

(Reprinted with amendments adopted on May 23, 2019)

THIRD REPRINT

S.B. 355

SENATE BILL NO. 355—SENATOR PARKS

MARCH 18, 2019

Referred to Committee on Commerce and Labor

SUMMARY—Revises provisions relating to Oriental medicine.
(BDR 54-856)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: Yes.

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EXPLANATION - Matter in *bolded italics* is new; matter between brackets [omitted material] is material to be omitted.

AN ACT relating to Oriental medicine; revising provisions governing the duties and powers of the State Board of Oriental Medicine; revising provisions governing the scope of practice and licensing of doctors of Oriental medicine; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 Existing law sets forth provisions governing the licensure and regulation of
2 doctors of Oriental medicine. (Chapter 634A of NRS) **Section 3** of this bill
3 provides that the practice of Oriental medicine specifically includes dry needling as
4 well as moxibustion.

5 **Section 2** of this bill authorizes the State Board of Oriental Medicine to issue
6 an endorsement to practice acupuncture point injection therapy to a doctor of
7 Oriental medicine who meets certain requirements. **Section 14.5** of this bill
8 eliminates the requirement in existing law that an applicant for the issuance or
9 renewal of a license to practice Oriental medicine attest to knowledge of and
10 compliance with certain guidelines of the Centers for Disease Control and
11 Prevention concerning the prevention of transmission of infectious agents through
12 safe and appropriate injection practices. (NRS 634A.144)

13 **Section 5** of this bill eliminates the authority of the Board in existing law to fix
14 and pay a salary to the Secretary-Treasurer. (NRS 634A.060) **Section 6** of this bill
15 eliminates the requirement in existing law that the Board establish and maintain a
16 list of accredited schools and colleges of Oriental medicine. (NRS 634A.080)

17 Existing law authorizes the establishment and maintenance of a school or
18 college of Oriental medicine in this State if its establishment and curriculum is
19 approved by the Board. (NRS 634A.090) **Section 7** of this bill: (1) eliminates the
20 requirement that the Board annually approve the curriculum; and (2) requires that
21 the school or college be accredited by or have received at least candidacy status for
22 accreditation from the Accreditation Commission for Acupuncture and Oriental
23 Medicine or its successor organization and hold a current license issued by the



24 Commission on Postsecondary Education. **Section 4** of this bill makes a
25 conforming change.

26 Existing law requires an applicant for a license to practice as a doctor of
27 Oriental medicine to: (1) pass a national examination in Oriental medicine
28 administered by a national organization approved by the Board and a practical
29 examination approved by the Board that tests certain subject areas; and (2) meet
30 certain educational and other requirements. (NRS 634A.120, 634A.140) **Section 8**
31 of this bill requires such an applicant to pass each examination required and
32 administered by the National Certification Commission for Acupuncture and
33 Oriental Medicine or its successor organization for certification in Oriental
34 medicine. Additionally, **section 8** eliminates several subjects on the examination
35 approved by the Board. For issuance of a license, **section 9** of this bill: (1) revises
36 the educational requirements; (2) requires applicants to hold a current certification
37 in Oriental medicine issued by the National Certification Commission for
38 Acupuncture and Oriental Medicine or its successor organization; and (3)
39 authorizes the counting of certain work experience in lieu of educational experience
40 for applicants who attended a school or college of Oriental medicine before
41 January 1, 2008.

42 **Sections 10 and 11** of this bill consolidate the requirements relating to the
43 renewal of a license.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 **Section 1.** (Deleted by amendment.)

