
ASSEMBLY BILL NO. 234—COMMITTEE ON COMMERCE AND LABOR

(ON BEHALF OF THE BOARD OF
HOMEOPATHIC MEDICAL EXAMINERS)

MARCH 1, 2007

Referred to Committee on Commerce and Labor

SUMMARY—Makes various changes concerning homeopathy.
(BDR 54-646)

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 homeopathy; revising various provisions governing the regulation of homeopathic physicians; requiring the Nevada Institutional Review Board to reimburse the Board of Homeopathic Medical Examiners for the expenses it incurs to supervise the Nevada Institutional Review Board; requiring the Board of Homeopathic Medical Examiners to adopt regulations for the Nevada Institutional Review Board; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

The practice of homeopathic medicine in this State is regulated by the Board of Homeopathic Medical Examiners. (Chapter 630A of NRS)

Sections 5 and 13 of this bill revise the procedures for determining which medical licensing board may investigate a complaint against a homeopathic physician who is licensed by the Board of Homeopathic Medical Examiners and is also licensed by another medical licensing board.

Section 6 of this bill authorizes the Board of Homeopathic Medical Examiners to make up any shortfall in its revenues by assessing each homeopathic physician, advanced practitioner of homeopathy and homeopathic assistant for his pro rata share of the shortfall.

Section 7 of this bill requires the Nevada Institutional Review Board to reimburse the Board of Homeopathic Medical Examiners for the expenses it incurs to supervise the Nevada Institutional Review Board.



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Section 9 of this bill revises and expands the scope of the practice of homeopathic medicine to include, among other things: (1) the use of any linear or nonlinear method of diagnosis or treatment; and (2) the prescription of drugs, medicines, controlled substances and dangerous drugs.

Sections 16, 17 and 20-26 of this bill replace the existing provisions for the renewal of licenses to practice homeopathic medicine and certificates as advanced practitioners of homeopathy and homeopathic assistants with provisions for the annual registration of the licenses and certificates.

Sections 19 and 23 of this bill change the licensure requirements for graduates of medical schools or schools of osteopathic medicine that are located outside the United States or Canada.

Sections 28-34 of this bill make various changes concerning the Nevada Institutional Review Board, which is supervised by the Board of Homeopathic Medical Examiners.

Section 30 replaces the indefinite terms for members of the Nevada Institutional Review Board with 3-year terms.

Section 32 requires the Board of Homeopathic Medical Examiners to adopt, rather than merely approve, regulations that prescribe the manner in which the Nevada Institutional Review Board must discharge its duties.

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

Section 1. Chapter 630A of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 7, inclusive, of this act.

Sec. 2. *“Alternative and complementary integrative medicine” includes, without limitation, noninvasive electrodiagnosis, cell therapy, neural therapy, herbal therapy, neuromuscular integration, orthomolecular therapy and nutrition.*

Sec. 3. *“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. 4. 1. *The Legislature finds and declares that:*

(a) It is among the responsibilities of State Government to ensure, as far as possible, that only competent persons practice homeopathic medicine within this State; and

(b) For the protection and benefit of the public, the Legislature delegates to the Board of Homeopathic Medical Examiners the power and duty to determine the initial and continuing competence of homeopathic physicians, advanced practitioners of homeopathy and homeopathic assistants who are subject to the provisions of this chapter.



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

Sec. 5. *Notwithstanding any other provision of this chapter or chapter 630, 633, 634, 634A or 635 of NRS:*

1. *If the Board of Homeopathic Medical Examiners receives a complaint against a homeopathic physician who is also licensed by a physicians' licensing board or a physicians' licensing board receives a complaint against one of its licensees who is also a homeopathic physician, the board that receives the complaint shall, before taking any action on the complaint, consult with each board of which the homeopathic physician is a licensee to determine which board has primary jurisdiction over the subject matter of the complaint.*

2. *If the Board of Homeopathic Medical Examiners and a physicians' licensing board cannot agree on which board has the primary jurisdiction, the matter must be submitted to an arbitration panel for determination. Each participating board shall appoint to the panel a member of its board and a legal representative. The Supreme Court shall appoint to the panel an attorney who is licensed to practice law in this State and who shall serve as chairman of the panel.*

3. *The chairman shall convene the panel within 30 days after the appointments to the panel have been made. The panel shall:*

(a) *Order one board to conduct an investigation of the complaint; or*

(b) *Authorize more than one board to conduct an investigation of the complaint.*

4. *A board that conducts an investigation of a complaint pursuant to this section shall, at the conclusion of the investigation, provide to each board of which the homeopathic physician is a licensee copies of the complaint, all documents and other information filed with the complaint and all documents and other information compiled as a result of the investigation.*

5. *As used in this section, "physicians' licensing board" means the:*

(a) *Board of Medical Examiners;*

(b) *State Board of Osteopathic Medicine;*

(c) *Chiropractic Physicians' Board of Nevada;*

(d) *State Board of Oriental Medicine; or*

(e) *State Board of Podiatry.*

Sec. 6. 1. *If the fees received by the Board pursuant to the provisions of this chapter are insufficient to pay the expenses of the Board, including, without limitation, attorney's fees and the costs of investigations and hearings, the Board may assess each*



holder of a license to practice homeopathic medicine, including, without limitation, a temporary, special or restricted license, or a certificate as an advanced practitioner of homeopathy or homeopathic assistant for his pro rata share of the shortfall.

