

**REVISED PROPOSED REGULATION OF THE
BOARD OF HOMEOPATHIC MEDICAL EXAMINERS**

LCB File No. R058-00

May 18, 2000

EXPLANATION – Matter in *italics* is new; matter in brackets ~~omitted material~~ is material to be omitted.

AUTHORITY: §§1-16, 18-21 and 24, NRS 630A.200; §§17, 22 and 23, NRS 630A.200, 630A.295 and 630A.299.

Section 1. Chapter 630A of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 17, inclusive, of this regulation.

Sec. 2. *“Advanced practitioner of homeopathy” has the meaning ascribed to it in NRS 630A.015.*

Sec. 3. *“Board” means the board of homeopathic medical examiners.*

Sec. 4. *“Controlled substance” has the meaning ascribed to it in NRS 0.031.*

Sec. 5. *“Homeopathic assistant” has the meaning ascribed to it in NRS 630A.035.*

Sec. 6. *“Homeopathic medicine” or “homeopathy” has the meaning ascribed to it in NRS 630A.040. The terms include the traditional methods of practicing homeopathy described in subsection 1 of NRS 630A.040 and the integrative and alternative methods of diagnosing and treating a patient described in subsection 2 of that section.*

Sec. 7. *“Homeopathic physician” has the meaning ascribed to it in NRS 630A.050.*

Sec. 8. *“Prevailing standards of acceptable practice of homeopathic medicine in Nevada” means the standards for practicing homeopathic medicine and integrative and alternative therapies adopted pursuant to section 9 of this regulation.*

Sec. 9. *The board hereby adopts by reference the standards for practicing:*

1. Homeopathic medicine that are set forth in Homeopathy: A Frontier in Medical Science as the prevailing standards of acceptable practice of homeopathic medicine in Nevada. A copy of this book may be obtained from North Atlantic Books, P.O. Box 12327, Berkeley, California 94712, for the price of \$39.95; and

2. Integrative and alternative therapies described in subsection 2 of NRS 630A.040 that are set forth in Alternative Medicine: The Definitive Guide. A copy of this book may be obtained from AlternativeMedicine.com, 1640 Tiburon Boulevard, Suite 2, Tiburon, California 94920, for the price of \$59.95.

Sec. 10. 1. A homeopathic physician shall not:

(a) Falsify records of health care or insurance;

(b) Falsify medical records of a patient, including, without limitation, altering records to indicate the presence of the homeopathic physician at a time when the homeopathic physician was not in attendance or to indicate that procedures were performed on the patient by the homeopathic physician that were in fact not performed by him;

(c) Render professional service to a patient while under the influence of alcohol or any controlled substance or while in any other impaired mental or physical condition;

(d) Acquire any controlled substance from a pharmacy or other source by misrepresentation, fraud, deception or subterfuge;

(e) Allow any person who is unlicensed and uncertified to treat a patient by means of homeopathy;

(f) Fail to provide adequate supervision of a homeopathic assistant or advanced practitioner of homeopathy who is employed or supervised by him;

(g) Fail to honor the advance directive of a patient without informing the patient, the surrogate or the guardian of the patient, and without documenting in the records of the patient the reasons for failing to honor the advance directive of the patient contained therein;

(h) Fail to prescribe adequately therapies or substances allowed in NRS 630A.040 for the control of pain in accordance with prevailing standards of acceptable practice of homeopathic medicine in Nevada;

(i) Prescribe controlled substances to treat acute, chronic or intractable pain in a manner that deviates from the prevailing standards of acceptable practice of homeopathic medicine in Nevada;

(j) Enter into a multilevel marketing agreement with a patient or an immediate family member of the patient; or

(k) Submit false or fraudulent information pursuant to section 17 of this regulation.

