

SENATE BILL NO. 432—SENATOR SCHNEIDER

MARCH 19, 2007

Referred to Committee on Commerce and Labor

SUMMARY—Enacts provisions governing complementary integrative medicine. (BDR 54-694)

FISCAL NOTE: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility.
Effect on the State: Yes.

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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 the Board of Complementary Integrative Medical Examiners; setting forth the powers and duties of the Board; providing for the membership of the Board; setting forth the requirements for the issuance of a license as a complementary integrative medical physician and the issuance of a certificate as an advanced practitioner of complementary integrative medicine, complementary integrative medical assistant and complementary integrative medical nutritionist; abolishing the Board of Homeopathic Medical Examiners; transferring its powers and duties to the Board of Complementary Integrative Medical Examiners; repealing and revising other provisions governing homeopathy; imposing certain requirements upon a provider of insurance; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

- 1 Under existing law, a person may not engage in activity as a homeopathic
- 2 physician, advanced practitioner of homeopathy or homeopathic assistant unless the
- 3 person is licensed or certified by the Board of Homeopathic Medical Examiners.
- 4 (Chapter 630A of NRS) The term "homeopathy" generally means to treat a patient
- 5 using certain substances of animal, vegetable, chemical or mineral origin in
- 6 accordance with the principle that a substance which produces symptoms in a
- 7 healthy person may eliminate those symptoms in an ill person. (NRS 630A.040)
- 8 The Board has numerous duties and powers relating to the practice of homeopathy,



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including, without limitation, the authority to adopt regulations and to commence disciplinary proceedings against persons who are licensed or certified by the Board. (NRS 630A.200, 630A.480-630A.555)

Section 127 of this bill repeals the existing provisions of NRS governing the practice of homeopathy. **Sections 3-84** of this bill enact entirely new provisions governing the practice of complementary integrative medicine and create a new board designated the Board of Complementary Integrative Medical Examiners. The new Board has generally the same powers and duties of the abolished Board of Homeopathic Medical Examiners.

Section 34 of this bill provides that a homeopathic physician who is licensed under the Board of Homeopathic Medical Examiners may continue to practice using his current license to practice homeopathic medicine. However, **section 34** also gives the homeopathic physician the option to apply to the Board of Complementary Integrative Medical Examiners for the issuance of a license as a complementary integrative medical physician without any further requirements.

Sections 35 and 41-46 of this bill authorize a person to become licensed or certified by the Board of Complementary Integrative Medical Examiners to be a complementary integrative medical physician, an advanced practitioner of complementary integrative medicine, a complementary integrative medical assistant or a complementary integrative medical nutritionist. **Section 52** of this bill authorizes the Board to issue certain temporary, emeritus, special and restricted licenses to engage in practice as a complementary integrative medical physician. **Section 55** of this bill sets forth the fees for the issuance or renewal of a license or certificate that is issued or renewed by the Board. **Section 84** of this bill provides for the imposition of a felony against a person who practices complementary integrative medicine or homeopathic medicine without a license or provides services as an advanced practitioner of complementary integrative medicine, a complementary integrative medical assistant or a complementary integrative medical nutritionist without a certificate issued by the Board.

Sections 118 and 119 of this bill add new provisions to Nevada's Insurance Code, including provisions requiring a provider of insurance to use ABC coding in its business transactions with providers of health care. (Title 57 of NRS)

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

Section 1. The Legislature of the State of Nevada hereby:

1. Declares this State to be a freedom of health state.
2. Affirms that a patient in this State is entitled to access to and the use of the products and services of any provider of health care chosen by the patient, including, without limitation, a complementary integrative medical physician or any other provider of health care in the broad domain of healing arts.

Sec. 2. Title 54 of NRS is hereby amended by adding thereto a new chapter to consist of the provisions set forth as sections 34 to 84, inclusive, of this act.

Sec. 3. *As used in this chapter, unless the context otherwise requires, the words and terms defined in sections 4 to 15, inclusive, of this act have the meanings ascribed to them in those sections.*



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1 **Sec. 4.** *“Advanced practitioner of complementary integrative*
2 *medicine” means a person who has:*

3 1. *Complied with the requirements set forth in this chapter*
4 *and the regulations adopted pursuant thereto for advanced*
5 *practitioners of complementary integrative medicine; and*

6 2. *Been issued a certificate as an advanced practitioner of*
7 *complementary integrative medicine by the Board.*

8 **Sec. 5.** *“Board” means the Board of Complementary*
9 *Integrative Medical Examiners.*

10 **Sec. 6.** *“Complementary integrative medical assistant”*
11 *means a person who:*

12 1. *Is a graduate of an academic program approved by the*
13 *Board or who, by general education, practical training and*
14 *experience determined to be satisfactory by the Board, is qualified*
15 *to perform services relating to complementary integrative*
16 *medicine under the supervision of a supervising physician; and*

17 2. *Has been issued a certificate as a complementary*
18 *integrative medical assistant by the board.*

19 **Sec. 7.** *“Complementary integrative medical nutritionist”*
20 *means a person who:*

21 1. *Is a graduate of an academic program approved by the*
22 *Board or who, by general education, practical training and*
23 *experience determined to be satisfactory by the Board, is qualified*
24 *to provide information to members of the public relating to*
25 *nutritional and supplemental health products in a facility in which*
26 *nutritional and supplemental health products are made available*
27 *to members of the public; and*

28 2. *Has been issued a certificate as a complementary*
29 *integrative medical nutritionist by the Board.*

30 **Sec. 8.** *“Complementary integrative medical physician”*
31 *means a person who has:*

32 1. *Complied with the requirements set forth in this chapter*
33 *and the regulations adopted pursuant thereto for the practice of*
34 *complementary integrative medicine; and*

35 2. *Been issued a license to practice complementary*
36 *integrative medicine by the Board.*

37 **Sec. 9.** 1. *“Complementary integrative medicine” includes*
38 *a range of health care and methods of healing, modalities,*
39 *diagnostics, treatments, procedures and protocols which are not*
40 *generally recognized by the medical community as standard or*
41 *conventional medical approaches and are used to enhance or*
42 *complement a standard treatment.*

43 2. *The term includes, without limitation, biofermentics, bio-*
44 *oxidative therapy, electrodiagnosis, herbal therapy, homeopathy,*
45 *lifestyle modification, naturopathy, neural therapy,*



1 *neuromuscular integration, nutrition, orthomolecular therapy,*
2 *peptides, stem cell therapy and therapeutic equivalents.*

3 3. As used in this section:

4 (a) “Biofermentics” means any fermentational process the
5 results of which have a physiological effect.

6 (b) “Bio-oxidative therapy” means the use of substances to
7 promote healing at the cellular level by using oxygen in its various
8 forms.

9 (c) “Electrodiagnosis” means the use of a device for
10 electrodermal testing to measure the resistance of skin at
11 acupuncture points to:

12 (1) Evaluate and treat a patient; and

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

15 (d) “Herbal therapy” means to prescribe and use plants and
16 extracts of plants, or any combination thereof, to:

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

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

21 (3) Restore balance and hemostasis.

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

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

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

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

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

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

43 (g) “Naturopathy” means a system of therapy and treatment
44 that relies on natural remedies, including, without limitation,
45 sunlight, air and water, supplemented with diet and massage colon



1 *hydrotherapy and any other therapy to promote and enhance*
2 *health and wellness.*

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

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

9 (2) *The ganglia of the body; or*

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

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

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

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

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

25 (k) “Orthomolecular therapy” includes:

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

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

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

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

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

42 **Sec. 10.** “Gross malpractice” means malpractice where the
43 *failure to exercise the requisite degree of care, diligence or skill*
44 *consists of:*



1 *1. Ministering to a patient while under the influence of*
2 *alcohol or any controlled substance;*

3 *2. Gross negligence;*

4 *3. Willful disregard of procedures applicable to*
5 *complementary integrative medicine or homeopathic medicine; or*

6 *4. Willful and consistent use of complementary integrative*
7 *medical or homeopathic medical procedures, services or treatment*
8 *considered by complementary integrative medical physicians or*
9 *homeopathic physicians in the community to be inappropriate or*
10 *unnecessary in the cases where used.*

11 **Sec. 11. 1. “Homeopathic medicine” means a system of**
12 **medicine employing substances of animal, vegetable, chemical or**
13 **mineral origin, including:**

14 (a) *Nosodes and sarcodes, which are:*

15 (1) *Given in microdosage, except that sarcodes may be*
16 *given in macrodosage;*

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

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

27 *↪ in accordance with the principle that a substance which*
28 *produces symptoms in a healthy person can eliminate those*
29 *symptoms in an ill person.*

30 (b) *Cell therapy, herbal therapy, neuromuscular integration,*
31 *noninvasive electrodiagnosis, nutrition and orthomolecular*
32 *therapy.*

33 **2. As used in this section:**

34 (a) *“Bio-oxidative substances” means substances that are used*
35 *to promote healing at the cellular level by the use of oxygen in its*
36 *various forms.*

37 (b) *“Chelating agents” means substances that are used to*
38 *remove heavy metals and other toxins from the body, including,*
39 *without limitation:*

40 (1) *Sodium 2, 3-dimercaptopropane-1-sulfonate (DMPS);*

41 (2) *Dimercaptosuccinic acid (DMSA);*

42 (3) *Ethylene diamine tetra-acetic acid (EDTA);*

43 (4) *Penicillamine;*

44 (5) *Diethylene triamine penta-acetic acid (DTPA);*

45 (6) *Deferoxamine mesylate; and*



1 (7) *Clathration agents.*

2 (c) *“Dry needling” means a procedure that involves inserting*
3 *acupuncture needles under the skin at trigger points and while*
4 *those needles are inserted, rotating the needles or connecting the*
5 *needles to a low current electrical supply.*

6 (d) *“Herbal therapy” means a system of healing art that places*
7 *the chief emphasis on the flow and balance of dynamic force or*
8 *energy in the body mechanism as being the most important single*
9 *factor in maintaining the natural health and well-being of the*
10 *living organism and includes, without limitation, the prescribing*
11 *and use of plants or plant extracts, or a combination thereof, to*
12 *treat an ailment or disease of the mind, emotions or body, or for*
13 *the cure or relief of any wound, bodily injury or deformity. As*
14 *used in this paragraph:*

15 (1) *“Plant” includes, without limitation, any tree, vine,*
16 *shrub, vegetable or herb or any part of a tree, vine, shrub,*
17 *vegetable or herb.*

18 (2) *“Plant extract” means a substance removed from a*
19 *plant by physical or chemical means for medicinal purposes.*

20 (e) *“Neural therapy” means dry needling, the use of an*
21 *electronic testing and treatment device and the injection of*
22 *vitamins, minerals, homeopathic medications, herbal extracts,*
23 *enzymes, orthomolecular substances or other medicinal or*
24 *pharmaceutical preparations into:*

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

27 (2) *The ganglia of the body; or*

28 (3) *Any subcutaneous tissue, intracutaneous tissue, intra-*
29 *articular tissue or periosteal tissue,*

30 *↳ of a patient to control pain or produce other beneficial clinical*
31 *effects.*

32 (f) *“Neuromuscular integration” means the progressive*
33 *harmonization of the endocrine system, immune system,*
34 *autonomic nervous system, skeletal system and smooth muscle*
35 *system of a patient with the cognitive and noncognitive faculties of*
36 *a patient by the use of:*

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

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

42 (g) *“Nutrition” includes, without limitation, the recognition,*
43 *evaluation, treatment and correction of the unique dietary needs*
44 *of a patient.*



(h) "Orthomolecular therapy" means the treatment and prevention of disease, including, without limitation, infection, malignancy and degenerative illness, by adjusting the natural chemical constituents of the body on the molecular level. The term includes, without limitation:

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

(2) The intravenous infusion, intramuscular injection, subcutaneous injection and intradermal injection of vitamins, amino acids, peptides, polypeptides, enzymes, sarcodes, medicines and pharmaceutical preparations, homeopathic medications, ozone, bio-oxidative substances or chelating agents,

↳ to detoxify and remove harmful substances from the body, including, without limitation, heavy metals, the buildup of vascular and arterial plaque and toxic environmental factors, including, without limitation, pesticides, xenobiotics, bacteria and fungi.

(i) "Pharmaceutical preparations" includes narcotic drugs or opiates that are listed as schedule II controlled substances pursuant to chapter 453 of NRS.

(j) "Thought field therapy" means a technique that uses the energy meridians of the body which are used in acupuncture and acupressure to treat abnormal patterns of thought that cause emotional and psychophysiological distress.

(k) "Trigger point" means a hyperirritable spot within the skeletal muscle or the fascia of that muscle that, upon compression, causes pain, tenderness and autonomic nervous system phenomena.

(l) "Xenobiotics" means chemical compounds that, under normal circumstances, are foreign to living organisms.

Sec. 12. "Homeopathic physician" means a person who holds a license to practice homeopathic medicine which was valid under the laws of this State governing homeopathic medicine that were in effect on June 30, 2007, and who is authorized to continue to practice homeopathic medicine in this State under that license pursuant to section 34 of this act.

Sec. 13. 1. "Malpractice" means failure on the part of a complementary integrative medical physician or a homeopathic physician to exercise the degree of care, diligence and skill ordinarily exercised by complementary integrative medical physicians or homeopathic physicians in good standing in the community in which he practices.

2. As used in this section, "community" embraces the entire area customarily served by complementary integrative medical physicians or homeopathic physicians among whom a patient may



1 *reasonably choose, not merely the particular area inhabited by the*
2 *patients of that individual physician or the particular city or place*
3 *where he maintains an office.*

4 **Sec. 14.** *“Professional incompetence” means lack of ability*
5 *safely and skillfully to practice complementary integrative*
6 *medicine or homeopathic medicine, or to practice one or more*
7 *specified branches of complementary integrative medicine or*
8 *homeopathic medicine, arising from:*

- 9 1. *Lack of knowledge or training;*
10 2. *Impaired physical or mental capability;*
11 3. *Indulgence in the use of alcohol or any controlled*
12 *substance; or*
13 4. *Any other sole or contributing cause.*

14 **Sec. 15.** *“Supervising physician” means a complementary*
15 *integrative medical physician or homeopathic physician who is*
16 *licensed and actively practicing in this State and who employs and*
17 *supervises an advanced practitioner of complementary integrative*
18 *medicine, a complementary integrative medical assistant or a*
19 *complementary integrative medical nutritionist.*

20 **Sec. 16.** 1. *The purpose of licensing complementary*
21 *integrative medical physicians and homeopathic physicians and*
22 *certifying advanced practitioners of complementary integrative*
23 *medicine, complementary integrative medical assistants and*
24 *complementary integrative medical nutritionists is to protect the*
25 *public health and safety and the general welfare of the residents of*
26 *this State.*

27 2. *Any license or certificate issued pursuant to this chapter is*
28 *a revocable privilege, and a holder of such a license or certificate*
29 *does not acquire thereby any vested right.*

30 **Sec. 17.** 1. *This chapter does not apply to:*

31 (a) *The practice of allopathic medicine, dentistry, chiropractic,*
32 *Oriental medicine, podiatry, optometry, respiratory care, faith or*
33 *Christian Science healing, nursing, veterinary medicine or fitting*
34 *hearing aids;*

35 (b) *A medical officer of the Armed Services or a medical*
36 *officer of any division or department of the United States in the*
37 *discharge of his official duties;*

38 (c) *Licensed or certified nurses in the discharge of their duties*
39 *as nurses; or*

40 (d) *Complementary integrative medical physicians who are*
41 *called into this State, other than on a regular basis, for*
42 *consultation or assistance to any physician licensed in this State,*
43 *and who are legally qualified to practice in the state or country*
44 *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; or

(b) The domestic administration of family remedies.

Sec. 18. 1. A complementary integrative medical physician, a homeopathic physician, an advanced practitioner of complementary integrative medicine, a complementary integrative medical assistant or a complementary integrative medical nutritionist may associate with any other person in:

(a) A business for managing the provision of complementary integrative medicine or homeopathic medicine to patients; or

(b) A business for providing medical diagnoses or medical treatment to patients receiving complementary integrative medicine or homeopathic medicine.

2. A complementary integrative medical physician, a homeopathic physician, an advanced practitioner of complementary integrative medicine, a complementary integrative medical assistant or a complementary integrative medical nutritionist who has an ownership interest in a business specified in subsection 1 that is separate from his practice shall provide notice of that interest to a patient before providing any complementary integrative medicine or homeopathic medicine or services to the patient.

Sec. 19. 1. The Board of Complementary Integrative Medical Examiners is hereby created. The Board consists of seven members who are appointed as follows:

(a) One member appointed by the State Board of Nursing who is licensed or certified to practice nursing in this State;

(b) One member appointed by the State Board of Pharmacy who is licensed to practice pharmacy in this State;

(c) Two members appointed by the Governor who are residents of this State and are licensed and actively practicing complementary integrative medicine or homeopathic medicine in this State; and

(d) Three members appointed by the Governor who are members of the general public and have been residents of this State for at least 3 years, two of whom must represent southern Nevada and one of whom must represent northern Nevada. These members must not be:

(1) A person who holds a license or certificate issued pursuant to this chapter; or

(2) The spouse or the parent or child, by blood, marriage or adoption, of a person who holds a license or certificate issued pursuant to this chapter.



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2. After the initial terms, each member of the Board serves for a term of 4 years.

Sec. 20. 1. Each member of the Board must:

(a) Be selected without regard to the individual political beliefs of that member; and

(b) Have experience or a significant interest in the successful development and perpetuation of the principles and practices of complementary integrative medicine or homeopathic medicine.

2. Each member of the Board appointed pursuant to paragraph (a), (b) or (c) of subsection 1 of section 19 of this act must demonstrate that a majority of the practice of that member is devoted to the principles and practices of complementary integrative medicine or homeopathic medicine.