2 **Sec. 2.** Chapter 634A of NRS is hereby amended by adding
3 thereto a new section to read as follows:

4 *1. A doctor of Oriental medicine licensed pursuant to this*
5 *chapter may apply to the Board for an endorsement to practice*
6 *acupuncture point injection therapy. The applicant must submit*
7 *with his or her application proof that the applicant has:*

8 *(a) Successfully completed postgraduate coursework approved*
9 *by the National Certification Commission for Acupuncture and*
10 *Oriental Medicine or a successor organization which provides at*
11 *least 24 hours of instruction provided in person, including,*
12 *without limitation, at least 8 hours of instruction received by*
13 *practicum and 2 hours of training in the administration of*
14 *intramuscular epinephrine; and*

15 *(b) Obtained or otherwise carries a policy of professional*
16 *liability insurance which insures the applicant against any liability*
17 *arising from the provision of acupuncture point injection therapy*
18 *by the applicant.*

19 *2. The Board shall issue an endorsement to practice*
20 *acupuncture point injection therapy to an applicant who meets the*
21 *requirements of subsection 1.*

22 *3. A licensee who is issued an endorsement to practice*
23 *acupuncture point injection therapy may only inject substances for*
24 *which the licensee has received training which may include,*



1 *without limitation, nutritional, homeopathic and herbal*
2 *substances.*

3 4. *As used in this section, “acupuncture point injection*
4 *therapy” means the subcutaneous, intramuscular and intradermal*
5 *injection of substances to stimulate acupuncture points, ashi*
6 *points and trigger points to relieve pain and prevent illness.*

7 **Sec. 3.** NRS 634A.020 is hereby amended to read as follows:
8 634A.020 As used in this chapter, unless the context otherwise
9 requires:

10 1. “Acupuncture” means the insertion of needles into the
11 human body by piercing the skin of the body to control and regulate
12 ~~[]~~ the flow and balance of energy in the body and to cure, relieve or
13 palliate ~~[]~~ *the body for therapeutic purposes, including, without*
14 *limitation:*

15 (a) Any ailment or disease of the mind or body; or

16 (b) Any wound, bodily injury or deformity.

17 2. “Board” means the State Board of Oriental Medicine.

18 3. “Doctor of Oriental medicine” means a person who is
19 licensed under the provisions of this chapter to practice as a doctor
20 of Oriental medicine.

21 4. *“Dry needling”:*

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

27 (b) *Does not include:*

28 (1) *The stimulation of an auricular point;*

29 (2) *Utilization of a distal point or nonlocal point;*

30 (3) *Needle retention;*

31 (4) *Application of a retained electrical stimulation lead; or*

32 (5) *The teaching or application of other acupuncture*
33 *theory.*

34 5. “Herbal medicine” and “practice of herbal medicine” mean
35 suggesting, recommending, prescribing or directing the use of herbs
36 for the cure, relief or palliation of any ailment or disease of the mind
37 or body, or for the cure or relief of any wound, bodily injury or
38 deformity.

39 ~~[5.]~~ 6. “Herbs” means ~~[plants or parts of plants valued for~~
40 ~~medicinal qualities.~~

41 ~~—6.]~~ *any plant or part of a plant which is not prohibited by the*
42 *laws of the United States or this State and is used in tests or*
43 *examinations in the practice of Oriental medicine.*

44 7. “Oriental medicine” means ~~[that]~~ a system of the healing art
45 which places the chief emphasis on the flow and balance of energy



1 in the body mechanism as being the most important single factor in
2 maintaining the well-being of the organism in health and disease.
3 The term includes , *without limitation*, the practice of acupuncture ,
4 ~~and~~ herbal medicine , *moxibustion, dry needling* and other
5 services approved by the Board.

6 **Sec. 3.5.** (Deleted by amendment.)

7 **Sec. 4.** NRS 634A.040 is hereby amended to read as follows:

8 634A.040 1. The Governor shall appoint four members to the
9 Board who:

10 (a) Have a license issued pursuant to this chapter;

11 (b) Currently engage in the practice of Oriental medicine in this
12 State, and have engaged in the practice of Oriental medicine in this
13 State for at least 3 years preceding appointment to the Board;

14 (c) Are citizens of the United States; and

15 (d) Are residents of the State of Nevada and have been for at
16 least 1 year preceding appointment to the Board.

