

LCB File No. R173-05

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

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

**NAC 634A.010 Executive director; principal office.** (NRS 634A.070)

1. The board will designate a person to act as executive director of the board.
2. The principal office of the board is the office of that person designated as the executive director. ~~[The principal office of the board will be open during regular business hours.]~~

**LICENSING AND FEES**

**NAC 634A.080 Evidence of qualifications of applicant; approval of program of study.** (NRS 634A.070, 634A.140)

1. An applicant for a license to practice Oriental medicine must submit, together with his application, evidence that he has successfully completed an accredited 4-year program of study, or its equivalent *in hours*, in Oriental medicine at a school or college of Oriental medicine which is approved by the board.

*(a) Any approved school has to maintain its standard with the Board's Statute (NRS 634A) and Regulations (NAC 634A)*

2. If the application is submitted pursuant to subsection 1 of NRS 634A.140, the applicant must submit evidence showing that he has earned a bachelor's degree from an accredited college or university in the United States *or its international equivalent*.
3. If the application is submitted pursuant to subsection 2 of NRS 634A.140, the applicant must submit evidence that he has lawfully practiced Oriental medicine in another state or foreign country for at least 4 years.
4. For the purposes of subsection 1, the board may approve an accredited 4-year program of study, or its equivalent *in hours*, in Oriental medicine at a school or college of Oriental medicine if the board finds that:

~~(a) [The program of study includes training or instruction in the subjects of acupuncture, moxibustion, herbology, Oriental physiology, Oriental pathology, Oriental diagnosis, tuina, biology, physics, chemistry, biochemistry, anatomy, Western physiology, Western pathology, Western diagnosis, pharmacology, laboratory and radiology; and]~~ *The program of study includes a minimum number of hours of training or instruction in the following subjects, but not limited to:*

*(1) acupuncture (380 hours), classical Oriental medicine (120 hours), herbal prescription (120 hours), herbology (160 hours), human anatomy (80 ours), internal medicine (160 hours), Oriental medical diagnosis (80 hours), Oriental medical principles (40 hours), pathology (80 hours), pharmacology (40 hours), Western medical sciences (540 hours) total: 1800 hours; Clinical hours (300); Electives (700 hours).*

*(2) A program of study which may include training or instruction where the delivery method includes distance education courses offered through video, interactive video or online courses is subject to Board approval.*

(b) The program of study:

(1) Required the completion of at least 2,800 hours of instruction, including not less than 2,500 didactic hours *and 300 clinical practice hours* for a student to have graduated before November 25, 2002; or

(2) Requires the completion of at least 3,000 hours of instruction, including not less than 2,500 didactic hours *and 500 clinical practice hours* for a student to graduate on or after November 25, 2002.

*(3) Requires the completion of at least 4,000 hours of instruction, including not less than 2,800 didactic hours, and 1,200 clinical practice hours for a student to graduate on or after November 25, 2010.*

5. For the purposes of subsections 2 and 3, evidence that the applicant is qualified for licensure as a doctor of Oriental medicine must include certified copies of any diplomas, transcripts, licenses and certificates issued to the applicant. If possible, all certified copies of official diplomas, transcripts, licenses or certificates must be forwarded directly to the executive director from the issuing entity rather than from the applicant.

**NAC 634A.085 Compliance with requirement of passing examination administered by national organization.** (NRS 634A.070, 634A.120)

1. To comply with the requirement of passing an examination in Oriental medicine that is administered by a national organization approved by the board pursuant to NRS 634A.120, an applicant for licensure as a doctor of Oriental medicine must pass the examinations for acupuncture and Chinese herbology administered by a national organization approved by the board:

~~[(a) Not earlier than the 2 years immediately preceding the date on which his application is submitted; and~~

~~(b) Not later than the date on which his application is complete.~~

~~2. If an applicant has passed any of the examinations required pursuant to subsection 1 more than 2 years immediately preceding the date of submission of his application, the applicant shall be deemed not to have passed that examination for the purpose of complying with subsection 1 and must retake and pass that examination in accordance with the provisions of subsection 1.]~~

**NAC 634A.090** ~~[Investigation of applicant: Deposit nonrefundable; additional fees; prerequisite to practical examination.]~~ **Consent to investigation.** (NRS 634A.070, 634A.110)

~~1. The deposit to be used to defray the expenses of the investigation of each applicant's background and training is nonrefundable. If the cost of the investigation exceeds the sum deposited, no further consideration will be given to the application until the applicant has tendered in full such additional investigative fees as the board deems reasonably necessary to complete the investigation.~~

