

LCB File No. R125-06

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

**NOTICE OF HEARING
*** PUBLIC NOTICE *****

**NOTICE OF WORKSHOP TO SOLICIT COMMENTS ON
PROPOSED REGULATION
OF THE NEVADA STATE BOARD OF HOMEOPATHIC MEDICAL EXAMINERS
2:00 p.m.
June 9, 2006**

**The Grant Sawyer Building
555 E. Washington, Room 4401
Las Vegas, NV 89101**

at

**Sierra Integrative Medical Center
380 Brinkby Avenue
Reno, NV 89509**

The Nevada State Board of Homeopathic Medical Examiners, 3626 Pecos McLeod Int., Suite 5, Las Vegas, Nevada 89121, is proposing the adoption, amendment, and repeal of regulations pertaining to chapter **630A** of the Nevada Administrative Code. A workshop has been set for the purpose of soliciting comments from interested persons on the following general topics that will be addressed in the proposed regulation:

1. The 6 months of postgraduate training in homeopathy required of an applicant for a license to practice homeopathic medicine (NAC 630A.072);
2. The establishment of a Compliance Audit Committee to perform random compliance audits or surveys of a licensee to monitor the quality of training or as otherwise deemed prudent and necessary by the Compliance Audit committee or the Board, the cost to be paid by the licensee (NAC 630A.076, .096, .120, .132, .136, .350, .450, .560);
3. Increasing the annual renewal fees for licensees, advanced practitioners of homeopathy, and homeopathic assistants; establishing administrative fees and assessments (NAC 630A.120); and
4. New language pertaining to the Board's supervision of the Nevada Institutional Review Board (NIRB), procedures for appointing persons to the NIRB, and other matters related to the NIRB.

The workshop will be conducted, **Friday, June 9, 2006, at the hour of 2:00 p.m.**, or soon thereafter as it may be conducted on that date at **The Grant Sawyer Building, 555 E. Washington, Room 4401, Las Vegas, NV 89101, and at the Sierra Integrative Medical Center, 380 Brinkby Avenue, Reno, NV 89509.**

The purpose of the workshop is to receive comments from all interested persons regarding the adoption and amendment of regulation pertaining to chapter **630A** of the Nevada Administrative Code. The Board believes this regulation is necessary to provide adequate means for covering costs incurred to carry out the Board's legislative mandate to protect the public from harm.

It has been determined that the proposed regulation will impose a direct and significant economic burden upon some homeopathic physicians and certified advanced practitioners of homeopathy, or could directly restrict the formation, operation, or expansion of the practice of alternative and complementary medicine in Nevada, including homeopathy.

Persons wishing to reduce the impact of the proposed regulation are invited to comment on the proposed adoption, amendment, or repeal of any parts of this regulation, and may appear at the scheduled workshop or may address their comments, data, views or opposition, in written form, to the Nevada State Board of Homeopathic Medical Examiners, 3626 Pecos McLeod Int., Suite 5, Las Vegas, Nevada 89121. Written submissions must be received by the Board on or before five (5) five days prior to the date set for the workshop. If no person directly affected by the proposed action appears to request time to make an oral presentation, the Nevada State Board of Homeopathic Medical Examiners may proceed immediately to act upon any written submissions during its July 22, 2006 Meeting, that will be held at 9:00 a.m. at Meadow Wood Courtyard, 5851 South Virginia St., Reno, Nevada.

A copy of this notice and the proposed adoption, amendment, or repeal of this regulation will be on file at the State Library, 100 Stewart Street, Carson City, Nevada, for inspection by members of the public during business hours. Additional copies of the notice and the regulation to be adopted, amended, or repealed will be available at the office of the Nevada State Board of Homeopathic Medical Examiners, 3626 Pecos McLeod Int., Suite 5, Las Vegas, Nevada 89121, and in all counties in which an office of the Board is not maintained, at the main public library, for inspection and copying by members of the public during business hours. This notice and the text of the proposed regulations are also available in the State of Nevada Register of Administrative Regulations which is prepared and published monthly by the Legislative Counsel Bureau pursuant to NRS 233B.0653 and on the internet at <http://www.leg.state.nv.us>. Copies will also be mailed to members of the public upon request. A reasonable fee may be charged for copies if it is deemed necessary.