17 2. The Governor shall appoint one member to the Board who:

18 (a) Is licensed pursuant to chapter 630 of NRS by the Board of
19 Medical Examiners as a physician;

20 (b) Does not engage in the administration of a facility for
21 Oriental medicine or a school for Oriental medicine;

22 (c) Does not have a pecuniary interest in any matter pertaining
23 to Oriental medicine, except as a patient or potential patient;

24 (d) Is a citizen of the United States; and

25 (e) Is a resident of the State of Nevada and has been for at least
26 1 year preceding appointment to the Board.

27 3. The Governor shall appoint one member to the Board who:

28 (a) Does not engage in the administration of a facility for
29 Oriental medicine or a school for Oriental medicine;

30 (b) Does not have a pecuniary interest in any matter pertaining
31 to Oriental medicine, except as a patient or potential patient;

32 (c) Is a citizen of the United States; and

33 (d) Is a resident of the State of Nevada and has been for at least
34 1 year preceding appointment to the Board.

35 4. The Governor shall appoint one member to the Board who
36 represents a school or college of Oriental medicine ~~whose~~
37 ~~establishment has been approved by the Board~~ *established* pursuant
38 to NRS 634A.090.

39 **Sec. 5.** NRS 634A.060 is hereby amended to read as follows:

40 634A.060 The Board shall annually elect from its members a
41 President, Vice President and Secretary-Treasurer . ~~[- and may fix~~
42 ~~and pay a salary to the Secretary-Treasurer.]~~

43 **Sec. 6.** NRS 634A.080 is hereby amended to read as follows:

44 634A.080 The Board shall:



1 1. Hold meetings at least once a year and at any other time at
2 the request of the President or the majority of the members;

3 2. Have and use a common seal;

4 3. Deposit in interest-bearing accounts in the State of Nevada
5 all money received under the provisions of this chapter, which must
6 be used to defray the expenses of the Board;

7 4. ~~Establish and maintain a list of accredited schools and~~
8 ~~colleges of Oriental medicine that are approved by the Board;~~

9 ~~—5.]~~ Operate on the basis of the fiscal year beginning July 1 and
10 ending June 30; and

11 ~~[6.]~~ 5. Keep a record of its proceedings which must be open to
12 the public at all times and which must contain the name and
13 business address of every registered licensee in this State.

14 **Sec. 7.** NRS 634A.090 is hereby amended to read as follows:

15 634A.090 1. A school or college of Oriental medicine may
16 be established and maintained in this State only if:

17 (a) Its establishment is approved by the Board; ~~and]~~

18 (b) ~~[Its curriculum is approved annually by the Board for~~
19 ~~content and quality of instruction in accordance with the~~
20 ~~requirements of this chapter.]~~ *It is accredited by or has received at*
21 *least candidacy status for institutional accreditation from the*
22 *Accreditation Commission for Acupuncture and Oriental*
23 *Medicine or its successor organization; and*

24 (c) *It holds a current license issued by the Commission on*
25 *Postsecondary Education.*

26 2. The Board may prescribe the course of study required for the
27 degree of doctor of Oriental medicine.

28 **Sec. 8.** NRS 634A.120 is hereby amended to read as follows:

29 634A.120 1. Each applicant for a license to practice as a
30 doctor of Oriental medicine must pass:

31 (a) ~~[An examination in Oriental medicine that is administered by~~
32 ~~a national organization approved by the Board;]~~ *Each examination*
33 *required and administered by the National Certification*
34 *Commission for Acupuncture and Oriental Medicine or its*
35 *successor organization for certification in Oriental medicine; and*

36 (b) ~~[A practical]~~ *An* examination approved by the Board that
37 tests the applicant's knowledge and understanding of ~~]:~~

38 ~~—(1) Basic medical science;~~

39 ~~—(2) Acupuncture;~~

40 ~~—(3) Herbal medicine;~~

41 ~~—(4) Oriental medicine;~~

42 ~~—(5) English proficiency; and~~

43 ~~—(6) The]~~ *the* laws and regulations of this State relating to
44 health and safety in the practice of Oriental medicine.



