

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

LCB File No. R026-06

Effective May 4, 2006

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

AUTHORITY: §1, NRS 634A.070.

A REGULATION relating to Oriental medicine; revising the fee charged by the State Board of Oriental Medicine for the renewal of an active license; and providing other matters properly relating thereto.

Section 1. NAC 634A.165 is hereby amended to read as follows:

634A.165 The Board will charge and collect the following fees:

Original application for licensure as a doctor of Oriental medicine	\$1,000.00
Renewal of active license before February 1	[1,000.00] 700.00
Renewal of inactive license before February 1	500.00
Penalty for late renewal of license within 90 days after February 1	100.00
Penalty for late renewal of license more than 90 days after February 1	200.00
Penalty for reinstatement of cancelled license	200.00
Original application for use of fictitious name	100.00
Replacement of pocket license	100.00
Replacement of license	200.00
Original fee for practical examination	1,000.00
Reexamination fee for practical examination	500.00

Transfer of license from active status to inactive status	200.00
Transfer of license from inactive status to active status	500.00
Approval of course of continuing education	100.00
Temporary certificate for lecturing or training	100.00
Check returned for insufficient funds	25.00
For copies of this chapter and chapter 634A of NRS	10.00
For other copies, per page	0.25
For other copies, per compact disc or tape recording	20.00
Original application fee for a school or college of Oriental medicine	5,000.00
Annual fee for approval of curriculum before February 1	5,000.00

**NOTICE OF ADOPTION OF PROPOSED REGULATION
LCB File No. R026-06**

The State Board of Oriental Medicine adopted regulations assigned LCB File No. R026-06 which pertain to chapter 634A of the Nevada Administrative Code on April 6, 2006.

Notice date: 3/20/2006
Hearing date: 4/6/2006

Date of adoption by agency: 4/6/2006
Filing date: 5/4/2006

INFORMATIONAL STATEMENT

The Board of Oriental Medicine recently held a public workshop to discuss proposed regulation changes on 04/06/06. This workshop was noticed to the public on 3/20/06 by postings at governmental and private businesses in Las Vegas and Carson City as well as at one public library in each county in Nevada as well as our website. Public comment was solicited through these postings as well as through inquiries to the Board from the public. Interested persons may obtain a copy of the meeting minutes by downloading them from our website or contacting the Executive Director.

There were 5 Board members, 2 staff members and 12 members of the public present at the workshop. One Board member and one member of the public were present by speakerphone. Eight members of the public testified during the workshop and 2 members of public submitted written statements to the Board prior to the Board meeting.

Comment was solicited from affected businesses (licensees) during the workshop and hearing process to increase the application fees in December 2005. 30 of the 45 licensees were contacted by email and/or fax and presented with a questionnaire as to how they believed the proposed increase of fees would impact their business. Of the 30 questionnaires, 13 of them (43%) responded that they felt an increase of fees would negatively impact their business directly. Four (13%) responded in support of the fee increase and 13 did not respond at all. Overall, this represented 29% of the licensees who felt that the proposed increase of fees would negatively impact their business directly and 9% who did not. The proposed fee schedule is in the LCB draft of proposed regulations available on our website. It is also available by request to the Executive Director.

The reason that these regulations were adopted without change is because the Board took into account the testimony from practitioners in favor of a decrease of existing renewal license fees. In addition, the Board had intended the previous increase in renewal license fees to be a one year increase.

The estimated economic effect of the regulation on the business of sole practitioners is a decrease of annual expenditures for license renewals in the amount of \$300.00.

The adverse effects to businesses would be that this decrease of the existing fee from \$1,000 to \$700 does not return practitioners to the \$400 annual fee that they enjoyed for many years. The

beneficial effect would be that it strikes a balance between the budgetary needs of the Board to operate properly. The immediate effect on businesses would be having a stronger Board, resulting in more efficient regulation of the Oriental Medicine industry in the long-term.

The adverse effects to the public are possible pass through of costs to the consumer. The beneficial effect is more efficient regulation of the Oriental Medicine industry.

There are no additional costs to the Board for enforcement of the proposed regulations.

The proposed regulation neither overlaps nor duplicates any state or federal regulation and is merely an amendment to a regulation previously promulgated.

The regulation provides a decrease of existing license renewal fees to the Board for active licensees. Decreasing these fees will still generate approximately \$27,200.00 in revenue which will be used to pay our expenses annually and perform regulatory functions.