

Chapter 630A of NAC

LCB File No. T007-04

ADOPTED TEMPORARY REGULATION OF THE BOARD OF HOMEOPATHIC MEDICAL EXAMINERS

Filed with the Secretary of State on November 4, 2004

CONCERNING AMENDMENTS TO CHAPTER 630A OF NAC

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

Authority: NRS 630A.200

Section 1. NAC 630A.450 is hereby amended to read as follows:

1. A homeopathic physician who supervises an advanced practitioner of homeopathy must currently practice homeopathic medicine in the State of Nevada.
2. The supervising homeopathic physician shall consult with and monitor the quality of care provided by the advanced practitioner.
3. The supervising homeopathic physician shall provide to the Board:
 - (a) The current physical address and telephone number of each location where an advanced practitioner of homeopathy whom he supervises provides medical services; ~~and~~
 - (b) Any change in such information~~[-];~~ *and*
 - (c) *Any additional quality or public safety measures, activities or requirements imposed on the advanced practitioner of homeopathy by the board.*

Section 2. NAC 630A.460 is hereby amended to read as follows:

A homeopathic physician who supervises an advanced practitioner of homeopathy shall develop and implement a program to monitor the quality of care provided by the advanced practitioner. As part of the program, the supervising homeopathic physician shall:

1. Assess the competency of the advanced practitioner to provide medical services;
2. Review selected medical charts of the advanced practitioner; ~~and~~
3. Maintain accurate records and documentation of the program for each advanced

practitioner whom the homeopathic physician supervises~~[-];~~ *and*

4. The board may require additional quality and public safety measures.

Section 3. NAC 630A.470 is hereby amended to read as follows:

1. Except as otherwise provided in this subsection, a homeopathic physician who supervises an advanced practitioner of homeopathy must be available to consult with the advanced practitioner by phone or in person at all times when the advanced practitioner provides medical services. If the supervising homeopathic physician cannot be available, he shall designate an equally qualified homeopathic physician to be available for consultation.

2. The supervising homeopathic physician shall ensure that the advanced practitioner:

(a) Does not use a prescription which has been signed by a physician before a patient requires the prescription; ~~[and]~~

(b) Is aware of all laws and regulations with which he must comply, including, without limitation, the regulations of the State Board of Pharmacy regarding prescriptions, controlled substances, and dangerous drugs and devices~~[-];~~ *and*

3. The board may require the supervising homeopathic physician to provide continuous on site supervision of an advanced homeopathic practitioner as deemed necessary by the board.

Section 4. NAC 630A.480 is hereby amended to read as follows:

1. An advanced practitioner of homeopathy may perform only those acts which he is:

(a) ~~[Qualified]~~ *Authorized* to perform, as determined by *the board* ~~[his supervising homeopathic physician];~~ and

(b) Authorized to perform pursuant to the protocol established pursuant to [NAC 630A.490](#).

2. ~~[A]~~ *The board* ~~[homeopathic physician]~~ may authorize the advanced practitioner of homeopathy ~~[whom he supervises]~~ to:

(a) Systematically assess the health of a person or family by:

(1) Taking, recording and interpreting a medical history;

(2) Performing a physical examination; and

(3) Performing or initiating any specific diagnostic procedure which is authorized in the protocol established pursuant to [NAC 630A.490](#).

(b) Manage the care of a person who has a common, acute, recurrent or chronic health-related problem, based on an assessment of the health of that person by:

- (1) Initiating a program of treatment;
- (2) Evaluating the response to health-related problems and programs of treatment;
- (3) Informing a patient or a member of his family about the health of the patient and the alternatives for treatment;
- (4) Evaluating the compliance of a patient with the program of treatment that was agreed upon by him or his family and the advanced practitioner;
- (5) Modifying a program of treatment based upon the response of the patient to that treatment;
- (6) Referring a patient to an appropriate provider of health care, if necessary;
- (7) Treating minor lacerations which do not involve damage to a nerve, tendon or major blood vessel; and
- (8) Commencing care which is necessary to stabilize the condition of a patient during an emergency until a physician can be consulted or the patient can be transported to a facility where emergency medical care is available.

