

SENATE BILL NO. 436—COMMITTEE ON COMMERCE AND LABOR

MARCH 29, 2005

Referred to Committee on Commerce and Labor

SUMMARY—Makes various changes relating to practice of homeopathic medicine. (BDR 54-21)

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; authorizing the Board of Homeopathic Medical Examiners to grant a certificate to an advanced practitioner of homeopathy to practice without supervision under certain circumstances; clarifying the authority of the Board over the practice of homeopathic and complementary and alternative medicine; reducing the period during which a person must reside in this State before becoming a certain member of the Board; revising provisions relating to the issuance and renewal of licenses to practice homeopathic medicine; revising provisions relating to the certification of advanced practitioners of homeopathy and homeopathic assistants; revising provisions governing the discipline of licensees and certificate holders; providing a penalty; 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
- 2     adding thereto the provisions set forth as sections 2 to 7, inclusive,
- 3     of this act.
- 4     **Sec. 2. 1. *The Legislature finds and declares that:***
- 5     ***(a) It is among the responsibilities of State Government to***
- 6     ***ensure, as far as possible, that only competent persons practice***



1 *homeopathy, and complementary and alternative medicine in this*  
2 *State; and*

3 *(b) For the protection and benefit of the public, the Legislature*  
4 *delegates to the Board the power and duty to determine the initial*  
5 *and continuing competence of homeopathic physicians who*  
6 *practice homeopathy, and complementary and alternative*  
7 *medicine in this State and of persons who practice as advanced*  
8 *practitioners of homeopathy and homeopathic assistants in this*  
9 *State.*

10 2. *The powers conferred upon the Board by this chapter must*  
11 *be liberally construed to carry out those purposes for the*  
12 *protection and benefit of the public.*

13 **Sec. 3. "Certificate holder" means:**

14 1. *An advanced practitioner of homeopathy to whom the*  
15 *Board has granted a certificate as an advanced practitioner of*  
16 *homeopathy pursuant to NRS 630A.293 or section 7 of this act; or*

17 2. *A homeopathic assistant to whom the Board has issued a*  
18 *certificate pursuant to NRS 630A.297.*

19 **Sec. 4. "Complementary and alternative medicine" includes**  
20 *noninvasive electrodiagnosis, cell therapy, neural therapy, herbal*  
21 *therapy, neuromuscular integration, orthomolecular therapy and*  
22 *nutrition.*

23 **Sec. 5. "Healing art" means any system, treatment,**  
24 *operation, diagnosis, prescription or practice for the*  
25 *ascertainment, cure, relief, palliation, adjustment or correction of*  
26 *any human disease, ailment, deformity, injury, or unhealthy or*  
27 *abnormal physical or mental condition for the practice of which*  
28 *long periods of specialized education and training and a degree of*  
29 *specialized knowledge of an intellectual as well as physical nature*  
30 *are required.*

31 **Sec. 6. The provisions of this chapter authorize a person**  
32 *licensed as a homeopathic physician pursuant to this chapter to*  
33 *practice homeopathic medicine, including prescribing*  
34 *pharmaceutical medicines and conducting office-based*  
35 *procedures.*

36 **Sec. 7. 1. An advanced practitioner of homeopathy who has**  
37 *practiced as such for at least 2 years may apply to the Board for a*  
38 *certificate as an advanced practitioner of homeopathy authorizing*  
39 *him to practice:*

40 *(a) As an advanced practitioner of homeopathy pursuant to a*  
41 *protocol approved by the Board; and*

42 *(b) Without the supervision of a supervising homeopathic*  
43 *physician.*

44 2. *The Board may grant a certificate specified in subsection 1*  
45 *if:*



1       (a) *The supervising homeopathic physician provides the Board*  
2 *with a notarized statement that the advanced practitioner of*  
3 *homeopathy has practiced as an advanced practitioner of*  
4 *homeopathy safely for at least 2 years pursuant to the protocol*  
5 *approved by the supervising homeopathic physician;*

6       (b) *The Board has no evidence that the advanced practitioner*  
7 *of homeopathy has failed to comply with any provision of this*  
8 *chapter or any regulation adopted pursuant thereto; and*

9       (c) *The advanced practitioner of homeopathy:*

10       (1) *Is not under investigation by the Board;*

11       (2) *Agrees to practice pursuant to the protocol approved by*  
12 *the Board for the advanced practitioner of homeopathy;*

13       (3) *Passes an oral or a written examination administered by*  
14 *the Board or a panel selected by the Board, if required by the*  
15 *Board.*

16       3. *Upon the determination by the Board that an advanced*  
17 *practitioner of homeopathy is qualified to practice as an advanced*  
18 *practitioner of homeopathy in the manner specified in subsection*  
19 *1, the Board shall:*

20       (a) *Approve the protocol pursuant to which the advanced*  
21 *practitioner of homeopathy must engage in that practice; and*

22       (b) *Issue to the advanced practitioner of homeopathy an*  
23 *amended certificate as an advanced practitioner of homeopathy*  
24 *which clearly indicates that the advanced practitioner of*  
25 *homeopathy is entitled to engage in that practice.*

26       4. *As used in this section, "protocol approved by the Board"*  
27 *means a written agreement between the Board and an advanced*  
28 *practitioner of homeopathy which sets forth matters including the:*

29       (a) *Patients which the advanced practitioner of homeopathy*  
30 *may serve;*

31       (b) *Specific substances used in homeopathic medicine which*  
32 *the advanced practitioner of homeopathy may prescribe; and*

33       (c) *Conditions under which the advanced practitioner of*  
34 *homeopathy must directly refer the patient to a homeopathic*  
35 *physician.*

36       **Sec. 8.** NRS 630A.010 is hereby amended to read as follows:

37       630A.010 As used in this chapter, unless the context otherwise  
38 requires, the words and terms defined in NRS 630A.015 to  
39 630A.075, inclusive, *and sections 3, 4 and 5 of this act* have the  
40 meanings ascribed to them in those sections.