2. The Board shall not assess a holder of a license or certificate more often than semiannually.

3. The amount of the assessment for each holder of a license or certificate must be in the same proportion to the total amount assessed that the amount of fees paid by the holder for the issuance, annual registration or restoration of his license or certificate for the year in which he is licensed or certified bears to the total amount of those fees received by the Board for the year.

4. The Board may suspend or revoke a license or certificate issued pursuant to this chapter if the holder of the license or certificate fails to pay the amount of his assessment within 60 days after the date of the assessment.

5. The Board shall not include in its calculation of the shortfall:

(a) Any expense incurred or reimbursement received by the Board in connection with its supervision of the Nevada Institutional Review Board; or

(b) Money collected from the imposition of administrative fines, court costs and attorney's fees that the Board is required, pursuant to NRS 630A.160, to deposit with the State Treasurer for credit to the State General Fund.

Sec. 7. The Nevada Institutional Review Board shall reimburse the Board of Homeopathic Medical Examiners for the expenses incurred by the Board of Homeopathic Medical Examiners to supervise the Nevada Institutional Review Board, including, without limitation, fees paid for legal, accounting and other professional services.

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

630A.010 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 630A.015 to 630A.075, inclusive, *and sections 2 and 3 of this act* have the meanings ascribed to them in those sections.

Sec. 9. NRS 630A.040 is hereby amended to read as follows:

630A.040 "Homeopathic medicine" or "homeopathy" means a ~~[system]~~ school of medicine ~~[employing]~~ which emphasizes the holistic relationship between the human body, mind, spirit and subtle body energies in the evaluation of health and in the evaluation and treatment of disease and:

1. Uses a linear or nonlinear method for:

(a) The diagnosis or treatment of the physical, emotional and mental health of a person; or



(b) *The prevention, diagnosis or treatment of a disease that affects the physical, emotional or mental health of a person, including, without limitation, the use of emissions from electromagnetic and other energy fields and the performance of medical procedures in the office of a physician;*

2. *Includes the prescription, administration or dispensing of:*

(a) *A drug or medicine as defined in NRS 639.007;*

(b) *A controlled substance; and*

(c) *A dangerous drug as defined in NRS 454.201;*

3. *Employs* substances of animal, vegetable, chemical or mineral origin, including ~~the~~:

~~1. }, without limitation:~~

(a) Nosodes and sarcodes, ~~[which are:~~

~~(a)] that are:~~

(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, *as defined in the Homeopathic Pharmacopoeia of the United States*, or magnetically energized geometric patterns ~~[applicable in potencies above 30X, as defined in the official Homeopathic Pharmacopoeia of the United States; and~~

~~—(c)] ; and~~

(3) Prescribed by homeopathic physicians or advanced practitioners of homeopathy according to the medicines and dosages in the *Homeopathic Pharmacopoeia of the United States* ~~the~~,

~~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.]; and~~

4. *Includes the practice of alternative and complementary integrative medicine.*

Sec. 10. NRS 630A.080 is hereby amended to read as follows:

630A.080 1. The purpose of licensing homeopathic physicians *and certifying advanced practitioners of homeopathy and homeopathic assistants* is to protect the public health and safety and the general welfare of the people of this State.

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



Sec. 11. NRS 630A.090 is hereby amended to read as follows:
630A.090 1. Except as otherwise provided in NRS 630A.800 to 630A.910, inclusive, *and section 7 of this act*, this chapter does not apply to:

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

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

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

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

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

3. This chapter does not prohibit:

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

(b) The domestic administration of family remedies.

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

Sec. 12. NRS 630A.110 is hereby amended to read as follows:
630A.110 1. Three members of the Board must be persons who are licensed to practice allopathic or osteopathic medicine in any state or country, the District of Columbia or a territory or possession of the United States, have been engaged in the practice of homeopathic medicine in this State for a period of more than 2 years preceding their respective appointments, are actually engaged in the practice of homeopathic medicine in this State and are residents of the State.

2. One member of the Board must be a person who has resided in this State for at least ~~[5]~~ 2 years and who represents the interests of persons or agencies that regularly provide health care to patients who are indigent, uninsured or unable to afford health care. This 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. 13. NRS 630A.155 is hereby amended to read as follows:
630A.155 The Board shall:

1. Regulate the practice of homeopathic medicine in this State and any activities that are within the scope of ~~[such]~~ *that* practice, to protect the public health and safety and the general welfare of the people of this State.

