

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

LCB File No. R073-05

Effective September 7, 2005

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

AUTHORITY: §§1-5, NRS 630A.200 and 630A.295.

A REGULATION relating to homeopathy; authorizing the Board of Homeopathic Medical Examiners to require supervising homeopathic physicians to perform certain measures to protect the public safety or to ensure that advanced practitioners of homeopathy provide high quality services; authorizing the Board to require supervising homeopathic physicians to provide continuous on-site supervision of advanced practitioners of homeopathy; providing that the Board sets forth the acts that an advanced practitioner of homeopathy may perform; authorizing the Board to require advanced practitioners of homeopathy to perform certain measures to protect the public safety or to ensure that they provide high quality services; requiring an advanced practitioner of homeopathy and his supervising homeopathic physician to prepare and provide to patients an informed consent form; providing that the protocol setting forth the acts which an advanced practitioner of homeopathy may perform and the informed consent form are available for inspection by the Board; and providing other matters properly relating thereto.

Section 1. NAC 630A.460 is hereby amended to read as follows:

630A.460 *1.* 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:

~~1-1~~ (a) Assess the competency of the advanced practitioner to provide medical services;

~~1-2~~ (b) Review selected medical charts of the advanced practitioner; and

~~1-3~~ (c) Maintain accurate records and documentation of the program for each advanced practitioner whom the homeopathic physician supervises.

2. A homeopathic physician who supervises an advanced practitioner of homeopathy shall perform any other measure the Board requires the supervising homeopathic physician to perform to protect the public safety or to ensure that the advanced practitioner provides high quality services.

Sec. 2. NAC 630A.470 is hereby amended to read as follows:

630A.470 1. Except as otherwise provided in this subsection ~~1~~ *and subsection 2*, 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. Except as otherwise provided in this subsection, the Board may require a homeopathic physician who supervises an advanced practitioner of homeopathy to provide continuous on-site supervision of the advanced practitioner of homeopathy at all times when the advanced practitioner provides medical services if the Board determines it is necessary to do so. If the supervising homeopathic physician cannot provide continuous on-site supervision, he shall designate an equally qualified homeopathic physician to provide continuous on-site supervision.

3. 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.

Sec. 3. NAC 630A.480 is hereby amended to read as follows:

630A.480 1. An advanced practitioner of homeopathy may perform only those acts which he is:

(a) ~~Qualified~~ *Authorized by the Board* to perform ~~[-, as determined by his supervising homeopathic physician,]~~ *pursuant to subsection 2;* and

(b) Authorized to perform pursuant to the protocol established pursuant to NAC 630A.490.

2. ~~A homeopathic physician~~ *The Board* may authorize ~~the~~ *an* 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 an advanced practitioner of homeopathy to perform any measure the Board determines is necessary to protect the public safety or to ensure that the advanced practitioner provides high quality services.

Sec. 4. 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.

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 ~~[, he]~~:

(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 ~~fa form which discloses to the patient that he is an advanced practitioner of homeopathy and is not a licensed homeopathic physician.~~*

~~—5.]~~ *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.

~~[6.]~~ 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. 5. NAC 630A.510 is hereby amended to read as follows:

630A.510 1. An advanced practitioner of homeopathy who ceases to be supervised by a homeopathic physician shall notify the Board in writing within 10 days after his supervision ceases. The supervising physician of the advanced practitioner 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 advanced practitioner.

2. An advanced practitioner 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 submits to the Board proof of supervision from his new supervising homeopathic physician; and

(b) He and his new supervising homeopathic physician prepare and file a written protocol *and informed consent form* with the Board as required pursuant to NAC 630A.490 within 30 days after the advanced practitioner is placed under the supervision of the homeopathic physician.

**NOTICE OF ADOPTION OF PROPOSED REGULATION
LCB File No. R073-05**

The Board of Homeopathic Medical Examiners adopted regulations assigned LCB File No. R073-05 which pertain to chapter 630A of the Nevada Administrative Code on July 23, 2005.

Notice date: 6/23/2005
Hearing date: 7/23/2005

Date of adoption by agency: 7/23/2005
Filing date: 9/7/2005

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:

Public comment was solicited by sending notices of the workshop and hearings to all of the licensed homeopathic physicians, and certified Advanced Practitioners of Homeopathy in the state of Nevada. Public comment was also solicited by posting notices of the hearings at public libraries throughout the state and several other locations. There was no public response to the proposed regulation, although 1 member of the public was present during the workshop.

There was no public comment during the workshop or hearing. Interested persons may obtain a copy of any written responses and the minutes of the workshop and hearing from the Board of Homeopathic Medical Examiners by mailing a request to the Board at 3626 Pecos McLeod, Suite 5, Las Vegas, NV 89121, or by telephone to (702) 451-3332 .

2. A statement indicating the number of persons who attended each meeting or workshop, testified at each hearing, and submitted written statements regarding the proposed regulation:

- A. The number of persons who:**
- (a) **Attended the workshop:** July 23, 2005 ___1__
 - (b) **Attended the hearing:** July 23, 2005 ___0__
 - (c) **Testified at the workshop:** July 23, 2005 ___0__
 - (d) **Testified at each hearing:** July 23, 2005 ___0__
 - (e) **Submitted written comments to the agency:** ___0__

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:

Public comment was solicited by sending notices to the all of the licensed homeopathic physicians, and certified Advanced Practitioners of Homeopathy in the state of Nevada with a copy of the proposed regulation changes and by posting the proposed regulation at public libraries throughout the state of Nevada. The public comment is summarized in section 1 above. Interested persons may obtain a copy of the minutes of the workshop and hearing from the Board of Homeopathic Medical Examiners by mailing a copy to Board at 3626 Pecos McLeod, Suite 5, NV 89121, or by telephone to (702) 451-3332.

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 statement should also explain the reasons for making any changes to the regulation proposed.

Section 4, #4a (3) should read:

Governed by a protocol that is available for inspection by **the patient**.

5. The estimated economic effect of the adopted regulation on the business that 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. Estimated economic effect on homeopathic physicians or other licensees:

It is estimated that this regulation has no economic effect on homeopathic physicians or other licensees.

(a) Adverse and beneficial effects:

There are no apparent adverse economic effects of the regulation on licensed homeopathic physicians, advanced practitioners of homeopathy or homeopathic assistants. There are no beneficial economic effects from this regulation for a homeopathic physician, Advanced Practitioner of homeopathy or homeopathic assistant.

(b) Immediate and long-term effects:

There are no apparent immediate or long-term effects of this regulation on licensed homeopathic physicians, advanced practitioners of homeopathy or homeopathic assistants.

B. Estimated economic effect on the public:

It is estimated that the proposed regulation to be adopted and amended will not have any significant negative or positive economic effect on the public.

(a) Adverse and beneficial effects:

There are no apparent adverse effects to the public of this regulation. Making the protocol of a certified advanced practitioner of homeopathy available for inspection is a beneficial effect for the public.

(b) Immediate and long-term effects:

The temporary regulation has immediate effects for the public, which are stated immediately above.

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

There is no cost to the Board of Homeopathic Medical Examiners for enforcement of the proposed regulation.

7. A description of any regulations of the 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.

The regulation does not overlap or duplicate any regulations of other state or local government agencies or of any federal agency.

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

Not applicable.

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

Not applicable.