1 2. The Board may establish by regulation ~~[]~~ *for the*
2 *examination required by paragraph (b) of subsection 1:*

3 (a) Additional subject areas to be included in the ~~[practical]~~
4 examination; and

5 (b) Specific methods for the administration of the ~~[practical]~~
6 examination, including, but not limited to, written, oral,
7 demonstrative, practical or any combination thereof.

8 3. The Board shall contract for the preparation, administration
9 and grading of the ~~[practical]~~ examination ~~[]~~ *required by*
10 *paragraph (b) of subsection 1.*

11 4. Except as otherwise provided in subsection 5, the Board
12 shall offer the ~~[practical]~~ examination *required by paragraph (b) of*
13 *subsection 1* at least two times each year at a time and place
14 established by the Board.

15 5. The Board may cancel a scheduled ~~[practical]~~ examination
16 *required by paragraph (b) of subsection 1* if, within 60 days before
17 the examination, the Board has not received a request to take the
18 examination.

19 6. A person who fails the ~~[practical]~~ examination *required by*
20 *paragraph (b) of subsection 1* may retake the examination.

21 **Sec. 9.** NRS 634A.140 is hereby amended to read as follows:

22 634A.140 *1.* The Board shall issue a license to practice as a
23 doctor of Oriental medicine to an applicant who:

24 ~~[]~~ (a) Has:

25 ~~[(a)]~~ (1) Successfully completed an accredited 4-year program
26 of study, or its equivalent, in Oriental medicine at a school or
27 college of Oriental medicine *accredited by the Accreditation*
28 *Commission for Acupuncture and Oriental Medicine or its*
29 *successor organization* that ~~[is approved]~~ *meets any requirements*
30 *prescribed by the Board [] pursuant to NRS 634A.090, including,*
31 *without limitation, requirements concerning clinical and didactic*
32 *components;*

33 ~~[(b)]~~ (2) Earned a bachelor's degree, *or completed a combined*
34 *bachelor's and master's degree program in Oriental medicine,*
35 from an accredited college or university in the United States;

36 ~~[(e)]~~ (3) Passed an investigation of his or her background and
37 personal history conducted by the Board; and

38 ~~[(d)]~~ (4) Passed the examinations required by NRS 634A.120;
39 ~~[or]~~ and

40 (b) *Holds a current certification in Oriental medicine issued by*
41 *the National Certification Commission for Acupuncture and*
42 *Oriental Medicine or its successor organization.*

43 2. *Except as otherwise provided in subsection 3, the Board*
44 *may issue a license to practice as a doctor of Oriental medicine to*
45 *an applicant who:*



1 (a) Has:

2 ~~[(a)]~~ (1) Successfully completed a 4-year program of study, or
3 its equivalent, in Oriental medicine at a school or college of Oriental
4 medicine that is approved by the Board ~~;~~

5 ~~—(b)] and meets any requirements prescribed by the Board~~
6 ~~pursuant to NRS 634A.090, including, without limitation,~~
7 ~~requirements concerning clinical and didactic components;~~

8 (2) Lawfully practiced Oriental medicine in another state or
9 foreign country for at least 4 years;

10 ~~[(e)]~~ (3) Passed an investigation of his or her background and
11 personal history conducted by the Board; and

12 ~~[(d)]~~ (4) Passed the examinations required by NRS 634A.120 ~~[-]~~
13 ; and

14 (b) Holds a current certification in Oriental medicine issued by
15 the National Certification Commission for Acupuncture and
16 Oriental Medicine or its successor organization.