41       **Sec. 9.** NRS 630A.015 is hereby amended to read as follows:

42       630A.015 *1.* "Advanced practitioner of homeopathy" means  
43 a person who has:



~~[1-]~~ (a) Complied with all of the requirements set forth in this chapter and the regulations adopted by the Board for advanced practitioners of homeopathy; and

~~[2-]~~ (b) Received from the Board a certificate as an advanced practitioner of homeopathy.

*2. The term includes an advanced practitioner of homeopathy who holds a certificate issued pursuant to NRS 630A.293 and an advanced practitioner of homeopathy who holds a certificate issued pursuant to section 7 of this act.*

**Sec. 10.** NRS 630A.040 is hereby amended to read as follows:  
630A.040 *1.* "Homeopathic medicine" or "homeopathy" means a ~~[system]~~ school of medicine ~~[employing]~~ which:

(a) *Emphasizes the holistic relationship of body, mind, spirit and subtle body energies in evaluating health and in evaluating and treating disease;*

(b) *Uses all linear and nonlinear methods of diagnosis and treatment of physical, emotional and mental health, and of prevention, diagnosis and treatment of diseases affecting physical, emotional and mental health;*

(c) *Includes prescribing and administering drugs, biologicals, electromagnetic emissions and emissions from energy fields; and*

(d) *Employs* substances of animal, vegetable, chemical or mineral origin, including ~~[-]~~:

~~1.—Nosodes]~~ *nosodes* and sarcodes, which are:

~~[(a)]~~ (1) Given in micro-dosage, except that sarcodes may be given in macro-dosage;

~~[(b)]~~ (2) Prepared according to homeopathic pharmacology by which the formulation of homeopathic preparations is accomplished by the methods of Hahnemannian dilution and succussion or magnetically energized geometric patterns ~~[applicable in potencies above 30X,]~~ as defined in the official *Homeopathic Pharmacopoeia of the United States*; and

~~[(c)]~~ (3) Prescribed by homeopathic physicians or advanced practitioners of homeopathy according to the medicines and dosages in the *official Homeopathic Pharmacopoeia of the United States*. ~~[-]~~  
~~→ in accordance with the principle that a substance which produces symptoms in a healthy person can eliminate those symptoms in an ill person.~~

~~2.—Noninvasive electrodiagnosis, cell therapy, neural therapy, herbal therapy, neuromuscular integration, orthomolecular therapy and nutrition.]~~

*2. The term includes complementary and alternative medicine.*

**Sec. 11.** NRS 630A.080 is hereby amended to read as follows:  
630A.080 ~~[The]~~



1     ***1. In addition to the provisions of section 2 of this act, the***  
2     purpose of licensing homeopathic physicians ***and certifying***  
3     ***advanced practitioners of homeopathy and homeopathic assistants***  
4     is to protect the public health and safety and the general welfare of  
5     the people of this State.

6     ***2.*** Any license ***or certificate*** issued pursuant to this chapter is a  
7     revocable privilege and no holder of such a license ***or certificate***  
8     acquires thereby any vested right.

9     **Sec. 12.** NRS 630A.090 is hereby amended to read as follows:  
10    630A.090 1. This chapter does not apply to:

11    (a) The practice of dentistry, chiropractic, Oriental medicine,  
12    podiatry, optometry, respiratory care, faith or Christian Science  
13    healing, nursing, veterinary medicine or fitting hearing aids.

14    (b) A medical officer of the Armed Services or a medical officer  
15    of any division or department of the United States in the discharge  
16    of his official duties.

17    (c) Licensed or certified nurses in the discharge of their duties as  
18    nurses.

19    (d) Homeopathic physicians who are called into this State, other  
20    than on a regular basis, for consultation or assistance to any  
21    physician licensed in this State, and who are legally qualified to  
22    practice in the state or country where they reside.

23    2. This chapter does not repeal or affect any statute of Nevada  
24    regulating or affecting any other healing art.

25    3. This chapter does not prohibit:

26    (a) Gratuitous services of a person in case of emergency.

27    (b) The domestic administration of family remedies.

28    ~~***[4. This chapter does not authorize a homeopathic physician to***~~  
29    ~~***practice medicine, including allopathic medicine, except as***~~  
30    ~~***otherwise provided in NRS 630A.040.]***~~

31    **Sec. 13.** NRS 630A.110 is hereby amended to read as follows:

32    630A.110 1. Three members of the Board must be persons  
33    who are licensed to practice allopathic or osteopathic medicine in  
34    any state or country, the District of Columbia or a territory or  
35    possession of the United States, have been engaged in the practice  
36    of homeopathic medicine in this State for a period of more than 2  
37    years preceding their respective appointments, are actually engaged  
38    in the practice of homeopathic medicine in this State and are  
39    residents of the State.

40    2. One member of the Board must be a person who has resided  
41    in this State for at least 5 years and who represents the interests of  
42    persons or agencies that regularly provide health care to patients  
43    who are indigent, uninsured or unable to afford health care. This  
44    member may be licensed under the provisions of this chapter.



3. The remaining three members of the Board must be persons who:

- (a) Are not licensed in any state to practice any healing art;
- (b) Are not the spouse or the parent or child, by blood, marriage or adoption, of a person licensed in any state to practice any healing art;
- (c) Are not actively engaged in the administration of any medical facility or facility for the dependent as defined in chapter 449 of NRS;
- (d) Do not have a pecuniary interest in any matter pertaining to such a facility, except as a patient or potential patient; and
- (e) Have resided in this State for at least ~~[5]~~ 2 years.

