

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

LCB FILE NO. R005-201

**The following document is the initial draft regulation proposed
by the agency submitted on 01/17/2020**

Proposed NAC 634A regulation updates 2019

Add into definitions:

“Dry needling”:

(a) Means an advanced needling skill or technique limited to the treatment of myofascial pain, using a single-use, single-insertion, sterile needle without the use of heat, cold or any other added modality or medication, which is inserted into the skin or underlying tissue to stimulate a trigger point.

(b) Does not include:

- (1) The stimulation of an auricular point;
- (2) Utilization of a distal point or nonlocal point;
- (3) Leaving the needle in the human body for more time than it takes to get a muscle response, or for more than a maximum of one minute;
- (4) Application of a retained electrical stimulation lead; or
- (5) The teaching or application of other acupuncture theory
- (6) Having more than one needle in the body at a time

634A.060

-The president, Vice President and Secretary-Treasurer shall all participate at least once in the training offered by the State AG office on Board Membership within 6 months of election.

-All board members must disclose potential conflicts of interests on any matter brought before the board or raised at meetings

- Board members may not receive more than \$100 per diem for attending board meetings.

--The Board secretary is responsible for overseeing compliance with state archiving requirements in regards to board records, including annual submission of records to the State Archives.

634A.080 1. An applicant for a license to practice Oriental medicine must submit, together with ~~his or her~~ their application, evidence that ~~they~~ he or she has ~~ve~~ successfully completed a 4-year program of study, or its equivalent , which may include a combined

bachelor's and master's degree program, in Oriental medicine at a school or college of Oriental medicine which is approved by the Board or is ACAOM approved.

2. If the application is submitted pursuant to subsection 1 of NRS 634A.140, the applicant must submit evidence showing that ~~he or she has~~ they have earned a bachelor's degree, or completed a combined bachelor's and master's degree program in Oriental medicine, from an accredited college or university in the United States.

3. If the application for licensure by endorsement is submitted pursuant to subsection 2 of NRS 634A.140, the applicant must submit evidence that ~~he or she~~ they:

(a) Has lawfully practiced Oriental medicine in another state or foreign country for at least 4 years, and

(b) Holds current Oriental Medicine Certification through examinations by the National Certification Commission for Acupuncture and Oriental Medicine or its successor organization.

(c) Provided a letter from the regulatory board in the current state of licensure stating that no disciplinary actions have been taken against the applicant for the duration of licensure in that state.

4. If application for licensure by endorsement is submitted pursuant to subsection 2 of NRA 634A.140 and the applicant graduated prior to Nov 25, 2002 and does not meet the didactic or clinical hours requirement, the applicant must include evidence that they:

a. Have successfully completed a program in Oriental medicine from a school or college of Oriental medicine before Nov 25, 2002 that included the study of herbology and

b. Have actively practiced Oriental medicine pursuant to the laws of another state or territory of the United States, the District of Columbia or foreign country for at least 6 of the 8 years immediately preceding the date of the application and

(c) Passed the examinations required by NRS 634A.120 and

(d) Hold a current certification in Oriental medicine through examination issued by

NCCAOM.

4. 5. 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:

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

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

(c) For those applicants who do not meet the didactic or course content requirements, they may take up to, but no more than, 250 CEUs of NCCAOM approved courses in the Oriental Medicine subject area that the credits are missing; or from an accredited college, university or Oriental Medicine school for non-Oriental Medicine course requirements.

5. 6. For the purposes of subsections 2, ~~and 3~~; 4, and 5 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.

[Bd. of Oriental Med., Art. IV part § 1, eff. 7-19-76; + Art. V part § 1, eff. 4-26-74]—
(NAC A 1-22-92; R071-02, 11-25-2002)

634A.085 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:

1. Have passed **all** the examinations for Oriental Medicine Certification administered by the National Certification Commission for Acupuncture and Oriental Medicine or its successor organization within the 12 months preceding the date of application for licensure; or
2. Be certified **through examination** by the National Certification Commission for Acupuncture and Oriental Medicine or its successor organization.

634A.095 1. Except as otherwise provided in subsection 2, an applicant for a license to practice Oriental medicine must, ~~(a) B~~ before taking the practical examination:—

(1a) Pass the Test of English as a Foreign Language (TOEFL) Paper-Based Test with a score of at least 550; or

~~(2b)~~ Pass the Test of English as a Foreign Language (TOEFL) Internet-Based Test with a total score of at least 80; ~~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.