Sec. 21. 1. Upon expiration of his term of office, a member shall continue to serve until a person qualified pursuant to section 19 of this act is appointed as his successor.

2. A member of the Board may be removed by the Governor for good cause. The Governor shall appoint a person qualified pursuant to section 19 of this act to replace a removed member for the remainder of the unexpired term.

Sec. 22. Before entering upon the duties of his office, each member of the Board shall take:

1. The constitutional oath or affirmation of office; and

2. An oath or affirmation that he is legally qualified to serve as a member of the Board.

Sec. 23. 1. The Board shall elect from its members a President, Vice President and Secretary-Treasurer. Except as otherwise provided in section 21 of this act, each officer serves at the pleasure of the Board.

2. The Board shall elect the officers specified in subsection 1 on or before June 30 of each year. Each officer elected pursuant to this section serves for a term of 1 year beginning on July 1 of the year in which the officer is elected.

3. The Board shall receive through its Secretary-Treasurer each application for a license or certificate issued pursuant to this chapter.

Sec. 24. 1. The Board shall meet at least twice annually and may meet at other times on the call of the President or a majority of the members of the Board.

2. A majority of the Board constitutes a quorum, and a quorum may exercise all the powers and duties conferred upon the Board.

3. Each decision of the Board requires a majority vote of the members of the Board. The Board may, by a majority vote of the members of the Board, delegate a decision to:



- (a) *A person designated by the Board; or*
- (b) *A subcommittee appointed by the Board.*

Sec. 25. The Board shall:

1. *Regulate the practice of complementary integrative medicine and homeopathic medicine in this State and any activities that are within the scope of that practice, to protect the public health and safety and the general welfare of the residents 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 investigate the background of 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 complementary integrative medical physician, homeopathic physician, advanced practitioner of complementary integrative medicine, complementary integrative medical assistant or complementary integrative medical nutritionist or any agent or employee of any of those persons, or any facility where the primary practice is complementary integrative medicine or 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 complementary integrative medicine and homeopathic medicine.*

Sec. 26. 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.*



1 3. *Expenses of the Board and the expenses and salaries of the*
2 *members and employees of the Board must be paid from the fees*
3 *received by the Board pursuant to the provisions of this chapter.*
4 *Except as otherwise provided in subsection 7, no part of the*
5 *salaries or expenses of the members of the Board may be paid out*
6 *of the State General Fund.*

7 4. *In addition to any fees received by the Board pursuant to*
8 *this chapter, the Board may be funded by:*

9 (a) *A nonprofit organization, created by the Board, which is*
10 *exempt from taxation pursuant to 26 U.S.C. § 501(c)(3); and*

11 (b) *Gifts, grants, appropriations or donations to assist the*
12 *Board in carrying out the provisions of this chapter.*

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

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

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

31 **Sec. 27. 1. The Board shall procure a seal.**

32 2. *Each license and certificate issued by the Board must bear*
33 *the seal of the Board and the signatures of its President and*
34 *Secretary-Treasurer.*

35 **Sec. 28. 1. A person shall not use the seal, the designation**
36 *of the Board or any license or certificate issued by the Board or*
37 *any imitation thereof in any way not authorized by this chapter or*
38 *the regulations adopted pursuant thereto.*

39 2. *A person who violates the provisions of subsection 1 is*
40 *guilty of a misdemeanor.*

41 **Sec. 29. The Board shall operate on the basis of a fiscal year**
42 *beginning on July 1 and ending on June 30.*

43 **Sec. 30. The Board may:**

44 1. *Maintain offices in as many locations in this State as it*
45 *finds necessary to carry out the provisions of this chapter.*



2. *Employ attorneys, investigators, hearing officers, experts, administrators, consultants and clerical personnel necessary to the discharge of its duties.*

Sec. 31. *1. In addition to any committee or subcommittee appointed by the Board pursuant to this chapter, the Board may appoint a committee to assist the Board in:*

(a) Accepting and reviewing applications for the issuance of a license or certificate pursuant to this chapter;

(b) Renewing such a license or certificate; or

(c) Performing any other duty required by the Board relating to the qualification and examination of an applicant for the issuance or renewal of such a license or certificate.

2. A committee appointed by the Board pursuant to subsection 1 must consist of at least one complementary integrative medical physician or homeopathic physician and at least two holders of certificates in the area of licensing or certification for which the Board appoints the committee. The committee may submit a recommendation to the Board concerning:

(a) Any applicant for the issuance or renewal of a license or certificate; or

(b) Any other matter referred by the Board to the committee.

Sec. 32. *The Board may adopt regulations to carry out the provisions of this chapter.*

Sec. 33. *1. In a manner consistent with the provisions of chapter 622A of NRS, the Board may hold hearings and conduct investigations relating to its duties pursuant to this chapter and take evidence on any matter under inquiry before the Board. The Secretary-Treasurer of the Board or, in his absence, any member of the Board may administer oaths to any witness appearing before the Board. The President or Secretary-Treasurer of the Board or a person designated by the Board may issue subpoenas to compel the attendance of witnesses and the production of books, medical records, X-ray photographs and other papers. The President or Secretary-Treasurer of the Board or a person designated by the Board shall sign the subpoena on behalf of the Board.*

2. If any person fails to comply with a subpoena issued by the Board, the President or Secretary-Treasurer of the Board or a person designated by the Board may petition the district court for an order of the court compelling compliance with the subpoena.

3. Upon such a petition, the court shall enter an order directing the person subpoenaed to appear before the court at a time and place to be fixed by the court in its order, the time to be not more than 10 days after the date of the order, and then and



1 *there show cause why he has not complied with the subpoena. A*
2 *certified copy of the order must be served upon that person.*

3 *4. If it appears to the court that the subpoena was regularly*
4 *issued by the Board, the court shall enter an order compelling*
5 *compliance with the subpoena, and upon failure to obey the order,*
6 *the person must be dealt with as for contempt of court.*

7 **Sec. 34.** *Notwithstanding any other licensing provision of*
8 *this chapter to the contrary, if a homeopathic physician holds a*
9 *license to practice homeopathic medicine which was valid under*
10 *the laws of this State governing homeopathic medicine that were*
11 *in effect on June 30, 2007:*

12 *1. The license shall be deemed to be a valid license to practice*
13 *homeopathic medicine issued pursuant to this chapter, and the*
14 *license entitles the homeopathic physician to continue to practice*
15 *homeopathic medicine in this State while in good standing, subject*
16 *to the regulatory and disciplinary authority of the Board and any*
17 *applicable provisions of this chapter. The license expires if the*
18 *homeopathic physician is issued a license as a complementary*
19 *integrative medical physician pursuant to subsection 2.*

20 *2. The homeopathic physician, while in good standing, may*
21 *elect to submit an application to the Board for the issuance of a*
22 *license as a complementary integrative medical physician. The*
23 *application must be accompanied by a fee of \$500. As soon as*
24 *practicable after receiving the application, the Board shall issue to*
25 *the applicant a license as a complementary integrative medical*
26 *physician.*

27 **Sec. 35.** *1. An applicant for a license to practice*
28 *complementary integrative medicine who is a graduate of a*
29 *medical school located in the United States or Canada shall*
30 *submit to the Board, through its Secretary-Treasurer, proof that*
31 *he has:*

32 *(a) Received the degree of:*

33 *(1) Doctor of medicine from a medical school which at the*
34 *time of his graduation was accredited by the Liaison Committee on*
35 *Medical Education or the Committee on Accreditation of*
36 *Canadian Medical Schools; or*

37 *(2) Doctor of osteopathic medicine from an osteopathic*
38 *school which at the time of his graduation was accredited by the*
39 *Commission on Osteopathic College Accreditation of the*
40 *American Osteopathic Association;*

41 *(b) Completed at least 3 years of postgraduate training in*
42 *allopathic or osteopathic medicine approved by the Board; and*

43 *(c) During the year immediately preceding the date he submits*
44 *his application, completed not less than 60 hours of continuing*
45 *medical education in complementary integrative medicine.*



2. In addition to the information required by subsection 1, the Board may take any other evidence and require the submission of any 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.

Sec. 36. 1. If required by the Board, an applicant for a license to practice complementary integrative medicine shall appear personally and pass an oral or written examination, or both.

2. The Board may employ specialists and other consultants or examining services in conducting any examination required by the Board.

Sec. 37. 1. The Board may reexamine an applicant if the applicant fails a first examination.

2. If an applicant fails a second examination, he may not be reexamined within less than 6 months after the date of the second examination. Before taking a third examination, he shall furnish proof satisfactory to the Board that he has obtained at least 6 months of additional training in complementary integrative medicine after the second examination.

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

Sec. 38. 1. An applicant for a license to practice complementary integrative medicine who is a graduate of a foreign medical school shall submit to the Board through its Secretary-Treasurer proof that he:

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

(b) Has received the degree of doctor of medicine or its equivalent, as determined by the Board, from a foreign medical school recognized by the Educational Commission for Foreign Medical Graduates;

(c) Has completed at least 3 years of postgraduate training satisfactory to the Board;

(d) Has completed an additional 6 months of postgraduate training in complementary integrative medicine;

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

(f) Has passed all parts of the United States Medical Licensing Examination, or has received a written statement from the



1 *Educational Commission for Foreign Medical Graduates that he*
2 *has passed the examination given by the Commission.*

3 2. *In addition to the information required by subsection 1, the*
4 *Board may take any other evidence and require the submission of*
5 *any other proof of the professional and moral qualifications of the*
6 *applicant as in its discretion may be deemed proper.*

7 3. *If the applicant is a diplomate of an approved specialty*
8 *board recognized by the Board of Complementary Integrative*
9 *Medical Examiners, the requirements of paragraphs (c) and (d) of*
10 *subsection 1 may be waived by the Board.*

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

16 **Sec. 39.** *The Board may license an applicant who holds a*
17 *valid license or certificate issued to him by the complementary*
18 *integrative medical examining board of any other state or territory*
19 *of the United States, or the District of Columbia, if:*

20 1. *The legal requirements of the complementary integrative*
21 *medical examining board were, at the time of issuing the license*
22 *or certificate, not less than the requirements of this State at the*
23 *time when the license or certificate was issued;*

24 2. *The applicant is of good moral character and reputation;*

25 3. *The applicant passes an examination, if required by the*
26 *Board pursuant to section 36 of this act; and*

27 4. *The applicant furnishes to the Board any other proof of*
28 *qualifications, professional or moral, required by the Board.*

29 **Sec. 40.** 1. *The Board may deny an application for a*
30 *license to practice complementary integrative medicine for any*
31 *violation of the provisions of this chapter or the regulations*
32 *adopted pursuant thereto.*

33 2. *The Board shall notify an applicant of any deficiency*
34 *which prevents any further action on his application or results in*
35 *the denial of the application. The applicant may respond in*
36 *writing to the Board concerning any deficiency, and if he does so,*
37 *the Board shall respond in writing to the contentions of the*
38 *applicant.*

39 3. *An unsuccessful applicant may appeal to the district court*
40 *to review the action of the Board within 30 days after the date of*
41 *the rejection of his application by the Board. On appeal, the*
42 *applicant has the burden to show that the action of the Board is*
43 *erroneous or unlawful.*



1 4. The Board shall maintain records relating to applicants to
2 whom licenses have been issued or denied. The records must be
3 open to the public and must set forth:

- 4 (a) The name of each applicant;
5 (b) The name of the school granting the applicant's diploma;
6 (c) The date of the diploma;
7 (d) The date of issuance or denial of the license; and
8 (e) The business address of the applicant.

9 **Sec. 41.** 1. The Board may grant a certificate as an
10 advanced practitioner of complementary integrative medicine to a
11 person who has completed an educational program designed to
12 prepare him to:

- 13 (a) Perform designated acts of medical diagnosis or
14 assessment;
15 (b) Prescribe therapeutic or corrective measures; and
16 (c) Prescribe substances used in complementary integrative
17 medicine.

18 2. An advanced practitioner of complementary integrative
19 medicine may:

- 20 (a) Engage in selected medical diagnosis or assessment and
21 treatment;
22 (b) Prescribe substances which are set forth in the official
23 Homeopathic Pharmacopoeia of the United States and any other
24 therapeutic or nutritious products and substances that are lawfully
25 accessible to the public according to their training and which may
26 provide a reasonable benefit to a patient which is not outweighed
27 by a potential risk of harm to the patient; and
28 (c) Comply with a protocol approved by a supervising
29 physician.

30 3. As used in this section, "protocol" means a written
31 agreement between a complementary integrative medical
32 physician or a homeopathic physician and an advanced
33 practitioner of complementary integrative medicine which sets
34 forth the:

- 35 (a) Patients which the advanced practitioner of complementary
36 integrative medicine may serve;
37 (b) Specific substances used in complementary integrative
38 medicine or homeopathic medicine which the advanced
39 practitioner of complementary integrative medicine may prescribe;
40 (c) Conditions under which the advanced practitioner of
41 complementary integrative medicine must directly refer a patient
42 to the complementary integrative medical physician or
43 homeopathic physician; and
44 (d) Conduct the advanced practitioner of complementary
45 integrative medicine may not engage in, including, without



1 *limitation, any diagnosis he is not qualified to make or any*
2 *treatment he is not qualified to perform.*

3 **Sec. 42.** *Except as otherwise provided in this chapter, the*
4 *Board shall adopt regulations:*

5 *1. Specifying the training, education and experience required*
6 *for certification as an advanced practitioner of complementary*
7 *integrative medicine.*

8 *2. Setting forth the authorized scope of practice of an*
9 *advanced practitioner of complementary integrative medicine.*

10 *3. Establishing a group of supervising physicians who are*
11 *available for use by an advanced practitioner of complementary*
12 *integrative medicine to review protocols or any other items*
13 *specified by the Board.*

14 *4. Establishing the procedure for applying for a certificate as*
15 *an advanced practitioner of complementary integrative medicine.*

16 *5. Establishing the duration, renewal and termination of a*
17 *certificate for an advanced practitioner of complementary*
18 *integrative medicine.*

19 *6. Establishing requirements for the continuing education of*
20 *an advanced practitioner of complementary integrative medicine.*

21 *7. Setting forth the grounds for imposing disciplinary action*
22 *against an advanced practitioner of complementary integrative*
23 *medicine.*

24 **Sec. 43.** *1. The Board may issue a certificate as a*
25 *complementary integrative medical assistant to an applicant who*
26 *is qualified pursuant to the regulations of the Board to perform*
27 *services relating to complementary integrative medicine or*
28 *homeopathic medicine under the supervision of a supervising*
29 *physician. The application for the certificate must be cosigned by*
30 *the supervising physician, and the certificate is valid only*
31 *during the period that the supervising physician employs and*
32 *supervises the complementary integrative medical assistant.*

33 *2. A complementary integrative medical assistant may*
34 *perform such services relating to complementary integrative*
35 *medicine or homeopathic medicine as he is authorized to perform*
36 *under the terms of the certificate issued to him by the Board, if the*
37 *services are performed under the supervision and control of the*
38 *supervising physician.*

39 **Sec. 44.** *Except as otherwise provided in this chapter, the*
40 *Board shall adopt regulations relating to the issuance of a*
41 *certificate as a complementary integrative medical assistant. The*
42 *regulations must include, without limitation:*

43 *1. The educational and other qualifications of an applicant.*

44 *2. The required academic program for an applicant.*



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1 3. The procedure for the submission of an application for and
2 the issuance of a certificate as a complementary integrative
3 medical assistant.

4 4. The test or examination of an applicant by the Board.

5 5. The medical services which a complementary integrative
6 medical assistant may perform, except that he may not perform
7 any specific function or duty delegated or restricted by law to a
8 person who is licensed as a dentist, chiropractor, podiatric
9 physician, optometrist or hearing aid specialist pursuant to
10 chapter 631, 634, 635, 636 or 637A, respectively, of NRS.

11 6. The duration, renewal and termination of a certificate as a
12 complementary integrative medical assistant.

13 7. The grounds for imposing disciplinary action against a
14 complementary integrative medical assistant.

15 8. The supervision of a complementary integrative medical
16 assistant by a supervising physician.

17 9. The establishment of requirements for the continuing
18 education of a complementary integrative medical assistant.

19 **Sec. 45. 1.** The Board may issue a certificate as a
20 complementary integrative medical nutritionist to an applicant
21 who is qualified pursuant to regulations adopted by the Board to
22 provide services relating to complementary integrative medicine or
23 homeopathic medicine.

24 2. A complementary integrative medical nutritionist may
25 perform any services specified in subsection 1 that he is authorized
26 to perform under the terms of the certificate issued to him by the
27 Board.

28 **Sec. 46.** Except as otherwise provided in this chapter, the
29 Board shall adopt regulations relating to the issuance of a
30 certificate as a complementary integrative medical nutritionist.
31 The regulations must include, without limitation:

32 1. The educational and other qualifications of an applicant.

33 2. The required academic program for an applicant.

34 3. The procedure for the submission of an application for and
35 the issuance of a certificate as a complementary integrative
36 medical nutritionist.

37 4. The test or examination of an applicant by the Board.

38 5. The services that a complementary integrative medical
39 nutritionist may perform.

40 6. The duration, renewal and termination of a certificate as a
41 complementary integrative medical nutritionist.

42 7. The grounds for imposing disciplinary action against a
43 complementary integrative medical nutritionist.

44 8. The establishment of the requirements for continuing
45 education of a complementary integrative medical nutritionist.