2. Determine the qualifications of, and examine, applicants for licensure or certification pursuant to this chapter, and specify by regulation the methods to be used to check the background of ~~[such]~~ *those* applicants.

3. License or certify those applicants it finds to be qualified.

4. Investigate and, if required, hear and decide in a manner consistent with the provisions of chapter 622A of NRS all complaints made against any homeopathic physician, advanced practitioner of homeopathy, homeopathic assistant or any agent or employee of any of them, or any facility where the primary practice is homeopathic medicine. ~~[If a complaint concerns a practice which is within the jurisdiction of another licensing board or any other possible violation of state law, the Board shall refer the complaint to the other licensing board.]~~

5. Supervise the Nevada Institutional Review Board created by NRS 630A.865 . ~~[, including, without limitation, approving or denying the regulations adopted by the Nevada Institutional Review Board.]~~

6. Submit an annual report to the Legislature and make recommendations to the Legislature concerning the enactment of legislation relating to alternative and complementary integrative medicine, including, without limitation, homeopathic medicine.



Sec. 14. NRS 630A.160 is hereby amended to read as follows:

630A.160 1. Out of the money coming into the possession of the Board, each member of the Board is entitled to receive:

(a) A salary of not more than \$80 per day, as fixed by the Board, while engaged in the business of the Board; and

(b) A per diem allowance and travel expenses at a rate fixed by the Board, while engaged in the business of the Board. The rate must not exceed the rate provided for state officers and employees generally.

2. While engaged in the business of the Board, each employee of the Board is entitled to receive a per diem allowance and travel expenses at a rate fixed by the Board. The rate must not exceed the rate provided for state officers and employees generally.

3. Expenses of the Board and the expenses and salaries of the members and employees of the Board must be paid from the fees , *assessments and reimbursements* received by the Board pursuant to the provisions of this chapter. Except as otherwise provided in subsection 6, no part of the salaries or expenses of the members of the Board may be paid out of the State General Fund.

4. All money received by the Board must be deposited in financial institutions in this State that are federally insured or insured by a private insurer approved pursuant to NRS 678.755.

5. In a manner consistent with the provisions of chapter 622A of NRS, the Board may delegate to a hearing officer or panel its authority to take any disciplinary action pursuant to this chapter, impose and collect administrative fines, court costs and attorney's fees therefor and deposit the money therefrom in financial institutions in this State that are federally insured or insured by a private insurer approved pursuant to NRS 678.755.

6. If a hearing officer or panel is not authorized to take disciplinary action pursuant to subsection 5, the Board shall deposit the money collected from the imposition of administrative fines, court costs and attorney's fees with the State Treasurer for credit to the State General Fund. The Board may present a claim to the State Board of Examiners for recommendation to the Interim Finance Committee if money is needed to pay attorney's fees or the costs of an investigation, or both.

Sec. 15. 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*



1 Accreditation of Canadian Medical Schools, or the degree of doctor
2 of osteopathic medicine from ~~[an—osteopathic]~~ *a school of*
3 *osteopathic medicine* which at the time of his graduation was
4 accredited by the ~~[Bureau of Professional Education]~~ *Commission*
5 *on Osteopathic College Accreditation* of the American Osteopathic
6 Association;

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

9 (c) Six months of postgraduate training in homeopathy.

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

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

16 **Sec. 16.** NRS 630A.246 is hereby amended to read as follows:

17 630A.246 1. In addition to any other requirements set forth in
18 this chapter:

19 (a) An applicant for the issuance of a license to practice
20 homeopathic medicine, a certificate as an advanced practitioner of
21 homeopathy or a certificate as a homeopathic assistant shall include
22 the social security number of the applicant in the application
23 submitted to the Board.

24 (b) An applicant for the issuance or ~~[renewal]~~ *annual*
25 *registration* of a license to practice homeopathic medicine, a
26 certificate as an advanced practitioner of homeopathy or a certificate
27 as a homeopathic assistant shall submit to the Board the statement
28 prescribed by the Division of Welfare and Supportive Services of
29 the Department of Health and Human Services pursuant to NRS
30 425.520. The statement must be completed and signed by the
31 applicant.

32 2. The Board shall include the statement required pursuant to
33 subsection 1 in:

34 (a) The application or any other forms that must be submitted
35 for the issuance or ~~[renewal]~~ *annual registration* of the license or
36 certificate; or

37 (b) A separate form prescribed by the Board.

38 3. A license to practice homeopathic medicine, a certificate as
39 an advanced practitioner of homeopathy or a certificate as a
40 homeopathic assistant may not be issued or ~~[renewed]~~ *registered* by
41 the Board if the applicant:

42 (a) Fails to submit the statement required pursuant to subsection
43 1; or

44 (b) Indicates on the statement submitted pursuant to subsection
45 1 that he is subject to a court order for the support of a child and is



1 not in compliance with the order or a plan approved by the district
2 attorney or other public agency enforcing the order for the
3 repayment of the amount owed pursuant to the order.