*1. An applicant for a license from the board shall, as part of his application, furnish written consent to an investigation of his professional training and experience by the board or any person acting on its behalf. Each applicant shall furnish to the board, along with his application, a set of his fingerprints and written consent for*

*the board to submit the fingerprints to any law enforcement agency in connection with his application for a license.*

**2. Investigation shall include:**

- a. Verification of FBI report showing no prior convictions.*
- b. Verification of graduation from a school approved by the board.*
- c. Transcripts mailed directly from their school with a seal.*
- d. Verification of license in another state if applicable.*
- e. Verify that questions have been answered on the application relating to background.*
- f. Further investigation may be needed in the case of a foreign school or where circumstances warrant.*

**3.** An applicant may not take the practical examination for which he has applied before the investigation of his background and training has been completed.

**NAC 634A.095 Proficiency of applicant in English language.** (NRS 634A.070)

1. Except as otherwise provided in subsection 2, an applicant for a license to practice Oriental medicine must:

- (a) Before taking the practical examination, pass *either* the Test of English as a Foreign Language with a score of at least ~~{550}~~ *500, the Michigan Test with an equivalent score of the TOEFL 500, or a high school G.E.D. exam*; and
- (b) At the time of the practical examination, demonstrate a reasonable proficiency in the English language through an oral interview.

2. Subsection 1 does not apply to an applicant who graduated from a high school or college in the United States.

**NAC 634A.100 Practical examination of applicant.** (NRS 634A.070, 634A.120)

1. The practical examination will be given in June and December of each year. An applicant may not take the practical examination unless the applicant has first passed the examinations required pursuant to NAC 634A.085. The executive director shall notify an applicant of the time and place of the practical examination not later than 20 days before the date on which the practical examination is scheduled.

2. During the practical examination, only the testing consultant and the applicants will be allowed in the examination rooms.

3. Various sections of the practical examination may be given in written, oral or demonstrative form.

4. ~~{As a part of any practical examination, the board may examine an applicant as to his basic knowledge of the following subjects: }~~ *The practical examination shall consist of any one or more of the following four sections:*

**5. In section 1 of the** practical examination, the board may examine an applicant as to his basic knowledge of the following subjects:

- (a) Needling. The board may require a demonstration of needling on a patient or on the applicant himself.
- (b) Skills pertaining to ~~{sterilization}~~ *clean needle technique.*
- (c) Skills pertaining to the use of herbs.
- ~~{(d) Basic}~~

6. *In section 2 of the practical examination, the Board may examine an applicant as to his basic knowledge of basic* medical science concerning anatomy, physiology, pathology, biochemistry, bacteriology and communicable diseases.

~~[(e) Applicable]~~

7. *In section 3 of the practical examination, the Board may examine an applicant as to his basic knowledge of applicable* laws and regulations pertaining to health and safety.

~~[(f) Use]~~

8. *In section 4 of the practical examination, the Board may examine an applicant as to his basic knowledge and use* of the English language, as described in NAC 634A.095.

~~[5]~~ 9. Each applicant shall take the practical examination in the English language.

~~[6]~~ 10. *An applicant may receive a maximum score of 100 percent on each section of the practical examination.* An applicant must receive a ~~[an overall]~~ score of *not less than* ~~[75]~~ 70 percent on ~~[the practical examination and 60 percent on all of its sections or subparts]~~ *each section of the practical examination* to pass the practical examination.

**NAC 634A.110 Reexamination of applicant who fails practical examination.** (NRS 634A.070, 634A.120)

1. An applicant for a license to practice Oriental medicine who has failed the practical examination may *retake the exam on the next scheduled exam date.* ~~[apply for reexamination by the board no earlier than 6 months after the date of the practical examination failed by the applicant.]~~ A person seeking reexamination shall notify the executive director by completing a form prescribed by the board and submitting the fee set forth in NAC 634A.165.

2. If an applicant who has failed the practical examination failed only one section of the practical examination, he will be reexamined only with respect to the section that he failed. If the applicant failed two or more sections of the practical examination, he must repeat the entire practical examination at the time of reexamination.

~~[3. An applicant may not take the practical examination or any portion thereof more than three times within any 5-year period. If an applicant must retake only a portion of the practical examination and the applicant does not successfully complete that portion after his third attempt, he must at any future reexamination repeat the entire practical examination then being administered by the board.]~~

**NAC 634A.116 License issued to alien: Termination; required statement.** (NRS 634A.070)

1. A license issued to an alien ~~[automatically terminates]~~ *must automatically be transferred to an inactive status* if he loses his entitlement to remain and work in the United States.