1 **Sec. 47. 1.** *In addition to any other evaluation or treatment*
2 *authorized pursuant to this chapter, a complementary integrative*
3 *medical physician may use any nontraditional diagnostic to*
4 *evaluate a patient and may use any nontraditional therapy to treat*
5 *that patient.*

6 2. *A complementary integrative medical physician is not*
7 *subject to investigation, suspension or revocation of his license or*
8 *any civil or criminal action solely because he practices*
9 *complementary integrative medicine or a nontraditional form of*
10 *healing art.*

11 **Sec. 48. 1.** *It is unlawful for any person:*

12 (a) *To hold himself out as qualified to practice complementary*
13 *integrative medicine or homeopathic medicine in this State; or*

14 (b) *To use in connection with his name the words or letters*
15 *“C.M.D.,” “H.M.D.,” “C.A.P.,” “C.A.,” “C.N.” or any other title,*
16 *word, letter or other designation intended to imply or designate*
17 *him as a practitioner of complementary integrative medicine or*
18 *homeopathic medicine in this State,*

19 ↪ *without holding a license or certificate as required by this*
20 *chapter. Unless a greater penalty is provided by section 84 of this*
21 *act, a person who violates the provisions of this subsection is guilty*
22 *of a misdemeanor.*

23 2. *A physician licensed pursuant to this chapter who holds a*
24 *degree in medicine, including, without limitation, a doctor of*
25 *allopathic medicine or doctor of osteopathic medicine, may*
26 *identify himself by that degree or its appropriate abbreviation, but*
27 *unless he is also licensed pursuant to chapter 630 or 633 of NRS,*
28 *he must further identify himself by the words “practitioner of*
29 *complementary integrative medicine” or “practitioner of*
30 *homeopathic medicine,” or their equivalent.*

31 **Sec. 49. 1.** *The Board shall not issue a license to practice*
32 *complementary integrative medicine to an applicant who has been*
33 *licensed to practice any type of medicine in another jurisdiction*
34 *and whose license was revoked for gross medical negligence in*
35 *that jurisdiction.*

36 2. *The Board may revoke the license of any person to practice*
37 *complementary integrative medicine if any license issued to that*
38 *person to practice any type of medicine in another jurisdiction is*
39 *revoked for gross medical negligence in that jurisdiction.*

40 3. *The revocation of a license to practice any type of medicine*
41 *in another jurisdiction on grounds other than grounds which*
42 *would constitute revocation for gross medical negligence*
43 *constitutes grounds for initiating disciplinary action or denying*
44 *the issuance of a license.*



1 **4. The Board shall, by regulation, define the term “gross**
2 **medical negligence” for the purpose of this section.**

3 **Sec. 50. 1. A person who wishes to practice complementary**
4 **integrative medicine must, before beginning to practice, obtain**
5 **from the Board a license authorizing him to engage in that**
6 **practice.**

7 **2. Except as otherwise provided in section 49 of this act, a**
8 **license may be issued to any person who:**

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

11 **(b) Has received the degree of doctor of medicine or doctor of**
12 **osteopathic medicine from the school he attended during the 2**
13 **years immediately preceding the granting of the degree;**

14 **(c) Is licensed to practice allopathic or osteopathic medicine in**
15 **any state or country, the District of Columbia or a territory or**
16 **possession of the United States;**

17 **(d) Has completed, if the applicant received the degree**
18 **specified in paragraph (b):**

19 **(1) Before July 1, 2007, at least 1 year of postgraduate**
20 **training in allopathic or osteopathic medicine approved by the**
21 **Board; or**

22 **(2) On or after July 1, 2007, at least 3 years of that**
23 **training;**

24 **(e) Has passed all oral or written examinations required by the**
25 **Board or this chapter; and**

26 **(f) Complies with any additional requirements established by**
27 **the Board.**

28 **Sec. 51. 1. In addition to any other requirements set forth**
29 **in this chapter:**

30 **(a) An applicant for the issuance of a license or certificate**
31 **pursuant to this chapter shall include the social security number**
32 **of the applicant in the application submitted to the Board.**

33 **(b) An applicant for the issuance or renewal of a license or**
34 **certificate pursuant to this chapter shall submit to the Board the**
35 **statement prescribed by the Division of Welfare and Supportive**
36 **Services of the Department of Health and Human Services**
37 **pursuant to NRS 425.520. The statement must be completed and**
38 **signed by the applicant.**

39 **2. The Board shall include the statement required pursuant to**
40 **subsection 1 in:**

41 **(a) The application or any other forms that must be submitted**
42 **for the issuance or renewal of the license or certificate; or**

43 **(b) A separate form prescribed by the Board.**

44 **3. A license or certificate may not be issued or renewed by the**
45 **Board if the applicant:**



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

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

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

17 **Sec. 52. 1.** Except as otherwise provided in section 49 of
18 this act, the Board may:

19 (a) Issue a temporary license, to be effective not more than 6
20 months after issuance, to any complementary integrative medical
21 physician who is eligible for a permanent license in this State and
22 who is of good moral character and reputation. The purpose of the
23 temporary license is to enable an eligible complementary
24 integrative medical physician to serve as a substitute for another
25 complementary integrative medical physician who is licensed to
26 practice complementary integrative medicine in this State, and
27 who is absent from his practice for reasons deemed sufficient by
28 the Board. A temporary license issued pursuant to this paragraph
29 is not renewable.

30 (b) Issue an emeritus license, to be effective not more than 6
31 months after issuance, to a medical physician or osteopathic
32 physician licensed in another state for the purpose of coming into
33 this State for teaching, education or research. An emeritus license
34 issued pursuant to this paragraph may be renewed.

35 (c) Issue a special license to a licensed complementary
36 integrative medical physician of another state to come into this
37 State to care for or assist in the treatment of his patient in
38 association with a physician licensed in this State. A special
39 license issued pursuant to this paragraph is limited to the care of a
40 specific patient.

41 (d) Issue a restricted license for a specified period if the Board
42 determines the applicant requires supervision or restriction.

43 2. A person who is licensed pursuant to subsection 1 shall be
44 deemed to have given his consent to the revocation of the license



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1 *at any time by the Board for any of the grounds provided in*
2 *sections 49 or 56 to 60, inclusive, of this act.*

3 **Sec. 53.** 1. *Except as otherwise provided in section 49 of*
4 *this act, the Board may issue to a qualified applicant a limited*
5 *license to practice complementary integrative medicine as a*
6 *resident complementary integrative medical physician in a*
7 *postgraduate program of clinical training if:*

8 (a) *The applicant is a graduate of an accredited medical school*
9 *in the United States or Canada or is a graduate of a foreign*
10 *medical school recognized by the Educational Commission for*
11 *Foreign Medical Graduates and:*

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

14 (2) *Has completed at least 1 year of supervised clinical*
15 *training approved by the Board; and*

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

20 2. *In addition to the requirements of subsection 1, an*
21 *applicant who is a graduate of a foreign medical school must have*
22 *received the standard certificate of the Educational Commission*
23 *for Foreign Medical Graduates.*

24 3. *The Board may issue a limited license pursuant to this*
25 *section for not more than 1 year. The license is renewable.*

26 4. *The holder of a limited license issued pursuant to this*
27 *section may practice complementary integrative medicine only in*
28 *connection with his duties as a resident physician and may not*
29 *engage in the private practice of complementary integrative*
30 *medicine.*

31 5. *A limited license issued pursuant to this section may be*
32 *revoked by the Board at any time for any of the grounds set forth*
33 *in sections 49 or 56 to 60, inclusive, of this act.*

34 **Sec. 54.** 1. *To renew a license other than an emeritus,*
35 *special or limited license issued pursuant to this chapter, each*
36 *licensee must, on or before January 1 of each year:*

37 (a) *Apply to the Board for renewal;*

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

39 (c) *Submit evidence to the Board of his completion of the*
40 *requirements for continuing education which must include the*
41 *completion of at least:*

42 (1) *Thirty hours of continuing education, if the applicant is*
43 *a complementary integrative medical physician; or*

44 (2) *Twenty hours of continuing education, if the applicant*
45 *is a homeopathic physician; and*



(d) *Submit all information required to complete the renewal.*

2. *The Board shall, as a prerequisite for the renewal or reinstatement of a license other than an emeritus, special or limited license, require each licensee to comply with any other requirements for continuing education adopted by the Board.*

3. *Any licensee who fails to pay the annual fee for renewal and submit all information required to complete the renewal on or before March 1 forfeits his right to practice complementary integrative medicine or homeopathic medicine, and his license to practice complementary integrative medicine or homeopathic medicine in this State is immediately suspended. The licensee may, within 2 years after the date his license is suspended, apply for the reinstatement of his license.*

4. *The Board shall notify any licensee whose license is automatically suspended pursuant to subsection 3.*

Sec. 55. 1. *Except as otherwise provided in subsection 6, each applicant for a license to practice complementary integrative medicine must:*

(a) *Pay a fee of \$600; and*

(b) *Pay the cost of obtaining any other evidence and proof of qualifications required by the Board pursuant to subsection 2 of section 35 of this act.*

2. *Each applicant for a certificate as an advanced practitioner of complementary integrative medicine must:*

(a) *Pay a fee of \$400; and*

(b) *Pay the cost of obtaining any other evidence and proof of qualifications required by the Board pursuant to section 42 of this act.*

3. *Each applicant for a certificate as a complementary integrative medical assistant or complementary integrative medical nutritionist must pay a fee of \$150.*

4. *Each applicant for a license or certificate who fails an examination and who is allowed to be reexamined must pay a fee not to exceed \$600 for each reexamination.*

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

6. *Each applicant for a license issued pursuant to the provisions of section 52 or 53 of this act must pay a fee not to exceed \$150, as determined by the Board, and must pay a fee of \$100 for each renewal of the license.*

7. *The fee for the renewal of a license or certificate, as determined by the Board, must not exceed \$750 per year and must*



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1 *be collected for the year in which a complementary integrative*
2 *medical physician, a homeopathic physician, an advanced*
3 *practitioner of complementary integrative medicine, a*
4 *complementary integrative medical assistant or a complementary*
5 *integrative medical nutritionist is licensed or certified.*

6 8. *The fee for the reinstatement of a suspended license or*
7 *certificate is twice the amount of the fee for the renewal of a*
8 *license or certificate at the time of the reinstatement of the license*
9 *or certificate.*

10 **Sec. 56.** *The following acts, among others, constitute*
11 *grounds for initiating disciplinary action or denying the issuance*
12 *of a license:*

13 1. *Unprofessional conduct.*

14 2. *Conviction of:*

15 (a) *A violation of any federal or state law regulating the*
16 *possession, distribution or use of any controlled substance or any*
17 *dangerous drug as defined in chapter 454 of NRS;*

18 (b) *A violation of any of the provisions of NRS 616D.200,*
19 *616D.220, 616D.240, 616D.300, 616D.310, or 616D.350 to*
20 *616D.440, inclusive;*

21 (c) *Any offense involving moral turpitude; or*

22 (d) *Any offense relating to the practice of complementary*
23 *integrative medicine or homeopathic medicine or the ability to*
24 *practice complementary integrative medicine or homeopathic*
25 *medicine.*

26 ↪ *A plea of nolo contendere to any offense listed in this*
27 *subsection shall be deemed a conviction.*

28 3. *The suspension, modification or limitation of a license to*
29 *practice any type of medicine in any other jurisdiction.*

30 4. *The surrender of a license to practice any type of medicine*
31 *or the discontinuance of the practice of medicine while under*
32 *investigation by any licensing authority, medical facility, facility*
33 *for the dependent, branch of the Armed Forces of the United*
34 *States, insurance company, agency of the Federal Government or*
35 *employer.*

36 5. *Gross or repeated malpractice, which may be evidenced by*
37 *claims of malpractice settled against a licensee.*

38 6. *Professional incompetence.*

39 **Sec. 57.** *The following acts, among others, constitute*
40 *grounds for initiating disciplinary action or denying the issuance*
41 *of a license:*

42 1. *Willfully making a false or fraudulent statement or*
43 *submitting a forged or false document in applying for a license.*

44 2. *Obtaining, maintaining or renewing, or attempting to*
45 *obtain, maintain or renew a license by bribery, fraud or*



1 *misrepresentation or by any false, misleading, inaccurate or*
2 *incomplete statement.*

3 3. *Advertising the practice of complementary integrative*
4 *medicine or homeopathic medicine in a false, deceptive or*
5 *misleading manner.*

6 4. *Practicing or attempting to practice complementary*
7 *integrative medicine or homeopathic medicine under a name other*
8 *than the name under which he is licensed.*

9 5. *Signing a blank prescription form.*

10 6. *Influencing a patient in order to engage in sexual activity*
11 *with the patient or another person.*

12 **Sec. 58.** *The following acts, among others, constitute*
13 *grounds for initiating disciplinary action or denying the issuance*
14 *of a license:*

15 1. *Directly or indirectly receiving from any person any fee,*
16 *commission, rebate or other form of compensation which tends or*
17 *is intended to influence the physician's objective evaluation or*
18 *treatment of a patient.*

19 2. *Dividing a fee between complementary integrative medical*
20 *physicians, homeopathic physicians, advanced practitioners of*
21 *complementary integrative medicine, complementary integrative*
22 *medical assistants or complementary integrative medical*
23 *nutritionists, unless the patient is informed of the division of fees*
24 *and the division is made in proportion to the services personally*
25 *performed and the responsibility assumed by each complementary*
26 *integrative medical physician, homeopathic physician, advanced*
27 *practitioner of complementary integrative medicine,*
28 *complementary integrative medical assistant or complementary*
29 *integrative medical nutritionist.*

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

34 4. *Employing, directly or indirectly, any suspended or*
35 *unlicensed physician or uncertified person in the practice of*
36 *complementary integrative medicine or homeopathic medicine, or*
37 *the aiding, abetting or assisting of any unlicensed physician or*
38 *uncertified person to practice complementary integrative medicine*
39 *or homeopathic medicine in violation of the provisions of this*
40 *chapter or the regulations adopted pursuant thereto.*

41 5. *Advertising the services of an unlicensed physician or*
42 *uncertified person in the practice of complementary integrative*
43 *medicine or homeopathic medicine.*

44 6. *Delegating responsibility for the care of a patient to a*
45 *person whom the complementary integrative medical physician or*



1 *homeopathic physician knows, or has reason to know, is not*
2 *qualified to undertake that responsibility.*

3 7. *Failing to disclose to a patient any financial or other*
4 *conflict of interest affecting the care of the patient.*

5 **Sec. 59.** *The following acts, among others, constitute*
6 *grounds for initiating disciplinary action or denying the issuance*
7 *of a license:*

8 1. *Inability to practice complementary integrative medicine or*
9 *homeopathic medicine with reasonable skill and safety because of*
10 *an illness, a mental or physical condition or the use of alcohol,*
11 *drugs, narcotics or any other addictive substance.*

12 2. *Engaging in any:*

13 (a) *Professional conduct which is intended to deceive or which*
14 *the Board by regulation has determined is unethical; or*

15 (b) *Medical practice harmful to the public or any conduct*
16 *detrimental to the public health, safety or morals which does not*
17 *constitute gross or repeated malpractice or professional*
18 *incompetence.*

19 3. *Administering, dispensing or prescribing any controlled*
20 *substance, except as authorized by law.*

21 4. *Performing, assisting or advising an unlawful abortion or*
22 *in the injection of any liquid substance into the human body to*
23 *cause an abortion.*

24 5. *Practicing or offering to practice beyond the scope*
25 *permitted by law, or performing services which the complementary*
26 *integrative medical physician or homeopathic physician knows or*
27 *has reason to know he is not competent to perform.*

28 6. *Performing any procedure without first obtaining the*
29 *informed consent of the patient or his family.*

30 7. *Continued failure to exercise the skill or diligence, or to*
31 *use the methods, ordinarily exercised under the same*
32 *circumstances by physicians in good standing who practice*
33 *complementary integrative medicine or homeopathic medicine.*

34 **Sec. 60.** *The following acts, among others, constitute*
35 *grounds for initiating disciplinary action or denying the issuance*
36 *of a license:*

37 1. *Willful disclosure of a communication privileged under a*
38 *statute or court order.*

39 2. *Willful failure to comply with any provision of this chapter,*
40 *regulation, subpoena or order of the Board or with any court*
41 *order relating to this chapter.*

42 3. *Willful failure to perform any statutory or other legal*
43 *obligation imposed upon a licensed complementary integrative*
44 *medical physician or homeopathic physician or a certified*
45 *advanced practitioner of complementary integrative medicine,*



1 *complementary integrative medical assistant or complementary*
2 *integrative medical nutritionist.*

3 **Sec. 61.** 1. *Any person who becomes aware that a person*
4 *practicing complementary integrative medicine or homeopathic*
5 *medicine in this State has engaged, is engaged or is about to*
6 *engage in conduct which constitutes grounds for initiating*
7 *disciplinary action may file a written complaint with the Board.*

8 2. *Any medical society or medical facility or facility for the*
9 *dependent licensed in this State shall report to the Board the*
10 *initiation and outcome of any disciplinary action against any*
11 *complementary integrative medical physician, homeopathic*
12 *physician, advanced practitioner of complementary integrative*
13 *medicine, complementary integrative medical assistant or*
14 *complementary integrative medical nutritionist concerning the*
15 *care of a patient or the competency of the complementary*
16 *integrative medical physician, homeopathic physician, advanced*
17 *practitioner of complementary integrative medicine,*
18 *complementary integrative medical assistant or complementary*
19 *integrative medical nutritionist.*

20 3. *The clerk of each court shall report to the Board any*
21 *finding, judgment or other determination of the court that a*
22 *complementary integrative medical physician, homeopathic*
23 *physician, an advanced practitioner of complementary integrative*
24 *medicine, a complementary integrative medical assistant or a*
25 *complementary integrative medical nutritionist:*

26 (a) *Is mentally ill;*

27 (b) *Is mentally incompetent;*

28 (c) *Has been convicted of a felony or any law relating to*
29 *controlled substances or dangerous drugs;*

30 (d) *Is guilty of abuse or fraud under any state or federal*
31 *program providing medical assistance; or*

32 (e) *Is liable for damages for malpractice or negligence.*

33 **Sec. 62.** 1. *The Board or a committee of its members*
34 *designated by the Board shall review each complaint filed with the*
35 *Board and conduct an investigation to determine whether there is*
36 *a reasonable basis for acting upon the complaint.*

37 2. *A committee designated pursuant to subsection 1 must*
38 *consist of at least three members of the Board, at least one of*
39 *whom is a complementary integrative medical physician or*
40 *homeopathic physician.*

41 3. *If, from the complaint or from other official records, it*
42 *appears that the complaint is not frivolous and the complaint*
43 *charges gross or repeated malpractice, the Board shall transmit*
44 *the original complaint, together with any other facts or*
45 *information derived from its review, to the Attorney General.*



1 4. If a committee designated pursuant to subsection 1
2 conducts an investigation pursuant to that subsection, the
3 committee shall, after the investigation, present its evaluation and
4 recommendations to the Board. The Board shall review the
5 findings of the committee to determine whether to take any further
6 action, but a member of the Board who participated in the
7 investigation may not participate in this review or in any
8 subsequent hearing or action taken by the Board.