2. A homeopathic physician is not subject to disciplinary action solely for prescribing, administering or dispensing to a patient under his care:

(a) Amygdalin (laetrile), if the patient has consented in writing to the use of the substance;

(b) Procaine hydrochloride with preservatives and stabilizers (Gerovital H3);

(c) A controlled substance or controlled substance analog which is listed in the Homeopathic Pharmacopoeia of the United States (HPUS) or Homeopathic Pharmacopoeia Revision Service (USHPRS) or which is approved by the state board of pharmacy pursuant to NRS 453.146, if the homeopathic physician is authorized by law to prescribe the substance and prescribes the substance for treatment in accordance with prevailing standards of acceptable practice of homeopathic medicine in Nevada;

(d) A device or agent approved by the United States Food and Drug Administration in a manner that is not approved by the United States Food and Drug Administration if:

(1) The device or agent has not been scientifically proven to be of greater morbidity or mortality than the prevailing method of treatment;

(2) The device or agent is within the scope of practice of homeopathic medicine; and

(3) The patient has consented in writing to the use of the device or agent;

(e) An integrative or alternative method of practice described in subsection 2 of NRS 630A.040, when the method of practice has not been scientifically proven to be of greater morbidity or mortality than the prevailing method of treatment and the use is within the scope of practice of homeopathic medicine;

(f) Homeopathy for the treatment of chronic degenerative disease, cancer or intractable pain; or

(g) Preventive or early intervention using homeopathy.

3. As used in this section:

(a) “Controlled substance analog” means:

(1) A substance whose chemical structure is substantially similar to the structure of a controlled substance listed in schedule III pursuant to NAC 453.530; or

(2) A substance that is substantially similar to or greater than the stimulant, depressant or hallucinogenic effect on the central nervous system of a person treated with a controlled substance listed in schedule III pursuant to NAC 453.530, and which has, is represented as having or is intended to have a stimulant, depressant or hallucinogenic effect on the central nervous system of a person.

(b) “Intractable pain” means a condition of discomfort for which the cause cannot be removed or otherwise treated and for which a method of providing relief or a cure for the cause has not been found after reasonable efforts have been taken in accordance with prevailing standards of acceptable practice of homeopathic medicine in Nevada, including, without limitation, evaluation by an attending homeopathic physician and one or more physicians specializing in the treatment of the area, system or organ of the body which is believed to be the source of the discomfort.

Sec. 11. The following methods, techniques and activities do not constitute unprofessional conduct:

1. The use of classical, clinical or energetic methods of prescribing homeopathic medicines;

2. Prescribing homeopathic medicines:

(a) In single, alternating or sequential doses, or a combination of these methods; and

(b) In varying strengths from material doses and tinctures through low, medium, high and ultrahigh potencies;

3. Prescribing homeopathic medicines based on the history of a patient, the physical attributes of a patient, classical repertorization, clinical keynote, genus epidemicus, case essence, constitutional type, organotropic similarity, etiotropic similarity, pathotropic similarity, miasmatic tendency, electrodiagnostic differentiation, clinical microscopy, laboratory evaluation and any combination of these methods; and

4. Dispensing homeopathic medicines and pharmaceutical preparations for integrative and alternative methods of diagnosis and treatment described in subsection 2 of NRS 630A.040.

Sec. 12. *A homeopathic physician who uses intravenous hydrogen peroxide or intravenous ethylene diamine tetra-acetic acid (EDTA) chelation in the treatment of a patient:*

1. Shall follow:

(a) The protocol for the administration of intravenous hydrogen peroxide published by the International Oxidative Medicine Association;

(b) The protocol for the safe and effective administration of intravenous EDTA chelation therapy published by the American College for Advancement in Medicine; or

(c) A protocol designed for the patient that has been approved by the board.

2. Must be on the premises or have a licensed RN, HMD, MD, DO, homeopathic assistant or advanced practitioner of homeopathy on the premises at all times while a patient is receiving intravenous hydrogen peroxide or intravenous EDTA chelation therapy.

Sec. 13. *If a judgment is entered against him in any court, or a settlement is reached, on a claim involving malpractice, a homeopathic physician shall report that fact to the board within 60 days after the judgment is entered or the settlement is reached.*

Sec. 14. *The secretary-treasurer and two people selected by the secretary-treasurer shall:*

1. Examine the educational activities, quality of training seminars, meetings and materials used by the Nevada Homeopathic and Integrative Medical Association for educating homeopathic physicians, homeopathic assistants or advanced practitioners of homeopathy; and

2. Each January, provide a report to the board that explains their findings and recommendations.

Sec. 15. *A homeopathic physician shall consult with another provider of health care in difficult cases or in cases where the homeopathic physician is in doubt if it appears to the*

homeopathic physician that such consultation may enhance the quality of homeopathic medical services.