4 4. If an applicant indicates on the statement submitted pursuant
5 to subsection 1 that he is subject to a court order for the support of a
6 child and is not in compliance with the order or a plan approved by
7 the district attorney or other public agency enforcing the order for
8 the repayment of the amount owed pursuant to the order, the Board
9 shall advise the applicant to contact the district attorney or other
10 public agency enforcing the order to determine the actions that the
11 applicant may take to satisfy the arrearage.

12 **Sec. 17.** NRS 630A.246 is hereby amended to read as follows:

13 630A.246 1. In addition to any other requirements set forth in
14 this chapter, an applicant for the issuance or ~~renewal~~ *annual*
15 *registration* of a license to practice homeopathic medicine, a
16 certificate as an advanced practitioner of homeopathy or a certificate
17 as a homeopathic assistant shall submit to the Board the statement
18 prescribed by the Division of Welfare and Supportive Services of
19 the Department of Health and Human Services pursuant to NRS
20 425.520. The statement must be completed and signed by the
21 applicant.

22 2. The Board shall include the statement required pursuant to
23 subsection 1 in:

24 (a) The application or any other forms that must be submitted
25 for the issuance or ~~renewal~~ *annual registration* of the license or
26 certificate; or

27 (b) A separate form prescribed by the Board.

28 3. A license to practice homeopathic medicine, a certificate as
29 an advanced practitioner of homeopathy or a certificate as a
30 homeopathic assistant may not be issued or ~~renewed~~ *registered* by
31 the Board if the applicant:

32 (a) Fails to submit the statement required pursuant to subsection
33 1; or

34 (b) Indicates on the statement submitted pursuant to subsection
35 1 that he is subject to a court order for the support of a child and is
36 not in compliance with the order or a plan approved by the district
37 attorney or other public agency enforcing the order for the
38 repayment of the amount owed pursuant to the order.

39 4. If an applicant indicates on the statement submitted pursuant
40 to subsection 1 that he is subject to a court order for the support of a
41 child and is not in compliance with the order or a plan approved by
42 the district attorney or other public agency enforcing the order for
43 the repayment of the amount owed pursuant to the order, the Board
44 shall advise the applicant to contact the district attorney or other



1 public agency enforcing the order to determine the actions that the
2 applicant may take to satisfy the arrearage.

3 **Sec. 18.** NRS 630A.260 is hereby amended to read as follows:

4 630A.260 1. If an applicant fails in a first examination, he
5 may be reexamined after not less than ~~[6]~~ 3 months.

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

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

14 **Sec. 19.** NRS 630A.270 is hereby amended to read as follows:

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

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

22 (b) Has received the degree of doctor of medicine or ~~[its]~~ *doctor*
23 *of osteopathic medicine or their* equivalent, as determined by the
24 Board, from a ~~[foreign]~~ medical school ~~[recognized by the~~
25 ~~Educational Commission for Foreign Medical Graduates;]~~ *or school*
26 *of osteopathic medicine located outside the United States or*
27 *Canada that is listed in the International Medical Education*
28 *Directory;*

29 (c) Has completed 3 years of postgraduate training satisfactory
30 to the Board;

31 (d) Has completed an additional 6 months of postgraduate
32 training in homeopathic medicine; *and*

33 (e) *If required by the Board:*

34 (1) Has received the standard certificate of the Educational
35 Commission for Foreign Medical Graduates; and

36 ~~[#]~~ (2) Has passed all parts of the Federation Licensing
37 Examination, or has received a written statement from the
38 Educational Commission for Foreign Medical Graduates that he has
39 passed the examination given by the Commission.

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



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

4. Before issuance of a license to practice homeopathic medicine, the applicant who presents the proof required by subsection 1 shall appear personally before the Board and satisfactorily pass a written or oral examination, or both, as to his qualifications to practice homeopathic medicine.

Sec. 20. NRS 630A.295 is hereby amended to read as follows:

630A.295 The Board shall adopt regulations:

1. Specifying the training, education and experience necessary for certification as an advanced practitioner of homeopathy.

2. Delineating the authorized scope of practice of an advanced practitioner of homeopathy.

3. Establishing the procedure for application for certification as an advanced practitioner of homeopathy.

4. Establishing *procedures for* the ~~{duration, renewal}~~ *annual registration* and termination of certificates for advanced practitioners of homeopathy.

5. Establishing requirements for the continuing education of advanced practitioners of homeopathy.

6. Delineating the grounds respecting disciplinary actions against advanced practitioners of homeopathy.

Sec. 21. NRS 630A.299 is hereby amended to read as follows:

630A.299 The Board shall adopt regulations regarding the certification of a homeopathic assistant, including, but not limited to:

1. The educational and other qualifications of applicants.

2. The required academic program for applicants.

3. The procedures for applications for and the issuance of certificates.

4. The tests or examinations of applicants by the Board.

5. The medical services which a homeopathic assistant may perform, except that he may not perform those specific functions and duties delegated or restricted by law to persons licensed as dentists, chiropractors, podiatric physicians, optometrists or hearing aid specialists under chapter 631, 634, 635, 636 or 637A, respectively, of NRS.