4. The members of the Board must be selected without regard to their individual political beliefs.

~~[5. As used in this section, "healing art" means any system, treatment, operation, diagnosis, prescription or practice for the ascertainment, cure, relief, palliation, adjustment or correction of any human disease, ailment, deformity, injury, or unhealthy or abnormal physical or mental condition for the practice of which long periods of specialized education and training and a degree of specialized knowledge of an intellectual as well as physical nature are required.]~~

**Sec. 14.** NRS 630A.240 is hereby amended to read as follows:  
630A.240 1. An applicant for a license to practice homeopathic medicine who is a graduate of a medical school located in the United States or Canada shall submit to the Board, through its Secretary-Treasurer, proof that he has received:

(a) The degree of doctor of medicine from a medical school which at the time of his graduation was accredited by the Liaison Committee on Medical Education or the Committee ~~[for the]~~ *on* Accreditation of Canadian Medical Schools, or the degree of doctor of osteopathic medicine from ~~[an osteopathic]~~ *a school of osteopathic medicine* which at the time of his graduation was accredited by the ~~[Bureau of Professional Education]~~ *Commission on Osteopathic College Accreditation* of the American Osteopathic Association;

(b) One year of postgraduate training in allopathic or osteopathic medicine approved by the Board; and

(c) Six months of postgraduate training in homeopathy.

2. In addition to the proofs required by subsection 1, the Board may take such further evidence and require such other documents or proof of qualification as in its discretion may be deemed proper.

3. If it appears that the applicant is not of good moral character or reputation or that any credential submitted is false, the applicant may be rejected.



1     **Sec. 15.** NRS 630A.260 is hereby amended to read as follows:

2     630A.260 1. If an applicant fails in a first examination, he  
3 may be reexamined after not less than ~~6~~ 3 months.

4     2. If he fails in a second examination, he may not be  
5 reexamined within less than 1 year after the date of the second  
6 examination. Before taking a third examination, he shall furnish  
7 proof satisfactory to the Board of 1 year of additional training in  
8 homeopathy after the second examination.

9     3. If an applicant fails three consecutive examinations, he must  
10 show the Board by clear and convincing evidence that extraordinary  
11 circumstances justify permitting him to be reexamined again.

12     **Sec. 16.** NRS 630A.270 is hereby amended to read as follows:

13     630A.270 1. An applicant for a license to practice  
14 homeopathic medicine who is a graduate of a ~~foreign~~ medical  
15 school *or a school of osteopathic medicine located outside the*  
16 *United States or Canada* shall submit to the Board , through its  
17 Secretary-Treasurer , proof that he:

18     (a) Is a citizen of the United States, or that he is lawfully entitled  
19 to remain and work in the United States;

20     (b) Has received the degree of doctor of medicine or ~~its~~  
21 *equivalent, the degree of osteopathic medicine or its equivalent*, as  
22 determined by the Board, from a ~~foreign~~ medical school *or a*  
23 *school of osteopathic medicine located outside the United States or*  
24 *Canada that is* recognized by the Educational Commission for  
25 Foreign Medical Graduates;

26     (c) Has completed 3 years of postgraduate training satisfactory  
27 to the Board;

28     (d) Has completed an additional 6 months of postgraduate  
29 training in homeopathic medicine;

30     (e) Has received the standard certificate of the Educational  
31 Commission for Foreign Medical Graduates; and

32     (f) Has passed all parts of the Federation Licensing  
33 Examination, or has received a written statement from the  
34 Educational Commission for Foreign Medical Graduates that he has  
35 passed the examination given by the Commission.

36     2. In addition to the proofs required by subsection 1, the Board  
37 may take such further evidence and require such further proof of the  
38 professional and moral qualifications of the applicant as in its  
39 discretion may be deemed proper.

40     3. If the applicant is a diplomate of an approved specialty  
41 board recognized by this Board, the requirements of paragraphs (c)  
42 and (d) of subsection 1 may be waived by the Board.

43     4. Before issuance of a license to practice homeopathic  
44 medicine, the applicant who presents the proof required by  
45 subsection 1 shall appear personally before the Board and





1 satisfactorily pass a written or oral examination, or both, as to his  
2 qualifications to practice homeopathic medicine.

3 **Sec. 17.** NRS 630A.293 is hereby amended to read as follows:

4 630A.293 1. The Board may grant a certificate as an  
5 advanced practitioner of homeopathy to a person who has completed  
6 an educational program ~~[designed]~~ *developed in accordance with a*  
7 *protocol approved by the supervising homeopathic physician of the*  
8 *person* to prepare him to:

- 9 (a) Perform designated acts of medical diagnosis;  
10 (b) Prescribe therapeutic or corrective measures; and  
11 (c) Prescribe substances used in homeopathic medicine.

12 2. An advanced practitioner of homeopathy may:

- 13 (a) Engage in selected medical diagnosis and treatment; and  
14 (b) Prescribe substances which are contained in the *official*  
15 *Homeopathic Pharmacopeia of the United States,*

16 ➔ pursuant to a protocol approved by ~~[a]~~ *the* supervising  
17 homeopathic physician. ~~[A]~~ *The* protocol must not include, and an  
18 advanced practitioner of homeopathy shall not engage in, any  
19 diagnosis, treatment or other conduct which he is not qualified to  
20 perform.