(c) Perform any other procedure related to the practice of homeopathy if:

- (1) The advanced practitioner is certified to perform that procedure by an organization which is recognized by the Board;
- (2) The advanced practitioner learned how to perform the procedure in a program of education which he attended;
- (3) The advanced practitioner learned how to perform the procedure during the successful completion of a comprehensive program of instruction which included clinical experience; or
- (4) The act is within the authorized scope of practice of an advanced practitioner of homeopathy as determined by the Board.

3. The board may require of any advanced practitioner any additional quality and public safety measures deemed necessary by the board.

Section 5. NAC 630A.490 is hereby amended to read as follows:

1. An advanced practitioner of homeopathy and his supervising homeopathic physician shall prepare and sign a written protocol ***and informed consent form***, demonstrating agreement to the terms and content of the protocol ***and informed consent***. The protocol must include, without limitation:

(a) A description of the scope of practice of the advanced practitioner as authorized by the supervising homeopathic physician;

(b) A statement from the supervising homeopathic physician that he has determined that the advanced practitioner is qualified and competent to provide the services authorized in the scope of practice;

(c) A list of any programs of training from which the advanced practitioner has graduated; and

(d) A list of conditions under which the advanced practitioner agrees to refer a patient to the supervising homeopathic physician.

2. If an advanced practitioner of homeopathy intends to engage in the intrastate practice of homeopathic medicine using electronic means, the written protocol must incorporate all the requirements and prohibitions that apply to homeopathic physicians engaging in the intrastate practice of homeopathic medicine using electronic means.

3. The protocol must reflect established national or customary standards for the practice of homeopathic medicine.

4. Before an advanced practitioner of homeopathy may provide a medical service to a patient, he must obtain the signature of the patient on ~~{a}~~ *an informed consent* form which discloses to the patient that he is an advanced practitioner of homeopathy, ~~{and}~~ is not a licensed homeopathic physician, *and is governed by a protocol that is available for inspection.*

Additional information may be required by the board to be included in the consent form as the board deems necessary. Before an advanced practitioner may provide homeopathic medical services to a patient the informed consent form must be reviewed and approved by the board.

5. The supervising physician shall submit a copy of the protocol *and informed consent form* to the Board for approval. If the Board does not approve the protocol, it will return the protocol *and informed consent form* to the physician with an explanation for the denial. The supervising homeopathic physician shall rewrite the protocol *and informed consent form* to conform with any suggestion of the Board and resubmit it to the Board for consideration at the next regularly scheduled meeting of the Board.

6. A copy of the protocol *and informed consent form* must be maintained *and available for inspection upon request by the board or an authorized representative of the board* at each location where the advanced practitioner provides medical services.

**NOTICE OF ADOPTION OF TEMPORARY REGULATION
LCB File No. T007-04**

The Board of Homeopathic Medical Examiners adopted regulations assigned LCB File No. T007-04 which pertain to chapter 630A of the Nevada Administrative Code on October 22, 2004.

Notice date: 9/16/2004
Hearing date: 10/22/2004

Date of adoption by agency: 10/22/2004

INFORMATIONAL STATEMENT

The following statement is submitted for adopted amendments to Nevada Administrative Code chapter 630A.

1. A description of how public comment was solicited, a summary of public response, and an explanation how other interested persons may obtain a copy of the summary:

Public comment was solicited by sending notices of the workshop and hearings to all of the licensed homeopathic physicians, and certified Advanced Practitioners of Homeopathy in the state of Nevada. Public comment was also solicited by posting notices of the hearings at public libraries throughout the state and several other locations. There was no public response to the proposed regulation, although 1 member of the public was present during the workshop, and also attended the hearing.