6. The ~~{duration, renewal}~~ *annual registration* and termination of certificates.

7. The grounds respecting disciplinary actions against homeopathic assistants.

8. The supervision of a homeopathic assistant by a supervising homeopathic physician.



9. The establishment of requirements for the continuing education of homeopathic assistants.

Sec. 22. NRS 630A.310 is hereby amended to read as follows:

630A.310 1. Except as otherwise provided in NRS 630A.225, the Board may:

(a) Issue a temporary license, to be effective not more than 6 months after issuance, to any homeopathic physician who is eligible for a permanent license in this State and who also is of good moral character and reputation. The purpose of the temporary license is to enable an eligible homeopathic physician to serve as a substitute for some other homeopathic physician who is licensed to practice homeopathic medicine in this State ~~and~~ and who is absent from his practice for reasons deemed sufficient by the Board. A temporary license issued under the provisions of this paragraph is not ~~renewable~~ *eligible for annual registration.*

(b) Issue a special license to a licensed homeopathic physician of another state to come into Nevada to care for or assist in the treatment of his own patients in association with a physician licensed in this State. A special license issued under the provisions of this paragraph is limited to the care of a specific patient.

(c) Issue a restricted license for a specified period if the Board determines the applicant needs supervision or restriction.

2. A person who is licensed pursuant to paragraph (a), (b) or (c) of subsection 1 shall be deemed to have given his consent to the revocation of the license at any time by the Board for any of the grounds provided in NRS 630A.225 or 630A.340 to 630A.380, inclusive ~~and~~, *or section 6 of this act.*

Sec. 23. NRS 630A.320 is hereby amended to read as follows:

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

(a) The applicant is a graduate of an accredited medical school *or school of osteopathic medicine* in the United States or Canada or is a graduate of a ~~foreign~~ medical school ~~recognized by the Educational Commission for Foreign Medical Graduates~~ *or school of osteopathic medicine located outside the United States or Canada that is listed in the International Medical Education Directory* and:

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

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

(b) The Board approves the program of clinical training, and the medical school or other institution sponsoring the program provides



1 the Board with written confirmation that the applicant has been
2 appointed to a position in the program.

3 2. ~~Ha~~ *The Board may, in* addition to the requirements of
4 subsection 1, *require* an applicant who is a graduate of a ~~foreign~~
5 medical school ~~must~~ *or school of osteopathic medicine located*
6 *outside the United States or Canada to* have received the standard
7 certificate of the Educational Commission for Foreign Medical
8 Graduates.

9 3. The Board may issue this limited license for not more than 1
10 year, but may ~~renew~~ *annually register* the license ~~it~~ *thereafter*.

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

15 5. A limited license granted under this section may be revoked
16 by the Board at any time for any of the grounds set forth in NRS
17 630A.225 or 630A.340 to 630A.380, inclusive ~~it~~ *, or section 6 of*
18 *this act*.

19 **Sec. 24.** NRS 630A.325 is hereby amended to read as follows:

20 630A.325 1. To ~~renew~~ *register annually* a license other
21 than a temporary, special or limited license issued pursuant to this
22 chapter, each person must, on or before January 1 of each year:

23 (a) Apply to the Board for ~~renewal~~ *annual registration*;

24 (b) Pay the ~~annual fee for renewal~~ *fee for annual registration*
25 set by the Board;

26 (c) Submit evidence to the Board of his completion of the
27 requirements for continuing education; and

28 (d) Submit all information required to complete the ~~renewal~~
29 *annual registration*.

30 2. The Board shall, as a prerequisite for the ~~renewal~~ *annual*
31 *registration* or restoration of a license other than a temporary,
32 special or limited license, require each holder of a license to comply
33 with the requirements for continuing education adopted by the
34 Board.

35 3. Any holder who fails to pay the ~~annual fee for renewal~~ *fee*
36 *for annual registration* and submit all information required to
37 complete the ~~renewal~~ *registration* after they become due must be
38 given a period of 60 days in which to pay the fee and submit all
39 required information and, failing to do so, automatically forfeits his
40 right to practice homeopathic medicine, and his license to practice
41 homeopathic medicine in this State is automatically suspended. The
42 holder may, within 2 years after the date his license is suspended,
43 apply for the restoration of his license.

44 4. The Board shall notify any holder whose license is
45 automatically suspended pursuant to subsection 3 and send a copy



1 of the notice to the Drug Enforcement Administration of the United
2 States Department of Justice or its successor agency.