Sec. 16. *A homeopathic physician who is actively practicing homeopathy in Nevada and who is in good standing with the board may serve as a supervisor of a person who is engaged in the postgraduate training required in paragraph (c) of subsection 1 of NRS 630A.240 or who is engaged in training required pursuant to NAC 630A.420, if the licensee:*

- 1. Attests in writing to the board that he has not willfully and intentionally made a false or fraudulent statement or submitted a false or fraudulent document to the board;*
- 2. Receives approval in writing from the secretary-treasurer of the board; and*
- 3. Notifies the board in writing at the conclusion of the training period that the person:*
 - (a) Has completed 6 months of training; and*
 - (b) Is prepared to be examined by the board.*

Sec. 17. *1. Except as otherwise provided in subsections 2 and 4, each homeopathic physician, homeopathic assistant or advanced practitioner of homeopathy applying for renewal of his license or certificate must, at the time of annual registration, submit to the board evidence in such form as the board requires, that he has completed during the preceding year 20 credits of continuing education in courses approved by the Nevada Homeopathic and Integrative Medical Association, the Arizona Homeopathic and Integrative Medical Association or the board, including:*

- (a) Ten credits of continuing education in alternative or integrative medicine; and*
 - (b) Ten credits of continuing education in homeopathic medicine.*
- 2. A homeopathic physician who has completed a full year of residency or fellowship in allopathic, osteopathic or homeopathic medicine any time during the period for annual*

registration immediately preceding the submission of the application for annual registration is exempt from the requirements set forth in subsection 1.

3. If a homeopathic physician fails to submit evidence of his completion of continuing medical education within the time and in the manner set forth in subsection 1, his license will not be renewed. Such a person may not resume the practice of homeopathic medicine unless he:

(a) Pays a fee to the board which is twice the fee for renewal of a license set forth in subsection 1 of NAC 630A.120;

(b) Submits to the board, in such form as it requires, evidence that he has completed the 20 credits of continuing medical education required by subsection 1; and

(c) Is found by the board to be otherwise qualified for active status pursuant to the provisions of this chapter and chapter 630A of NRS.

4. A homeopathic physician who has not actively practiced in this state for the 12 months immediately preceding the date of renewal of the registration is exempt from the requirements of subsection 1.

Sec. 18. NAC 630A.010 is hereby amended to read as follows:

630A.010 As used in this chapter, unless the context otherwise requires ~~§~~:

~~1. "Board" means the board of homeopathic medical examiners.~~

~~2. "Controlled substance" has the meaning ascribed to it in NRS 0.031.~~

~~3. "Homeopathic medicine" has the meaning ascribed to it in NRS 630A.040.~~

~~4. "Homeopathic physician" has the meaning ascribed to it in NRS 630A.050.]~~ *the words and terms defined in sections 2 to 8, inclusive, of this regulation have the meanings ascribed to them in those sections.*

Sec. 19. NAC 630A.014 is hereby amended to read as follows:

630A.014 1. As used in NRS 630A.040, unless the context otherwise requires, the board will interpret:

(a) “Herbal therapy” to mean *a system of healing art that places the chief emphasis on the flow and balance of dynamic force or energy in the body mechanism as being the most important single factor in maintaining the natural health and well-being of the living organism and includes, without limitation, the prescribing and use of ~~herbs, herbal extracts, plants,~~ plants or plant extracts or a combination thereof to treat ~~a condition of a patient.~~ an ailment or disease of the mind, emotions or body, or for the cure or relief of any wound, bodily injury or deformity. As used in this paragraph:*

(1) “Plant” includes, without limitation, any tree, vine, shrub, vegetable or herb or any part of a tree, vine, shrub, vegetable or herb.

(2) “Plant extract” means a substance removed from a plant by physical or chemical means for medicinal purposes.

(b) “Neural therapy” to mean the injection of vitamins, minerals, homeopathic medications, herbal extracts or other medicinal or pharmaceutical preparations into the:

(1) Acupuncture, acupressure or trigger points; or

(2) Ganglia,

FLUSH of a patient to control pain or produce other beneficial effects.