9 **Sec. 63.** 1. The Attorney General shall conduct an
10 investigation of each complaint transmitted to him to determine
11 whether it requires proceedings for modification, suspension or
12 revocation of a license or certificate. If he determines that such
13 proceedings are required, he shall report the results of his
14 investigation together with his recommendation to the Board in a
15 manner which does not violate the right of the person charged in
16 the complaint to due process in any later hearing before the
17 Board.

18 2. The Board shall promptly make a determination with
19 respect to each complaint reported to it by the Attorney General as
20 to the action that must be pursued. The Board shall:

21 (a) Dismiss the complaint; or

22 (b) Proceed with appropriate disciplinary action.

23 **Sec. 64.** 1. If the Board or an investigative committee
24 designated pursuant to section 62 of this act has reason to believe
25 that the conduct of any complementary integrative medical
26 physician or homeopathic physician raises a reasonable question
27 as to his competence to practice medicine with reasonable skill
28 and safety to patients, or the conduct of any advanced practitioner
29 of complementary integrative medicine, complementary integrative
30 medical assistant or complementary integrative medical
31 nutritionist raises a reasonable question as to his competence to
32 provide services for which he is certified, the Board or
33 investigative committee may order the complementary integrative
34 medical physician, homeopathic physician, advanced practitioner
35 of complementary integrative medicine, complementary integrative
36 medical assistant or complementary integrative medical
37 nutritionist to complete:

38 (a) A mental or physical examination; or

39 (b) An examination of his competence to practice
40 complementary integrative medicine or homeopathic medicine or
41 to provide those services,

42 ↳ by physicians or other persons designated by the Board to assist
43 the Board in determining the fitness of the complementary
44 integrative medical physician or homeopathic physician to
45 practice complementary integrative medicine or homeopathic



1 *medicine or the fitness of the advanced practitioner of*
2 *complementary integrative medicine, complementary integrative*
3 *medical assistant or complementary integrative medical*
4 *nutritionist to provide the services for which he is certified.*

5 2. *For the purposes of this section:*

6 (a) *Each complementary integrative medical physician or*
7 *homeopathic physician who applies for a license or is licensed*
8 *pursuant to this chapter and each advanced practitioner of*
9 *complementary integrative medicine, complementary integrative*
10 *medical assistant or complementary integrative medical*
11 *nutritionist who applies for a certificate or is certified pursuant to*
12 *this chapter shall be deemed to have given his consent to submit to*
13 *a mental or physical examination or an examination of his*
14 *competence to practice complementary integrative medicine or*
15 *homeopathic medicine or provide services for which he is certified*
16 *when directed to do so in writing by the Board or an investigative*
17 *committee of the Board.*

18 (b) *The testimony or reports of the examining physicians are*
19 *not privileged communications.*

20 3. *Except in extraordinary circumstances, as determined by*
21 *the Board, the failure of a complementary integrative medical*
22 *physician, a homeopathic physician, an advanced practitioner of*
23 *complementary integrative medicine, a complementary integrative*
24 *medical assistant or a complementary integrative medical*
25 *nutritionist to submit to an examination when directed as provided*
26 *in this section constitutes an admission of the charges against*
27 *him.*

28 **Sec. 65.** *In addition to any examination conducted pursuant*
29 *to section 64 of this act, if the Board or an investigative committee*
30 *designated pursuant to section 62 of this act has reason to believe*
31 *that the conduct of any complementary integrative medical*
32 *physician or homeopathic physician raises a reasonable question*
33 *as to his competence to practice medicine with reasonable skill*
34 *and safety to patients, or the conduct of any advanced practitioner*
35 *of complementary integrative medicine, complementary integrative*
36 *medical assistant or complementary integrative medical*
37 *nutritionist raises a reasonable question as to his competence to*
38 *provide the services for which he is certified, the Board may order*
39 *any other examination of the complementary integrative medical*
40 *physician, homeopathic physician, advanced practitioner of*
41 *complementary integrative medicine, complementary integrative*
42 *medical assistant or complementary integrative medical*
43 *nutritionist. When such action is taken, the reasons for the action*
44 *must be documented and must be available to the complementary*
45 *integrative medical physician, homeopathic physician, advanced*



1 *practitioner of complementary integrative medicine,*
2 *complementary integrative medical assistant or complementary*
3 *integrative medical nutritionist being examined.*

4 **Sec. 66.** *Notwithstanding the provisions of chapter 622A of*
5 *NRS, if the Board issues an order summarily suspending the*
6 *license of a complementary integrative medical physician or*
7 *homeopathic physician or the certificate of an advanced*
8 *practitioner of complementary integrative medicine, a*
9 *complementary integrative medical assistant or a complementary*
10 *integrative medical nutritionist pending proceedings for*
11 *disciplinary action and requires the complementary integrative*
12 *medical physician, homeopathic physician, advanced practitioner*
13 *of complementary integrative medicine, complementary integrative*
14 *medical assistant or complementary integrative medical*
15 *nutritionist to submit to a mental or physical examination or an*
16 *examination of his competence to practice complementary*
17 *integrative medicine or homeopathic medicine or provide the*
18 *services for which he is certified, the examination must be*
19 *conducted and the results obtained not later than 60 days after the*
20 *Board issues its order.*

21 **Sec. 67.** *Notwithstanding the provisions of chapter 622A of*
22 *NRS, if the Board issues an order summarily suspending the*
23 *license of a complementary integrative medical physician or*
24 *homeopathic physician or the certificate of an advanced*
25 *practitioner of complementary integrative medicine, a*
26 *complementary integrative medical assistant or a complementary*
27 *integrative medical nutritionist pending proceedings for*
28 *disciplinary action, the court shall not stay that order.*

29 **Sec. 68.** 1. *In addition to any other remedy provided by law,*
30 *the Board, through its President or Secretary-Treasurer or the*
31 *Attorney General, may apply to any court of competent*
32 *jurisdiction to:*

33 (a) *Enjoin any prohibited act or other conduct of a*
34 *complementary integrative medical physician, a homeopathic*
35 *physician, an advanced practitioner of complementary integrative*
36 *medicine, a complementary integrative medical assistant or a*
37 *complementary integrative medical nutritionist which is harmful*
38 *to the public;*

39 (b) *Enjoin any person who is not licensed or certified pursuant*
40 *to this chapter from practicing complementary integrative*
41 *medicine or homeopathic medicine or providing services for which*
42 *a certificate is required;*

43 (c) *Limit a complementary integrative medical physician's or*
44 *homeopathic physician's practice or suspend his license to*



1 *practice complementary integrative medicine or homeopathic*
2 *medicine; or*

3 (d) *Limit the services that may be provided by an advanced*
4 *practitioner of complementary integrative medicine, a*
5 *complementary integrative medical assistant or a complementary*
6 *integrative medical nutritionist.*

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

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

11 (b) *Without relieving any person from criminal prosecution for*
12 *engaging in the practice of complementary integrative medicine or*
13 *homeopathic physician without a license or providing services for*
14 *which a certificate is required; and*

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

16 **Sec. 69.** *Notwithstanding the provisions of chapter 622A of*
17 *NRS, if the Board receives a report pursuant to subsection 5 of*
18 *NRS 228.420, a disciplinary proceeding regarding the report must*
19 *be commenced within 30 days after the Board receives the report.*

20 **Sec. 70.** *Except as otherwise provided in chapter 622A of*
21 *NRS:*

22 1. *Service of process made in accordance with this chapter*
23 *must be either personal or by registered or certified mail with*
24 *return receipt requested, addressed to the complementary*
25 *integrative medical physician, homeopathic physician, advanced*
26 *practitioner of complementary integrative medicine,*
27 *complementary integrative medical assistant or complementary*
28 *integrative medical nutritionist at his last known address. If*
29 *personal service cannot be made and if notice by mail is returned*
30 *undelivered, the Secretary-Treasurer of the Board shall cause a*
31 *notice to be published once a week for 4 consecutive weeks in a*
32 *newspaper published in the county of the last known address of*
33 *the complementary integrative medical physician, homeopathic*
34 *physician, advanced practitioner of complementary integrative*
35 *medicine, complementary integrative medical assistant or*
36 *complementary integrative medical nutritionist or, if a newspaper*
37 *is not published in that county, in a newspaper widely distributed*
38 *in that county.*

39 2. *Proof of service of process or publication of notice made*
40 *pursuant to this chapter must be filed with the Board and recorded*
41 *in the minutes of the Board.*

42 **Sec. 71.** *Notwithstanding the provisions of chapter 622A of*
43 *NRS, in any disciplinary hearing:*

44 1. *Proof of actual injury need not be established.*



2. A certified copy of the record of a court or a licensing agency showing a conviction or plea of nolo contendere or the suspension, revocation, limitation, modification, denial or surrender of a license to practice complementary integrative medicine or homeopathic medicine or a certificate to provide services as an advanced practitioner of complementary integrative medicine, a complementary integrative medical assistant or a complementary integrative medical nutritionist is conclusive evidence of its occurrence.

Sec. 72. 1. Any member of the Board who was not a member of the investigative committee, if one was designated pursuant to section 62 of this act, may participate in the final order of the Board. If the Board, after notice and a hearing as required by law, determines that a violation of the provisions of this chapter or the regulations adopted pursuant thereto has occurred, the Board shall issue and serve on the person charged an order, in writing, setting forth its findings and any sanctions imposed by the Board. If the Board determines that a violation has not occurred, the Board 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, the Board 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 the services provided by the person or exclude a method of treatment from the scope of his practice or services provided.

(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 complementary integrative medicine or homeopathic medicine or the certificate of the person to provide services as an advanced practitioner of complementary integrative medicine, a complementary integrative medical assistant or a complementary integrative medical nutritionist.

(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



1 *complementary integrative medicine or homeopathic medicine or*
2 *to provide services as an advanced practitioner of complementary*
3 *integrative medicine, a complementary integrative medical*
4 *assistant or a complementary integrative medical nutritionist.*

5 *(k) Require the person to comply with any training or*
6 *educational requirements specified by the Board.*

7 *3. The Board shall not administer a private reprimand.*

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

10 **Sec. 73.** *1. Any person aggrieved by a final order of the*
11 *Board is entitled to judicial review of the Board's order as*
12 *provided by law.*

13 *2. Each order of the Board which limits the practice of*
14 *complementary integrative medicine or homeopathic medicine or*
15 *limits the services provided pursuant to a certificate or suspends or*
16 *revokes a license or certificate is effective from the date the*
17 *Secretary-Treasurer of the Board certifies the order until the date*
18 *the order is modified or reversed by a final judgment of the court.*
19 *The court shall not stay the order of the Board pending a final*
20 *determination by the court.*

21 *3. The district court shall give a petition for judicial review of*
22 *an order of the Board priority over other civil matters which are*
23 *not expressly given priority by law.*

24 **Sec. 74.** *1. Any person:*

25 *(a) Whose license or certificate has been limited; or*

26 *(b) Whose license or certificate has been:*

27 *(1) Suspended until further order; or*

28 *(2) Revoked,*

29 *↪ may apply to the Board for removal of the limitation or*
30 *suspension or may apply to the Board pursuant to the provisions*
31 *of chapter 622A of NRS for reinstatement of his revoked license or*
32 *certificate.*

33 *2. In hearing the application, the Board or a committee of*
34 *members of the Board:*

35 *(a) May require the applicant to submit to a mental or physical*
36 *examination or an examination of his competence to practice*
37 *complementary integrative medicine or homeopathic medicine or*
38 *provide services pursuant to a certificate by physicians or any*
39 *other persons whom the Board designates and submit any other*
40 *evidence of changed conditions and of fitness required by the*
41 *Board.*

42 *(b) Shall determine whether under all the circumstances the*
43 *time of the application is reasonable.*

44 *(c) May deny the application or modify or rescind its order as*
45 *it deems the evidence and public safety requires.*



* S B 4 3 2 *

1 3. The applicant has the burden of proving by clear and
2 convincing evidence that the requirements for reinstatement of the
3 license or certificate or removal of the limitation or suspension
4 have been met.

5 4. The Board shall not reinstate a license or certificate unless
6 it is satisfied that the applicant has complied with all the terms and
7 conditions set forth in the final order of the Board and that he is
8 capable of practicing complementary integrative medicine or
9 homeopathic medicine or providing services pursuant to a
10 certificate with reasonable skill and safety to patients.

11 5. In addition to any other requirements set forth in chapter
12 622A of NRS, to reinstate a license or certificate that has been
13 revoked by the Board, a person must apply for a license or
14 certificate and take an examination as though he had never been
15 licensed or issued a certificate pursuant to this chapter.

16 **Sec. 75.** In addition to any other immunity provided by the
17 provisions of chapter 622A of NRS:

18 1. Any person who furnishes information to the Board, in
19 good faith and without malicious intent in accordance with the
20 provisions of this chapter, concerning a person who is licensed or
21 certified or applies for a license or certificate pursuant to this
22 chapter is immune from civil liability for furnishing that
23 information.

24 2. The Board and its members, staff, counsel, investigators,
25 experts, committees, panels, hearing officers and consultants are
26 immune from civil liability for any decision or action taken in
27 good faith and without malicious intent in response to information
28 received by the Board.

29 3. The Board and its members are immune from civil liability
30 for disseminating information concerning a person who is
31 licensed or certified or applies for a license or certificate pursuant
32 to this chapter to the Attorney General or any board or agency of
33 this State, a hospital, a medical society, an insurer, an employer, a
34 patient or his family or a law enforcement agency.

35 **Sec. 76.** 1. If the Board receives a copy of a court order
36 issued pursuant to NRS 425.540 that provides for the suspension
37 of all professional, occupational and recreational licenses,
38 certificates and permits issued to a person who is the holder of a
39 license or certificate pursuant to this chapter, the Board shall
40 deem the license or certificate issued to that person to be
41 suspended at the end of the 30th day after the date on which the
42 court order was issued unless the Board receives a letter issued to
43 the holder of the license or certificate by the district attorney or
44 other public agency pursuant to NRS 425.550 stating that the
45 holder of the license or certificate has complied with the subpoena



1 or warrant or has satisfied the arrearage pursuant to
2 NRS 425.560.

3 2. The Board shall reinstate a license or certificate that has
4 been suspended by a district court pursuant to NRS 425.540 if:

5 (a) The Board receives a letter issued by the district attorney or
6 other public agency pursuant to NRS 425.550 to the person whose
7 license or certificate was suspended stating that the person whose
8 license or certificate was suspended has complied with the
9 subpoena or warrant or has satisfied the arrearage pursuant to
10 NRS 425.560; and

11 (b) The person whose license or certificate was suspended pays
12 the fee prescribed in section 55 of this act for the reinstatement of
13 a suspended license or certificate.

14 **Sec. 77.** 1. Any disciplinary action taken by a hearing
15 officer or panel pursuant to section 33 of this act is subject to the
16 same procedural requirements that apply to disciplinary actions
17 taken by the Board, and the officer or panel has the powers and
18 duties given to the Board in relation thereto.

19 2. A decision of a hearing officer or panel relating to the
20 imposition of an administrative fine is a final decision in a
21 contested case.

22 **Sec. 78.** The filing and review of a complaint, its dismissal
23 without further action or its transmittal to the Attorney General,
24 and any subsequent disposition by the Board, the Attorney
25 General or any reviewing court do not preclude:

26 1. Any measure by a hospital or other institution or medical
27 society to limit or terminate the privileges of a complementary
28 integrative medical physician, a homeopathic physician, an
29 advanced practitioner of complementary integrative medicine, a
30 complementary integrative medical assistant or a complementary
31 integrative medical nutritionist according to its rules or the custom
32 of the profession. Civil liability does not attach to any such action
33 taken without malice even if the ultimate disposition of the
34 complaint is in favor of the complementary integrative medical
35 physician, homeopathic physician, advanced practitioner of
36 complementary integrative medicine, complementary integrative
37 medical assistant or complementary integrative medical
38 nutritionist.

39 2. Any appropriate criminal prosecution by the Attorney
40 General or a district attorney based upon the same or other facts.

