

SENATE BILL NO. 506—COMMITTEE ON COMMERCE AND LABOR  
(ON BEHALF OF BOARD OF HOMEOPATHIC MEDICAL EXAMINERS)

MARCH 26, 2001

Referred to Committee on Commerce and Labor

SUMMARY—Makes various changes relating to practice of homeopathic medicine.  
(BDR 54-619)

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

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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 homeopathic medicine; requiring a person regulated by the board of homeopathic medical examiners and his insurer to report to the board any claim for malpractice or negligence and the disposition thereof; revising the requirements for the restoration of a license or certificate under certain circumstances; requiring suspension of a license or certificate under certain circumstances; and providing other matters properly relating thereto.

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

1 **Section 1.** Chapter 630A of NRS is hereby amended by adding  
2 thereto the provisions set forth as sections 2, 3 and 4 of this act.

3 **Sec. 2.** *The legislature finds and declares that it is among the*  
4 *responsibilities of state government to ensure, as far as possible, that only*  
5 *competent persons practice homeopathic medicine within this state. For*  
6 *this purpose, the legislature delegates to the board of homeopathic*  
7 *medical examiners the duty of determining the initial and continuing*  
8 *competence of homeopathic physicians, advanced practitioners of*  
9 *homeopathy and homeopathic assistants practicing homeopathic*  
10 *medicine in this state. The powers conferred upon the board by this*  
11 *chapter must be liberally construed to carry out this purpose.*

12 **Sec. 3.** *“Healing art” means any system, treatment, operation,*  
13 *diagnosis, prescription or practice for the ascertainment, cure, relief,*  
14 *palliation, adjustment or correction of any human disease, ailment,*  
15 *deformity, injury, or unhealthy or abnormal physical or mental condition*  
16 *for the practice of which long periods of specialized education and*  
17 *training and a degree of specialized knowledge of an intellectual as well*  
18 *as physical nature are required.*



1     **Sec. 4.** *The insurer of a homeopathic physician, advanced*  
2 *practitioner of homeopathy or homeopathic assistant and the*  
3 *homeopathic physician, advanced practitioner of homeopathy or*  
4 *homeopathic assistant shall report to the board any claim for malpractice*  
5 *or negligence and the settlement, award, judgment or other disposition*  
6 *thereof.*

7     **Sec. 5.** NRS 630A.010 is hereby amended to read as follows:

8     630A.010 As used in this chapter, unless the context otherwise  
9 requires, the words and terms defined in NRS 630A.015 to 630A.075,  
10 inclusive, *and section 3 of this act* have the meanings ascribed to them in  
11 those sections.

12     **Sec. 6.** NRS 630A.110 is hereby amended to read as follows:

13     630A.110 1. Four members of the board must be persons who are  
14 licensed to practice allopathic or osteopathic medicine in any state or  
15 country, the District of Columbia, or a territory or possession of the United  
16 States, have been engaged in the practice of homeopathic medicine in this  
17 state for a period of more than 2 years preceding their respective  
18 appointments, are actually engaged in the practice of homeopathic  
19 medicine in this state and are residents of the state.

20     2. The remaining members must be persons who:

- 21     (a) Are not licensed in any state to practice any healing art;  
22     (b) Are not actively engaged in the administration of any medical  
23 facility or facility for the dependent as defined in chapter 449 of NRS;  
24     (c) Do not have a pecuniary interest in any matter pertaining to such a  
25 facility, except as a patient or potential patient; and  
26     (d) Have resided in this state for at least 5 years.

27     3. The members of the board must be selected without regard to their  
28 individual political beliefs.