21 3. As used in this section, "protocol" means a written  
22 agreement between a homeopathic physician and an advanced  
23 practitioner of homeopathy which sets forth matters including the:

24 (a) Patients which the advanced practitioner of homeopathy may  
25 serve;

26 (b) Specific substances used in homeopathic medicine which the  
27 advanced practitioner of homeopathy may prescribe; and

28 (c) Conditions under which the advanced practitioner of  
29 homeopathy must directly refer the patient to the homeopathic  
30 physician.

31 **Sec. 18.** NRS 630A.320 is hereby amended to read as follows:

32 630A.320 1. Except as otherwise provided in NRS  
33 630A.225, the Board may issue to a qualified applicant a limited  
34 license to practice homeopathic medicine as a resident homeopathic  
35 physician in a postgraduate program of clinical training if:

36 (a) The applicant is a graduate of an accredited medical school  
37 in the United States or Canada or is a graduate of a ~~[foreign]~~  
38 medical school *or a school of osteopathic medicine located outside*  
39 *the United States or Canada that is* recognized by the Educational  
40 Commission for Foreign Medical Graduates and:

41 (1) Is a citizen of the United States or is lawfully entitled to  
42 remain and work in the United States; and

43 (2) Has completed 1 year of supervised clinical training  
44 approved by the Board.





(b) The Board approves the program of clinical training, and the medical school or other institution sponsoring the program provides the Board with written confirmation that the applicant has been appointed to a position in the program.

2. In addition to the requirements of subsection 1, an applicant who is a graduate of a ~~[foreign]~~ medical school *or a school of osteopathic medicine located outside the United States or Canada* must have received the standard certificate of the Educational Commission for Foreign Medical Graduates.

3. The Board may issue this limited license for not more than 1 year, but may renew the license.

4. The holder of this limited license may practice homeopathic medicine only in connection with his duties as a resident physician and shall not engage in the private practice of homeopathic medicine.

5. A limited license granted under this section may be revoked by the Board at any time for any of the grounds set forth in NRS 630A.225 or 630A.340 to 630A.380, inclusive.

**Sec. 19.** NRS 630A.325 is hereby amended to read as follows:

630A.325 1. To renew a license other than a temporary, special or limited license issued pursuant to this chapter, each person must, on or before ~~[January]~~ *July* 1 of each year:

(a) Apply to the Board for renewal;

(b) Submit the statement required pursuant to NRS 630A.246;

(c) Pay the annual fee for renewal set by the Board; and

(d) Submit evidence to the Board of his completion of the requirements for continuing education.

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

3. ~~[Any holder who]~~ *If the holder of a license* fails to pay the annual fee for renewal and submit the statement required pursuant to NRS 630A.246 after they become due ~~[must be given a period of 60 days in which to pay the fee and submit the statement, and, failing to do so,]~~ , *the holder* automatically forfeits his right to practice homeopathic medicine, and his license to practice homeopathic medicine in ~~[this State]~~ *Nevada* is automatically suspended. The holder may, within 2 years after the date his license is suspended, apply for the restoration of his license. *A license which is automatically suspended pursuant to this subsection and which is not restored pursuant to subsection 5 is automatically revoked.*

4. ~~[The]~~ *Upon the suspension of a license pursuant to subsection 3, the* Board shall ~~[notify any holder whose license is automatically suspended pursuant to subsection 3 and send]~~ :



(a) *Make such reasonable attempts as are practicable to notify the holder of the suspended license, including, without limitation, sending a written notice to the holder at his last known address, that:*

(1) *Payment of the fee for annual renewal of his license and submission of the statement required pursuant to NRS 630A.246 are past due; and*

(2) *His license has been automatically suspended; and*

(b) *Send* a copy of the notice to the Drug Enforcement Administration of the United States Department of Justice or its successor agency.

5. *The Board may restore a license that is automatically suspended pursuant to this section if, within 2 years after the date the license is automatically suspended, the holder of the suspended license:*

(a) *Submits the statement required pursuant to NRS 630A.246;*

(b) *Submits evidence satisfactory to the Board of his completion of the requirements for continuing education for a 2-year period; and*

(c) *Is found by the Board to be in good standing and otherwise qualified under the provisions of this chapter and regulations adopted pursuant thereto to practice homeopathic medicine in this State.*

**Sec. 20.** NRS 630A.325 is hereby amended to read as follows:  
630A.325 1. To renew a license other than a temporary, special or limited license issued pursuant to this chapter, each person must, on or before ~~January~~ *July* 1 of each year:

(a) Apply to the Board for renewal;

(b) Pay the annual fee for renewal set by the Board; and

(c) Submit evidence to the Board of his completion of the requirements for continuing education.

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

3. ~~[Any holder failing]~~ *If the holder of a license fails* to pay the annual fee for renewal after it becomes due ~~[must be given a period of 60 days in which to pay the fee, and, failing to do so,]~~ *the holder* automatically forfeits his right to practice homeopathic medicine, and his license to practice homeopathic medicine in Nevada is automatically suspended. The holder may, within 2 years after the date his license is suspended, apply for the restoration of his license. *A license which is automatically suspended pursuant to this subsection and which is not restored pursuant to subsection 5 is automatically revoked.*



1       4. ~~[The]~~ *Upon the suspension of a license pursuant to*  
2 *subsection 3, the Board shall* ~~[notify any holder whose license is~~  
3 ~~automatically suspended for nonpayment of the annual fee for~~  
4 ~~renewal and send]~~ :

5       (a) *Make such reasonable attempts as are practicable to notify*  
6 *the holder of the suspended license, including, without limitation,*  
7 *sending a written notice to the holder at his last known address,*  
8 *that:*

9       (1) *Payment of the fee for annual renewal of his license is*  
10 *past due; and*

11       (2) *His license has been automatically suspended; and*

12       (b) *Send* a copy of the notice to the Drug Enforcement  
13 Administration of the United States Department of Justice or its  
14 successor agency.

