

SENATE BILL NO. 395—SENATOR WASHINGTON

MARCH 19, 2007

Referred to Committee on Commerce and Labor

SUMMARY—Enacts provisions relating to complementary integrative medicine. (BDR 54-18)

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 health; creating a statement of legislative intent regarding various unlicensed practitioners of health care; limiting the scope of this act; allowing certain providers of health care to provide complementary integrative medicine under various circumstances; allowing the Attorney General to adopt regulations to enforce this act; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

- 1 Existing law provides for and regulates various forms of complementary
- 2 integrative medicine, including homeopathic medicine. (Chapter 630A of NRS)
- 3 **Section 2** of this bill is a statement of legislative intent regarding various
- 4 unlicensed practitioners of health care in this State. **Section 8** of this bill provides
- 5 that this bill does not apply to, control or prevent certain health care related
- 6 services. **Section 9** of this bill allows certain providers of health care to provide
- 7 complementary integrative medicine under various circumstances. **Section 10** of
- 8 this bill allows the Attorney General to adopt regulations to carry out the provisions
- 9 of this bill, including, without limitation, civil penalties for violations of this bill.

1 WHEREAS, Health freedom is desirable for practitioners of
2 health care; and

3 WHEREAS, Health freedom is desirable for Nevada residents;
4 and

5 WHEREAS, There is a need for public safety in the
6 administration and supervision of health care services; now,
7 therefore,



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

Section 1. Title 54 of NRS is hereby amended by adding thereto a new chapter to consist of the provisions set forth as sections 2 to 10, inclusive, of this act.

Sec. 2. The Legislature hereby finds and declares that:

1. Based upon a comprehensive report by the National Institutes of Health, a study published by the New England Journal of Medicine, and other research data, it is evident that thousands of persons in this State are presently receiving a substantial amount of health care from practitioners of health care services who are not licensed or certified by this State.

2. Reports, studies and research data also show that persons from a wide variety of age, ethnic, socioeconomic and other demographic categories utilize these health services, often referred to as complementary and alternative health care practices or natural healing therapies and modalities.

3. Notwithstanding the widespread utilization of these health care services by residents of this State, the provision of such services may be in technical violation of the professional practice acts governing licensed providers of health care.

4. As a result, an unlicensed practitioner of the healing arts who is not licensed by this State as a provider of health care could be subject to fines, penalties and the restriction of his practice, although his practice does not cross the threshold of state regulatory concern for the public.

5. As this State finds that the unlicensed practice of health care services is desirable under certain circumstances and in order to maximize and protect consumer options in health care and for the public's health and welfare, the Legislature intends to remove barriers to the public's access to unlicensed practitioners providing health care services with appropriate consumer protections.

Sec. 3. Sections 3 to 10, inclusive, of this act may be cited as the Consumer Access to Health Care Services Act.

Sec. 4. As used in this chapter, unless the context otherwise requires, the words and terms defined in sections 5, 6 and 7 of this act have the meanings ascribed to them in those sections.

Sec. 5. 1. "Complementary integrative medicine" includes a range of health care and methods of healing, modalities, diagnostics, treatments, procedures and protocols which are not generally recognized by the medical community as standard or conventional medical approaches and are used to enhance or complement a standard treatment.



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2. The term includes, without limitation, biofermentics, biooxidative therapy, electrodiagnosis, herbal therapy, homeopathy, lifestyle modification, naturopathy, neural therapy, neuromuscular integration, nutrition, orthomolecular therapy, peptides, stem cell therapy and therapeutic equivalents.

3. As used in this section:

(a) "Biofermentics" means any fermentational process the results of which have a physiological effect.

(b) "Biooxidative therapy" means the use of substances to promote healing at the cellular level by using oxygen in its various forms.

(c) "Electrodiagnosis" means the use of a device for electrodermal testing to measure the resistance of skin at acupuncture points to:

(1) Evaluate and treat a patient; and

(2) Assist in the selection and use of homeopathic medicines, nutraceutical medicines or other forms of therapy.

(d) "Herbal therapy" means to prescribe and use plants and extracts of plants, or any combination thereof, to:

(1) Treat an ailment or disease of the mind, emotions or body;

(2) Cure or relieve any wound, bodily injury, deformity or malfunction of the body; or

(3) Restore balance and hemostasis.

(e) "Homeopathy" means a system that uses dilutional medicines in accordance with the principle that a substance which produces symptoms in a healthy person can eliminate those symptoms in an ill person, including, without limitation:

(1) Nosodes and sarcodes, which are given in microdosage, except that sarcodes may be given in macrodosage;

(2) Homeopathic remedies prepared according to homeopathic pharmacology by which the formulation of homeopathic preparations is accomplished by methods of dilution and succussion, including, without limitation, Hahnemannian dilution and succussion;

(3) Homeopathic remedies prepared from magnetically energized geometric patterns; and

(4) Imprinting or transferring the vital force or energetic essence from a substance to another substance through electromagnetic means and utilized as therapeutic substances.