Upon adoption of any or all of this regulation, the agency, if requested to do so by an interested person, either before adoption or within 30 days thereafter, will issue a concise statement of the principal reasons for and against its adoption, and incorporate therein its reason for overruling the consideration urged against its adoption.

Members of the public who are disabled and require special accommodations or assistance at the hearing are requested to notify the Board's Administrator, Mary Lou Heacock, by calling no later than 5 working days prior to the hearing, (702) 732-1400.

This notice of workshop has been posted at the following locations:

Washoe County Library-Reno, Nevada
White Pine County Court House-Ely, Nevada
Clark County Health Department-Las Vegas, Nevada
Las Vegas Office of the State Attorney General
Carson City Office of the State Attorney General
Carson City Public Library-Carson City, Nevada
Churchill County Public Library-Fallon, Nevada
Clark County Public Library-Las Vegas, Nevada
Douglas County Public Library-Minden, Nevada
Elko County Public Library-Elko, Nevada
Esmeralda County Public Library-Goldfield, Nevada
Eureka County Public Library-Eureka, Nevada
Humboldt County Public Library-Winnemucca, Nevada
Lander County Public Library-Battle Mountain, Nevada
Lincoln County Public Library-Pioche, Nevada
Lyon County Public Library-Yerington, Nevada
Mineral County Public Library-Hawthorne, Nevada
Nye County Public Library-Tonopah, Nevada
Pershing County Public Library-Lovelock, Nevada
Storey County Public Library-Virginia City, Nevada
White Pine County Public Library-Ely, Nevada

LCB File No. R125-06

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

Proposed and Approved by the Board on April 1, 2006

Explanation _ Matter in *bold italics* is new; matter in brackets ~~[omitted material]~~ is material to be omitted

AUTHORITY: NRS 630.200

Section 1. Chapter 630A of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 25, inclusive, of this regulation.

Sec. 2. NAC 630A.072 is hereby amended as follows:

NAC 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(*I*) must consist of courses, instructors or programs which are approved by the Board. In determining whether to approve a course or program, the Board will consider:

- (a) The textbooks and other instructional aids used in the course or program;
- (b) The institution offering the course or program;
- (c) The qualifications of the instructor teaching the course or program; and
- (d) Whether the course or program includes instruction on:
 - (1) The diagnostic and therapeutic principles referred to in NRS 630A.040(*I*);
 - (2) The procedure for evaluating a patient;
 - (3) The procedure for selecting an appropriate treatment based upon the evaluation of the patient;
 - (4) Homeopathic *posology* and pharmacology; and
 - (5) The methodology of prescribing homeopathic medicines and therapies.

2. The Board may revoke *without notice* 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 a list of courses and programs that are currently approved by 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 *Education Committee or the* Board, he may *not* submit the course or program to the *Education Committee or the* Board for approval ~~[]~~ *after taking the course or program. Prior approval of the program or course is required by the Board.* The Board's *Education Committee* will *review* the course or program based upon the considerations set forth in subsection 1 *upon written request to the Board.* If the ~~[Board]~~ *Education Committee* approves the course or program, the applicant will receive credit for the postgraduate training. *The credit will apply to the required continuing education requirements in the calendar year that approval is obtained.*

5. Unless the Education Committee performs the review at a regularly scheduled meeting of the committee, the applicant or licensee will be responsible for all costs of a special Education Committee meeting to consider any non-approved educational course or program.

Sec. 3. NAC 630A.076 is hereby amended as follows:

NAC 630A.076 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 NAC 630A.240 or who is engaged in training required pursuant to NAC 630A.420, if the licensee:

1. Receives approval in writing from the Board;
2. 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; and
3. 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~~[-];~~ ***and***

4. The Compliance Audit committee may perform a random compliance audit or survey of a licensee to monitor the quality of training or as otherwise deemed prudent and necessary by the Compliance Audit committee or the Board. The cost a compliance survey or audit will be paid by the licensee.

Sec. 4. NAC 630A.096 is hereby amended as follows:

NAC 630A.096 1. Except as otherwise provided in subsection 2, 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 homeopathic medical education in courses approved by the Board, including, without limitation, courses in complementary and alternative medical education.