29     ~~[4. —As used in this section, “healing art” means any system, treatment,~~  
30 ~~operation, diagnosis, prescription or practice for the ascertainment, cure,~~  
31 ~~relief, palliation, adjustment or correction of any human disease, ailment,~~  
32 ~~deformity, injury, or unhealthy or abnormal physical or mental condition~~  
33 ~~for the practice of which long periods of specialized education and training~~  
34 ~~and a degree of specialized knowledge of an intellectual as well as physical~~  
35 ~~nature are required.]~~

36     **Sec. 7.** NRS 630A.325 is hereby amended to read as follows:

37     630A.325 1. To renew a license other than a temporary, special or  
38 limited license issued pursuant to this chapter, each person must, on or  
39 before January 1 of each year:

- 40     (a) Apply to the board for renewal;  
41     (b) Submit the statement required pursuant to NRS 630A.246;  
42     (c) Pay the annual fee for renewal set by the board; and  
43     (d) Submit evidence to the board of his completion of the requirements  
44 for continuing education.

45     2. The board shall, as a prerequisite for the renewal or restoration of a  
46 license other than a temporary, special or limited license, require each  
47 holder of a license to comply with the requirements for continuing  
48 education adopted by the board.



1     3. Any holder who fails to ~~pay the annual fee for renewal and submit~~  
2 ~~the statement required pursuant to NRS 630A.246 after they become due~~  
3 ~~must be given a period of 60 days in which to pay the fee and submit the~~  
4 ~~statement, and, failing to do so,]~~ *comply with the provisions of subsection*  
5 *1* automatically forfeits his right to practice homeopathic medicine, and his  
6 license to practice homeopathic medicine in this state is automatically  
7 suspended. The holder may, within 2 years after the date his license is  
8 suspended, apply for the restoration of his license.

9     4. The board shall notify any holder whose license is automatically  
10 suspended pursuant to subsection 3 and send a copy of the notice to the  
11 Drug Enforcement Administration of the United States Department of  
12 Justice or its successor agency.

13     5. *The board shall send a notice of renewal to each holder of a*  
14 *license not later than November 15 of each year. The notice must include*  
15 *a statement of the provisions of subsections 1 to 4, inclusive, and the*  
16 *amount of the fee for the renewal of the license.*

17     6. *The holder of a license that is suspended pursuant to this section*  
18 *who applies for the restoration of his license must:*  
19     *(a) File an application with the board;*  
20     *(b) Submit the fee for the restoration of the license prescribed in NRS*  
21 *630A.330;*  
22     *(c) Submit the statement required by NRS 630A.246; and*  
23     *(d) Submit evidence of completion of the requirements for continuing*  
24 *education for each year his license is suspended.*

25     **Sec. 8.** NRS 630A.330 is hereby amended to read as follows:  
26     630A.330 1. Except as otherwise provided in subsection 6, each  
27 applicant for a license to practice homeopathic medicine must:  
28     (a) Pay a fee of \$500; and  
29     (b) Pay the cost of obtaining such further evidence and proof of  
30 qualifications as the board may require pursuant to subsection 2 of NRS  
31 630A.240.

32     2. Each applicant for a certificate as an advanced practitioner of  
33 homeopathy must:  
34     (a) Pay a fee of \$300; and  
35     (b) Pay the cost of obtaining such further evidence and proof of  
36 qualifications as the board may require pursuant to NRS 630A.295.

37     3. Each applicant for a certificate as a homeopathic assistant must pay  
38 a fee of \$150.

39     4. Each applicant for a license or certificate who fails an examination  
40 and who is permitted to be reexamined must pay a fee not to exceed \$400  
41 for each reexamination.

42     5. If an applicant for a license or certificate does not appear for  
43 examination, for any reason deemed sufficient by the board, the board may,  
44 upon request, refund a portion of the application fee not to exceed 50  
45 percent of the fee. There must be no refund of the application fee if an  
46 applicant appears for examination.

47     6. Each applicant for a license issued under the provisions of NRS  
48 630A.310 or 630A.320 must pay a fee not to exceed \$150, as determined  
49 by the board, and must pay a fee of \$100 for each renewal of the license.



\* S B 5 0 6 \*

1 7. The fee for the renewal of a license or certificate, as determined by  
2 the board, must not exceed \$600 per year and must be collected for the  
3 year in which a physician, advanced practitioner of homeopathy or  
4 homeopathic assistant is licensed or certified.