2. A license issued to an alien after November 25, 2002, must state in a conspicuous manner:

This license is issued subject to any limitations imposed by ~~[the United States Department of Justice, Immigration and Naturalization Service]~~ *Federal Law.* ~~[This license becomes void immediately upon the termination of the right of the person named herein to remain and work in the United States lawfully.]~~

*NAC 634A.120 Conflicts of Interest. No member of the board will participate in preparing, examining or grading an examination or in any other decision made with respect to any applicant to whom the member is related in the third degree of affinity or consanguinity or with whom the member has a significant pecuniary relationship. Information regarding said relationship shall be disclosed by the board member and/or applicant at the time of application.*

**NAC 634A.125 Issuance of temporary certificate for seminar, lecture or teaching.** (NRS 634A.165) A person who is not a licensee may be issued a temporary certificate pursuant to NRS 634A.165 if:

1. The person submits an application to the board, on a form provided by the board, that includes:
  - (a) The curriculum vitae of the applicant;
  - (b) The specific topic concerning Oriental medicine or acupuncture which is the subject of the seminar, lecture or teaching;
  - (c) The specific dates for which the temporary certificate is requested; and
  - (d) Evidence that the person is competent with respect to the specific topic concerning Oriental medicine or acupuncture which is the subject of the seminar, lecture or teaching;
2. The person submits the appropriate fee for issuance of a temporary certificate pursuant to NAC 634A.165; and
3. The board approves the application at a ~~regularly scheduled~~ meeting.

**NAC 634A.135 Continuing education; placement of license on inactive status; reinstatement to active status.** (NRS 634A.070, 634A.167)

1. Except as otherwise provided in this section, a licensee shall complete, during each calendar year, at least 10 hours of continuing education.
2. A licensee may only receive credit for hours of continuing education in courses that have been approved by the board pursuant to NAC 634A.137.
3. Beginning with the 2003 calendar year, a licensee who earns more than 10 hours of credit for continuing education in any calendar year may carry forward up to ~~15 hours~~ **10 hours** of excess credit and apply such excess credit to the educational requirements for the next ~~two~~ **one** calendar year~~s~~ if the licensee indicates in writing, at the time he submits the form for renewal of his license pursuant to NRS 634A.167, that he intends to carry forward such excess credit.
4. A licensee who is not practicing in this state may request the board to classify his license as inactive. A person who holds an inactive license is exempt from the requirements set forth in this section regarding continuing education.
5. A person who is requesting the board to change the classification of his license from inactive to active must:
  - (a) Satisfy the requirements of continuing education for the year in which he seeks to reclassify his license;
  - (b) Submit proof to the board that he has satisfied the applicable requirements; and
  - (c) Submit the fee set forth in NAC 634A.165.

**NAC 634A.140 Annual registration fees.** (NRS 634A.070, 634A.160)

~~[1.] Each person who holds a license, *active or inactive*, to practice Oriental medicine, ~~acupuncture or herbal medicine~~ shall pay to the board an annual registration fee ~~[of \$500]~~ *which is not more than \$1,000 required by the board.*~~

