

**ADOPTED REGULATION OF THE  
STATE BOARD OF ORIENTAL MEDICINE**

**LCB File No. R173-05**

(NOTE: Certain provisions included in earlier drafts of this regulation  
have been split out and placed in LCB File No. R224-05)

Effective December 29, 2005

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

AUTHORITY: §§1 and 2, NRS 634A.070.

A REGULATION relating to Oriental medicine; revising the fees charged by the State Board of Oriental Medicine; and providing other matters properly relating thereto.

**Section 1.** NAC 634A.140 is hereby amended to read as follows:

634A.140 1. Each person who holds ~~an~~ *an active or inactive* license to practice Oriental medicine ~~[, acupuncture or herbal medicine]~~ shall pay to the Board an annual registration fee ~~of \$500.~~

~~—2.— Each person who holds a license to act as an assistant in acupuncture shall pay to the board an annual registration fee of \$500.] as required by NAC 634A.165.~~

**Sec. 2.** NAC 634A.165 is hereby amended to read as follows:

634A.165 The Board will charge and collect the following fees:

Original application for licensure as a doctor of Oriental medicine ..	<del>[\$400.00]</del> <b><i>\$1,000.00</i></b>
<del>[Deposit for initial background investigation .....</del>	<del>300.00]</del>
Renewal of <i>active</i> license before February 1 .....	<del>[400.00]</del> <b><i>1,000.00</i></b>
<b><i>Renewal of inactive license before February 1 .....</i></b>	<b><i>500.00</i></b>

<del>[Late]</del> <i>Penalty for late</i> renewal of license within 90 days after February 1.	<del>[50.00]</del> <b>100.00</b>
<del>[Late]</del> <i>Penalty for late</i> renewal of license more than 90 days after February 1	<del>[50.00]</del> <b>200.00</b>
<del>[Reinstatement]</del> <i>Penalty for reinstatement</i> of cancelled license .....	<del>[100.00]</del> <b>200.00</b>
Original application for use of fictitious name .....	<del>[50.00]</del> <b>100.00</b>
Replacement of <del>[identification card]</del> <i>pocket license</i> .....	<del>[20.00]</del> <b>100.00</b>
Replacement of license .....	<del>[40.00]</del> <b>200.00</b>
Original fee for practical examination .....	1,000.00
Reexamination fee for practical examination .....	<del>[300.00]</del> <b>500.00</b>
Transfer of license from active status to inactive status .....	<del>[50.00]</del> <b>200.00</b>
Transfer of license from inactive status to active status .....	<del>[400.00]</del> <b>500.00</b>
Approval of course of continuing education .....	100.00
Temporary certificate for lecturing or training .....	100.00
Check returned for insufficient funds .....	25.00
For copies of this chapter and chapter 634A of NRS .....	10.00
For other copies, per page .....	0.25
<i>For other copies, per compact disc or tape recording .....</i>	<b>20.00</b>
<i>Original application fee for a school or college of Oriental medicine .....</i>	<b>5,000.00</b>
<i>Annual fee for approval of curriculum before February 1 .....</i>	<b>5,000.00</b>

**NOTICE OF ADOPTION OF PROPOSED REGULATION**  
**LCB File No. R173-05**

The Board of Oriental Medicine adopted regulations assigned LCB File No. R173-05 which pertain to chapter 634A of the Nevada Administrative Code on December 27, 2005.

**Notice date:** 12/13/2005  
**Hearing date:** 12/27/2005

**Date of adoption by agency:** 12/27/2005  
**Filing date:** 12/29/2005

**INFORMATIONAL STATEMENT**

The Board of Oriental Medicine recently held a public workshop to discuss proposed regulation changes on 12/11/05. This workshop was noticed to the public on 11/11/05 by postings at governmental and private businesses in Las Vegas and Carson City as well as at one public library in each county in Nevada as well as our website. Public comment was solicited through these postings as well as through inquiries to the Board from the public. The minutes from the workshop are attached and interested persons may obtain a copy by downloading them from our website or contacting the Executive Director.

There were 5 Board members, 2 staff members and 6 members of the public present at the workshop. All 6 members of the public testified during the workshop and 4 members of public submitted written statements to the Board prior to the Board meeting.

Comment was solicited from affected businesses (licensees) pertaining to the proposed increase in license fees. 30 of the 45 licensees were contacted by email and/or fax and presented with a questionnaire as to how they believed the proposed increase of fees would impact their business. Of the 30 questionnaires, 13 of them (43%) responded that they felt an increase of fees would negatively impact their business directly. Four (13%) responded in support of the fee increase and 13 did not respond at all. Overall, this represented 29% of the licensees who felt that the proposed increase of fees would negatively impact their business directly and 9% who did not. The proposed fee schedule is in the LCB draft of proposed regulations available on our website along with the Small Business Impact Statement prepared for purposes of this workshop. Both are also available by request to the Executive Director.

These regulations were adopted without change due to budgetary concerns of the Board.

The estimated economic effect of the regulation on the business of sole practitioners is an increase of annual expenditures for license renewals in the amount of \$600.00.

The proposed regulation neither overlaps nor duplicates any state or federal regulation and is merely an amendment to a regulation previously promulgated.

The regulation provides an increase of existing licensing and misc. fees to the Board. The most significant being the increase to the annual renewal of license fees for both active and inactive licensees. The increase of these fees will generate approximately \$41,500.00 in revenue which will be used to balance our budget, pay our expenses annually and perform regulatory functions.

Thank you for your consideration of these changes to our regulations.