3 **Sec. 25.** NRS 630A.330 is hereby amended to read as follows:

4 630A.330 1. ~~{Except as otherwise provided in subsection 6,~~
5 ~~each applicant for a license to practice homeopathic medicine must:~~

6 ~~—(a) Pay a fee of \$500; and~~

7 ~~—(b) Pay the cost of obtaining such further evidence and proof of~~
8 ~~qualifications as the Board may require pursuant to subsection 2 of~~
9 ~~NRS 630A.240.~~

10 ~~—2. Each applicant for a certificate as an advanced practitioner~~
11 ~~of homeopathy must:~~

12 ~~—(a) Pay a fee of \$300; and~~

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

15 ~~—3. Each applicant for a certificate as a homeopathic assistant~~
16 ~~must pay a fee of \$150.~~

17 ~~—4. Each applicant for a license or certificate who fails an~~
18 ~~examination and who is permitted to be reexamined must pay a fee~~
19 ~~not to exceed \$400 for each reexamination.~~

20 ~~—5.} The Board shall charge and collect the following fees:~~

21
22 *For application for and issuance of a license to*
23 *practice as a homeopathic physician.....\$600*

24 *For application for and issuance of a temporary,*
25 *special, restricted or limited license.....400*

26 *For annual registration of a limited, restricted or*
27 *special license.....400*

28 *For application for and issuance of a certificate as an*
29 *advanced practitioner of homeopathy.....400*

30 *For application for and issuance of a certificate as a*
31 *homeopathic assistant.....200*

32 *For an applicant for a license to practice as a*
33 *homeopathic physician to be reexamined after*
34 *failing an examination.....400*

35
36 2. If an applicant for a license or certificate does not appear for
37 examination, for any reason deemed sufficient by the Board, the
38 Board may, upon request, refund a portion of the application fee not
39 to exceed 50 percent of the fee. There must be no refund of the
40 application fee if an applicant appears for examination.

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

45 ~~—7.} 3. The fee for the {renewal} annual registration of a license~~
46 ~~or certificate, as determined by the Board, must not exceed {\$600}~~



* A B 2 3 4 *

1 **\$700** per year and must be collected for the year in which a
2 physician, advanced practitioner of homeopathy or homeopathic
3 assistant is licensed or certified.

4 ~~[8-]~~ 4. The fee for the restoration of a suspended license or
5 certificate is twice the amount of the fee for the ~~[renewal]~~ **annual**
6 **registration** of a license or certificate at the time of the restoration
7 of the license or certificate.

8 **5. In addition to the fees prescribed in subsection 1, the**
9 **Board shall charge and collect necessary and reasonable fees for**
10 **its other services.**

11 **6. The cost of any special meeting called at the request of a**
12 **licensee, an institution, an organization, a state agency or an**
13 **applicant for licensure must be paid for by the person or entity**
14 **requesting the special meeting. The special meeting must not be**
15 **called until the person or entity requesting the special meeting has**
16 **paid a cash deposit with the Board sufficient to defray the**
17 **expenses of the meeting.**

18 **Sec. 26.** NRS 630A.350 is hereby amended to read as follows:
19 630A.350 The following acts, among others, constitute
20 grounds for initiating disciplinary action or denying the issuance of
21 a license:

22 1. Willfully making a false or fraudulent statement or
23 submitting a forged or false document in applying for a license to
24 practice homeopathic medicine.

25 2. Willfully representing with the purpose of obtaining
26 compensation or other advantages for himself or for any other
27 person that a manifestly incurable disease or injury or other
28 manifestly incurable condition can be permanently cured.

29 3. Obtaining, maintaining or ~~[renewing-]~~ **annually registering,**
30 or attempting to obtain, maintain or ~~[renew]~~ **annually register,** a
31 license to practice homeopathic medicine by bribery, fraud or
32 misrepresentation or by any false, misleading, inaccurate or
33 incomplete statement.

34 4. Advertising the practice of homeopathic medicine in a false,
35 deceptive or misleading manner.

36 5. Practicing or attempting to practice homeopathic medicine
37 under a name other than the name under which he is licensed.

38 6. Signing a blank prescription form.

39 7. Influencing a patient in order to engage in sexual activity
40 with the patient or another person.

41 8. Attempting directly or indirectly, by way of intimidation,
42 coercion or deception, to obtain or retain a patient or to discourage a
43 patient from obtaining a second opinion.



9. Terminating the medical care of a patient without giving adequate notice or making other arrangements for the continued care of the patient.

Sec. 27. NRS 630A.400 is hereby amended to read as follows:

630A.400 1. The Board or a committee of its members designated by the Board shall review every complaint filed with the Board and conduct an investigation to determine whether there is a reasonable basis for compelling a homeopathic physician to take a mental or physical examination or an examination of his competence to practice homeopathic medicine.

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

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

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

Sec. 28. NRS 630A.800 is hereby amended to read as follows:

630A.800 As used in NRS 630A.800 to 630A.910, inclusive, *and section 7 of this act*, unless the context otherwise requires, the words and terms defined in NRS 630A.815, 630A.825 and 630A.835 have the meanings ascribed to them in those sections.