(c) “Neuromuscular integration” to mean the progressive harmonization of the body and mind of a patient by the use of:

(1) Manual manipulation of the soft tissues of the body to balance the body structurally;
and

(2) Thought field therapy to recondition the nervous system.

(d) “Orthomolecular therapy” to mean the treatment and prevention of disease, including, without limitation, infection, malignancy and degenerative illness, by adjusting the natural chemical constituents of the body on the molecular level. The term includes, without limitation:

(1) The prescription of topical and oral supplements and pharmaceutical preparations; and

(2) The intravenous infusion of vitamins, amino acids, peptides, polypeptides, pharmaceutical preparations, homeopathic medications, ozone, bio-oxidative substances or chelating agents,

FLUSH to detoxify and remove harmful substances from the body, including, without limitation, heavy metals, the buildup of vascular and arterial plaque and toxic environmental factors, including, without limitation, pesticides, xenobiotics, bacteria and fungi.

(e) “Nutrition” to mean the recognition, evaluation, treatment and correction of the unique dietary needs of a patient.

2. As used in this section:

(a) “Bio-oxidative substances” means substances that are used to promote healing at the cellular level by the use of oxygen in its various forms.

(b) “Chelating agents” means substances that are used to remove heavy metals and other toxins from the body, including, without limitation:

(1) Sodium 2,3-dimercaptopropane-1-sulfonate (DMPS);

(2) Dimercaptosuccinic acid (DMSA);

(3) Ethylene diamine tetra-acetic acid (EDTA); and

(4) Penicillamine.

(c) “Pharmaceutical preparations” does not include narcotic drugs or opiates that are listed as schedule II controlled substances pursuant to chapter 453 of NRS, except as those substances may be described for use in the official *Homeopathic Pharmacopoeia of the United States*.

(d) “Thought field therapy” means a technique that uses the energy meridians of the body which are used in acupuncture and acupressure to treat emotional and psychological distress.

(e) “Trigger point” means a hyperirritable spot within the skeletal muscle or the fascia of that muscle that, upon compression, causes pain, tenderness and autonomic phenomena.

(f) “Xenobiotics” means chemical compounds that, under normal circumstances, are foreign to living organisms.

Sec. 20. NAC 630A.060 is hereby amended to read as follows:

630A.060 1. The board will administer an examination to practice homeopathic medicine at least two times each year at the dates and times established by the board. An applicant for a license to practice homeopathic medicine must submit the application required pursuant to NAC 630A.050 to the secretary-treasurer of the board not later than 60 days before the date scheduled for the examination to be eligible to take that examination.

2. ~~[The examination will consist of a written examination and an oral examination. The written examination will include a closed-book portion and an open-book portion as directed by the board.]~~ *An applicant must select one of the following methods for examination by which he will be examined:*

(a) A written examination based upon only classical homeopathic principles;

(b) A written examination that will include the following in equal portions:

(1) Clinical-energetic homeopathic medicine; and

(2) The integrative and alternative therapies described in subsection 2 of NRS

630A.040; or

(c) An oral examination based upon the principles outlined in paragraph (a) or (b).

3. The secretary-treasurer shall notify the applicant of the time and place of the examination not later than 20 days before the date scheduled for the examination.

4. Any book, *computer*, note or other material approved by the board *for the examination based upon classical homeopathic principles or clinical-energetic homeopathic medicine and integrative and alternative therapies described in subsection 2 of NRS 630A.040* may be used during the ~~[open-book portion of the]~~ written examination.

5. To pass the examination, an applicant must receive:

(a) A score of at least ~~[75]~~ **76** percent on the written examination; and

(b) A passing score on the oral examination, which will be graded on a pass or fail basis.

Sec. 21. NAC 630A.072 is hereby amended to read as follows:

630A.072 1. The 6 months of postgraduate training ~~[in homeopathy]~~ required of an applicant for a license to practice homeopathic medicine pursuant to NRS 630A.240 must consist of courses or programs which are approved by the Council ~~[of]~~ **on** Homeopathic Education , *the Nevada Homeopathic and Integrative Medical Association* or the board. In determining whether to approve a course or program which has not been approved by the Council ~~[of]~~ **on** Homeopathic Education ~~[;]~~ **or the Nevada Homeopathic and Integrative Medical Association,** the board will consider:

(a) The reasons, if any, why the course or program is not approved by the Council ~~[of]~~ **on** Homeopathic Education ~~[;]~~ **or the Nevada Homeopathic and Integrative Medical Association;**

(b) The textbooks and other instructional aids used in the course or program;

- (c) The institution offering the course or program;
 - (d) The qualifications of the instructor teaching the course or program; and
 - (e) Whether the course or program includes instruction on:
 - (1) The ~~[homeopathic]~~ principles referred to in NRS 630A.040;
 - (2) The procedure for ~~[intake of information on]~~ *evaluating* a patient;
 - (3) The procedure for ~~[identifying]~~ *selecting* an appropriate ~~[remedy from the repertory of homeopathic remedies]~~ *treatment* based upon the ~~[information elicited from]~~ *evaluation of* the patient;
 - (4) Homeopathic pharmacology; and
 - (5) The methodology of prescribing homeopathic ~~[medicine.]~~ *medicines and alternative therapies.*
2. The board may revoke approval of a course or program it has previously approved if it determines that the course or program no longer complies with the considerations set forth in subsection 1.
3. The board will maintain ~~[an updated list for the public of the courses or]~~ *a list of courses and* programs *that are currently* approved by the Council ~~[of]~~ *on* Homeopathic Education , *the Nevada Homeopathic and Integrative Medical Association* or the board.
4. If an applicant for a license to practice homeopathic medicine has completed a course or program that has not been approved by the Council ~~[of]~~ *on* Homeopathic Education , *the Nevada Homeopathic and Integrative Medical Association* or the board, he may submit the course or program to the board for approval. The board will review the course or program based upon the considerations set forth in subsection 1. If the board approves the course or program, the applicant will receive credit for the postgraduate training.

Sec. 22. NAC 630A.560 is hereby amended to read as follows:

630A.560 The board may initiate disciplinary action against a homeopathic assistant or an advanced practitioner of homeopathy or may deny the issuance or renewal of a certificate if the board finds after providing notice and a hearing that the homeopathic assistant or advanced practitioner ~~of homeopathy:~~ *of homeopathy:*

1. Willfully and intentionally made a false or fraudulent statement or submitted a forged or false document ~~when he applied for or renewed his certificate;~~ *to the board;*

2. Represented to another that ~~he~~ *the homeopathic assistant or advanced practitioner of homeopathy* was a licensed physician or knowingly permitted another person to represent him as such;

3. Performed medical services which were not directed or supervised by a homeopathic physician as required by NAC 630A.350 and 630A.470;

4. Provided medical services when he did not have the ability to provide such services with reasonable skill and safety because:

- (a) He was under the influence of alcohol or a controlled substance; or
- (b) He had a mental or physical illness;

5. Provided medical services in a negligent manner;

6. Failed to obey an order of the board or an investigative committee of the board, *a* law or *a* regulation which relates to the provision of health care or dispensing of drugs, including, without limitation, ~~or~~ *a* regulation of the board ~~or~~ *or* the state board of health ; ~~or the state board of pharmacy;~~

7. Administered, dispensed or possessed a controlled substance, except as authorized by law in the course of providing medical services ~~[;]~~ *and in accordance with the prevailing standards of acceptable practice of homeopathic medicine in Nevada;*

8. Is not competent to provide the services required of a homeopathic assistant or advanced practitioner ~~[; or]~~ *of homeopathy;*

9. Has been convicted of a felony or any offense involving moral turpitude ~~[;]~~ ;

10. Falsified records of health care or insurance;

11. Falsified medical records of a patient, including, without limitation, altering records to indicate the presence of the homeopathic assistant or advanced practitioner of homeopathy at a time when the homeopathic assistant or advanced practitioner of homeopathy was not in attendance or to indicate that procedures were performed on the patient by the homeopathic assistant or advanced practitioner of homeopathy that were in fact not performed by him;

12. Acquired any controlled substance from a pharmacy or other source by misrepresentation, fraud, deception or subterfuge;

13. Allowed any person who is unlicensed and uncertified to treat a patient by means of homeopathy;

14. Failed to honor the advance directive of a patient without informing the patient, the surrogate or the guardian of the patient, and without documenting in the records of the patient the reasons for failing to honor the advance directive of the patient contained therein;
or