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, homeopathic assistant or advanced practitioner of homeopathy fails to submit evidence of his completion of continuing homeopathic medical education within the time and in the manner set forth in subsection 1, his license or certificate will not be renewed. Such a person may not resume the practice of homeopathic medicine pursuant to this chapter and chapter 630A of NRS unless he:

- (a) Pays a fee to the Board which is twice the fee for renewal of:
 - (1) A license as set forth in subsection 1 of NAC 630A.120;
 - (2) A certificate to practice as a homeopathic assistant as set forth in paragraph (c) of subsection 2 of NAC 630A.550; or
 - (3) A certificate to practice as an advanced practitioner of homeopathy as set forth in paragraph (c) of subsection 2 of NAC 630A.550;
- (b) Submits to the Board, in such form as it requires, evidence that he has completed the 20 credits of continuing homeopathic 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. The Board shall perform a compliance survey or audit to assess a licensee's or certificate holder's compliance with chapter 630A of NRS and chapter 630A of NAC if a licensee or certificate holder has two or more of the following or any combination thereof in any continuous twelve month period or three or more of the following or any combination thereof in any continuous 36 month period:

- (a) Malpractice judgments (NAC 630A.136);**
- (b) Homeopathic practice related legal settlements over \$50,000; or**
- (c) Disciplinary actions by the Board;**

5. The cost of the compliance survey or audit shall be paid for by the licensee;

6. The Board shall perform a compliance survey or audit to assess all NRS 630A licensees not licensed under NRS 630 or NRS 633 every three year on a yearly rotating basis. The cost of the compliance survey or audit shall be paid for by the licensee.

Sec. 5. NAC 630A.120 is hereby amended as follows:

NAC 630A.120 The Board will charge and collect the following *administrative* fees and assessments. All administrative fees and assessments are due and payable at the time they are billed or as mandated by NRS 630A as follows:

1. For the renewal of **an annual registration** ~~[a license]~~ to practice homeopathic medicine.....\$ **600** ~~[550]~~

1. For the reexamination of an applicant who fails the examination for a license to practice homeopathic medicine.....\$ 330

3. For the reexamination of an applicant who fails the examination for a certificate to practice as an advanced practitioner of homeopathy.....\$ 165

4. For the reexamination of an applicant who fails the examination for a certificate to practice as a homeopathic assistant.....\$ 83

5. For a temporary, special or limited license or certificate.....\$ 150

6. The following mandatory assessments may be assessed by the Board to cover necessary expenses not met from licensing, certification or annual renewal registration fees:

(a). Yearly renewal registration fee for AHP certificate..... \$ 300

(b). Yearly renewal registration fee for HA certificate..... \$ 200

(c). Executive Director Assessment (HMD licensees only) \$-----

(d). Debt Reduction Assessment (HMD) \$-----

(e). Debt Reduction Assessment (AHP) \$-----

(f). Debt Reduction Assessment (HA) \$-----

(g). Board Office Operations Expense Assessment..... \$-----

(h). Legislative Consultant Assessment (HMD Licensees only)..... \$-----

(i). Biannual Board registrant information report..... \$-----

(j). Board website listing and maintenance assessment..... \$-----

7. For special services requested of the Board or requests for the Board to convene a special Board or special Committee meeting, the actual costs must be paid to the Board as a condition precedent to the rendition of the special service or the convening of the special meeting. A deposit of \$500 must be paid in advance. Amounts received for the special service in excess of the deposit will be refunded.....Billed At Cost

8. For Board mandated or required licensee and certificate holder compliance audit and survey (in addition to Board and auditor expenses).....\$500 /hour

9. For any and all expenses incurred by the Board, Board auditor(s) or Board committee related to Board or committee mandates relating to an applicant, licensee or certificate holder outside of regularly held Board or Committee meetingsBilled At Cost

10. Costs will be charged by the Board office for special services provided by the Executive Director and Board office staff for the following, without limitation: providing copies (60¢ per page) of past agendas, minutes, and recordings of Board or Committee meetings; conducting research for documents pertaining to Board business prior to the previous calendar year.....At Cost (plus copies at 60¢/page)

Sec. 6. NAC 630A.132 is hereby amended as follows:

NAC 630A.132 1. A homeopathic physician shall:

(a) Complete and return any official practice surveys, questionnaires or other necessary information required by the Board to protect the public within 30 days after the date the survey, questionnaire or other necessary information is postmarked; and

(b) Maintain a legible, written record, including, without limitation, a record that is typed, printed or generated by a computer, for each patient attended, as required by chapter 629 of NRS, and keep this record available for copying or inspection, as necessary, upon receipt of a written request for records authorized pursuant to chapter 629 of NRS.