There was no public comment during the workshop or hearing. Board member W. Brent Hardy suggested additional language be added to **Section 5** (NAC 630A.490(4)), which were incorporated into the regulations. Interested persons may obtain a copy of any written responses and the minutes of the workshop and hearing from the Board of Homeopathic Medical Examiners by mailing a request to the Board at 3663 Pecos McLeod Int., Las Vegas, NV 89121, or by telephone to (702) 451-3332 .

2. A statement indicating the number of persons who attended each meeting or workshop, testified at each hearing, and submitted written statements regarding the proposed regulation:

A. The number of persons who:

(a) Attended the workshop:	October 22, 2004	1
(b) Attended the hearing:	October 22, 2004	4
(c) Testified at the workshop:	October 22, 2004	0
(d) Testified at each hearing:	October 22, 2004	0

(e) **Submitted written comments
to the agency:**

0

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

Public comment was solicited by sending notices to the all of the licensed homeopathic physicians, and certified Advanced Practitioners of Homeopathy in the state of Nevada with a copy of the proposed regulation changes and by posting the proposed regulation at public libraries throughout the state of Nevada. The public comment is summarized in section 1 above. Interested persons may obtain a copy of the minutes of the workshop and hearing from the Board of Homeopathic Medical Examiners by mailing a copy to Board at 3663 Pecos McLeod Int., Las Vegas, NV 89121, or by telephone to (702) 451-3332.

4. If the regulation was adopted without changing any part of the proposed regulation, a summary of the reasons for adopting the regulation without change. The statement should also explain the reasons for making any changes to the regulation proposed.

The regulation was changed from the proposed regulation, LCB File no. T007-04, but the change was not substantial and consisted of a minor wording addition to one section. The change, summarized in section 1 above, was made primarily at the request of Board Member W. Brent Harding, to make the protocol of an advanced practitioner of homeopathy available for public inspection. The specific change to the original LCB version is stated in the minutes of the workshop and hearing, which can be obtained from the Board.

5. The estimated economic effect of the adopted regulation on the business that it is to regulate and on the public. These must be stated separately, and each case must include: (a) both adverse and beneficial effects and (b) both immediate and long-term effects:

A. Estimated economic effect on homeopathic physicians or other licensees:

It is estimated that this regulation has no economic effect on homeopathic physicians or other licensees.

(a) Adverse and beneficial effects:

There are no apparent adverse economic effects of the regulation on licensed homeopathic physicians, advanced practitioners of homeopathy or homeopathic assistants. There are no beneficial economic effects from this regulation for a homeopathic physician, Advanced Practitioner of homeopathy or homeopathic assistant.

(b) Immediate and long-term effects:

There are no apparent immediate or long-term effects of this regulation on licensed homeopathic physicians, advanced practitioners of homeopathy or homeopathic assistants.

B. Estimated economic effect on the public:

It is estimated that the proposed regulation to be adopted and amended will not have any significant negative or positive economic effect on the public.

(a) Adverse and beneficial effects:

There are no apparent adverse effects to the public of this regulation. Making the protocol of a certified advanced practitioner of homeopathy available for inspection is a beneficial effect for the public.

(b) Immediate and long-term effects:

The temporary regulation has immediate effects for the public, which are stated immediately above.

6. The estimated cost to the agency for enforcement of the proposed regulation:

There is no cost to the Board of Homeopathic Medical Examiners for enforcement of the proposed regulation.

7. A description of any regulations of the 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.

The regulation does not overlap or duplicate any regulations of other state or local government agencies or of any federal agency.

8. If the regulation includes provisions that are more stringent than a federal regulation that regulates the same activity, a summary of those provisions.

Not applicable.

9. If the regulation establishes a new fee or increases an existing fee, a statement indicating the total annual amount the agency expects to collect and the manner in which the money will be used.

Not applicable.