

Amendment No. 443

Assembly Amendment to Assembly Bill No. 234 (BDR 54-646)

Proposed by: Assembly Committee on Commerce and Labor**Amends:** Summary: Yes Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes

Adoption of this amendment will REMOVE the 2/3s majority vote requirement from A.B. 234.

ASSEMBLY ACTION		Initial and Date		SENATE ACTION		Initial and Date	
Adopted	☐	Lost	☐	Adopted	☐	Lost	☐
Concurred In	☐	Not	☐	Concurred In	☐	Not	☐
Receded	☐	Not	☐	Receded	☐	Not	☐

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) *green bold italic underlining* is new language proposed in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill that is proposed to be retained in this amendment; and (6) *green bold* is newly added transitory language.

WBD/TMC



Date: 4/19/2007

A.B. No. 234—Makes various changes concerning homeopathy. (BDR 54-646)



ASSEMBLY BILL NO. 234—COMMITTEE ON COMMERCE AND LABOR

(ON BEHALF OF THE BOARD OF
HOMEOPATHIC MEDICAL EXAMINERS)

MARCH 1, 2007

Referred to Committee on Commerce and Labor

SUMMARY—~~[Makes various changes concerning homeopathy.]~~ **Eliminates the Nevada Institutional Review Board.** (BDR 54-646)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

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EXPLANATION – Matter in ***bolded italics*** is new; matter between brackets ~~[omitted material]~~ is material to be omitted.

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

Legislative Counsel's Digest:

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

~~[Sections 5 and 12 of this bill revise the procedures for determining which medical licensing board may investigate a complaint against a homeopathic physician who is licensed by the Board of Homeopathic Medical Examiners and is also licensed by another medical licensing board.]~~

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

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

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

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

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

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

~~Section 30 replaces the indefinite terms for members of the Nevada Institutional Review Board with 2-year terms.~~

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

Existing law establishes the Nevada Institutional Review Board which, under the supervision of the Board of Homeopathic Medical Examiners, oversees, reviews and controls certain research studies. (NRS 630A.800-630A.910) This bill eliminates the Nevada Institutional Review Board.

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

Delete existing sections 1 through 39 of this bill and replace with the following new sections 1 through 5:

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

1 physician, advanced practitioner of homeopathy, homeopathic assistant or any
2 agent or employee of any of them, or any facility where the primary practice is
3 homeopathic medicine. If a complaint concerns a practice which is within the
4 jurisdiction of another licensing board or any other possible violation of state law,
5 the Board shall refer the complaint to the other licensing board.

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

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

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

16 **Sec. 4. 1. The Nevada Institutional Review Board shall, not later than**
17 **July 1, 2007:**

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

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

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

27 2. Any regulations adopted by the Nevada Institutional Review Board, or
28 by the Board of Homeopathic Medical Examiners concerning the Nevada
29 Institutional Review Board, are void on July 1, 2007. The Legislative Counsel
30 shall remove those regulations from the Nevada Administrative Code as soon
31 as practicable after July 1, 2007.

32 3. Any contract entered into by the Nevada Institutional Review Board,
33 or by the Board of Homeopathic Medical Examiners concerning the Nevada
34 Institutional Review Board, including, without limitation, a contract for
35 employment and a contract for the services of a person pursuant to NRS
36 284.013, that is not fully performed on July 1, 2007, is void.

37 4. If the Board of Homeopathic Medical Examiners has created a
38 nonprofit organization pursuant to NRS 630A.875, including, without
39 limitation, the NIRB Medical Foundation, the Board of Homeopathic Medical
40 Examiners shall, not later than July 1, 2007, dissolve the nonprofit
41 organization.

42 5. The Nevada Institutional Review Board shall cooperate with the Board
43 of Homeopathic Medical Examiners to ensure that the provisions of this act
44 are carried out in an orderly manner.

45 6. The terms of the members of the Nevada Institutional Review Board
46 expire on July 1, 2007.

47 **Sec. 5. 1. This section and section 4 of this act become effective upon**
48 **passage and approval.**

- 1 **2. Sections 1, 2 and 3 of this act become effective on July 1, 2007.**

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.