2. 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;

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

(j) Submit false or fraudulent information to the Board~~;~~;

(k) Withhold information from the Board they are required to submit by statute or regulation to the Board;

(l) Act or behave in a disruptive, belligerent, uncooperative or threatening manner.

3. 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 GH3);

(c) A controlled substance or controlled substance analog which is listed in the official *Homeopathic Pharmacopoeia of the United States* (HPUS) or any supplement thereto 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;

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

(f) Preventive or early intervention using homeopathy; or

(g) Homeopathic medicines:

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

(2) From material doses and tinctures through low, medium, high and ultrahigh potencies relating to the specialty, subspecialty, school, method or style of homeopathy used.

4. If a homeopathic physician fails to complete and return a survey, questionnaire or other necessary information as required pursuant to paragraph (a) of subsection 1, the Board may by order, after a formal hearing held pursuant to NRS 630A.480 and except as otherwise provided in this subsection, impose an administrative fine. If the homeopathic physician waives his right to the hearing set forth in NRS 630A.480, the Board will impose an administrative fine in the amount of \$20 for each day a survey, questionnaire or other necessary information required to be completed and returned pursuant to paragraph (a) of subsection 1 is overdue, up to a maximum of \$500.

5. 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, 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.

6. The Compliance Audit Committee shall perform a compliance audit or survey of a licensee to monitor the quality of supervision of an advanced practitioner of homeopathy by a licensee supervisor or as otherwise deemed prudent and necessary by the Compliance Audit Committee or the Board. The cost a compliance audit or survey will be paid by the licensee.

Sec. 7. NAC 630A.136 is hereby amended as follows:

NAC 630A.136 1. If a judgment is entered against a homeopathic physician or advanced practitioner of homeopathy in any court, or a settlement is reached, on a claim involving malpractice, the homeopathic physician or advanced practitioner of homeopathy shall report that fact to the Board within 60 days after the judgment is entered or the settlement is reached.

2. As used in this section:

(a) "Community" embraces the entire area customarily served by homeopathic physicians and advanced practitioners of homeopathy among whom a patient may reasonably choose, not merely the particular area inhabited by the patients of that individual homeopathic physician or advanced practitioner of homeopathy or the particular city or place where the homeopathic physician or advanced practitioner of homeopathy has his office.

(b) "Malpractice" means failure on the part of a homeopathic physician or advanced practitioner of homeopathy to exercise the degree of care, diligence and skill ordinarily exercised by homeopathic physicians and advanced practitioners of homeopathy in good standing in the community in which he practices.

3. Withholding information from the Board is a violation of NAC 630A.560 (1);

4. The Compliance Audit Committee may perform a compliance audit or survey of a licensee to monitor the quality of practice or as otherwise deemed prudent and necessary by the Compliance Audit Committee or the Board;

5. The cost a compliance survey or audit will be paid by the licensee.

Sec. 8. NAC 630A.350 is hereby amended as follows:

NAC 630A.350 1. A homeopathic physician who supervises a homeopathic assistant must be licensed to practice homeopathic medicine in the State of Nevada and must currently practice homeopathic medicine in the State of Nevada.

2. A homeopathic assistant who is supervised by a homeopathic physician must be employed by that physician or by the entity that employs the homeopathic physician.

3. The supervising homeopathic physician of a homeopathic assistant shall meet and communicate with the homeopathic assistant whom he supervises on each day that the homeopathic assistant provides medical services.

4. The supervising homeopathic physician remains responsible for all medical services provided by a homeopathic assistant supervised by him.

5. The Compliance Audit Committee shall perform a compliance audit or survey of a researcher to monitor the quality of supervision, compliance or as otherwise deemed prudent and necessary by the Compliance Audit Committee or the Board;

6. The cost a compliance survey or audit will be paid by the licensee.

Sec. 9. NAC 630A.450 is hereby amended as follows:

NAC 630A.450 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.