15       5. *The Board may restore a license that is automatically*  
16 *suspended pursuant to this section if, within 2 years after the date*  
17 *the license is automatically suspended, the holder of the suspended*  
18 *license:*

19       (a) *Submits evidence satisfactory to the Board of his*  
20 *completion of the requirements for continuing education for a*  
21 *2-year period; and*

22       (b) *Is found by the Board to be in good standing and otherwise*  
23 *qualified under the provisions of this chapter and regulations*  
24 *adopted pursuant thereto to practice homeopathic medicine in this*  
25 *State.*

26       **Sec. 21.** NRS 630A.330 is hereby amended to read as follows:  
27       630A.330 1. Except as otherwise provided in subsection 6,  
28 each applicant for a license to practice homeopathic medicine must:

29       (a) Pay a fee of \$500; and

30       (b) Pay the cost of obtaining such further evidence and proof of  
31 qualifications as the Board may require pursuant to subsection 2 of  
32 NRS 630A.240.

33       2. Each applicant for a certificate as an advanced practitioner  
34 of homeopathy *issued pursuant to NRS 630A.293* must:

35       (a) Pay a fee of \$300; and

36       (b) Pay the cost of obtaining such further evidence and proof of  
37 qualifications as the Board may require pursuant to NRS 630A.295.

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

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

43       5. If an applicant for a license or certificate does not appear for  
44 examination, for any reason deemed sufficient by the Board, the  
45 Board may, upon request, refund a portion of the application fee not



1 to exceed 50 percent of the fee. There must be no refund of the  
2 application fee if an applicant appears for examination.

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

7 7. The fee for the renewal of a license , *certificate as an*  
8 *advanced practitioner of homeopathy issued pursuant to NRS*  
9 *630A.293* or certificate ~~§~~ *as a homeopathic assistant*, as  
10 determined by the Board, must not exceed \$600 per year and must  
11 be collected for the year in which a *homeopathic* physician,  
12 advanced practitioner of homeopathy or homeopathic assistant is  
13 licensed or certified.

14 8. The fee for the restoration of a suspended license or  
15 certificate is twice the amount of the fee for the renewal of a license  
16 or certificate at the time of the restoration of the license or  
17 certificate.

18 **Sec. 22.** NRS 630A.360 is hereby amended to read as follows:  
19 630A.360 The following acts, among others, constitute  
20 grounds for initiating disciplinary action or denying the issuance of  
21 a license:

22 1. Directly or indirectly receiving from any person any fee,  
23 commission, rebate or other form of compensation which tends or is  
24 intended to influence the ~~physician's~~ objective evaluation or  
25 treatment of a patient ~~§~~ *by the homeopathic physician*.

26 2. Dividing a fee between homeopathic physicians, unless the  
27 patient is informed of the division of fees and the division is made in  
28 proportion to the services personally performed and the  
29 responsibility assumed by each homeopathic physician.

30 3. Charging for visits to the ~~homeopathic physician's~~ office  
31 *of the homeopathic physician* which did not occur or for services  
32 which were not rendered or documented in the records of the  
33 patient.

34 4. Employing, directly or indirectly, any suspended or  
35 unlicensed person in the practice of homeopathic medicine, or the  
36 aiding, abetting or assisting of any unlicensed person to practice  
37 homeopathic medicine contrary to the provisions of this chapter or  
38 the regulations adopted by the Board.

39 5. Advertising the services of an unlicensed person in the  
40 practice of homeopathic medicine.

41 6. Delegating responsibility for the care of a patient to a person  
42 whom the homeopathic physician knows, or has reason to know, is  
43 not qualified to undertake that responsibility.

44 7. Failing to disclose to a patient any financial or other conflict  
45 of interest affecting the care of the patient.



1     **Sec. 23.** NRS 630A.370 is hereby amended to read as follows:

2     630A.370 The following acts, among others, constitute  
3 grounds for initiating disciplinary action or denying the issuance of  
4 a license:

5     1. Inability to practice homeopathic medicine with reasonable  
6 skill and safety because of an illness, a mental or physical condition  
7 or the use of alcohol, drugs, narcotics or any other addictive  
8 substance.

9     2. Engaging in any:

10    (a) Professional conduct which is intended to deceive or which  
11 the Board by regulation has determined is unethical.

12    (b) ~~[Medical—practice]~~ *Practice of homeopathic medicine*  
13 harmful to the public or any conduct detrimental to the public  
14 health, safety or morals which does not constitute gross or repeated  
15 malpractice or professional incompetence.

16    3. Administering, dispensing or prescribing any controlled  
17 substance, except as authorized by law.

18    4. Performing, assisting or advising an unlawful abortion or in  
19 the injection of any liquid substance into the human body to cause  
20 an abortion.

21    5. Practicing or offering to practice beyond the scope permitted  
22 by law, or performing services which the homeopathic physician  
23 knows or has reason to know he is not competent to perform.

24    6. Performing any procedure without first obtaining the  
25 informed consent of the patient or his family or prescribing any  
26 therapy which by the current standards of the practice of  
27 homeopathic medicine is experimental.

28    7. Continued failure to exercise the skill or diligence or use the  
29 methods ordinarily exercised under the same circumstances by  
30 physicians in good standing who practice homeopathy . ~~[and~~  
31 ~~electrodiagnosis.]~~

32     **Sec. 24.** NRS 630A.390 is hereby amended to read as follows:

33     630A.390 1. Any person who becomes aware that a person  
34 practicing *homeopathic* medicine , *or practicing as an advanced*  
35 *practitioner of homeopathy or as a homeopathic assistant* in this  
36 State has, is or is about to become engaged in conduct which  
37 constitutes grounds for initiating disciplinary action may file a  
38 written complaint with the Board.