634A.100 Practical Examination ~~1.—Until such time as the Board implements a process for administering a practical examination online:~~

(a) The practical examination will be given in ~~June and April, August and~~ December of each year ~~and the Board may add testing dates as it deems appropriate.~~

~~—(b) 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.~~

~~—(c) During the practical examination, only the testing consultant and the applicants will be allowed in the examination rooms.~~

~~—2.—Upon the implementation of a process for administering the practical examination online:~~

~~—(a) Examinations will be offered at times and places established by the Board but at least two times each year in accordance with NRS 634A.120.~~

~~—(b) The Board will notify an applicant of his or her eligibility to take the practical examination online. Not later than 90 days after notification by the Board, the applicant must take the examination online at the facility that is designated by the Board.~~

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

~~(a) Basic medical science concerning anatomy, physiology, pathology, bacteriology and communicable diseases.~~

~~——(b) The Clean Needle Technique, as presented in the current guidelines of the Clean Needle Technique course administered by the Council of Colleges of Acupuncture and Oriental Medicine.~~

~~——(c) Oriental medicine theory, herbology and acupuncture.~~

~~——(d) Oriental herb safety and herb-drug interactions.~~

~~(e) Applicable Nevada laws and regulations governing the practice of Oriental Medicine. pertaining to health and safety.~~

4. The practical examination will be given in written form. Each applicant shall take the examination in the English language.

5. An applicant must receive an overall score of 70 percent on the practical examination ~~and 65 percent on each of its sections or subparts to pass the 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 fails the practical examination may retake the examination on the next scheduled examination date. A person seeking reexamination must 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, 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.~~

634A.140 Annual renewal process and fees

1. Except as otherwise provided in this section, each person who holds an active or inactive license to practice Oriental medicine shall pay to the Board an annual fee for the renewal of the license as required by [NAC 634A.165](#) and submit a renewal form with information on, but not

limited to, continuing education credit information and, when applicable, NCCAOM certification status.

~~2. The Board will prorate by month the annual fee for the first renewal of an active or inactive license to practice Oriental medicine.~~

2. If the holder of a license fails to pay the fee or submit all required information by Feb 1 of each year, the license expires automatically. The license may be reinstated by:

a. payment of the required fee and

b. submission of all required information within 90 days after the expiration of the license pursuant to this subsection.

c. During the time of license expiration, the holder of the license must suspend all practice of Oriental Medicine, until such time as the license is renewed.

NAC 634A.137 Approval of courses of continuing education

2. Courses given in the Core Competency designation of Acupuncture and Oriental Medicine, including Biomedicine (AOM-BIO), which are approved for recertification, by the National Certification Commission for Acupuncture and Oriental Medicine, including the designations of AOM-AC, AOM-CH, AOM-SA, AOM-ET and AOM-BIO, or any successor designation schema adopted by NCCAOM, may be offered as courses of continuing education for licensees in this State without approval from the Board and are exempt from the imposition of fees for approval of courses of continuing education pursuant to NAC634A.165.

6. There is no limitation on the number of continuing education credits that may be earned through any online format, with the exception of practical requirements for acupuncture injection therapy.

634A.144 Acupuncture Injection Therapy

A licensee may practice the technique of Acupuncture Injection Therapy pursuant to the following:

1. Definition: The subcutaneous, intramuscular and intradermal injection by licensed Oriental Medicine doctors only, of substances specifically manufactured for injection by means of hypodermic needles to stimulate acupuncture points, ashi points and trigger points, to relieve pain and prevent illness. For the purposes of this section, acupuncture points include trigger points as a subset of acupuncture points and Ashi points as recognized by the current practice of Oriental Medicine

2. Oriental Medicine doctors are required to obtain Board endorsement before practicing Acupuncture Injection Therapy.
3. Board endorsement requires practitioners to:
 - a. complete NCCAOM-approved post graduate coursework on safe injection therapy practices that is no less than 24 hours of in-person education, and includes testing for allergic reactions to injectables; a minimum of 8 hours of practice hours, including two hours training in the administration of intramuscular epinephrine, and;
 - b. Carry professional insurance that covers injection therapy; and
 - c. Submit documentation to verify education and insurance coverage to the Board before endorsement is granted. Proof of insurance coverage must be submitted yearly.

4. Practitioners may only inject substances that they have received training in, including but not limited to nutritional, botanical, homeopathic, and herbal substances. Injectable substances do not include controlled substances contained in Schedules I-V of the Uniform Controlled Substances Act.

5. All AIT practitioners, even if they received training prior to the adoption of the endorsement policy, must apply for endorsement.

a. All practitioners must annually renew their endorsement, including proof of insurance coverage.

b. Practitioners who cannot show proof of insurance coverage will have their license suspended until proof is provided, or the practitioner agrees to stop providing AIT.

Retention of Medical Records

In accordance with NRS 629.016 all practitioners of Oriental medicine will retain patient records for 5 years commencing the last date of treatment. The healthcare records of a person who is under 23 years of age may not be destroyed until after 5 years pursuant to subsection one of NRS 629.051.

Compliance with NRS 629

All practitioners of Oriental medicine must comply with the provisions of NRS 629.