit a copy of the protocol *and informed consent form* to the Board for approval. If the Board does not approve the protocol, it will return the protocol *and informed consent form* to the physician with an explanation for the denial. The supervising homeopathic physician shall rewrite the protocol *and 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.

6. A copy of the protocol *and informed consent form* must be maintained *and available for inspection upon request by the board or an authorized representative of the board* at each location where the advanced practitioner provides medical services.