41 **Sec. 79.** 1. Except as otherwise provided in this section, a
42 complaint filed with the Board, all documents and other
43 information filed with the complaint and all documents and other
44 information compiled as a result of an investigation conducted to
45 determine whether to initiate disciplinary action against a person



1 *are confidential, unless the person submits a written statement to*
2 *the Board requesting that the documents and information be made*
3 *public records.*

4 2. *The charging documents filed with the Board to initiate*
5 *disciplinary action pursuant to chapter 622A of NRS and all*
6 *documents and information considered by the Board when*
7 *determining whether to impose discipline are public records.*

8 3. *The provisions of this section do not prohibit the Board*
9 *from communicating or cooperating with or providing any*
10 *documents or other information to any other licensing board or*
11 *any other agency that is investigating a person, including, without*
12 *limitation, a law enforcement agency.*

13 **Sec. 80.** *In a manner consistent with the provisions of*
14 *chapter 622A of NRS, the Board may prosecute all persons who*
15 *commit a violation of the provisions of this chapter and may*
16 *employ investigators and any other assistants to carry out the*
17 *provisions of this chapter and chapter 622A of NRS, but any*
18 *expenses so incurred must not be paid out of the State General*
19 *Fund.*

20 **Sec. 81.** 1. *The Board through its President or Secretary-*
21 *Treasurer or the Attorney General may maintain in any court of*
22 *competent jurisdiction a suit for an injunction against any person*
23 *practicing complementary integrative medicine or homeopathic*
24 *medicine without a license or providing services as an advanced*
25 *practitioner of complementary integrative medicine, a*
26 *complementary integrative medical assistant or a complementary*
27 *integrative medical nutritionist without a certificate.*

28 2. *Such an injunction:*

29 (a) *May be issued without proof of actual damage sustained by*
30 *any person, this provision being a preventive as well as a punitive*
31 *measure.*

32 (b) *Does not relieve the person from criminal prosecution for*
33 *practicing without a license or providing services without a*
34 *certificate.*

35 **Sec. 82.** *In seeking injunctive relief against any person for*
36 *an alleged violation of this chapter by practicing complementary*
37 *integrative medicine or homeopathic medicine without a license or*
38 *providing services as an advanced practitioner of complementary*
39 *integrative medicine, a complementary integrative medical*
40 *assistant or a complementary integrative medical nutritionist*
41 *without a certificate, it is sufficient to allege that the person did,*
42 *on a certain day, and in a certain county of this State, engage in*
43 *that practice without a license or provide those services without a*
44 *certificate, without alleging any further or more particular facts*
45 *concerning the matter.*



Sec. 83. A person who:

1. Presents to the Board as his own the diploma, license, certificate or credentials of another;

2. Gives false or forged evidence of any kind to the Board; or

3. Practices complementary integrative medicine or homeopathic medicine or provides services as an advanced practitioner of complementary integrative medicine, a complementary integrative medical assistant or a complementary integrative medical nutritionist under a false or assumed name, ↪ is guilty of a category D felony and shall be punished as provided in NRS 193.130.

Sec. 84. *Except as otherwise provided in NRS 629.091, a person who practices complementary integrative medicine or homeopathic medicine without a license or provides services as an advanced practitioner of complementary integrative medicine, a complementary integrative medical assistant or a complementary integrative medical nutritionist without a certificate issued pursuant to this chapter is guilty of a category D felony and shall be punished as provided in NRS 193.130.*

Sec. 85. NRS 629.031 is hereby amended to read as follows:

629.031 Except as otherwise provided by specific statute:

1. "Provider of health care" means a physician licensed pursuant to chapter 630 ~~[, 630A]~~ or 633 of NRS, *or sections 3 to 84, inclusive, of this act,* a dentist, licensed nurse, dispensing optician, optometrist, practitioner of respiratory care, registered physical therapist, podiatric physician, licensed psychologist, licensed marriage and family therapist, chiropractor, athletic trainer, doctor of Oriental medicine in any form, medical laboratory director or technician, pharmacist or a licensed hospital as the employer of any such person.

2. For the purposes of NRS 629.051, 629.061 and 629.065, the term includes a facility that maintains the health care records of patients.

Sec. 86. NRS 629.091 is hereby amended to read as follows:

629.091 1. Except as otherwise provided in subsection 4, a provider of health care may authorize a person to act as a personal assistant to perform specific medical, nursing or home health care services for a person with a disability without obtaining any license required for a provider of health care or his assistant to perform the service if:

(a) The services to be performed are services that a person without a disability usually and customarily would personally perform without the assistance of a provider of health care;



(b) The provider of health care determines that the personal assistant has the knowledge, skill and ability to perform the services competently;

(c) The provider of health care determines that the procedures involved in providing the services are simple and the performance of ~~[such]~~ *those* procedures by the personal assistant does not pose a substantial risk to the person with a disability;

(d) The provider of health care determines that the condition of the person with a disability is stable and predictable; and

(e) The personal assistant agrees with the provider of health care to refer the person with a disability to the provider of health care if:

(1) The condition of the person with a disability changes or a new medical condition develops;

(2) The progress or condition of the person with a disability after the provision of the service is different than expected;

(3) An emergency situation develops; or

(4) Any other situation described by the provider of health care develops.

2. A provider of health care that authorizes a personal assistant to perform certain services shall note in the medical records of the person with a disability who receives ~~[such]~~ *those* services:

(a) The specific services that he has authorized the personal assistant to perform; and

(b) That the requirements of this section have been satisfied.

3. After a provider of health care has authorized a personal assistant to perform specific services for a person with a disability, no further authorization or supervision by the provider is required for the continued provision of those services.

4. A personal assistant shall not:

(a) Perform services pursuant to this section for a person with a disability who resides in a medical facility.

(b) Perform any medical, nursing or home health care service for a person with a disability which is not specifically authorized by a provider of health care pursuant to subsection 1.

(c) Except if the services are provided in an educational setting, perform services for a person with a disability in the absence of the parent or guardian of, or any other person legally responsible for, the person with a disability, if the person with a disability is not able to direct his own services.

5. A provider of health care who determines in good faith that a personal assistant has complied with and meets the requirements of this section is not liable for civil damages as a result of any act or omission, not amounting to gross negligence, committed by him in making ~~[such-a]~~ *that* determination and is not liable for any act or omission of the personal assistant.



6. As used in this section:

(a) "Guardian" means a person who has qualified as the guardian of a minor or an adult pursuant to testamentary or judicial appointment, but does not include a guardian ad litem.

(b) "Parent" means a natural or adoptive parent whose parental rights have not been terminated.

(c) "Personal assistant" means a person who, for compensation and under the direction of:

(1) A person with a disability;

(2) A parent or guardian of, or any other person legally responsible for, a person with a disability who is under the age of 18 years; or

(3) A parent, spouse, guardian or adult child of a person with a disability who suffers from a cognitive impairment, ➤ performs services for the person with a disability to help him maintain his independence, personal hygiene and safety.

(d) "Provider of health care" means a physician licensed pursuant to chapter 630 ~~[, 630A]~~ or 633 of NRS, *or sections 3 to 84, inclusive, of this act*, a dentist, a registered nurse, a licensed practical nurse, a physical therapist or an occupational therapist.

Sec. 87. NRS 630A.815 is hereby amended to read as follows:

630A.815 "Practitioner" means:

1. A *complementary integrative medical physician or a* homeopathic physician licensed pursuant to ~~[this chapter;]~~ *sections 3 to 84, inclusive, of this act;*

2. A physician licensed pursuant to chapter 630 of NRS; or

3. An osteopathic physician licensed pursuant to chapter 633 of NRS.

Sec. 88. NRS 630A.825 is hereby amended to read as follows:

630A.825 1. "Research study" means any research, study or trial using devices, therapies or substances regulated by the Board of ~~[Homeopathic]~~ *Complementary Integrative* Medical Examiners, or any combination of those devices, therapies or substances, in a manner that is considered to be a form of ~~[alternative or]~~ complementary integrative medicine.

2. The term does not include any research, study or trial described in NRS 630A.855.

Sec. 89. 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]~~ *Complementary Integrative* 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~~ *Complementary Integrative* Medical Examiners shall appoint four members who represent various medical disciplines in Nevada.

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

(1) One member appointed by the Governor;

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

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

4. The members of the Nevada Institutional Review Board serve at the pleasure of the appointing authority. A vacancy on the Nevada Institutional Review Board must be filled by the appointing authority in the same manner as the original appointment.

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

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

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

Sec. 90. NRS 630A.875 is hereby amended to read as follows:

630A.875 1. Except as otherwise provided in subsection 3, the Nevada Institutional Review Board may be funded by:

(a) A nonprofit organization, created by the Board of ~~Homeopathic~~ *Complementary Integrative* Medical Examiners, which is exempt from taxation pursuant to 26 U.S.C. § 501(c)(3); and

(b) Grants, gifts, appropriations or donations to assist the Nevada Institutional Review Board in carrying out its duties pursuant to the provisions of NRS 630A.800 to 630A.910, inclusive.

2. Any money received by the Nevada Institutional Review Board must be placed with the financial institutions described in NRS 630A.880.

3. The Nevada Institutional Review Board may not be funded by any money from:

(a) The sponsor of any research study; or

(b) The manufacturer of any device, drug or other substance regulated by the Board of ~~Homeopathic~~ *Complementary Integrative* Medical Examiners.



Sec. 91. NRS 630A.880 is hereby amended to read as follows:

630A.880 1. All money received by the Nevada Institutional Review 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. The money must be kept separate from any money to be used by or for the Board of ~~[Homeopathic]~~ *Complementary Integrative* Medical Examiners.

2. The deposited money must only be used to carry out the activities of the Nevada Institutional Review Board and to pay the expenses incurred by the Nevada Institutional Review Board in the discharge of its duties.

Sec. 92. NRS 630A.900 is hereby amended to read as follows:

630A.900 1. The Nevada Institutional Review Board shall adopt regulations to carry out the provisions of NRS 630A.800 to 630A.910, inclusive.

2. All regulations adopted by the Nevada Institutional Review Board must be approved by the Board of ~~[Homeopathic]~~ *Complementary Integrative* Medical Examiners.

Sec. 93. NRS 630A.905 is hereby amended to read as follows:

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

(a) Review proposals for research studies and oversee, review and control all research studies it has approved;

(b) Evaluate, determine and act upon the safety, efficacy, reimbursement and availability of diagnostic devices, substances, other modalities, therapies and methods of treatment used in ~~[such]~~ *those* research studies; and

(c) Analyze, coordinate and integrate the diagnostic techniques and treatments related to ~~[alternative—and]~~ complementary integrative medicine with the diagnostic techniques and treatments of other health care practices.

2. The Nevada Institutional Review Board shall oversee, review and control any research studies which it has approved and which involve the use of human research subjects and any related issues, including, without limitation:

(a) The qualifications required for conducting ~~[such]~~ *those* research studies;

(b) The proper clinical outcome to be attributed to ~~[such]~~ *those* research studies; and

(c) The safety, efficacy, reimbursement and availability of diagnostic devices, substances, other modalities, therapies and methods of treatment used in ~~[such]~~ *those* research studies.

3. The Nevada Institutional Review Board shall evaluate:

(a) The social and economic impact of the research studies it has approved; and



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

4. The Nevada Institutional Review Board shall:

(a) Keep a record of all transactions and provide the Board of ~~Homeopathic~~ *Complementary Integrative* Medical Examiners, the Board of Medical Examiners and the State Board of Osteopathic Medicine with quarterly reports of all transactions; and

(b) Make any additional reports or recommendations to the Board of ~~Homeopathic~~ *Complementary Integrative* Medical Examiners as the Board of ~~Homeopathic~~ *Complementary Integrative* Medical Examiners requires.

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

Sec. 94. NRS 635.085 is hereby amended to read as follows:

635.085 1. Except as otherwise provided in subsection 2, a podiatric physician licensed by the Board may:

(a) Administer electricity to the foot or leg by means including electrodes, machinery and rays.

(b) Use his hands and machinery to work upon the foot or leg and its articulations.

(c) Apply any mechanical appliance to the foot or leg or in the shoe to treat any disease, deformity or ailment.

(d) Apply pads, adhesives, felt, plasters and any medicine to the foot and leg.

(e) Prescribe and dispense controlled substances and dangerous drugs.

(f) Construct models of the feet.

(g) Administer a local anesthetic.

(h) Use any cutting instrument to treat a disease, ailment or condition.

(i) Treat the effects of a systemic disease upon the foot or leg.

(j) Amputate a toe if he:

(1) Performs the amputation in a hospital as defined in NRS 449.012 or a surgical center for ambulatory patients as defined in NRS 449.019;

(2) Is authorized by the hospital or surgical center to perform the amputation;

(3) Has completed a program of surgical training as a resident and provides proof satisfactory to the hospital or surgical center of his completion of the program;

(4) Complies with any other requirements established by the hospital or surgical center; and



(5) Performs the amputation in accordance with the standard of care required for a physician licensed pursuant to chapter 630 ~~630A~~ or 633 of NRS ~~or~~ *sections 3 to 84, inclusive, of this act.*

2. A podiatric physician shall not:

(a) Treat any other effect of a systemic disease unless the disease originates in the foot or leg.

(b) Amputate a leg or foot.

Sec. 95. Chapter 639 of NRS is hereby amended by adding thereto a new section to read as follows:

The provisions of this chapter do not prohibit a pharmacist or a pharmacy from compounding a pharmaceutical preparation upon request or by prescription of a complementary integrative medical physician or homeopathic physician who is the prescribing practitioner.

Sec. 96. NRS 640.190 is hereby amended to read as follows:

640.190 This chapter does not authorize a physical therapist, whether licensed or not, to practice medicine, osteopathic medicine, *complementary integrative medicine*, homeopathic medicine, chiropractic or any other form or method of healing.

Sec. 97. NRS 640A.070 is hereby amended to read as follows:

640A.070 This chapter does not apply to a person:

1. Holding a current license or certificate issued pursuant to chapter 391, 630 to 637B, inclusive, 640 ~~or~~ 640B to 641B, inclusive, of NRS, *or sections 3 to 84, inclusive, of this act*, who practices within the scope of that license or certificate.

2. Employed by the Federal Government who practices occupational therapy within the scope of that employment.

3. Enrolled in an educational program approved by the Board which is designed to lead to a certificate or degree in occupational therapy, if he is designated by a title which clearly indicates that he is a student.

4. Obtaining the supervised experience necessary to satisfy the requirements of subsection 3 of NRS 640A.120.

5. Practicing occupational therapy in this State in association with an occupational therapist licensed pursuant to this chapter if the person:

(a) Practices in this State for not more than 45 days in a calendar year;

(b) Is licensed to practice occupational therapy in another state where the requirements for such a license are equivalent to the requirements of this chapter; and

(c) Meets the requirements for certification as an "occupational therapist registered" or "certified occupational therapy assistant" established by the American Occupational Therapy Certification Board.



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Sec. 98. NRS 640B.085 is hereby amended to read as follows:
640B.085 "Physician" means:

1. A physician licensed pursuant to chapter 630 of NRS;
2. An osteopathic physician licensed pursuant to chapter 633 of NRS;
3. A homeopathic physician *or complementary integrative medical physician* licensed pursuant to ~~chapter 630A of NRS;~~ *sections 3 to 84, inclusive, of this act;*
4. A chiropractic physician licensed pursuant to chapter 634 of NRS; or
5. A podiatric physician licensed pursuant to chapter 635 of NRS.

Sec. 99. NRS 640B.145 is hereby amended to read as follows:
640B.145 The provisions of this chapter do not apply to:

1. A person who is licensed pursuant to chapters 630 to 637, inclusive, or chapter 640 or 640A of NRS, *or sections 3 to 84, inclusive, of this act*, when acting within the scope of that license.
2. A person who is employed by the Federal Government and engages in the practice of athletic training within the scope of that employment.
3. A person who is employed as an athletic trainer outside this State when engaging in the practice of athletic training within the scope of that employment in connection with an athletic event held in this State.

Sec. 100. NRS 640C.100 is hereby amended to read as follows:

640C.100 1. The provisions of this chapter do not apply to:

(a) A person licensed pursuant to chapter 630, ~~630A,~~ 631, 632, 633, 634, 634A, 635, 640, 640A or 640B of NRS *or sections 3 to 84, inclusive, of this act* if the massage therapy is performed in the course of the practice for which the person is licensed.

(b) A person licensed as a barber or apprentice pursuant to chapter 643 of NRS if the person is massaging, cleansing or stimulating the scalp, face, neck or skin within the permissible scope of practice for a barber or apprentice pursuant to that chapter.

(c) A person licensed or registered as an aesthetician, cosmetologist or cosmetologist's apprentice pursuant to chapter 644 of NRS if the person is massaging, cleansing or stimulating the scalp, face, neck or skin within the permissible scope of practice for an aesthetician, cosmetologist or cosmetologist's apprentice pursuant to that chapter.

(d) A person who is an employee of an athletic department of any high school, college or university in this State and who, within the scope of that employment, practices massage therapy on athletes.



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(e) Students enrolled in a school of massage therapy recognized by the Board.

(f) A person who practices massage therapy solely on members of his immediate family.

(g) A person who performs any activity in a licensed brothel.

2. Except as otherwise provided in subsection 3, the provisions of this chapter preempt the licensure and regulation of a massage therapist by a county, city or town, including, without limitation, conducting a criminal background investigation and examination of a massage therapist or applicant for a license to practice massage therapy.

3. The provisions of this chapter do not prohibit a county, city or town from requiring a massage therapist to obtain a license or permit to transact business within the jurisdiction of the county, city or town, if the license or permit is required of other persons, regardless of occupation or profession, who transact business within the jurisdiction of the county, city or town.

4. As used in this section, "immediate family" means persons who are related by blood, adoption or marriage, within the second degree of consanguinity or affinity.