Sec. 29. NRS 630A.855 is hereby amended to read as follows:

630A.855 The provisions of NRS 630A.800 to 630A.910, inclusive, *and section 7 of this act* do not apply to any research, study or trial that is conducted under the auspices of a federally qualified institutional review board and in accordance with applicable federal statutes.

Sec. 30. NRS 630A.865 is hereby amended to read as follows:

630A.865 1. The Nevada Institutional Review Board is hereby created.

2. The Nevada Institutional Review Board ~~[shall be]~~ *is* under the supervision of the Board of Homeopathic Medical Examiners.

3. The Nevada Institutional Review Board consists of seven members appointed as follows:

(a) ~~[After consultation with organizations in Nevada representing medical disciplines, the Board of Homeopathic Medical Examiners shall appoint four]~~ *Four* members who



1 represent various medical disciplines in Nevada ~~[.]~~ *must be*
2 *appointed by the Board of Homeopathic Medical Examiners.*

3 (b) Three members who are lay members of the general public
4 and residents of Nevada and who are not licensed in any medical
5 discipline must be appointed as follows:

6 (1) One member appointed by the Governor;

7 (2) One member appointed by the Majority Leader of the
8 Senate; and

9 (3) One member appointed by the Speaker of the Assembly.

10 4. ~~[The members]~~ *Each member* of the Nevada Institutional
11 Review Board ~~[serve at the pleasure of the appointing authority.]~~
12 *serves a term of 3 years.* A vacancy on the Nevada Institutional
13 Review Board must be filled by the appointing authority in the same
14 manner as the original appointment.

15 5. The members of the Nevada Institutional Review Board are
16 entitled to receive, out of the money coming into the possession of
17 the Nevada Institutional Review Board, a per diem allowance and
18 travel expenses, as fixed by the Nevada Institutional Review Board.

19 6. Four members of the Nevada Institutional Review Board
20 constitute a quorum. A quorum may exercise all the power and
21 authority conferred on the Nevada Institutional Review Board.

22 7. The Nevada Institutional Review Board shall elect officers
23 from ~~[within]~~ its membership, fix the time and place of its meetings
24 and adopt rules of procedure as it deems necessary to carry out its
25 duties.

26 **Sec. 31.** NRS 630A.880 is hereby amended to read as follows:

27 630A.880 1. All money received by the Nevada Institutional
28 Review Board must be deposited in financial institutions in this
29 State that are federally insured or insured by a private insurer
30 approved pursuant to NRS 678.755. The money must be kept
31 separate from any money to be used by or for the Board of
32 Homeopathic Medical Examiners.

33 2. The deposited money must only be used to carry out the
34 activities of the Nevada Institutional Review Board and to pay
35 the expenses incurred by the Nevada Institutional Review Board in
36 the discharge of its duties ~~[.]~~ *, including, without limitation, the*
37 *expenses to reimburse the Board of Homeopathic Medical*
38 *Examiners as required by section 7 of this act.*

39 **Sec. 32.** NRS 630A.900 is hereby amended to read as follows:

40 630A.900 ~~[1. The Nevada Institutional Review Board shall~~
41 ~~adopt]~~ *The Board of Homeopathic Medical Examiners shall:*

42 *1. Adopt* regulations to carry out the provisions of NRS
43 630A.800 to 630A.910, inclusive ~~[.]~~

44 ~~—2. All regulations adopted]~~ *, and section 7 of this act. The*
45 *regulations may include, without limitation, provisions that*



1 *prescribe the manner in which the Nevada Institutional Review*
2 *Board must discharge its duties.*

3 *2. Consider any recommendation for a regulation submitted*
4 *to it by the Nevada Institutional Review Board . ~~{must be approved~~*
5 *by the Board of Homeopathic Medical Examiners.}*

6 **Sec. 33.** NRS 630A.905 is hereby amended to read as follows:

7 630A.905 1. The Nevada Institutional Review Board shall:

8 (a) Review proposals for research studies and ~~{oversee, review~~
9 ~~and control all}~~ research studies *which* it has approved ~~{:}~~ *to ensure*
10 *the protection of research subjects; and*

11 (b) Evaluate ~~{, determine and act upon}~~ the safety ~~{, efficacy,~~
12 ~~reimbursement and availability}~~ *and efficacy* of diagnostic devices,
13 substances, other modalities, therapies and methods of treatment
14 used in ~~{such}~~ *the* research studies . ~~{; and~~

15 ~~—(c) Analyze, coordinate and integrate the diagnostic techniques~~
16 ~~and treatments related to alternative and complementary integrative~~
17 ~~medicine with the diagnostic techniques and treatments of other~~
18 ~~health care practices.}~~

19 2. The Nevada Institutional Review Board shall ~~{oversee,~~
20 ~~review and control}~~ *monitor and review* any research studies which
21 it has approved ~~{and which}~~ *that* involve the use of human research
22 subjects and any ~~{related issues,}~~ *issues relating to the research*
23 *studies*, including, without limitation:

24 (a) The qualifications ~~{required}~~ for conducting ~~{such}~~ *the*
25 research studies;

26 (b) The ~~{proper}~~ *expected* clinical outcome to be attributed to
27 ~~{such}~~ *the* research studies; and

28 (c) The safety ~~{, efficacy, reimbursement and availability}~~ *and*
29 *efficacy* of diagnostic devices, substances, other modalities,
30 therapies and methods of treatment used in ~~{such}~~ *the* research
31 studies.