5 8. The fee for the restoration of a suspended license or certificate is  
6 twice the amount of the fee for the renewal of ~~the~~ the license or certificate  
7 at the time of the restoration of the license or certificate ~~for each year or~~  
8 *portion of a year for which the license or certificate was suspended.*

9 **Sec. 9.** NRS 630A.510 is hereby amended to read as follows:

10 630A.510 1. Any member of the board who was not a member of the  
11 investigative committee, if one was appointed, may participate in the final  
12 order of the board. If the board, after a formal hearing, determines that a  
13 violation of the provisions of this chapter or the regulations adopted by the  
14 board has occurred, it shall issue and serve on the person charged an order,  
15 in writing, containing its findings and any sanctions imposed by the board.  
16 If the board determines that no violation has occurred, it shall dismiss the  
17 charges, in writing, and notify the person that the charges have been  
18 dismissed. *If the disciplinary proceedings were instituted against the*  
19 *homeopathic physician, homeopathic assistant or advanced practitioner*  
20 *of homeopathy as a result of a complaint filed against him, the board*  
21 *may provide him with a copy of the complaint, including the name of the*  
22 *person, if any, who filed the complaint.*

23 2. ~~the~~ Except as otherwise provided in subsection 3, if the board finds  
24 that a violation has occurred, it may by order:

25 (a) Place the person on probation for a specified period on any of the  
26 conditions specified in the order.

27 (b) Administer to the person a public reprimand.

28 (c) Limit the practice of the person or exclude a method of treatment  
29 from the scope of his practice.

30 (d) Suspend the license of the person for a specified period or until  
31 further order of the board.

32 (e) Revoke the license of the person to practice homeopathic medicine.

33 (f) Require the person to participate in a program to correct a  
34 dependence upon alcohol or a controlled substance, or any other  
35 impairment.

36 (g) Require supervision of the person's practice.

37 (h) Impose an administrative fine not to exceed \$10,000.

38 (i) Require the person to perform public service without compensation.

39 (j) Require the person to take a physical or mental examination or an  
40 examination of his competence to practice homeopathic medicine.

41 (k) Require the person to fulfill certain training or educational  
42 requirements.

43 (l) Require the person to pay the costs of the investigation and hearing.

44 3. *If the board finds that a homeopathic physician, homeopathic*  
45 *assistant or an advanced practitioner of homeopathy has violated the*  
46 *provisions of NRS 439B.425, the board shall suspend his license or*  
47 *certificate for a specified period or until further order of the board.*



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1     **Sec. 10.** NRS 690B.045 is hereby amended to read as follows:  
2     690B.045   Except as more is required in NRS 630.3067 ~~+~~ *or section 4*  
3     *of this act:*  
4     1. Each insurer which issues a policy of insurance covering the  
5     liability of a practitioner licensed pursuant to chapters 630 to 640,  
6     inclusive, of NRS for a breach of his professional duty toward a patient  
7     shall report to the board which licensed the practitioner within 30 days  
8     each settlement or award made or judgment rendered by reason of a claim,  
9     if the settlement, award or judgment is for more than \$5,000, giving the  
10    name and address of the claimant and the practitioner and the  
11    circumstances of the case.  
12    2. A practitioner licensed pursuant to chapters 630 to 640, inclusive, of  
13    NRS who does not have insurance covering liability for a breach of his  
14    professional duty toward a patient shall report to the board which issued his  
15    license within 30 days of each settlement or award made or judgment  
16    rendered by reason of a claim, if the settlement, award or judgment is for  
17    more than \$5,000, giving his name and address, the name and address of  
18    the claimant and the circumstances of the case.  
19    3. These reports are public records and must be made available for  
20    public inspection within a reasonable time after they are received by the  
21    licensing board.  
22    **Sec. 11.** This act becomes effective upon passage and approval.