Sec. 101. NRS 0.040 is hereby amended to read as follows:

0.040 1. Except as otherwise provided in subsection 2, "physician" means a person who engages in the practice of medicine, including osteopathy ~~and homeopathy,~~ *complementary integrative medicine and homeopathic medicine.*

2. The terms "physician," "osteopathic physician," "homeopathic physician," *"complementary integrative medical physician,"* "chiropractic physician" and "podiatric physician" are used in chapters 630, ~~630A,~~ 633, 634 and 635 of NRS *and sections 3 to 84, inclusive, of this act* in the limited senses prescribed by those chapters respectively.

Sec. 102. NRS 89.050 is hereby amended to read as follows:

89.050 1. Except as otherwise provided in subsection 2, a professional corporation may be organized only for the purpose of rendering one specific type of professional service and may not engage in any business other than rendering the professional service for which it was organized and services reasonably related thereto, except that a professional corporation may own real and personal property appropriate to its business and may invest its money in any form of real property, securities or any other type of investment.

2. A professional corporation may be organized to render a professional service relating to:

(a) Architecture, interior design, residential design, engineering and landscape architecture, or any combination thereof, and may be composed of persons:



(1) Engaged in the practice of architecture as provided in chapter 623 of NRS;

(2) Practicing as a registered interior designer as provided in chapter 623 of NRS;

(3) Engaged in the practice of residential design as provided in chapter 623 of NRS;

(4) Engaged in the practice of landscape architecture as provided in chapter 623A of NRS; and

(5) Engaged in the practice of professional engineering as provided in chapter 625 of NRS.

(b) Medicine, ~~homeopathy~~ *complementary integrative medicine, homeopathic medicine* and osteopathy, and may be composed of persons engaged in the practice of medicine as provided in chapter 630 of NRS, persons engaged in the practice of *complementary integrative medicine or* homeopathic medicine as provided in ~~chapter 630A of NRS~~ *sections 3 to 84, inclusive, of this act* and persons engaged in the practice of osteopathic medicine as provided in chapter 633 of NRS. Such a professional corporation may market and manage additional professional corporations which are organized to render a professional service relating to medicine, ~~homeopathy~~ *complementary integrative medicine, homeopathic medicine* and osteopathy.

(c) Mental health services, and may be composed of the following persons, in any number and in any combination:

(1) Any psychologist who is licensed to practice in this State;

(2) Any social worker who holds a master's degree in social work and who is licensed by this State as a clinical social worker;

(3) Any registered nurse who is licensed to practice professional nursing in this State and who holds a master's degree in the field of psychiatric nursing; and

(4) Any marriage and family therapist who is licensed by this State pursuant to chapter 641A of NRS.

➤ Such a professional corporation may market and manage additional professional corporations which are organized to render a professional service relating to mental health services pursuant to this paragraph.

3. A professional corporation may render a professional service only through its officers and employees who are licensed or otherwise authorized by law to render the professional service.

Sec. 103. NRS 200.471 is hereby amended to read as follows:

200.471 1. As used in this section:

(a) "Assault" means intentionally placing another person in reasonable apprehension of immediate bodily harm.

(b) "Officer" means:



(1) A person who possesses some or all of the powers of a peace officer;

(2) A person employed in a full-time salaried occupation of fire fighting for the benefit or safety of the public;

(3) A member of a volunteer fire department;

(4) A jailer, guard, matron or other correctional officer of a city or county jail;

(5) A justice of the Supreme Court, district judge, justice of the peace, municipal judge, magistrate, court commissioner, master or referee, including a person acting pro tempore in a capacity listed in this subparagraph; or

(6) An employee of the State or a political subdivision of the State whose official duties require him to make home visits.

(c) “Provider of health care” means a physician, a physician assistant, a practitioner of respiratory care, a ~~homeopathic~~ *complementary integrative medical* physician, a *homeopathic physician*, an advanced practitioner of ~~homeopathy,—a homeopathic~~ *complementary integrative medicine, a complementary integrative medical* assistant, a *complementary integrative medical nutritionist*, an osteopathic physician, an osteopathic physician’s assistant, a podiatric physician, a podiatry hygienist, a physical therapist, a medical laboratory technician, an optometrist, a chiropractor, a chiropractor’s assistant, a doctor of Oriental medicine, a nurse, a student nurse, a certified nursing assistant, a nursing assistant trainee, a dentist, a dental hygienist, a pharmacist, an intern pharmacist, an attendant on an ambulance or air ambulance, a psychologist, a social worker, a marriage and family therapist and an emergency medical technician.

(d) “School employee” means a licensed or unlicensed person employed by a board of trustees of a school district pursuant to NRS 391.100.

(e) “Sporting event” has the meaning ascribed to it in NRS 41.630.

(f) “Sports official” has the meaning ascribed to it in NRS 41.630.

(g) “Taxicab” has the meaning ascribed to it in NRS 706.8816.

(h) “Taxicab driver” means a person who operates a taxicab.

(i) “Transit operator” means a person who operates a bus or other vehicle as part of a public mass transportation system.

2. A person convicted of an assault shall be punished:

(a) If paragraph (c) or (d) ~~of this subsection~~ does not apply to the circumstances of the crime and the assault is not made with the use of a deadly weapon, or the present ability to use a deadly weapon, for a misdemeanor.



(b) If the assault is made with the use of a deadly weapon, or the present ability to use a deadly weapon, for a category B felony by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, or by a fine of not more than \$5,000, or by both fine and imprisonment.

(c) If paragraph (d) ~~[of this subsection]~~ does not apply to the circumstances of the crime and if the assault is committed upon an officer, a provider of health care, a school employee, a taxicab driver or a transit operator who is performing his duty or upon a sports official based on the performance of his duties at a sporting event, and the person charged knew or should have known that the victim was an officer, a provider of health care, a school employee, a taxicab driver, a transit operator or a sports official, for a gross misdemeanor, unless the assault is made with the use of a deadly weapon, or the present ability to use a deadly weapon, then for a category B felony by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, or by a fine of not more than \$5,000, or by both fine and imprisonment.

(d) If the assault is committed upon an officer, a provider of health care, a school employee, a taxicab driver or a transit operator who is performing his duty or upon a sports official based on the performance of his duties at a sporting event by a probationer, a prisoner who is in lawful custody or confinement or a parolee, and the probationer, prisoner or parolee charged knew or should have known that the victim was an officer, a provider of health care, a school employee, a taxicab driver, a transit operator or a sports official, for a category D felony as provided in NRS 193.130, unless the assault is made with the use of a deadly weapon, or the present ability to use a deadly weapon, then for a category B felony by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, or by a fine of not more than \$5,000, or by both fine and imprisonment.

Sec. 104. NRS 200.5095 is hereby amended to read as follows:

200.5095 1. Reports made pursuant to NRS 200.5093, 200.50935 and 200.5094, and records and investigations relating to those reports, are confidential.

2. A person, law enforcement agency or public or private agency, institution or facility who willfully releases data or information concerning the reports and investigation of the abuse, neglect, exploitation or isolation of older persons or vulnerable persons, except:

(a) Pursuant to a criminal prosecution;

(b) Pursuant to NRS 200.50982; or



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1 (c) To persons or agencies enumerated in subsection 3,
2 ➔ is guilty of a misdemeanor.

3 3. Except as otherwise provided in subsection 2 and NRS
4 200.50982, data or information concerning the reports and
5 investigations of the abuse, neglect, exploitation or isolation of an
6 older person or a vulnerable person is available only to:

7 (a) A physician who is providing care to an older person or a
8 vulnerable person who may have been abused, neglected, exploited
9 or isolated;

10 (b) An agency responsible for or authorized to undertake the
11 care, treatment and supervision of the older person or vulnerable
12 person;

13 (c) A district attorney or other law enforcement official who
14 requires the information in connection with an investigation of the
15 abuse, neglect, exploitation or isolation of the older person or
16 vulnerable person;

17 (d) A court which has determined, in camera, that public
18 disclosure of such information is necessary for the determination of
19 an issue before it;

20 (e) A person engaged in bona fide research, but the identity of
21 the subjects of the report must remain confidential;

22 (f) A grand jury upon its determination that access to such
23 records is necessary in the conduct of its official business;

24 (g) Any comparable authorized person or agency in another
25 jurisdiction;

26 (h) A legal guardian of the older person or vulnerable person, if
27 the identity of the person who was responsible for reporting the
28 alleged abuse, neglect, exploitation or isolation of the older person
29 or vulnerable person to the public agency is protected, and the legal
30 guardian of the older person or vulnerable person is not the person
31 suspected of such abuse, neglect, exploitation or isolation;

32 (i) If the older person or vulnerable person is deceased, the
33 executor or administrator of his estate, if the identity of the person
34 who was responsible for reporting the alleged abuse, neglect,
35 exploitation or isolation of the older person or vulnerable person to
36 the public agency is protected, and the executor or administrator is
37 not the person suspected of such abuse, neglect, exploitation or
38 isolation; or

39 (j) The older person or vulnerable person named in the report as
40 allegedly being abused, neglected, exploited or isolated, if that
41 person is not legally incompetent.

42 4. If the person who is reported to have abused, neglected,
43 exploited or isolated an older person or a vulnerable person is the
44 holder of a license or certificate issued pursuant to ~~chapters~~
45 *chapter* 449, 630 to 641B, inclusive, or 654 of NRS, *or sections 3 to*



1 **84, inclusive, of this act**, information contained in the report must
2 be submitted to the board that issued the license ~~or~~ **or certificate**.

3 **Sec. 105.** NRS 218.825 is hereby amended to read as follows:

4 218.825 1. Except as otherwise provided in subsection 2,
5 each board created by the provisions of NRS 590.485 and chapters
6 623 to 625A, inclusive, 628, 630 to 644, inclusive, 648, 654 and 656
7 of NRS **and sections 3 to 84, inclusive, of this act** shall:

8 (a) If the revenue of the board from all sources is less than
9 \$50,000 for any fiscal year, prepare a balance sheet for that fiscal
10 year on the form provided by the Legislative Auditor and file the
11 balance sheet with the Legislative Auditor and the Chief of the
12 Budget Division of the Department of Administration on or before
13 December 1 following the end of that fiscal year. The Legislative
14 Auditor shall prepare and make available a form that must be used
15 by a board to prepare ~~such a~~ **the** balance sheet.

16 (b) If the revenue of the board from all sources is \$50,000 or
17 more for any fiscal year, engage the services of a certified public
18 accountant or public accountant, or firm of either of such
19 accountants, to audit all its fiscal records for that fiscal year and file
20 a report of the audit with the Legislative Auditor and the Chief of
21 the Budget Division of the Department of Administration on or
22 before December 1 following the end of that fiscal year.

23 2. In lieu of preparing a balance sheet or having an audit
24 conducted for a single fiscal year, a board may engage the services
25 of a certified public accountant or public accountant, or firm of
26 either of such accountants, to audit all its fiscal records for a period
27 covering two successive fiscal years. If such an audit is conducted,
28 the board shall file the report of the audit with the Legislative
29 Auditor and the Chief of the Budget Division of the Department of
30 Administration on or before December 1 following the end of the
31 second fiscal year.

32 3. The cost of each audit conducted pursuant to subsection 1 or
33 2 must be paid by the board that is audited. Each such audit must be
34 conducted in accordance with generally accepted auditing standards,
35 and all financial statements must be prepared in accordance with
36 generally accepted principles of accounting for special revenue
37 funds.

38 4. Whether or not a board is required to have its fiscal records
39 audited pursuant to subsection 1 or 2, the Legislative Auditor shall
40 audit the fiscal records of any such board whenever directed to do so
41 by the Legislative Commission. When the Legislative Commission
42 directs such an audit, the Legislative Commission shall also
43 determine who ~~is to~~ **must** pay the cost of the audit.

44 5. A person who is a state officer or employee of a board is
45 guilty of nonfeasance if the person:



(a) Is responsible for preparing a balance sheet or having an audit conducted pursuant to this section or is responsible for preparing or maintaining the fiscal records that are necessary to prepare a balance sheet or have an audit conducted pursuant to this section; and

(b) Knowingly fails to prepare the balance sheet or have the audit conducted pursuant to this section or knowingly fails to prepare or maintain the fiscal records that are necessary to prepare a balance sheet or have an audit conducted pursuant to this section.

6. In addition to any other remedy or penalty, a person who is guilty of nonfeasance pursuant to this section forfeits his state office or employment and may not be appointed to a state office or position of state employment for a period of 2 years ~~following~~ *after* the forfeiture. The provisions of this subsection do not apply to a state officer who may be removed from office only by impeachment pursuant to Article 7 of the Nevada Constitution.

Sec. 106. NRS 284.013 is hereby amended to read as follows:

284.013 1. Except as otherwise provided in subsection 4, this chapter does not apply to:

(a) Agencies, bureaus, commissions, officers or personnel in the Legislative Department or the Judicial Department of State Government, including the Commission on Judicial Discipline;

(b) Any person who is employed by a board, commission, committee or council created in chapters 590, 623 to 625A, inclusive, 628, 630 to 644, inclusive, 648, 652, 654 and 656 of NRS ~~§~~ *and sections 3 to 84, inclusive, of this act*; or

(c) Officers or employees of any agency of the Executive Department of the State Government who are exempted by *a* specific statute.

2. Except as otherwise provided in subsection 3, the terms and conditions of employment of all persons referred to in subsection 1, including salaries not prescribed by law and leaves of absence, including, without limitation, annual leave and sick and disability leave, must be fixed by the appointing or employing authority within the limits of legislative appropriations or authorizations.

3. Except as otherwise provided in this subsection, leaves of absence prescribed pursuant to subsection 2 must not be of lesser duration than those provided for other state officers and employees pursuant to the provisions of this chapter. The provisions of this subsection do not govern the Legislative Commission with respect to the personnel of the Legislative Counsel Bureau.

4. Any board, commission, committee or council created in chapters 590, 623 to 625A, inclusive, 628, 630 to 644, inclusive, 648, 652, 654 and 656 of NRS *and sections 3 to 84, inclusive, of this act* which contracts for the services of a person ~~§~~ shall require



1 the contract for those services to be in writing. The contract must be
2 approved by the State Board of Examiners before those services
3 may be provided.

4 **Sec. 107.** NRS 353.005 is hereby amended to read as follows:

5 353.005 The provisions of this chapter do not apply to boards
6 created by the provisions of NRS 590.485 and chapters 623 to
7 625A, inclusive, 628, 630 to 644, inclusive, 648, 654 and 656 of
8 NRS and *sections 3 to 84, inclusive, of this act and* the officers and
9 employees of those boards.

10 **Sec. 108.** NRS 353A.020 is hereby amended to read as
11 follows:

12 353A.020 1. The Director, in consultation with the
13 Committee and Legislative Auditor, shall adopt a uniform system of
14 internal accounting and administrative control for agencies. The
15 elements of the system must include, without limitation:

16 (a) A plan of organization which provides for a segregation of
17 duties appropriate to safeguard the assets of the agency;

18 (b) A plan which limits access to assets of the agency to persons
19 who need the assets to perform their assigned duties;

20 (c) Procedures for authorizations and recordkeeping which
21 effectively control accounting of assets, liabilities, revenues and
22 expenses;

23 (d) A system of practices to be followed in the performance of
24 the duties and functions of each agency; and

25 (e) An effective system of internal review.

26 2. The Director, in consultation with the Committee and
27 Legislative Auditor, may modify the system whenever he considers
28 it necessary.

29 3. Each agency shall develop written procedures to carry out
30 the system of internal accounting and administrative control adopted
31 pursuant to this section.

32 4. For the purposes of this section, "agency" does not include:

33 (a) A board created by the provisions of NRS 590.485 and
34 chapters 623 to 625A, inclusive, 628, 630 to 644, inclusive, 648,
35 654 and 656 of NRS ~~§~~ *and sections 3 to 84, inclusive, of this act.*

36 (b) The Nevada System of Higher Education.

37 (c) The Public Employees' Retirement System.

38 (d) The Housing Division of the Department of Business and
39 Industry.

40 (e) The Colorado River Commission of Nevada.

41 **Sec. 109.** NRS 353A.025 is hereby amended to read as
42 follows:

43 353A.025 1. The head of each agency shall periodically
44 review the agency's system of internal accounting and
45 administrative control to determine whether it is in compliance with



* S B 4 3 2 *

1 the uniform system of internal accounting and administrative control
2 for agencies adopted pursuant to subsection 1 of NRS 353A.020.

3 2. On or before July 1 of each even-numbered year, the head of
4 each agency shall report to the Director whether the agency's
5 system of internal accounting and administrative control is in
6 compliance with the uniform system adopted pursuant to subsection
7 1 of NRS 353A.020. The reports must be made available for
8 inspection by the members of the Legislature.

9 3. For the purposes of this section, "agency" does not include:

10 (a) A board created by the provisions of NRS 590.485 and
11 chapters 623 to 625A, inclusive, 628, 630 to 644, inclusive, 648,
12 654 and 656 of NRS ~~H~~ *and sections 3 to 84, inclusive, of this act.*

13 (b) The Nevada System of Higher Education.

14 (c) The Public Employees' Retirement System.

15 (d) The Housing Division of the Department of Business and
16 Industry.

17 (e) The Colorado River Commission of Nevada.

18 4. The Director shall, on or before the first Monday in
19 February of each odd-numbered year, submit a report on the status
20 of internal accounting and administrative controls in agencies to the:

21 (a) Director of the Legislative Counsel Bureau for transmittal to
22 the:

23 (1) Senate Standing Committee on Finance; and

24 (2) Assembly Standing Committee on Ways and Means;

25 (b) Governor; and

26 (c) Legislative Auditor.