39     2. Any medical society or medical facility or facility for the  
40 dependent licensed in this State shall report to the Board the  
41 initiation and outcome of any disciplinary action against any  
42 homeopathic physician concerning the care of a patient or the  
43 competency of the physician.



1 3. The clerk of every court shall report to the Board any  
2 finding, judgment or other determination of the court that a  
3 homeopathic physician ~~[ ]~~ *or certificate holder*:

4 (a) Is mentally ill;

5 (b) Is mentally incompetent;

6 (c) Has been convicted of a felony or any law relating to  
7 controlled substances or dangerous drugs;

8 (d) Is guilty of abuse or fraud under any state or federal program  
9 providing medical assistance; or

10 (e) Is liable for damages for malpractice or negligence.

11 **Sec. 25.** NRS 630A.400 is hereby amended to read as follows:

12 630A.400 1. The Board or a committee ~~[of its members]~~  
13 designated by the Board shall review every complaint filed with the  
14 Board and conduct an investigation to determine whether there is a  
15 reasonable basis for compelling a homeopathic physician *or*  
16 *certificate holder* to take a mental or physical examination or an  
17 examination of his competence to practice homeopathic medicine ~~[ ]~~  
18 *, or to practice as an advanced practitioner of homeopathy or as a*  
19 *homeopathic assistant.*

20 2. If a committee is designated, it must be composed of at least  
21 ~~[three]~~ *two* members of the Board, at least one of whom is a licensed  
22 homeopathic physician.

23 3. If, from the complaint or from other official records, it  
24 appears that the complaint is not frivolous and the complaint  
25 charges gross or repeated malpractice, the Board shall transmit the  
26 original complaint, along with further facts or information derived  
27 from its own review, to the Attorney General.

28 4. Following the investigation, the committee shall present its  
29 evaluation and recommendations to the Board. The Board shall  
30 review the committee's findings to determine whether to take any  
31 further action, but a member of the Board who participated in the  
32 investigation may not participate in this review or in any subsequent  
33 hearing or action taken by the Board.

34 **Sec. 26.** NRS 630A.410 is hereby amended to read as follows:

35 630A.410 1. The Attorney General shall conduct an  
36 investigation of each complaint transmitted to him to determine  
37 whether it warrants proceedings for modification, suspension or  
38 revocation of *the* license ~~[ ]~~ *or certificate*. If he determines that such  
39 further proceedings are warranted, he shall report the results of his  
40 investigation together with his recommendation to the Board in a  
41 manner which does not violate the right of the person charged in the  
42 complaint to due process in any later hearing before the Board.

43 2. The Board shall promptly make a determination with respect  
44 to each complaint reported to it by the Attorney General as to what  
45 action ~~[shall]~~ *must* be pursued. The Board shall:



- (a) Dismiss the complaint; or
- (b) Proceed with appropriate disciplinary action.

**Sec. 27.** NRS 630A.420 is hereby amended to read as follows:

630A.420 1. If the Board or its investigative committee has reason to believe that the conduct of any homeopathic physician *or certificate holder* has raised a reasonable question as to his competence to practice *homeopathic medicine, or to practice as an advanced practitioner of homeopathy or as a homeopathic assistant* with reasonable skill and safety to patients, it may order the homeopathic physician *or certificate holder* to undergo:

- (a) A mental or physical examination; or

- (b) An examination of his competence to practice homeopathic medicine, *or to practice as an advanced practitioner of homeopathy or as a homeopathic assistant,*

➔ by physicians, *certificate holders* or others designated by the Board to assist the Board in determining the fitness of the homeopathic physician to practice homeopathic medicine ~~[.]~~, *or the fitness of the certificate holder to practice as an advanced practitioner of homeopathy or as a homeopathic assistant.*

2. For the purposes of this section:

- (a) Every homeopathic physician who applies for a license or is licensed under this chapter, *and every certificate holder who applies for a certificate or is certified under this chapter,* shall be deemed to have given his consent to submit to a mental or physical examination or an examination of his competence to practice homeopathic medicine, *or to practice as an advanced practitioner of homeopathy or as a homeopathic assistant,* when directed to do so in writing by the Board or an investigative committee of the Board.

- (b) The testimony or reports of the examining physicians, *certificate holders and others designated by the Board to assist the Board in determining the fitness of a homeopathic physician or certificate holder* are not privileged communications.

3. Except in extraordinary circumstances, as determined by the Board, the failure of a homeopathic physician ~~[licensed under this chapter]~~ *or certificate holder* to submit to an examination when directed as provided in this section constitutes an admission of the charges against him.

**Sec. 28.** NRS 630A.430 is hereby amended to read as follows:

630A.430 If the Board has reason to believe that the conduct of any homeopathic physician *or certificate holder* has raised a reasonable question as to his competence to practice homeopathic medicine, *or to practice as an advanced practitioner of homeopathy or as a homeopathic assistant* with reasonable skill and safety to patients, the Board may order an examination of the





homeopathic physician *or certificate holder* to determine his fitness to practice homeopathic medicine ~~[§]~~, *or to practice as an advanced practitioner of homeopathy or as a homeopathic assistant*. When such action is taken, the reasons for the action must be documented and must be available to the homeopathic physician *or certificate holder* being examined.