17 3. The Board may issue a license to practice as a doctor of
18 Oriental medicine to an applicant who:

19 (a) Has:

20 (1) Successfully completed a program in Oriental medicine
21 from a school or college of Oriental medicine accredited by the
22 Accreditation Commission for Acupuncture and Oriental
23 Medicine or its successor organization before January 1, 2008,
24 that included the study of herbology;

25 (2) Practiced Oriental medicine pursuant to the laws of
26 another state or territory of the United States, the District of
27 Columbia, or foreign country for at least 6 of the 8 years
28 immediately preceding the date of the application;

29 (3) Passed an investigation of his or her background and
30 personal history conducted by the Board; and

31 (4) Passed the examinations required by NRS 634A.120;
32 and

33 (b) Holds a current certification in Oriental medicine issued by
34 the National Certification Commission for Acupuncture and
35 Oriental Medicine or its successor organization.

36 **Sec. 10.** NRS 634A.160 is hereby amended to read as follows:

37 634A.160 ~~[-]~~ Every license must be displayed in the office,
38 place of business or place of employment of the holder thereof.

39 ~~[-]~~ Every person holding a license shall pay to the Board on or
40 before February 1 of each year, the annual fee for a license required
41 pursuant to subsection 4. The holder of a license shall submit with
42 the fee all information required to complete the renewal of the
43 license. If the holder of a license fails to pay the fee or submit all
44 required information, the license must be suspended. The license



1 ~~may be reinstated by payment of the required fee and submission of~~
2 ~~all required information within 90 days after February 1.~~

3 ~~—3. A license which is suspended for more than 3 months under~~
4 ~~the provisions of subsection 2 may be cancelled by the Board after~~
5 ~~30 days' notice to the holder of the license.~~

6 ~~—4. The annual fee for a license must be prescribed annually by~~
7 ~~the Board and must not exceed \$1,000.]~~

8 **Sec. 11.** NRS 634A.167 is hereby amended to read as follows:

9 634A.167 1. To renew a license issued pursuant to this
10 chapter, each person must, on or before February 1 of each year:

11 (a) Apply to the Board for renewal;

12 (b) Pay the annual fee for a license prescribed by the Board ~~{;}~~,
13 *which must not exceed \$1,000;*

14 (c) Submit evidence to the Board of completion of the
15 requirements for continuing education; and

16 (d) Submit all information required to complete the renewal.

17 2. The Board shall, as a prerequisite for the renewal or
18 reinstatement of a license, require each holder of a license to comply
19 with the requirements for continuing education adopted by the
20 Board.

21 *3. If the holder of a license fails to pay the fee or submit all*
22 *required information by February 1 of each year, the license*
23 *expires automatically. The license may be reinstated by payment of*
24 *the required fee and submission of all required information within*
25 *90 days after the expiration of the license pursuant to this*
26 *subsection.*

27 **Sec. 11.5.** (Deleted by amendment.)

28 **Sec. 11.7.** (Deleted by amendment.)

29 **Sec. 12.** (Deleted by amendment.)

30 **Sec. 12.5.** (Deleted by amendment.)

31 **Sec. 13.** (Deleted by amendment.)

32 **Sec. 14.** (Deleted by amendment.)

33 **Sec. 14.5.** NRS 634A.144 is hereby repealed.

34 **Sec. 15.** This act becomes effective upon passage and approval
35 for the purposes of adopting regulations and performing any other
36 administrative tasks that are necessary to carry out the provisions of
37 this act, and on January 1, 2020, for all other purposes.



TEXT OF REPEALED SECTION

634A.144 Board prohibited from issuing or renewing license unless applicant attests to certain information related to safe and appropriate injection practices. The Board shall not issue or renew a license to practice Oriental medicine unless the applicant for issuance or renewal of the license attests to knowledge of and compliance with the guidelines of the Centers for Disease Control and Prevention concerning the prevention of transmission of infectious agents through safe and appropriate injection practices.

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