27 5. The report submitted by the Director pursuant to subsection
28 4 must include, without limitation:

29 (a) The identification of each agency that has not complied with
30 the requirements of subsections 1 and 2;

31 (b) The identification of each agency that does not have an
32 effective method for reviewing its system of internal accounting and
33 administrative control; and

34 (c) The identification of each agency that has weaknesses in its
35 system of internal accounting and administrative control, and the
36 extent and types of ~~[such]~~ *those* weaknesses.

37 **Sec. 110.** NRS 353A.045 is hereby amended to read as
38 follows:

39 353A.045 The Chief shall:

40 1. Report to the Director.

41 2. Develop long-term and annual work plans to be based on the
42 results of periodic documented risk assessments. The annual work
43 plan must list the agencies to which the Division will provide
44 training and assistance and be submitted to the Director for
45 approval. Such agencies must not include:



* S B 4 3 2 *

(a) A board created by the provisions of NRS 590.485 and chapters 623 to 625A, inclusive, 628, 630 to 644, inclusive, 648, 654 and 656 of NRS ~~H~~ *and sections 3 to 84, inclusive, of this act.*

(b) The Nevada System of Higher Education.

(c) The Public Employees' Retirement System.

(d) The Housing Division of the Department of Business and Industry.

(e) The Colorado River Commission of Nevada.

3. Provide a copy of the approved annual work plan to the Legislative Auditor.

4. In consultation with the Director, prepare a plan for auditing executive branch agencies for each fiscal year and present the plan to the Committee for its review and approval. Each plan for auditing must:

(a) State the agencies which will be audited, the proposed scope and assignment of those audits and the related resources which will be used for those audits; and

(b) Ensure that the internal accounting, administrative controls and financial management of each agency are reviewed periodically.

5. Perform the audits of the programs and activities of the agencies in accordance with the plan approved pursuant to subsection 5 of NRS 353A.038 and prepare audit reports of his findings.

6. Review each agency that is audited pursuant to subsection 5 and advise those agencies concerning internal accounting, administrative controls and financial management.

7. Submit to each agency that is audited pursuant to subsection 5 analyses, appraisals and recommendations concerning:

(a) The adequacy of the internal accounting and administrative controls of the agency; and

(b) The efficiency and effectiveness of the management of the agency.

8. Report any possible abuses, illegal actions, errors, omissions and conflicts of interest of which the Division becomes aware during the performance of an audit.

9. Adopt the standards of the Institute of Internal Auditors for conducting and reporting on internal audits.

10. Consult with the Legislative Auditor concerning the plan for auditing and the scope of audits to avoid duplication of effort and undue disruption of the functions of agencies that are audited pursuant to subsection 5.

11. Appoint a Manager of Internal Controls.



Sec. 111. NRS 372.7285 is hereby amended to read as follows:

372.7285 1. In administering the provisions of NRS 372.325, the Department shall apply the exemption to the sale of a medical device to a governmental entity that is exempt pursuant to that section without regard to whether the person using the medical device or the governmental entity that purchased the device is deemed to be the holder of title to the device if:

(a) The medical device was ordered or prescribed by a provider of health care, within his scope of practice, for use by the person to whom it is provided;

(b) The medical device is covered by Medicaid or Medicare; and

(c) The purchase of the medical device is made pursuant to a contract between the governmental entity that purchases the medical device and the person who sells the medical device to the governmental entity.

2. As used in this section:

(a) "Medicaid" means the program established pursuant to Title XIX of the Social Security Act, 42 U.S.C. §§ 1396 et seq., to provide assistance for part or all of the cost of medical care rendered on behalf of indigent persons.

(b) "Medicare" means the program of health insurance for aged and disabled persons established pursuant to Title XVIII of the Social Security Act, 42 U.S.C. §§ 1395 et seq.

(c) "Provider of health care" means a physician licensed pursuant to chapter 630 ~~[, 630A]~~ or 633 of NRS, *or sections 3 to 84, inclusive, of this act*, a dentist, licensed nurse, dispensing optician, optometrist, practitioner of respiratory care, registered physical therapist, podiatric physician, licensed psychologist, licensed audiologist, licensed speech pathologist, licensed hearing aid specialist, licensed marriage and family therapist, chiropractor or doctor of Oriental medicine in any form.

Sec. 112. NRS 374.731 is hereby amended to read as follows:

374.731 1. In administering the provisions of NRS 374.330, the Department shall apply the exemption to the sale of a medical device to a governmental entity that is exempt pursuant to that section without regard to whether the person using the medical device or the governmental entity that purchased the device is deemed to be the holder of title to the device if:

(a) The medical device was ordered or prescribed by a provider of health care, within his scope of practice, for use by the person to whom it is provided;

(b) The medical device is covered by Medicaid or Medicare; and

(c) The purchase of the medical device is made pursuant to a contract between the governmental entity that purchases the medical



1 device and the person who sells the medical device to the
2 governmental entity.

3 2. As used in this section:

4 (a) "Medicaid" means the program established pursuant to Title
5 XIX of the Social Security Act, 42 U.S.C. §§ 1396 et seq., to
6 provide assistance for part or all of the cost of medical care rendered
7 on behalf of indigent persons.

8 (b) "Medicare" means the program of health insurance for aged
9 and disabled persons established pursuant to Title XVIII of the
10 Social Security Act, 42 U.S.C. §§ 1395 et seq.

11 (c) "Provider of health care" means a physician licensed
12 pursuant to chapter 630 ~~[630A]~~ or 633 of NRS, *or sections 3 to 84, inclusive, of this act*, a dentist, licensed nurse, dispensing optician,
13 optometrist, practitioner of respiratory care, registered physical
14 therapist, podiatric physician, licensed psychologist, licensed
15 audiologist, licensed speech pathologist, licensed hearing aid
16 specialist, licensed marriage and family therapist, chiropractor or
17 doctor of Oriental medicine in any form.

18 **Sec. 113.** NRS 396.903 is hereby amended to read as follows:

19 396.903 1. The University of Nevada School of Medicine
20 may authorize the Nevada Health Service Corps to administer a
21 program under which money for loans is repaid on behalf of a
22 practitioner for each year he practices in an area of Nevada in which
23 a shortage of that type of practitioner exists, as determined by the
24 Nevada Office of Rural Health within the University of Nevada
25 School of Medicine and the Nevada Health Service Corps.

26 2. To qualify for the program, a practitioner required to be
27 licensed pursuant to the provisions of chapter 630, ~~[630A]~~ 633 or
28 634 of NRS *or sections 3 to 84, inclusive, of this act* must have
29 completed his primary care residency and hold an active license
30 issued pursuant to chapter 630, ~~[630A]~~ 633 or 634 of NRS ~~[]~~ *or*
31 *sections 3 to 84, inclusive, of this act*. All other practitioners must
32 have completed training in a certified program and have an active
33 license, certification or registration from the State of Nevada.

34 **Sec. 114.** NRS 439A.0195 is hereby amended to read as
35 follows:

36 439A.0195 "Practitioner" means a physician licensed under
37 chapter 630 ~~[630A]~~ or 633 of NRS, *or sections 3 to 84, inclusive,*
38 *of this act*, a dentist, licensed nurse, dispensing optician,
39 optometrist, registered physical therapist, podiatric physician,
40 licensed psychologist, chiropractor, doctor of Oriental medicine in
41 any form, medical laboratory director or technician, pharmacist or
42 other person whose principal occupation is the provision of services
43 for health.
44



Sec. 115. NRS 439B.225 is hereby amended to read as follows:

439B.225 1. As used in this section, "licensing board" means any division or board empowered to adopt standards for licensing or registration or for the renewal of licenses or certificates of registration pursuant to NRS 435.3305 to 435.339, inclusive, chapter 449, 625A, 630, ~~630A,~~ 631, 632, 633, 634, 634A, 635, 636, 637, 637A, 637B, 639, 640, 640A, 641, 641A, 641B, 641C, 652 or 654 of NRS ~~or~~ *or sections 3 to 84, inclusive, of this act.*

2. The Committee shall review each regulation that a licensing board proposes or adopts that relates to standards for licensing or registration or to the renewal of a license or certificate of registration issued to a person or facility regulated by the board, giving consideration to:

(a) Any oral or written comment made or submitted to it by members of the public or by persons or facilities affected by the regulation;

(b) The effect of the regulation on the cost of health care in this State;

(c) The effect of the regulation on the number of licensed or registered persons and facilities available to provide services in this State; and

(d) Any other related factor the Committee deems appropriate.

3. After reviewing a proposed regulation, the Committee shall notify the agency of the opinion of the Committee regarding the advisability of adopting or revising the proposed regulation.

4. The Committee shall recommend to the Legislature as a result of its review of regulations pursuant to this section any appropriate legislation.

Sec. 116. NRS 608.0116 is hereby amended to read as follows:

608.0116 "Professional" means pertaining to an employee who is licensed or certified by the State of Nevada for and engaged in the practice of law or any of the professions regulated by chapters 623 to 645, inclusive, and 656A of NRS ~~or~~ *and sections 3 to 84, inclusive, of this act.*

Sec. 117. Chapter 679A of NRS is hereby amended by adding thereto the provisions set forth as sections 118 and 119 of this act.

Sec. 118. 1. *Providers of insurance and providers of health care shall recognize and treat ABC coding as a valid means of communicating and transacting business, including, without limitation, using ABC coding for the purposes of:*

(a) Establishing benefits under health care plans and insurance policies and establishing arrangements for managed care;



(b) *Providing expanded descriptions of health care services provided to patients; and*

(c) *Documenting, filing, billing and paying claims for health care services provided to patients.*

2. *As used in this section:*

(a) *“ABC coding” means a system of coding that uses 5-character alphabetic symbols to represent the practices, procedures and services provided by a complementary integrative medical physician, a homeopathic physician or any other provider of health care.*

(b) *“Provider of health care” has the meaning ascribed to it in NRS 629.031.*

Sec. 119. 1. *In addition to any other provision of this Code relating to the payment of a provider of health care under the terms of a health care plan or insurance policy, if a provider of health care that provides services to a patient is authorized by the laws of this State to perform the services and the services are covered by the patient’s health care plan or insurance policy, the provider of insurance for the patient:*

(a) *Shall not prohibit the patient from using the services of that particular type of provider of health care; and*

(b) *Shall pay the costs of the services provided to the patient by the provider of health care, in accordance with the terms of the patient’s plan or policy, without any discrimination regarding that particular type of provider of health care.*

2. *As used in this section, “provider of health care” has the meaning ascribed to it in NRS 629.031.*

Sec. 120. NRS 679B.440 is hereby amended to read as follows:

679B.440 1. The Commissioner may require that reports submitted pursuant to NRS 679B.430 include, without limitation, information regarding:

(a) Liability insurance provided to:

(1) Governmental agencies and political subdivisions of this State, reported separately for:

(I) Cities and towns;

(II) School districts; and

(III) Other political subdivisions;

(2) Public officers;

(3) Establishments where alcoholic beverages are sold;

(4) Facilities for the care of children;

(5) Labor, fraternal or religious organizations; and

(6) Officers or directors of organizations formed pursuant to title 7 of NRS, reported separately for nonprofit entities and entities organized for profit;



- 1 (b) Liability insurance for:
2 (1) Defective products;
3 (2) Medical or dental malpractice of:
4 (I) A practitioner licensed pursuant to chapter 630,
5 ~~[630A,]~~ 631, 632, 633, 634, 634A, 635, 636, 637, 637A, 637B, 639
6 or 640 of NRS ~~[H]~~ *or sections 3 to 84, inclusive, of this act;*
7 (II) A hospital or other health care facility; or
8 (III) Any related corporate entity ; ~~[H]~~
9 (3) Malpractice of attorneys;
10 (4) Malpractice of architects and engineers; and
11 (5) Errors and omissions by other professionally qualified
12 persons;
13 (c) Vehicle insurance, reported separately for:
14 (1) Private vehicles;
15 (2) Commercial vehicles;
16 (3) Liability insurance; and
17 (4) Insurance for property damage;
18 (d) Workers' compensation insurance; and
19 (e) In addition to any information provided pursuant to
20 subparagraph (2) of paragraph (b) or NRS 690B.260, a policy of
21 insurance for medical malpractice. As used in this paragraph,
22 "policy of insurance for medical malpractice" has the meaning
23 ascribed to it in NRS 679B.144.
24 2. The Commissioner may require that the report include,
25 without limitation, information specifically pertaining to this State
26 or to an insurer in its entirety, in the aggregate or by type of
27 insurance, and for a previous or current year, regarding:
28 (a) Premiums directly written;
29 (b) Premiums directly earned;
30 (c) Number of policies issued;
31 (d) Net investment income, using appropriate estimates when
32 necessary;
33 (e) Losses paid;
34 (f) Losses incurred;
35 (g) Loss reserves, including:
36 (1) Losses unpaid on reported claims; and
37 (2) Losses unpaid on incurred but not reported claims;
38 (h) Number of claims, including:
39 (1) Claims paid; and
40 (2) Claims that have arisen but are unpaid;
41 (i) Expenses for adjustment of losses, including allocated and
42 unallocated losses;
43 (j) Net underwriting gain or loss;
44 (k) Net operation gain or loss, including net investment income;
45 and



1 (l) Any other information requested by the Commissioner.
2 3. The Commissioner may also obtain, based upon an insurer
3 in its entirety, information regarding:

- 4 (a) Recoverable federal income tax;
5 (b) Net unrealized capital gain or loss; and
6 (c) All other expenses not included in subsection 2.

7 **Sec. 121.** NRS 686B.030 is hereby amended to read as
8 follows:

9 686B.030 1. Except as otherwise provided in subsection 2,
10 NRS 686B.010 to 686B.1799, inclusive, apply to all kinds and lines
11 of direct insurance written on risks or operations in this State by any
12 insurer authorized to do business in this State, except:

- 13 (a) Ocean marine insurance;
14 (b) Contracts issued by fraternal benefit societies;
15 (c) Life insurance and credit life insurance;
16 (d) Variable and fixed annuities;
17 (e) Group and blanket health insurance and credit health
18 insurance;
19 (f) Property insurance for business and commercial risks;
20 (g) Casualty insurance for business and commercial risks other
21 than insurance covering the liability of a practitioner licensed
22 pursuant to chapters 630 to 640, inclusive, of NRS ~~§~~ *and sections 3*
23 *to 84, inclusive, of this act*; and
24 (h) Surety insurance.

25 2. The exclusions set forth in paragraphs (f) and (g) of
26 subsection 1 extend only to issues related to the determination or
27 approval of premium rates.

28 **Sec. 122.** NRS 690B.250 is hereby amended to read as
29 follows:

30 690B.250 Except as more is required in NRS 630.3067 and
31 633.526:

32 1. Each insurer which issues a policy of insurance covering the
33 liability of a practitioner licensed pursuant to chapters 630 to 640,
34 inclusive, of NRS *and sections 3 to 84, inclusive, of this act* for a
35 breach of his professional duty toward a patient shall report to the
36 board which licensed the practitioner within 45 days each settlement
37 or award made or judgment rendered by reason of a claim, if the
38 settlement, award or judgment is for more than \$5,000, giving
39 the name and address of the claimant and the practitioner and the
40 circumstances of the case.

41 2. A practitioner licensed pursuant to chapters 630 to 640,
42 inclusive, of NRS *and sections 3 to 84, inclusive, of this act* who
43 does not have insurance covering liability for a breach of his
44 professional duty toward a patient shall report to the board which
45 issued his license within 45 days of each settlement or award made



1 or judgment rendered by reason of a claim, if the settlement, award
2 or judgment is for more than \$5,000, giving his name and address,
3 the name and address of the claimant and the circumstances of the
4 case.

5 3. ~~[These]~~ *The* reports are public records and must be made
6 available for public inspection within a reasonable ~~[time]~~ *period*
7 after they are received by the licensing board.

8 **Sec. 123.** NRS 690B.320 is hereby amended to read as
9 follows:

10 690B.320 1. If an insurer offers to issue a claims-made
11 policy to a practitioner licensed pursuant to chapters 630 to 640,
12 inclusive, of NRS, *and sections 3 to 84, inclusive, of this act*, the
13 insurer shall:

14 (a) Offer to issue to the practitioner an extended reporting
15 endorsement without a time limitation for reporting a claim.

16 (b) Disclose to the practitioner the premium for the extended
17 reporting endorsement and the cost formula that the insurer uses to
18 determine the premium for the extended reporting endorsement.

19 (c) Disclose to the practitioner the portion of the premium
20 attributable to funding the extended reporting endorsement offered
21 at no additional cost to the practitioner in the event of the
22 practitioner's death, disability or retirement, if such a benefit is
23 offered.

24 (d) Disclose to the practitioner the vesting requirements for the
25 extended reporting endorsement offered at no additional cost to the
26 practitioner in the event of the practitioner's death or retirement, if
27 such a benefit is offered. If such a benefit is not offered, the absence
28 of such a benefit must be disclosed.

29 (e) Include, as part of the insurance contract, language which
30 must be approved by the Commissioner and which must be
31 substantially similar to the following:

32
33 If we adopt any revision that would broaden the coverage
34 under this policy without any additional premium either
35 within the policy period or within 60 days before the policy
36 period, the broadened coverage will immediately apply to this
37 policy.
38

39 2. The disclosures required by subsection 1 must be made as
40 part of the offer and acceptance at the inception of the policy and
41 again at each renewal in the form of an endorsement attached to the
42 insurance contract and approved by the Commissioner.

43 3. The requirements set forth in this section are in addition to
44 the requirements set forth in NRS 690B.290.



