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ASSEMBLY BILL NO. 21-ASSEMBLYWOMEN
GIUNCHIGLIANI
AND GIBBONS

PREFILED JANUARY 29, 2003

Referred to Committee on Commerce and Labor

SUMMARY—Makes changes related to practice of Oriental medicine. (BDR 54-226)

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.

Green numbers along left margin indicate location on the printed bill (e.g., 5-15 indicates page 5, line 15).

AN ACT relating to Oriental medicine; defining the term “accredited”; revising the qualifications for members of the State Board of Oriental Medicine; revising the requirements for a license to practice Oriental medicine; and providing other matters properly relating thereto.

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

Section 1. NRS 634A.020 is hereby amended to read as follows:

634A.020 As used in this chapter, unless the context otherwise requires:

1. ~~“Accredited” means approved by the Accreditation Commission for Acupuncture and Oriental Medicine or its successor organization.~~

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SUBMITTED BY: CHRIS GIUNCHIGLIANI

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2. "Acupuncture" means the insertion of needles into the human body by piercing the skin of the body to control and regulate the flow and balance of energy in the body and to cure, relieve or palliate:

- (a) Any ailment or disease of the mind or body; or
- (b) Any wound, bodily injury or deformity.

~~{2-}~~ 3. "Board" means the State Board of Oriental Medicine.

~~{3-}~~ 4. "Doctor of Oriental medicine" means a person who is licensed under the provisions of this chapter to practice as a doctor of Oriental medicine.

~~{4-}~~ 5. "Herbal medicine" and "practice of herbal medicine" mean suggesting, recommending, prescribing or directing the use of herbs for the cure, relief or palliation of any ailment or disease of the mind or body, or for the cure or relief of any wound, bodily injury or deformity.

~~{5-}~~ 6. "Herbs" means plants or parts of plants valued for medicinal qualities.

~~{6-}~~ 7. "Oriental medicine" means that system of the healing art which places the chief emphasis on the flow and balance of energy in the body mechanism as being the most important single factor in maintaining the well-being of the organism in health and disease. The term includes the practice of acupuncture and herbal medicine and other services approved by the Board.

1-1 **Sec. 2.** NRS 634A.030 is hereby amended to read as follows:

1-2 634A.030 1. The State Board of Oriental Medicine,
1-3 consisting of five members appointed by the Governor, is hereby
1-4 created.

1-5 2. ~~{The Governor shall appoint to the Board:~~

1-6 ~~(a) Three members who are licensed pursuant to this chapter.~~

1-7 ~~(b) Two members who are representatives of the general public.~~

1-8 ~~3-}~~ Each member of the Board shall, before entering upon the
1-9 duties of his office, take the oath of office prescribed by the
1-10 Constitution before someone qualified to administer oaths.

1-11 **Sec. 3.** NRS 634A.040 is hereby amended to read as follows:

1-12 634A.040 ~~{All members of the Board shall be}~~

1-13 1. The Governor shall appoint three members to the Board
1-14 who:
1-15 (a) Have a license issued pursuant to this chapter;
1-16 (b) Do not have a license in this state to practice any healing
1-17 art other than Oriental medicine;
1-18 ~~(c) Do not have a license in any other state to practice any~~
1-19 ~~healing art;~~
1-20 (d) Have received the degree of doctor of Oriental medicine
1-21 from a school or college of Oriental medicine that is approved
by
1-22 the Board;
1-23 (e) Currently engage in the practice of Oriental medicine in
1-24 this state, and have engaged in the practice of Oriental
medicine
1-25 in this state for at least 5 years preceding appointment to the
1-26 Board;
1-27 (f) Are citizens of the United States ; and
1-28 (g) Are residents of the State of Nevada[,] and have been for
at
1-29 least ~~1 year~~ 2 years preceding appointment to the Board.

2-1 2. The Governor shall appoint two members to the Board
2-2 who:

2-3 ~~(a) Do not have a license in any state to practice any healing~~
2-4 ~~art;~~

(a) One of whom shall be licensed by the Board of Medical
examiners.

2-5 (b) Do not engage in the administration of a facility for
2-6 Oriental medicine or a school for Oriental medicine;

2-7 (c) Do not have a pecuniary interest in any matter pertaining
2-8 to Oriental medicine, except as a patient or potential patient;

2-9 (d) Are citizens of the United States; and

2-10 (e) Are residents of the State of Nevada and have been for at
2-11 least ~~1 year~~ 2 years preceding appointment to the Board.

2-12 Sec. 4. NRS 634A.120 is hereby amended to read as follows:

2-13 634A.120 1. Each applicant for a license to practice as a

2-14 doctor of Oriental medicine must pass:

2-15 (a) An examination in Oriental medicine that is administered
by

2-16 a national organization approved by the Board; and

2-17 (b) A practical examination approved by the Board that tests
the

2-18 applicant's knowledge and understanding of ~~{the}~~ :

2-19 (1) *Basic medical science;*

2-20 (2) *Acupuncture;*

2-21 (3) *Herbal medicine;*

2-22 (4) *Oriental medicine;*

2-23 (5) *English proficiency; and*

2-24 (6) *The laws and regulations of this state relating to health
2-25 and safety in the practice of Oriental medicine.*

2-26 **2. The Board may establish by regulation:**

2-27 (a) *Additional subject areas to be included in the practical
2-28 examination; and*

2-29 (b) *Specific methods for the administration of the practical
2-30 examination, including, but not limited to, written, oral,
2-31 demonstrative, practical or any combination thereof.*

2-32 **3. The Board shall contract for the preparation,
administration**

2-33 and grading of the practical examination.

2-34 ~~{2.}~~ **4. Except as otherwise provided in subsection ~~{3.}~~ 5, the
2-35 Board shall offer the practical examination at least two times
each**

2-36 year at a time and place established by the Board.

2-37 ~~{3.}~~ **5. The Board may cancel a scheduled practical
2-38 examination if, within 60 days before the examination, the
Board**

2-39 has not received a request to take the examination.

2-40 ~~{4.}~~ **6. A person who fails the practical examination may
2-41 retake the examination.**

2-42 **Sec. 5. NRS 634A.140 is hereby amended to read as follows:**

2-43 **634A.140 The Board shall issue a license to practice as a**

2-44 doctor of Oriental medicine to an applicant who:

2-45 1. Has:

3-1 (a) Successfully completed an accredited 4-year program of
3-2 study, or its equivalent, in Oriental medicine at a school or
college

3-3 of Oriental medicine that is approved by the Board;

3-4 (b) Earned a bachelor's degree from an accredited college or
3-5 university in the United States;

3-6 (c) Passed an investigation of his background and personal
3-7 history conducted by the Board; and

3-8 (d) Passed the examinations required by NRS 634A.120; or

3-9 2. Has:

3-10 (a) Successfully completed ~~at an accredited~~ 4-year program
of

3-11 study, or its equivalent, in Oriental medicine at a school or
college

3-12 of Oriental medicine that is approved by the Board;

3-13 (b) Lawfully practiced Oriental medicine in another state or
3-14 foreign country for at least 4 years;

3-15 (c) Passed an investigation of his background and personal
3-16 history conducted by the Board; and

3-17 (d) Passed the examinations required by NRS 634A.120.

3-18 **Sec. 6.** Notwithstanding the amendatory provisions of
sections

3-19 2 and 3 of this act, each person serving as a member of the State
3-20 Board of Oriental Medicine on October 1, 2003, may continue to
3-21 serve until the expiration of his term.