32 3. The Nevada Institutional Review Board shall evaluate ~~{:~~
33 ~~—(a) The}~~ *the* social and economic impact of the research studies
34 it has approved . ~~{; and~~

35 ~~—(b) The relationship between alternative and complementary~~
36 ~~integrative medicine and other health care practices.}~~

37 4. The Nevada Institutional Review Board shall:

38 (a) Keep a record of all transactions and provide the Board of
39 Homeopathic Medical Examiners, the Board of Medical Examiners
40 and the State Board of Osteopathic Medicine with quarterly reports
41 of all transactions; and

42 (b) Make any additional reports or recommendations to the
43 Board of Homeopathic Medical Examiners as the Board of
44 Homeopathic Medical Examiners requires.



5. The Nevada Institutional Review Board is accountable to the Board of Homeopathic Medical Examiners for all the activities of the Nevada Institutional Review Board.

Sec. 34. NRS 630A.910 is hereby amended to read as follows:

630A.910 1. A researcher who ~~intends to undertake~~ *undertakes* a research study must submit a proposal for the research study to the Nevada Institutional Review Board for its review and approval.

2. A researcher shall not undertake a research study unless the proposal for the research study ~~has been~~ *is* approved by the Nevada Institutional Review Board.

Sec. 35. NRS 441A.110 is hereby amended to read as follows:

441A.110 "Provider of health care" means a physician, nurse, physician assistant, *advanced practitioner of homeopathy* or veterinarian licensed *or certified* in accordance with state law.

Sec. 36. As soon as practicable after July 1, 2007, the Nevada Institutional Review Board shall reimburse the Board of Homeopathic Medical Examiners for the expenses incurred by the Board of Homeopathic Medical Examiners to supervise the Nevada Institutional Review Board from July 1, 2005, to June 30, 2007.

Sec. 37. 1. Notwithstanding the provisions of NRS 630A.865, as amended by section 30 of this act, the term of office of a person who is a member of the Nevada Institutional Review Board on June 30, 2007, expires on July 1, 2007.

2. As soon as practicable on or after July 1, 2007:

(a) The Board of Homeopathic Medical Examiners shall appoint to the Nevada Institutional Review Board:

(1) One member whose term expires on July 1, 2008;

(2) One member whose term expires on July 1, 2009; and

(3) Two members whose terms expire on July 1, 2010;

(b) The Governor shall appoint to the Nevada Institutional Review Board one member whose term expires on July 1, 2008;

(c) The Majority Leader of the Senate shall appoint to the Nevada Institutional Review Board one member whose term expires on July 1, 2009; and

(d) The Speaker of the Assembly shall appoint to the Nevada Institutional Review Board one member whose term expires on July 1, 2010.

Sec. 38. A regulation adopted by the Nevada Institutional Review Board before July 1, 2007, shall be deemed to have been adopted by the Board of Homeopathic Medical Examiners.

Sec. 39. 1. This section becomes effective upon passage and approval.

2. Sections 1 to 16, inclusive, and 18 to 29, inclusive, of this act become effective upon passage and approval for the purpose of



1 adopting regulations and performing any other preparatory
2 administrative tasks that are necessary to carry out the provisions of
3 this act and on July 1, 2007, for all other purposes.

4 3. Section 16 of this act expires by limitation on the date on
5 which the provisions of 42 U.S.C. § 666 requiring each state to
6 establish procedures under which the state has authority to withhold
7 or suspend, or to restrict the use of professional, occupational and
8 recreational licenses of persons who:

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

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

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

15 4. Section 17 of this act:

16 (a) Becomes effective on the date on which the provisions of 42
17 U.S.C. § 666 requiring each state to establish procedures under
18 which the state has authority to withhold or suspend, or to restrict
19 the use of professional, occupational and recreational licenses of
20 persons who:

21 (1) Have failed to comply with a subpoena or warrant
22 relating to a proceeding to determine the paternity of a child or to
23 establish or enforce an obligation for the support of a child; or

24 (2) Are in arrears in the payment for the support of one or
25 more children,

26 ➤ are repealed by the Congress of the United States; and

27 (b) Expires by limitation 2 years after the effective date pursuant
28 to paragraph (a).

