

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

LCB FILE NO. R072-18I

***The following document is the initial draft regulation proposed
by the agency submitted on 04/11/2018***

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

LCB File No: TBA

March 15, 2018

Explanation: text in *italics* is new; text in ~~strikeout~~ is to be omitted

634A.005 Definitions

NCCAOM refers to the National Certification Commission for Acupuncture and Oriental Medicine, or its successor entity

ACAOM refers to the Accreditation Commission for Acupuncture and Oriental Medicine, or its successor entity

CCAOM refers to the Council of Colleges of Acupuncture and Oriental Medicine

634A.084 The scope of Oriental medicine and practitioners of Oriental Medicine defined.

The scope of practice for licensed Oriental Medicine Doctors includes but is not limited to the following:

Acupuncture and other acupuncture techniques including electro-acupuncture, laser acupuncture, dry needling and auricular acupuncture; acupressure; acupuncture points injection therapy; Oriental osteopathic manipulation treatment; Asian bodywork and Tui'na; gua sha; cupping; moxibustion; infrared treatment; herbal medicine; nutritional and dietary counseling; cold and heat therapy; magnet therapy; Oriental Medicine obstetrics and gynecology treatment; electro-muscular stimulations; breathing techniques; exercise and Qi-gong; dietary supplements; diagnostic imaging (radiology); laboratory tests; diathermy treatments; and ultrasound treatment.

NAC 34A.060 Officers, Salary of the Secretary-Treasurer

The position of Secretary-Treasurer will not be paid a salary.

634A.071 Application: General requirements.

1. File an application *and deliver all required paperwork to the Executive Director at least 3 months before the date of the practical examination in which the applicant wishes to participate*

634A.080 Evidence of qualifications of applicant; approval of program of study.

1. An applicant for a license to practice Oriental medicine must submit, together with ~~his or her~~ their application, evidence that ~~he or she has~~ they have successfully completed an accredited 4-year program of study, or its equivalent, in Oriental medicine at a school or college of Oriental medicine which is approved by the Board, *accredited by ACAOM, or in ACAOM pre-certification status subject to the requirements in subsection 4(a)NRS 634A.080.*

3. If the application is submitted *by endorsement* pursuant to subsection 2 of NRS 634A.140, the applicant must submit evidence that ~~he or she has~~ they have lawfully practiced Oriental medicine in another state or foreign country for at least 4 years, *hold the NCCAOM Oriental Medicine certification, submit a completed application for licensure by endorsement and pass the state exam with a 70% on each section and 75% overall to qualify for licensure.*

4. For the purposes of subsection 1, the Board may approve an accredited 4-year program of study, or its equivalent, 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 or qigong, biology, physics, chemistry, ~~biochemistry~~, anatomy, Western physiology, Western pathology, Western diagnosis, pharmacology, laboratory; and radiology;

(b) *an applicant who has been granted a Master's level degree from an ACAOM accredited school or a school in ACAOM pre-certification status that conforms to the course of study outlined in NAC 634A.080(4)(a) is deemed qualified to apply for licensure as an Oriental Medicine doctor.*

634A.085 Compliance with requirement of passing examination administered by national organization.

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 *Oriental Medicine Certification from NCCAOM acupuncture and Chinese herbology administered by a national organization approved by the board.*

634A.090 Approval of schools and colleges of Oriental medicine; prescription of course of study required for degree.

(a) *To comply with the requirement of annual curriculum review by the Board for content and quality of instruction, a school of Oriental Medicine*

established in Nevada shall submit annually, proof of payment of annual sustaining dues to ACAOM. No other curriculum review by the Board will be deemed necessary with such documentation.

634A.095 Proficiency of applicant in English language.

1. (a) – pass the Test of English as a Foreign Language with a score of at least 550 *PBT* or 80 *iBT*

634A.100 Practical examination of applicant.

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 *until such time as the Board implements an online exam process, which will supersede all regulations governing the in-person examination process.* An applicant may not take the practical examination unless the applicant has first passed the national 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. *Upon the implementation of an online testing system, the applicant will be notified of eligibility to sit for the online exam; the applicant will have 90 days in which to take the online exam at the designated testing facility.*

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

4. As a part of ~~any practical~~ the examination, the Board may examine an applicant as to his or her basic knowledge of the following subjects:

~~(a) Needling. The Board may require a demonstration of needling on a patient or on the applicant himself or herself.~~

~~(b) Skills pertaining to sterilization. (c) Skills pertaining to the use of herbs~~

~~(d) (a) Basic medical science concerning anatomy, physiology, pathology, biochemistry, bacteriology and communicable diseases, and acupuncture as covered in the Clean Needle Technique course manual by CCAOM~~

~~(b)) Oriental herb safety and herb-drug interactions~~

~~(c) (e) Applicable laws and regulations pertaining to health and safety. (f) Use of the English language, as described in [NAC 634A.095](#).~~

6. An applicant must receive an overall score of 75 percent on the practical examination and ~~60-70~~ percent on all of its sections or subparts to pass the practical examination. -

634A.110 Reexamination of applicant who fails practical examination.

2. If an applicant who has failed the practical examination failed only one section of the practical examination, the applicant will be reexamined only with respect to the section that he or she failed. If the applicant failed two or more sections of the practical examination, he or she must repeat the entire practical examination at the time of reexamination. *After Dec 31, 2018, an applicant who fails any section of the practical examination must retake the entire exam.*

634A.135 Continuing education; placement of license on inactive status; reinstatement to active status.

5. *(d) After Dec 2018 If the licensee has been inactive, the licensee must provide documentation of maintaining the NCCAOM national license during the inactive time.*

6. *All licensees, including endorsement licensees approved after Dec 2018 must maintain their NCCAOM Oriental Medicine certification. A copy of the NCCAOM license must be kept on file with the Executive Director, and resubmitted upon recertification by NCCAOM.*

634A.137 Approval of courses of continuing education.

1. A person or entity shall not offer a course of continuing education for licensees in this State unless the person or entity has first obtained approval for the course from the Board pursuant to this section.
2. *All continuing education courses certified by NCCAOM in the AOM-BIO core competency recertification category will be accepted by the Board without review or additional fees.*
3. *Board approval of non-NCCAOM courses for CEUs will expire 4 years after the Board approval date.*

634A.140 Payment of annual registration fee.

Each person who holds an active or inactive license to practice Oriental medicine shall pay to the Board an annual registration fee as required by NAC [634A.165](#). *The fees of new licensees shall be prorated by month until the next renewal date.*

634A.150 Reinstatement of license cancelled for failure to pay annual fee. Any person whose license has been cancelled pursuant to NRS 634A.160 and who desires to reinstate ~~his or her~~ *their* license may have the license *reinstated within a year* if:

4. Licensing lapses of more than one year will require the licensee to apply for new licensure.

634A.165 Fees of Board.

The Board will charge and collect the following fees:

<i>Approval of non NCCAOM course of continuing education:</i>	<i>\$100</i>
<i>Original application fee for a school or college of Oriental Medicine:</i>	<i>\$2000</i>
<i>Annual fee for approval of curriculum before February 1:</i>	<i>\$1000</i>
<i>Fine for unlicensed practice of Oriental Medicine subsequent to a guilty verdict at a hearing:</i>	<i>up to \$2500</i>

634A.170 Grounds for disciplinary action.

2. The use of any *paid* testimonial, ~~whether paid for or not~~, to solicit or encourage use of the licensee's services by members of the public.