

**LEGISLATIVE REVIEW OF ADOPTED REGULATIONS INFORMATIONAL  
STATEMENT AS REQUIRED BY NRS 233B.066**

**LCB FILE NO. R072-18**

The following statement is submitted by the State of Nevada, Board of Oriental Medicine, for adopted amendments to Nevada Administrative Code (“NAC”) Chapter 634A.

**(A) A clear and concise explanation of the need for the adopted regulation.**

Response: The major objective of the proposed NAC 634A regulation changes is to align Nevada’s Oriental medicine licensure, continuing education unit approval and Oriental medicine school curriculum approval processes with the national standards governing the practice of Oriental medicine. The amendments accomplish that alignment.

**(B) A description of how public comment was solicited, a summary of the public response and an explanation of how other interested persons may obtain a copy of the summary.**

Response: On 3/15/2018, a small business impact survey was sent to all licensed Oriental Medicine Doctors and interested persons on the Board’s email list to determine the impact of the proposed regulations.

Also, the Board of Oriental Medicine conducted a public workshop on 5/7/2018 in Reno, Nevada and in Las Vegas, Nevada to solicit comments from small businesses. Notice of these workshops were posted at Nevada State Board of Oriental Medicine, Nevada State Board of Oriental Medicine website: <http://orientalmedicine.nv.gov/>, Office of the Attorney General (Carson City), Office of the Attorney General (Las Vegas), State Library and Archives, website @ Notice.NV.GOV, and State of Nevada Register of Administrative Regulations. The Workshop notice and the proposed regulation was mailed to all county libraries in Nevada as well as to individuals on the Board’s emailing list.

The summary of responses ranged from:

1. No impact;
2. Concerns that the proposed National Certification Commission for Acupuncture and Oriental Medicine (“NCCAOM”) certification affect new, existing, and inactive licensees;
3. There should be no change to the existing regulations;
4. NCCAOM requirements should not be explicitly named as requirements; and
5. There should be higher educational requirements added to the existing regulations.

Copies of comments submitted by the public and from the small businesses is accessible in the workshop minutes of the Board’s website or obtained from the Board Office directly upon request.

The minutes of the workshop contains summaries of the public response to the proposed regulations. A copy of the minutes may be obtained from the Board of Oriental Medicine, 3191 E. Warm Springs Road, Las Vegas, NV 89120, telephone: 702-675-5326 or email @ [omboardexecutivedirector@gmail.com](mailto:omboardexecutivedirector@gmail.com), or on its website at <http://orientalmedicine.nv.gov/>

**(C) The number of persons who:**

- (1) Attended each hearing;**
- (2) Testified at each hearing; and**
- (3) Submitted to the agency written statements.**

Response: There were 7 members of the public at the public workshop on May 5, 2018. There was no testimony but there were some comments throughout the workshop from the Board members and some members of the public. There were no written statements submitted at the public workshop on May 5, 2018.

There were 2 members of the public at the public adoption hearing on October 23, 2018. There was no testimony and no written statements were submitted.

**(D) For each person identified in subparagraphs (2) and (3) of paragraph (c), the following information if provided to the agency conducting the hearing:**

- (1) Name;**
- (2) Telephone number;**
- (3) Business address;**
- (4) Business telephone number;**
- (5) Electronic mail address; and**
- (6) Name of entity or organization represented.**

Response: Margaret Tracey, Lisa Grant, Michael Ferris, Michael Smith, Chia Hua Linda Chow, Rachel Kohl, Shannon Partell, Duwayne Steele, and Setsuko Sage

**(E) A description of how comment was solicited from affected businesses, a summary of their response and an explanation of how other interested persons may obtain a copy of the summary.**

Response: On 3/15/2018, a small business impact survey was sent to all licensed Oriental Medicine Doctors and interested persons on the Board's email list to determine the impact of the proposed regulations. The summary of responses ranged from:

1. No impact;
2. Concerns that the proposed National Certification Commission for Acupuncture and Oriental Medicine ("NCCAOM") certification affect new, existing, and inactive licensees;
3. There should be no change to the existing regulations;
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**(F) If the regulation was adopted without changing any part of the proposed regulation, a summary of the reasons for adopting the regulation without change.**

Response: At the Workshop on 5/7/2018, the Board went through each new proposed regulation and made the appropriate and necessary changes as suggested by its members and/or the public. If the proposed regulation did not have any suggested changes, then no changes were made.

**(G) The estimated economic effect of the regulation on the business which it is to regulate and on the public. These must be stated separately, and in each case must include:**

- (1) Both adverse and beneficial effects; and**
- (2) Both immediate and long-term effects.**

Response: The economic effect of the proposed regulation on small business would be on only new licensees. The adverse effect could be the cost of meeting the national Oriental Medicine certification requirements, including the application costs, testing costs, and exam preparation materials/courses. The costs appear reasonable; the current online Oriental Medicine certification application fee is \$595 and the cost of each exam is \$300 consisting of 4 exams for a total of \$1795 (the application fee of \$595 plus the 4 exams of \$1200), and the current renewal for the national Oriental Medicine certification cost is incurred every 4 years. The beneficial effect would be bringing the Oriental Medicine profession in alignment with the other health care professions wherein there are national certifications conducted every few years. Additionally, going forward, public health and safety would be ensured due to these national certifications.

Further, certain CEU fees and the curriculum fees for Oriental Medical schools have been eliminated or reduced.

The economic effect would be immediate and long-term.

**(H) The estimated cost to the agency for enforcement of the proposed regulation.**

Response: None

**(I) A description of any regulations of other 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.**

Response: None

**(J) If the regulation includes provisions which are more stringent than a federal regulation which regulates the same activity, a summary of such provisions.**

Response: None

**(K) If the regulation provides a new fee or increases an existing fee, the total annual amount the agency expects to collect and the manner in which the money will be used.**

Response: None