~~[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.]~~

**NAC 634A.165 General schedule of fees.** (NRS 634A.070) The board will charge and collect the following fees:

|   |                       |                   |
|---|-----------------------|-------------------|
| Original application for licensure as a doctor of Oriental medicine   | <del>[\$400.00]</del> | <i>\$1,000.00</i> |
| <del>[Deposit for initial background investigation</del>              |                       | <i>\$300.00]</i>  |
| Renewal of <i>active</i> license before February 1                    | <del>[\$400.00]</del> | <i>\$1,000.00</i> |
| <i>Renewal of inactive license before February 1</i>                  |                       | <i>\$500.00</i>   |
| Late renewal of license <i>penalty</i> within 90 days after Feb. 1    | <del>[\$50.00]</del>  | <i>\$100.00</i>   |
| <del>[Late renewal of license more than 90 days after Feb. 1]</del>   |                       | <i>[\$50.00]</i>  |
| Reinstatement of canceled license <i>penalty (after 90 days)</i>      | <del>[\$100.00]</del> | <i>\$200.00</i>   |
| Original application for use of fictitious name                       | <del>[\$50.00]</del>  | <i>\$100.00</i>   |
| Replacement of <del>[identification card]</del> <i>pocket license</i> | <del>[\$20.00]</del>  | <i>\$100.00</i>   |
| Replacement of license  | <del>[\$40.00]</del>  | <i>\$200.00</i>   |
| Original fee for practical examination                                |                       | <i>\$1,000.00</i> |
| Reexamination fee for practical examination                           | <del>[\$300.00]</del> | <i>\$500.00</i>   |
| Transfer of license from active status to inactive status             | <del>[\$50.00]</del>  | <i>\$200.00</i>   |
| Transfer of license from inactive status to active status             | <del>[\$400.00]</del> | <i>\$500.00</i>   |
| Approval of course of continuing education                            |                       | <i>\$100.00</i>   |
| Temporary certificate for lecturing or training                       |                       | <i>\$100.00</i>   |
| Check returned for insufficient funds                                 |                       | <i>\$25.00</i>    |
| For copies of this chapter and chapter 634A of NRS                    |                       | <i>\$10.00</i>    |
| For other copies, per page  |                       | <i>\$0.25</i>     |
| <i>For other copies, per compact disc or tape recording</i>           |                       | <i>\$20.00</i>    |
| <i>Nevada State School original application fee</i>                   |                       | <i>\$5,000.00</i> |
| <i>School annual curriculum approval fee before February 1</i>        |                       | <i>\$5,000.00</i> |

**NEW SECTIONS: SCHOOL**

**Section 1.** *Chapter 634A of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 5, inclusive of this regulation.*

**Section 2.**

*1. An educational institution in this State shall not offer to students the degree of doctor of Oriental medicine unless the educational institution has first obtained approval to do so from the Board.*

*2. An educational institution in this State that applies to the Board for approval to offer the degree of doctor of Oriental medicine must:*

*(a) Be able to be approved by the Commission on Postsecondary Education;*

*(b) Submit to the Board the proposed curriculum of the educational institution for approval by the Board.*

*(c) Submit to the Board any other information requested by the Board; and*

*(d) Will pay all applicable fees as set forth in NAC 634A.165.*

*3. Each educational institution in this State that is approved by the Board to offer the degree of doctor of Oriental medicine must annually submit to the Board the curriculum of the educational institution for re-approval by the Board.*

**Section 3.** *An educational institution in this State that is approved by the Board to offer the degree of doctor of Oriental medicine may employ a person as an instructor of Oriental medicine if the person submits to the Board:*

*1. Evidence that he possesses an active license in any State as a practitioner in Oriental medicine, or the degree of doctor of Oriental medicine, or a doctorate degree in a field related to Oriental Medicine and any other evidence required by the Board regarding his experience.*

*2. Evidence that he possesses an active Nevada state licensed Doctor of Oriental Medicine as an instructor for clinical practices and any other evidence required by the Board regarding his experience.*

**Section 4.**

*1. An educational institution in this State that is approved by the Board to offer the degree of doctor of Oriental medicine may:*

*(a) Enroll students who:*

*(1) Possess at least an Associates degree from an accredited college or university in the United States or its international equivalent.*

*(2) As a part of the course of study students will be permitted to practice Oriental medicine only under the direct supervision of a licensed clinical instructor.*

*(b) Grant the degree of doctor of Oriental medicine only to students who have completed a curriculum approved by the Board.*

*2. As used in this section, “accredited” has the meaning ascribed to it in NRS 394.006.*

**Section 5.** *Each educational institution in this State that is approved by the Board to offer the degree of doctor of Oriental medicine must offer the curriculum approved by the Board which consists of not less than 4,000 hours of credit that must embrace not less than 2,800 didactic hours and not less than 1,200 clinical hours and which includes, without limitation:*

*1. Instruction in: Acupuncture (500 hours), Classical Oriental Medicine (160 hours), Diagnostic Imaging & Lab Test (40 hours), Endocrinology (40 hours), Geriatrics (40 hours), Herbal Prescription (160 hours), Herbology (260 hours), Human Anatomy (80 hours), Immunology (40 hours), Internal Medicine (160 hours), Medical Biochemistry (40 hours), Medical Microbiology (40 hours), Neurology (40 hours), Nutrition (40 hours), Oriental Medical Diagnosis (120 hours), Oriental Medical Principles (40 hours), Oriental Orthopedics (120 hours), Pathology (80 hours), Pharmacology (40 hours), Physical Diagnosis (40 hours), Physiology (80 hours), Physiotherapy (40 hours) (2200 hours total); and 1200 clinical hours; and 600 elective hours; (4,000 cumulative hours).*