**Sec. 29.** NRS 630A.440 is hereby amended to read as follows:

630A.440 If the Board issues an order summarily suspending the license of a homeopathic physician *or the certificate of a certificate holder* pending proceedings for disciplinary action and requires the homeopathic physician *or certificate holder* to submit to a mental or physical examination or an examination of his competence to practice homeopathic medicine ~~[§]~~, *or to practice as an advanced practitioner of homeopathy or as a homeopathic assistant*, the examination must be conducted and the results obtained not later than 60 days after the Board issues its order.

**Sec. 30.** NRS 630A.450 is hereby amended to read as follows:

630A.450 If the Board issues an order summarily suspending the license of a homeopathic physician *or the certificate of a certificate holder* pending proceedings for disciplinary action, the court shall not stay that order.

**Sec. 31.** NRS 630A.460 is hereby amended to read as follows:

630A.460 1. In addition to any other remedy provided by law, the Board, through its President or Secretary-Treasurer or the Attorney General, may apply to any court of competent jurisdiction to:

(a) Enjoin any prohibited act or other conduct of a homeopathic physician *or certificate holder* which is harmful to the public;

(b) Enjoin any person who is not licensed *or certified* under this chapter from practicing homeopathic medicine ~~[§; or~~

~~—(c) Limit a homeopathic physician's]~~, *or practicing as an advanced practitioner of homeopathy or as a homeopathic assistant; or*

(c) *Limit the practice of a homeopathic physician or certificate holder*, or suspend his license to practice homeopathic medicine ~~[§]~~ *or his certificate to practice as an advanced practitioner of homeopathy or as a homeopathic assistant*.

2. The court in a proper case may issue a temporary restraining order or a preliminary injunction for the purposes of subsection 1:

(a) Without proof of actual damage sustained by any person;

(b) Without relieving any person from criminal prosecution for engaging in the practice of homeopathic medicine without a license ~~[§]~~, *or practicing as an advanced practitioner of homeopathy or as a homeopathic assistant without a certificate*; and

(c) Pending proceedings for disciplinary action by the Board.



1     **Sec. 32.** NRS 630A.480 is hereby amended to read as follows:  
2     630A.480 1. If, after an investigation by a committee or on  
3 its own initiative, the Board decides to proceed with disciplinary  
4 action, it shall bring charges against a ~~licensed~~ homeopathic  
5 physician *or certificate holder* and fix a time and place for a formal  
6 hearing. If the Board receives a report pursuant to subsection 5 of  
7 NRS 228.420, such a hearing must be held within 30 days after  
8 receiving the report. The Board shall notify the homeopathic  
9 physician *or certificate holder* of the charges brought against him,  
10 including the time and place set for the hearing, and of the sanctions  
11 authorized in NRS 630A.510.

12     2. The Board, a hearing officer or a ~~committee~~ *panel* of the  
13 members of the Board shall hold the formal hearing on the charges  
14 at the time and place designated in the notification. If the hearing is  
15 before a ~~committee~~ *panel*, at least one member of the Board who  
16 is not a physician must participate in the hearing and in the final  
17 recommendation of the ~~committee~~ *panel* to the Board.

18     **Sec. 33.** NRS 630A.490 is hereby amended to read as follows:  
19     630A.490 1. Service of process made under this chapter must  
20 be either personal or by registered or certified mail with return  
21 receipt requested, addressed to the homeopathic physician *or*  
22 *certificate holder* at his last known address. If personal service  
23 cannot be made and if notice by mail is returned undelivered, the  
24 Secretary-Treasurer of the Board shall cause notice to be published  
25 once a week for 4 consecutive weeks in a newspaper published in  
26 the county of the ~~homeopathic physician's~~ last known address *of*  
27 *the homeopathic physician or certificate holder*, or, if no  
28 newspaper is published in that county, then in a newspaper widely  
29 distributed in that county.

30     2. Proof of service of process or publication of notice made  
31 under this chapter must be filed with the Board and recorded in the  
32 minutes of the Board.

33     **Sec. 34.** NRS 630A.500 is hereby amended to read as follows:  
34     630A.500 In any disciplinary hearing:

35     1. The Board, a panel of the members of the Board or a hearing  
36 officer is not bound by formal rules of evidence.

37     2. Proof of actual injury need not be established.

38     3. A certified copy of the record of a court or a licensing *or*  
39 *certifying* agency showing a conviction or plea of nolo contendere  
40 or the suspension, revocation, limitation, modification, denial or  
41 surrender of a license to practice homeopathic medicine *or a*  
42 *certificate to practice as an advanced practitioner of homeopathy*  
43 *or as a homeopathic assistant* is conclusive evidence of its  
44 occurrence.



**Sec. 35.** NRS 630A.510 is hereby amended to read as follows:

630A.510 1. Any member of the Board who was not a member of the investigative committee, if one was appointed, may participate in the final order of the Board. If the Board, after a formal hearing, determines that a violation of the provisions of this chapter or the regulations adopted by the Board has occurred, it shall issue and serve on the person charged an order, in writing, containing its findings and any sanctions imposed by the Board. If the Board determines that no violation has occurred, it shall dismiss the charges, in writing, and notify the person that the charges have been dismissed.

2. If the Board finds that a violation has occurred, it may by order:

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

(b) Administer to the person a public reprimand.

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

(d) Suspend the license *or certificate* of the person for a specified period or until further order of the Board.

(e) Revoke the license of the person to practice homeopathic medicine ~~§~~ *or the certificate of the person to practice as an advanced practitioner of homeopathy or as a homeopathic assistant.*

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

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

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

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

(j) Require the person to take a physical or mental examination or an examination of his competence to practice homeopathic medicine ~~§~~ *, or to practice as an advanced practitioner of homeopathy or as a homeopathic assistant.*

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

3. The Board shall not administer a private reprimand.

4. An order that imposes discipline and the findings of fact and conclusions of law supporting that order are public records.