4. The Compliance Audit Committee may perform a compliance audit or survey of the supervising homeopathic physician to monitor the quality of supervision, compliance or as otherwise deemed prudent and necessary by the Compliance Audit Committee or the Board;

5. The cost a compliance survey or audit will be paid by the supervising homeopathic physician.

Sec. 10. NAC 630A.560 is hereby amended as follows:

NAC 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:

1. Willfully and intentionally made a false or fraudulent statement or submitted a forged or false document to the Board;

2. Represented to another that 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, a regulation of the Board or the State Board of Health;

7. Administered, dispensed or possessed a controlled substance, except as authorized by law in the course of providing medical services;

8. Is not competent to provide the services required of a homeopathic assistant or advanced practitioner 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;

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

16. Has had disciplinary action taken against him in another jurisdiction or by another board that regulates health care in this state if the disciplinary action was taken against the homeopathic assistant or advanced practitioner of homeopathy in his capacity as the holder of a license or certificate which authorizes him to provide medical services.

17. The Compliance Audit Committee may perform a random compliance survey or audit of the supervising homeopathic physician and homeopathic assistant and advanced practitioner of homeopathy to monitor the quality of compliance or as otherwise deemed prudent and necessary by the Compliance Audit Committee or the Board;

18. The cost a compliance survey or audit will be paid by the supervising licensee.

Sec. 11. Chapter 630A of NAC is hereby amended by adding thereto the provisions set forth as section 11 of this regulation.

1. "Supervise" means to manage, direct and oversee; having the authority to manage, direct and oversee all actions of the Nevada Institutional Review Board;

2. "Approval" means to give formal sanction; to formally ratify; to confirm formally and authoritatively;

3. "Accountable" means liable to be called to account; answerable; responsible.

4. Appointment to the Nevada Institutional Review Board:

(a) All appointees will serve at the pleasure of the Nevada Board of Homeopathic Medical Examiners;

(b) No member of the Homeopathic Board may serve concurrently as a member of the NEVADA INSTITUTIONAL REVIEW Board except the Boards fiduciary officer of record, the Secretary-Treasurer of the Board;

(c) The standing Nevada Institutional Review Board Committee will interview, screen, and recommend all potential NRS 630A.865 (3) (a) appointees applying to serve on the Nevada Institutional Review Board to the Homeopathic Board;

(d) Individuals will be appointed to the NEVADA INSTITUTIONAL REVIEW Board by a majority vote of members of the Board. Any Nevada licensed health professional in good standing under the Healing Arts listed in chapter 629 of NRS shall be eligible for appointment to the Nevada Institutional Review Board;

(e) The following qualities will be required of all appointees to the Nevada Institutional Review Board:

(1) Communication skills;

(2) Ability to work cooperatively with others;

(3) Experience in the application of complementary integrative medical modalities;

(4) Interest in alternative and complementary integrative medicine;

(5) Interest in integrative biomedical research;

(6) Scientific expertise or clinical practice experience in integrative medicine;

(7) Academic qualifications in complementary integrative medicine; and

(8) Additional qualities the standing Nevada Institutional Review Board Committee and Homeopathic Board may require without limitation.

5. The Homeopathic Board will establish a standing Nevada Institutional Review Board Committee;

6. All matters pertaining to the Nevada Institutional Review Board shall be screened, reviewed and deliberated by the standing Nevada Institutional Review Board Committee before being brought before the Board.

7. Review and approval of all NEVADA INSTITUTIONAL REVIEWB regulations: All regulations developed, written and work shopped by the NEVADA INSTITUTIONAL REVIEW Board will be forwarded to the standing Nevada Institutional Review Board Committee for review. The standing Nevada Institutional Review Board Committee shall review and edit the proposed regulations for approval for referral to the LCB, deny the proposed regulations or refer the Committees final edited regulations to the Board for review and action.

8. The Board of Homeopathic Medical Examiners shall be reimbursed by the Nevada Institutional Review Board for all administrative costs, including necessary Board or committee meetings, travel, legal costs, Legislative Counsel Bureau fees for service, and any other legal consultants, or consultants in matters pertaining the supervision, approval of NEVADA INSTITUTIONAL REVIEW Board regulations, and for all costs of maintaining accountability for all of the activities of the Nevada Institutional Review Board;

9. The Compliance Audit Committee of the Board of Homeopathic Medical Examiners shall perform a random compliance audit or survey for monitoring the quality and safety of a researcher licensed under NRS 630A or conducting research under NRS 630A as otherwise deemed prudent and necessary by the Compliance Audit Committee or the Board. The cost a compliance audit or survey will be paid by the researcher.

10. The Nevada Institutional Review Board will conduct all meetings and parliamentary procedures according to Roberts Rules of Order, tenth edition.