Sec. 124. Chapter 695G of NRS is hereby amended by adding thereto a new section to read as follows:

1. A managed care organization that delivers health care services by using employed or independently contracted providers of health care shall use its best efforts to contract with at least one complementary integrative medical physician or homeopathic physician to provide those services to insureds within the scope of practice of the complementary integrative medical physician or homeopathic physician if the complementary integrative medical physician or homeopathic physician:

(a) Meets all conditions imposed by the managed care organization on similarly situated providers of health care that are under contract with the managed care organization, including, without limitation:

(1) Certification for participation in the Medicaid or Medicare program, to the extent authorized pursuant to that program; and

(2) Requirements relating to the appropriate credentials for providers of health care; and

(b) Agrees to reasonable reimbursement rates that are generally consistent with those offered by the managed care organization to similarly situated providers of health care that are under contract with the managed care organization.

2. As used in this section:

(a) "Complementary integrative medical physician" has the meaning ascribed to it in section 8 of this act.

(b) "Homeopathic physician" has the meaning ascribed to it in section 12 of this act.

Sec. 125. Section 51 of this act is hereby amended to read as follows:

Sec. 51. 1. In addition to any other requirements set forth in this chapter ~~§~~:

~~—(a) An applicant for the issuance of a license or certificate pursuant to this chapter shall include the social security number of the applicant in the application submitted to the Board.~~

~~—(b) An~~ **§**, **an** applicant for the issuance or renewal of a license or certificate pursuant to this chapter shall submit to the Board the statement prescribed by the Division of Welfare and Supportive Services of the Department of Health and Human Services pursuant to NRS 425.520. The statement must be completed and signed by the applicant.

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



(a) The application or any other forms that must be submitted for the issuance or renewal of the license or certificate; or

(b) A separate form prescribed by the Board.

3. A license or certificate may not be issued or renewed by the Board if the applicant:

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

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

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

Sec. 126. Section 234 of chapter 501, Statutes of Nevada 2005, at page 2818, is hereby amended to read as follows:

Sec. 234. 1. This section and sections 1 to 9, inclusive, 11 to 14, inclusive, 16 to 19, inclusive, 21, 22, 24 to 27, inclusive, 29, 30, 32, 33, 35, 36, 37, 39, 40, 41, 43 to 50, inclusive, 52, 53, 54, 56 to 59, inclusive, 61 to 64, inclusive, 66 to 69, inclusive, 71, 72, 73, 75 to 78, inclusive, 80, 81, 82, 84 to 87, inclusive, 89, 90, 91, 93 to 96, inclusive, 98 to 100, inclusive, 102 to 106, inclusive, 108, 110, 111, 113, 114, 115, 117, 118, 120, 121, 122, 124 to 132, inclusive, 134 to 138, inclusive, 140 to 143, inclusive, 145 to 149, inclusive, 151, 152, 154, 155, 157, 158, 159, 161, 162, 164, 166 to 169, inclusive, 171, 172, 174, 176 to 181, inclusive, 183, 184, 186, 187, 189 to 192, inclusive, 194, 195, 197 to 200, inclusive, and 207 to 233, inclusive, of this act become effective on July 1, 2005.

2. Sections 10, 15, 20, 23, 28, 31, 34, ~~38,~~ 42, 51, 55, 60, 65, 70, 74, 79, 83, 88, 92, 97, 101, 107, 109, 112, 116, 119, 123, 133, 139, 144, 150, 153, 156, 160, 163, 165, 170, 173, 175, 182, 185, 188, 193, 196 and 201 to 206, inclusive, of this act:



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

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

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

↪ are repealed by the Congress of the United States; and

(b) Expire by limitation on the date 2 years after the date on which the provisions of 42 U.S.C. § 666 requiring each state to establish procedures under which the state has authority to withhold or suspend, or to restrict the use of professional, occupational and recreational licenses of persons who:

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

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

↪ are repealed by the Congress of the United States.

3. Sections 9, 14, 19, 22, 27, 30, 33, ~~37~~, 41, 50, 54, 59, 64, 69, 73, 78, 82, 87, 91, 96, 100, 106, 108, 111, 115, 118, 122, 132, 138, 143, 149, 152, 155, 159, 162, 164, 169, 172, 174, 181, 184, 187, 192 and 195 of this act expire by limitation on the date 2 years after the date on which the provisions of 42 U.S.C. § 666 requiring each state to establish procedures under which the state has authority to withhold or suspend, or to restrict the use of professional, occupational and recreational licenses of persons who:

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

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

↪ are repealed by the Congress of the United States.

4. Sections 44 and 45 of this act expire by limitation on September 30, 2005.

Sec. 127. 1. NRS 630A.010, 630A.015, 630A.020, 630A.030, 630A.035, 630A.040, 630A.050, 630A.060, 630A.070,



1 630A.075, 630A.080, 630A.090, 630A.100, 630A.110, 630A.120,
2 630A.130, 630A.140, 630A.150, 630A.155, 630A.160, 630A.170,
3 630A.175, 630A.180, 630A.190, 630A.200, 630A.210, 630A.220,
4 630A.225, 630A.230, 630A.240, 630A.246, 630A.250, 630A.260,
5 630A.270, 630A.280, 630A.290, 630A.293, 630A.295, 630A.297,
6 630A.299, 630A.310, 630A.320, 630A.325, 630A.330, 630A.340,
7 630A.350, 630A.360, 630A.370, 630A.380, 630A.390, 630A.400,
8 630A.410, 630A.420, 630A.430, 630A.440, 630A.450, 630A.460,
9 630A.480, 630A.490, 630A.500, 630A.510, 630A.520, 630A.530,
10 630A.540, 630A.543, 630A.545, 630A.550, 630A.555, 630A.560,
11 630A.570, 630A.580, 630A.590 and 630A.600 are hereby repealed.

12 2. Section 37 of chapter 501, Statutes of Nevada 2005, at page
13 2715, and section 38 of chapter 501, Statutes of Nevada 2005, at
14 page 2716, are hereby repealed.

15 **Sec. 128.** 1. The regulations adopted by the Board of
16 Homeopathic Medical Examiners to carry out the provisions
17 of chapter 630A of NRS become the regulations of the Board of
18 Complementary Integrative Medical Examiners on July 1, 2007, and
19 remain in effect until amended or repealed by the Board of
20 Complementary Integrative Medical Examiners.

21 2. The Legislative Counsel shall appropriately change in the
22 Nevada Administrative Code any references to an officer, agency or
23 other entity whose name is changed or whose responsibilities are
24 transferred pursuant to the provisions of this act to refer to the
25 appropriate officer, agency or other entity.

26 **Sec. 129.** 1. Each member of the Board of Homeopathic
27 Medical Examiners who is a member of the Board on July 1, 2007,
28 shall continue to serve as a member of the Board until each member
29 of the Board of Complementary Integrative Medical Examiners is
30 appointed pursuant to subsection 2.

31 2. As soon as practicable on or after July 1, 2007, the members
32 of the Board of Complementary Integrative Medical Examiners
33 must be appointed as follows:

34 (a) One member appointed by the State Board of Nursing who is
35 qualified pursuant to paragraph (a) of subsection 1 of section 19 of
36 this act;

37 (b) One member appointed by the State Board of Pharmacy who
38 is qualified pursuant to paragraph (b) of subsection 1 of section 19
39 of this act;

40 (c) Two members appointed by the Governor who are qualified
41 pursuant to paragraph (c) of subsection 1 of section 19 of this act;
42 and

43 (d) Three members appointed by the Governor who are qualified
44 pursuant to paragraph (d) of subsection 1 of section 19 of this act.



3. As soon as practicable after each member of the Board of Complementary Integrative Medical Examiners is appointed pursuant to subsection 2, the Governor shall, by lot, designate:

(a) Three members of the Board of Complementary Integrative Medical Examiners to initial terms that expire on July 1, 2010; and

(b) Four members of the Board of Complementary Integrative Medical Examiners to initial terms that expire on July 1, 2012.

Sec. 130. 1. Any subpoena issued by the Board of Homeopathic Medical Examiners pursuant to NRS 630A.210 that is in effect on July 1, 2007, shall be deemed to have been issued by the Board of Complementary Integrative Medical Examiners.

2. Any contract or other agreement entered into by the Board of Homeopathic Medical Examiners that is in effect on July 1, 2007, is not binding upon the Board of Complementary Integrative Medical Examiners and may not be enforced by the Board of Complementary Integrative Medical Examiners.

3. Any certificate issued by the Board of Homeopathic Medical Examiners that is in effect on July 1, 2007:

(a) Remains in effect until July 1, 2008, or until its equivalent is issued pursuant to subsection 4, whichever is earlier; and

(b) Shall be deemed to have been issued by the Board of Complementary Integrative Medical Examiners.

4. The holder of a certificate as an advanced practitioner of homeopathy or a certificate as a homeopathic assistant that is issued, renewed or reinstated by the Board of Homeopathic Medical Examiners before July 1, 2007, may submit an application to the Board of Complementary Integrative Medical Examiners for the issuance of:

(a) A certificate as an advanced practitioner of complementary integrative medicine, if the applicant is the holder of a certificate as an advanced practitioner of homeopathy; or

(b) A certificate as a complementary integrative medical assistant, if the applicant is the holder of a certificate as a homeopathic assistant.

➤ As soon as practicable after receiving the application, the Board of Complementary Integrative Medical Examiners shall issue the applicable certificate to the applicant.

Sec. 131. Notwithstanding any other provision of this act to the contrary, the Board of Homeopathic Medical Examiners may, as soon as practicable, complete the prosecution of any legal or administrative action, including any disciplinary action, that was commenced by the Board before July 1, 2007.

Sec. 132. The Board of Homeopathic Medical Examiners shall cooperate with the Board of Complementary Integrative Medical Examiners to ensure that the provisions of this act are carried out in



1 an orderly manner, including, without limitation, the transfer or
2 exchange of books and records and the transfer of money in the
3 bank accounts of the Board of Homeopathic Medical Examiners to
4 the Board of Complementary Integrative Medical Examiners.

5 **Sec. 133.** 1. This section and sections 1 to 124, inclusive,
6 and 126 to 132, inclusive, of this act become effective:

7 (a) Upon passage and approval for the purpose of adopting
8 regulations and conducting any preliminary activities necessary to
9 carry out the provisions of this act; and

10 (b) On July 1, 2007, for all other purposes.

11 2. Section 51 of this act expires by limitation on the date on
12 which the provisions of 42 U.S.C. § 666 requiring each state to
13 establish procedures under which the state has authority to withhold
14 or suspend, or to restrict the use of professional, occupational and
15 recreational licenses of persons who:

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

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

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

22 3. Section 125 of this act becomes effective on the date on
23 which the provisions of 42 U.S.C. § 666 requiring each state to
24 establish procedures under which the state has authority to withhold
25 or suspend, or to restrict the use of professional, occupational and
26 recreational licenses of persons who:

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

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

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

33 4. Sections 76 and 125 of this act expire by limitation on the
34 date 2 years after the date on which the provisions of 42 U.S.C. §
35 666 requiring each state to establish procedures under which the
36 state has authority to withhold or suspend, or to restrict the use of
37 professional, occupational and recreational licenses of persons who:

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

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

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



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**LEADLINES OF REPEALED SECTIONS OF NRS AND
TEXT OF REPEALED SECTIONS OF STATUTES OF NEVADA**

- 630A.010 Definitions.
- 630A.015 "Advanced practitioner of homeopathy" defined.
- 630A.020 "Board" defined.
- 630A.030 "Gross malpractice" defined.
- 630A.035 "Homeopathic assistant" defined.
- 630A.040 "Homeopathic medicine" and "homeopathy"
defined.
- 630A.050 "Homeopathic physician" defined.
- 630A.060 "Malpractice" defined.
- 630A.070 "Professional incompetence" defined.
- 630A.075 "Supervising homeopathic physician" defined.
- 630A.080 License as revocable privilege.
- 630A.090 Applicability.
- 630A.100 Number, appointment and terms of members.
- 630A.110 Qualifications of members.
- 630A.120 Expiration of term; removal of member;
replacement of removed member.
- 630A.130 Oaths of office.
- 630A.140 Officers.
- 630A.150 Meetings; quorum.
- 630A.155 Duties.
- 630A.160 Compensation of members and employees;
deposit of money received by Board; delegation of authority
concerning disciplinary action; deposit of fines; claim for
attorney's fees or cost of investigation.
- 630A.170 Seal.
- 630A.175 Unauthorized use of seal or designation of Board
or license or certificate issued by Board.
- 630A.180 Fiscal year.
- 630A.190 Offices and employees.
- 630A.200 Regulations.
- 630A.210 Hearings: Subpoenas; production of other
evidence.
- 630A.220 Unlawful acts concerning practice of
homeopathic medicine; limitation on use of designation of
degree.
- 630A.225 Effect of revocation of license in another
jurisdiction for gross medical negligence.



630A.230 Qualifications of applicant for license to practice homeopathic medicine.

630A.240 Application: Proof of qualifications; rejection.

630A.246 Payment of child support: Submission of certain information by applicant; grounds for denial of license or certificate; duty of Board.

630A.250 Oral examination.

630A.260 Reexamination.

630A.270 Applicant who is graduate of foreign medical school: Proof of qualification; examination.

630A.280 Reciprocity.

630A.290 Denial of license; notification; appeal; records of issuance and denial of licenses.

630A.293 Advanced practitioners of homeopathy: Certification; qualifications; authority.

630A.295 Advanced practitioners of homeopathy: Regulations of Board.

630A.297 Homeopathic assistant: Certification; authorized services; supervising homeopathic physician.

630A.299 Homeopathic assistant: Regulations of Board.

630A.310 Temporary, special and restricted licenses: Purposes; issuance; revocation.

630A.320 Limited license for resident homeopathic physician in postgraduate program of clinical training.

630A.325 Renewal: Requirements; suspension for failure to pay fee or submit certain information; notice to Federal Government.

630A.330 Fees.

630A.340 Grounds for initiating disciplinary action or denying licensure: Unprofessional conduct; criminal offenses; suspension or other modification of license in another jurisdiction; surrender of license while under investigation; gross or repeated malpractice; professional incompetence.

630A.350 Grounds for initiating disciplinary action or denying licensure: False application for license; misrepresenting disease or injury for personal gain; false advertising; practicing under another name; signing blank prescription form; influencing patient to engage in sexual activity; discouraging second opinion; terminating care without adequate notice.

630A.360 Grounds for initiating disciplinary action or denying licensure: Accepting compensation to influence evaluation or treatment; inappropriate division of fees; charging for services not rendered; aiding practice by unlicensed person; advertising services of unlicensed person;



delegating responsibility to unqualified person; failing to disclose conflict of interest.

630A.370 Grounds for initiating disciplinary action or denying licensure: Inability to practice; deceptive conduct; harmful medical practices; unlawful administration of controlled substance; unlawful abortion; practicing beyond scope of license; practicing experimental medicine without consent of patient; failure to exercise skill or diligence.

630A.380 Grounds for initiating disciplinary action or denying licensure: Willful disclosure of privileged communication; willful failure to comply with statute or regulation governing practice.

630A.390 Filing of complaint; reporting of disciplinary action and findings.

630A.400 Review of complaint; composition of committee; investigation; Board to transmit certain complaints to Attorney General; Board review of committee's findings.

630A.410 Investigation of complaint by Attorney General; determination of Board concerning further action.

630A.420 Mental or physical examination; examination of competence to practice.

630A.430 Examination to determine medical competence.

630A.440 Limitation of time for completion of examination if Board issues order for summary suspension of license.

630A.450 Stay of summary suspension by court prohibited.

630A.460 Injunctive relief.

630A.480 Commencement of disciplinary proceedings required for certain violations of Industrial Insurance Act.

630A.490 Service of process.

630A.500 Requirements for proof.

630A.510 Final order of Board; disciplinary actions available to Board; private reprimands prohibited; orders imposing discipline deemed public records.

630A.520 Judicial review of Board's final order; stay of order pending final determination prohibited.

630A.530 Reinstatement of license.

630A.540 Immunity from civil liability.

630A.543 Suspension of license or certificate for failure to pay child support or comply with certain subpoenas or warrants; reinstatement of license or certificate.

630A.545 Procedural requirements same for disciplinary action taken by hearing officer or panel; decision of hearing officer or panel relating to administrative fine is final decision in contested case.



630A.550 Disciplinary action does not preclude limitation or termination of privileges of licensee or holder of certificate or criminal prosecution; immunity from civil liability.

630A.555 Confidentiality of certain records of Board; exceptions.

630A.560 Prosecution of violators; employment of investigators.

630A.570 Injunctive relief against person practicing without license or certificate.

630A.580 Sufficiency of allegations of complaint seeking injunctive relief.

630A.590 Penalty for certain violations.

630A.600 Penalty for practicing without license or certificate.

Section 37 of chapter 501, Statutes of Nevada 2005:

Sec. 37. NRS 630A.246 is hereby amended to read as follows:

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

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

(b) An applicant for the issuance or renewal of a license to practice homeopathic medicine, a certificate as an advanced practitioner of homeopathy or a certificate as a homeopathic assistant shall submit to the Board the statement prescribed by the Welfare Division of the Department of Human Resources pursuant to NRS 425.520. The statement must be completed and signed by the applicant.

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

(a) The application or any other forms that must be submitted for the issuance or renewal of the license or certificate; or

(b) A separate form prescribed by the Board.

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

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



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

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

Section 38 of chapter 501, Statutes of Nevada 2005:

Sec. 38. NRS 630A.246 is hereby amended to read as follows:

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

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

~~—(b) An]~~ , *an* applicant for the issuance or renewal of a license to practice homeopathic medicine, a certificate as an advanced practitioner of homeopathy or a certificate as a homeopathic assistant shall submit to the Board the statement prescribed by the Welfare Division of the Department of Human Resources pursuant to NRS 425.520. The statement must be completed and signed by the applicant.

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

(a) The application or any other forms that must be submitted for the issuance or renewal of the license or certificate; or

(b) A separate form prescribed by the Board.

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

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



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

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