**Sec. 36.** NRS 630A.520 is hereby amended to read as follows:

630A.520 1. Any person aggrieved by a final order of the Board is entitled to judicial review of the Board's order.

2. Every order of the Board which limits the practice of homeopathic medicine *, limits the practice of an advanced*



1 *practitioner of homeopathy or a homeopathic assistant*, or  
2 suspends or revokes a license *or certificate* is effective from the date  
3 the Secretary-Treasurer of the Board certifies the order until the date  
4 the order is modified or reversed by a final judgment of the court.  
5 The court shall not stay the order of the Board pending a final  
6 determination by the court.

7 3. The district court shall give a petition for judicial review of  
8 the Board's order priority over other civil matters which are not  
9 expressly given priority by law.

10 **Sec. 37.** NRS 630A.530 is hereby amended to read as follows:  
11 630A.530 1. Any person:

12 (a) Whose practice of homeopathic medicine *or practice as an*  
13 *advanced practitioner of homeopathy or as a homeopathic*  
14 *assistant* has been limited; or

15 (b) Whose license to practice homeopathic medicine *or whose*  
16 *certificate to practice as an advanced practitioner of homeopathy*  
17 *or as a homeopathic assistant* has been:

18 (1) Suspended until further order; or

19 (2) Revoked,

20 ➔ by an order of the Board may apply to the Board for removal of  
21 the limitation or restoration of his license ~~[ ]~~ *or certificate*.

22 2. In hearing the application, the Board or a committee of  
23 members of the Board:

24 (a) May require the applicant to submit to a mental or physical  
25 examination or an examination of his competence to practice  
26 homeopathic medicine *, or to practice as an advanced practitioner*  
27 *of homeopathy or as a homeopathic assistant*, by physicians or  
28 other persons whom it designates and submit such other evidence of  
29 changed conditions and of fitness as it deems proper.

30 (b) Shall determine whether under all the circumstances the time  
31 of the application is reasonable.

32 (c) May deny the application or modify or rescind its order as it  
33 deems the evidence and the public safety warrants.

34 3. The applicant has the burden of proving by clear and  
35 convincing evidence that the requirements for restoration of the  
36 license *or certificate* or removal of the limitation have been met.

37 4. The Board shall not restore a license *or certificate* unless it  
38 is satisfied that the applicant has complied with all of the terms and  
39 conditions set forth in the final order of the Board and that he is  
40 capable of practicing homeopathic medicine *, or of practicing as an*  
41 *advanced practitioner of homeopathy or as a homeopathic*  
42 *assistant* with reasonable skill and safety to patients.

43 5. To restore a license *or certificate* that has been *suspended or*  
44 *revoked* by the Board, a person must ~~[apply]~~ :

45 (a) *Apply* for a license *or certificate*; and ~~[take]~~



1       ***(b) If required by the Board, pass*** an examination as though he  
2 had never been licensed ***or certified*** under this chapter.

3       **Sec. 38.** 1. Notwithstanding any provisions of sections 19  
4 and 20 of this act to the contrary, a homeopathic physician who, on  
5 July 1, 2005, holds a license to practice homeopathic medicine  
6 issued by the Board of Homeopathic Medical Examiners must, if he  
7 wishes to practice homeopathic medicine on or after January 1,  
8 2006, renew the license on or before December 31, 2005, by:

9       (a) Submitting the statement required pursuant to  
10 NRS 630A.246;

11       (b) Paying a fee for renewal in an amount that is equal to one-  
12 half of the amount of the fee for renewal set by the Board pursuant  
13 to subsection 7 of NRS 630A.330; and

14       (c) Submitting evidence to the Board of his completion of the  
15 requirements for continuing education.

16       2. Notwithstanding any provision of sections 19 and 20 of this  
17 act to the contrary, a license to practice homeopathic medicine that  
18 is renewed pursuant to subsection 1 expires on June 30, 2006. To  
19 renew such a license, a homeopathic physician must, on or before  
20 July 1, 2006:

21       (a) Submit the statement required pursuant to NRS 630A.246;  
22 and

23       (b) Pay the fee for renewal set by the Board pursuant to  
24 subsection 7 of NRS 630A.330.

25       **Sec. 39.** 1. This section and sections 1 to 19, inclusive, and  
26 21 to 38, inclusive, of this act become effective on July 1, 2005.

27       2. Section 19 of this act expires by limitation on the date on  
28 which the provisions of 42 U.S.C. § 666 requiring each state to  
29 establish procedures under which the state has authority to withhold  
30 or suspend, or to restrict the use of professional, occupational and  
31 recreational licenses of persons who:

32       (a) Have failed to comply with a subpoena or warrant relating to  
33 a proceeding to determine the paternity of a child or to establish or  
34 enforce an obligation for the support of a child; or

35       (b) Are in arrears in the payment for the support of one or more  
36 children,

37       ➤ are repealed by the Congress of the United States.

38       3. Section 20 of this act becomes effective on the date on  
39 which the provisions of 42 U.S.C. § 666 requiring each state to  
40 establish procedures under which the state has authority to withhold  
41 or suspend, or to restrict the use of professional, occupational and  
42 recreational licenses of persons who:

43       (a) Have failed to comply with a subpoena or warrant relating to  
44 a proceeding to determine the paternity of a child or to establish or  
45 enforce an obligation for the support of a child; or



- 1 (b) Are in arrears in the payment for the support of one or more
- 2 children,
- 3 ➔ are repealed by the Congress of the United States.









