

SENATE BILL NO. 432—SENATOR SCHNEIDER

MARCH 19, 2007

Referred to Committee on Commerce and Labor

SUMMARY—Directs the Legislative Commission to provide for a study concerning alternative and complementary integrative medicine, homeopathic medicine and nonembryonic stem cells and eliminates the Nevada Institutional Review Board. (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; eliminating the Nevada Institutional Review Board; directing the Legislative Commission to provide for a study concerning alternative and complementary integrative medicine, homeopathic medicine and the use of nonembryonic stem cells in bioregenerative medical technology; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

- 1 Existing law governs the practice of homeopathic medicine and the operation of
- 2 the Nevada Institutional Review Board. (Chapter 630A of NRS) **Sections 1-4 and 6**
- 3 of this bill eliminate the Nevada Institutional Review Board as of July 1, 2009, and
- 4 restrict the activities of the Nevada Institutional Review Board until that date.
- 5 **Section 5** of this bill requires the Legislative Commission to provide for a study
- 6 conducted by the staff of the Legislative Counsel Bureau concerning alternative and
- 7 complementary integrative medicine, homeopathic medicine and the use of
- 8 nonembryonic stem cells in bioregenerative medical technology.



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

Section 1. NRS 630A.090 is hereby amended to read as follows:

630A.090 1. ~~{Except as otherwise provided in NRS 630A.800 to 630A.910, inclusive, this}~~ **This** chapter does not apply to:

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

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

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

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

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

3. This chapter does not prohibit:

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

(b) The domestic administration of family remedies.

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

Sec. 2. NRS 630A.155 is hereby amended to read as follows:

630A.155 The Board shall:

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

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

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

4. Investigate and, if required, hear and decide in a manner consistent with the provisions of chapter 622A of NRS all complaints made against any homeopathic physician, advanced practitioner of homeopathy, homeopathic assistant or any agent or employee of any of them, or any facility where the primary practice is homeopathic medicine. If a complaint concerns a practice which



1 is within the jurisdiction of another licensing board or any other
2 possible violation of state law, the Board shall refer the complaint to
3 the other licensing board.

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

8 ~~6.1~~ Submit an annual report to the Legislature and make
9 recommendations to the Legislature concerning the enactment of
10 legislation relating to alternative and complementary integrative
11 medicine, including, without limitation, homeopathic medicine.

12 **Sec. 3.** NRS 630A.800, 630A.815, 630A.825, 630A.835,
13 630A.855, 630A.865, 630A.870, 630A.875, 630A.880, 630A.900,
14 630A.905 and 630A.910 are hereby repealed.

15 **Sec. 4.** 1. The Nevada Institutional Review Board shall not,
16 during the period beginning upon passage and approval of this act
17 and ending on July 1, 2009, meet or otherwise exercise any of the
18 powers or duties authorized pursuant to chapter 630A of NRS,
19 except:

20 (a) As otherwise provided in subsection 2; or

21 (b) As necessary to carry out the provisions of subsections 3 to
22 8, inclusive.

23 2. If the Legislative Commission determines that it is in the
24 best interests of this State, the Legislative Commission may, during
25 the period described in subsection 1, authorize the Nevada
26 Institutional Review Board to contract with a private company to
27 conduct studies or other work related to nonembryonic stem cells in
28 bioregenerative medical technology.

29 3. The Nevada Institutional Review Board shall, not later than
30 July 1, 2009:

31 (a) Return the unexpended portion of any grant, gift,
32 appropriation or donation that was received by the Board subject to
33 a condition that requires its return if it cannot be used to carry out
34 the duties of the Board;

35 (b) Transfer any money that remains in any account maintained
36 by the Nevada Institutional Review Board after complying with
37 paragraph (a) to the Board of Homeopathic Medical Examiners; and

38 (c) Transfer all books, records, minutes, documents and other
39 property of the Nevada Institutional Review Board to the Board of
40 Homeopathic Medical Examiners.

41 4. Any regulations adopted by the Nevada Institutional Review
42 Board, or by the Board of Homeopathic Medical Examiners
43 concerning the Nevada Institutional Review Board, are void on
44 July 1, 2009. The Legislative Counsel shall remove those



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1 regulations from the Nevada Administrative Code as soon as
2 practicable after July 1, 2009.

3 5. Any contract entered into by the Nevada Institutional
4 Review Board, or by the Board of Homeopathic Medical Examiners
5 concerning the Nevada Institutional Review Board, including,
6 without limitation, a contract for employment and a contract for the
7 services of a person pursuant to NRS 284.013, that is not fully
8 performed on July 1, 2009, is void.

9 6. If the Board of Homeopathic Medical Examiners has created
10 a nonprofit organization pursuant to NRS 630A.875, including,
11 without limitation, the NIRB Medical Foundation, the Board of
12 Homeopathic Medical Examiners shall, not later than July 1, 2009,
13 dissolve the nonprofit organization.

14 7. The Nevada Institutional Review Board shall cooperate with
15 the Board of Homeopathic Medical Examiners to ensure that the
16 provisions of this act are carried out in an orderly manner.

17 8. The terms of the members of the Nevada Institutional
18 Review Board expire on July 1, 2009.

19 **Sec. 5.** 1. The Legislative Commission shall provide for a
20 study conducted by the staff of the Legislative Counsel Bureau
21 concerning alternative and complementary integrative medicine,
22 homeopathic medicine and the use of nonembryonic stem cells in
23 bioregenerative medical technology.

24 2. The study must include, without limitation:

25 (a) A review of the status and operation of the Board of
26 Homeopathic Medical Examiners;

27 (b) An examination of the practice of alternative and
28 complementary integrative medicine, including:

29 (1) The scope of the practice;

30 (2) Any laws governing the practice; and

31 (3) The importance, benefits and value of the practice to this
32 State and the residents of and visitors to this State;

33 (c) An examination of the potential for and advisability of an
34 independent board and statutory structure to govern the practice of
35 alternative and complementary integrative medicine; and

36 (d) An examination of the use of nonembryonic stem cells in
37 bioregenerative medical technology, including, without limitation,
38 methods to encourage the performance in this State of research and
39 development concerning the use of nonembryonic stem cells.

40 3. Not later than June 30, 2008, the staff of the Legislative
41 Counsel Bureau shall submit a report of the results of its study and
42 any recommendations for legislation to the Legislative Commission.
43 The Legislative Commission shall submit the report of the results of
44 the study and any recommendations for legislation to the 75th
45 Session of the Nevada Legislature.



- 1 **Sec. 6.** 1. This section and section 4 of this act become
2 effective upon passage and approval.
3 2. Section 5 of this act becomes effective on July 1, 2007.
4 3. Sections 1, 2 and 3 of this act become effective on July 1,
5 2009.

LEADLINES OF REPEALED SECTIONS

- 630A.800 **Definitions.**
630A.815 **“Practitioner” defined.**
630A.825 **“Research study” defined.**
630A.835 **“Researcher” defined.**
630A.855 **Applicability.**
630A.865 **Creation; supervision; appointment of members;
period of service; vacancies; per diem allowance and travel
expenses; quorum; officers; meetings; rules of procedure.**
630A.870 **Oath.**
630A.875 **Funding of Review Board; limitations.**
630A.880 **Deposit and use of money received by Review
Board.**
630A.900 **Adoption of regulations.**
630A.905 **Administrative powers and duties.**
630A.910 **Requirements governing researchers and
research studies.**