(f) "Lifestyle modification" means counseling to achieve homeostasis through the use of lifestyle factors, including, without limitation, faith, fresh air, sunlight, water, rest, good nutrition, exercise, temperance, discipline, positive attitude, humor, touch and fulfilling relationships.



(g) “Naturopathy” means a system of therapy and treatment that relies on natural remedies, including, without limitation, sunlight, air and water, supplemented with diet and massage colon hydrotherapy and any other therapy to promote and enhance health and wellness.

(h) “Neural therapy” means the use of an electronic device for testing and treatment or to inject vitamins, minerals, homeopathic medications, herbal extracts, enzymes, orthomolecular substances or any other medicinal or pharmaceutical preparations into:

(1) Any acupuncture, acupressure or trigger points of the body;

(2) The ganglia of the body; or

(3) Any subcutaneous tissue, intracutaneous tissue, intra-articular tissue or periosteal tissue.

(i) “Neuromuscular integration” means the progressive harmonization of the endocrine system, immune system, autonomic nervous system, skeletal system and smooth muscle system of a patient with the cognitive and noncognitive faculties of the patient by using:

(1) Manipulation of the soft tissues of the body to balance the body; and

(2) Thought field therapy to recondition the endocrine system, immune system, autonomic nervous system and central nervous system.

(j) “Nutrition” includes, without limitation, the recognition, evaluation, treatment and correction of the unique dietary requirements of a patient.

(k) “Orthomolecular therapy” includes:

(1) The prescription of topical and oral supplements, medicines and compounded pharmaceutical preparations; and

(2) Any intravenous infusion, intramuscular injection, subcutaneous injection and intradermal injection of nutrients, including, without limitation, vitamins, amino acids, minerals, enzymes, compounded pharmaceutical preparations, homeopathic medications, organ preparations, ozone, hydrogen peroxide and chelating agents.

(l) “Peptides” means the use of biological molecules to effect cellular function for bioregenerative purposes.

(m) “Stem cell therapy” means the use of nonembryonic stem cells in a manner approved by law.

(n) “Therapeutic equivalents” means the use of nutraceuticals or any other nonlegend agents or modalities of treatment that possess the same or greater efficacy as any allopathic medications or conventional treatments.



1 **Sec. 6.** *“Unlicensed practitioner” means a person who is not*
2 *a provider of health care.*

3 **Sec. 7.** *“Provider of health care” has the meaning ascribed*
4 *to it in NRS 629.031.*

5 **Sec. 8.** 1. *Except as otherwise provided in section 9 of this*
6 *act, the provisions of this chapter do not apply to, control or*
7 *prevent any health care service provided by a person regulated by*
8 *a board that regulates a provider of health care.*

9 2. *The provisions of this chapter do not apply to, control or*
10 *prevent any health care service if it is exempted from regulatory*
11 *control by this State by a provision in another chapter of NRS.*

12 3. *The provisions of this chapter do not apply to, control or*
13 *prevent a person from providing any health care service if the*
14 *person is exempted from regulatory control by this State by a*
15 *provision in another chapter of NRS.*

16 **Sec. 9.** *Notwithstanding any other provision of law, a*
17 *provider of health care may provide a complementary integrative*
18 *medical service to a patient as long as the service:*

19 1. *Has a reasonable basis for potential benefit to the patient;*

20 2. *Does not pose a greater risk of direct and significant*
21 *physical or emotional harm when used as directed than that of a*
22 *conventional treatment that would have been recommended;*

23 3. *Is provided by the practitioner with reasonable skill and*
24 *safety according to the practitioner’s knowledge, education,*
25 *experience and training in the service; and*

26 4. *Is preceded by the following procedures:*

27 (a) *The provider of health care explaining and providing to the*
28 *patient in plain, written terms the following information:*

29 (1) *The theoretical approach for the service;*

30 (2) *The provider of health care’s education, training,*
31 *experience and credentials regarding the service being provided;*

32 (3) *The nature and purpose of the service;*

33 (4) *The expected benefits of the service;*

34 (5) *The significant and material risks associated with the*
35 *service; and*

36 (6) *Any other truthful and nonmisleading information that*
37 *the patient would reasonably require in order to make an informed*
38 *determination regarding whether to undertake or refuse the*
39 *service;*

40 (b) *The provider of health care obtaining from the patient the*
41 *patient’s written acknowledgment that the patient has received the*
42 *information required pursuant to paragraph (a); and*

43 (c) *The provider of health care obtaining from the patient the*
44 *patient’s written, informed consent to the service.*



- 1 **Sec. 10.** *The Attorney General may adopt regulations*
2 *necessary to carry out the provisions of this chapter, including,*
3 *without limitation, a schedule of civil penalties for violations of*
4 *this chapter.*
5 **Sec. 11.** This act becomes effective on July 1, 2007.