15. Entered into a multilevel marketing agreement with a patient or an immediate family member of the patient.

Sec. 23. NAC 630A.570 is hereby amended to read as follows:

630A.570 1. ~~¶~~ *If the board, a member of the board or any other person who is aware of any act or circumstance that constitutes grounds for disciplinary action against a homeopathic assistant or an advanced practitioner of homeopathy desires to* initiate disciplinary action against a homeopathic assistant or advanced practitioner of homeopathy, ~~¶~~ *the board, member of the board or other* person must file with the board a written complaint specifying the charge against the homeopathic assistant or advanced practitioner ~~¶~~ ~~2.~~ ~~¶~~ *of homeopathy.*

2. *Unless the board determines that the complaint is without merit, in* response to a complaint filed against a homeopathic assistant or advanced practitioner *of homeopathy* or on its own initiative, the board will assign an investigative committee to determine whether a charge against a homeopathic assistant or advanced practitioner *of homeopathy* justifies disciplinary action. The investigative committee will be composed of not less than three members of the board, at least one of whom is a licensed homeopathic physician.

3. Following an investigation, the investigative committee will present its evaluation and recommendations to the board. The board will review the findings of the committee to determine whether to take further action.

4. If the board determines after investigation that a homeopathic assistant or advanced practitioner *of homeopathy* has violated any of the provisions of this chapter, the board will notify the attorney general of its findings and any disciplinary action taken.

5. A member of the board who participates in an investigation will not participate in the review conducted pursuant to subsection 3 or in a subsequent hearing or action which is related to the investigation.

6. Before assigning the complaint to an investigative committee pursuant to subsection 2, the board must provide the supervising physician and homeopathic assistant or advanced practitioner of homeopathy, as applicable, with a copy of the complaint. If the board determines that a complaint is without merit, the board may provide the supervising physician and homeopathic assistant or advanced practitioner of homeopathy, as applicable, with a copy of the complaint, including the name of the person who filed the complaint.

Sec. 24. NAC 630A.095, 630A.340 and 630A.440 are hereby repealed.

TEXT OF REPEALED SECTIONS

630A.095 Continuing education: General requirements; exemption; failure to comply.

1. Except as otherwise provided in subsection 3, each licensee applying for renewal of his license shall, at the time of annual registration, submit to the board evidence in such form as the board requires, that he has completed during the preceding year:

- (a) Ten hours of continuing education in allopathic or osteopathic medicine; and
- (b) Ten hours of continuing education in homeopathic medicine.

2. Each educational program offered for credit in continuing education must:

- (a) For credit in homeopathic medicine, be approved by the board;
- (b) For credit in allopathic medicine, offer Category 1 credit as recognized by the American

Medical Association to the holder of the license; and

(c) For credit in osteopathic medicine, offer Category A credit as recognized by the American Osteopathic Association to the holder of the license.

3. A licensee who has completed a full year of residency or fellowship in allopathic, osteopathic or homeopathic medicine any time during the period for annual registration immediately preceding the submission of the application for annual registration is exempt from the requirements set forth in subsection 1.

4. If a licensee fails to submit evidence of his completion of continuing medical education within the time and in the manner set forth in subsection 1, his license will not be renewed. Such a person may not resume the practice of homeopathic medicine unless he:

(a) Pays a fee to the board which is twice the fee for annual registration set forth in subsection 1 of NAC 630A.120;

(b) Submits to the board, in such form as it requires, evidence that he has completed 20 hours of continuing medical education required by subsection 1; and

(c) Is found by the board to be otherwise qualified for active status pursuant to the provisions of this chapter and chapter 630A of NRS.

630A.340 Continuing education. A homeopathic assistant shall complete not less than 10 hours of continuing education each year from a course approved by the board. Not less than 8 hours of the continuing education must teach principles of homeopathy.

630A.440 Continuing education. An advanced practitioner of homeopathy shall complete not less than 20 hours of continuing education each year which must consist of:

1. Ten hours of training in allopathic medicine from a course recognized for category 1 credit by the American Medical Association or 10 hours of training in osteopathic medicine from a course recognized for category 1A credit by the American Osteopathic Association; and

2. Ten hours of training in homeopathic medicine from a course approved by the board or complete attendance and participation in the annual convention of the Nevada Association of Homeopathic Physicians.