

Amendment No. CA25

First Conference Committee Amendment to (BDR 54-694)
Senate Bill No. 432 Second Reprint

Proposed by: First Conference Committee

Amends: Summary: Yes Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes

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.

WLK



Date: 6/3/2007

S.B. No. 432—Directs the Legislative Committee on Health Care to appoint a subcommittee to conduct a review concerning alternative and complementary integrative medicine, homeopathic medicine and nonembryonic stem cells and eliminates the Nevada Institutional Review Board. (BDR 54-694)



SENATE BILL NO. 432—SENATOR SCHNEIDER

MARCH 19, 2007

Referred to Committee on Commerce and Labor

SUMMARY—Directs the Legislative ~~{Committee on Health Care to appoint a subcommittee to conduct a review}~~ **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.

~

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 ~~{Committee on Health Care to appoint a subcommittee to conduct a review}~~ **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:

Existing law governs the practice of homeopathic medicine and the operation of the Nevada Institutional Review Board. (Chapter 630A of NRS) **Sections 1-4 and 6** of this bill eliminate the Nevada Institutional Review Board.

~~The Legislative Committee on Health Care is a permanent statutory committee of Legislators that meets during the interim between legislative sessions to study various issues relating to health care. (NRS 420B.200-420B.240), as of July 1, 2009, and restrict the activities of the Nevada Institutional Review Board until that date.~~

Section 5 of this bill requires the ~~{Committee to appoint a subcommittee to review issues relating to}~~ **Legislative Commission to provide for a study conducted by the staff of the Legislative Counsel Bureau concerning** alternative and complementary integrative medicine, homeopathic medicine and the use of 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 is within the jurisdiction of another licensing board or any other possible violation of state law, the Board shall refer the complaint to the other licensing board.

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

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

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

Sec. 4. 1. **The Nevada Institutional Review Board shall not, during the period beginning upon passage and approval of this act and ending on July 1,**

2009, meet or otherwise exercise any of the powers or duties authorized pursuant to chapter 630A of NRS, except:

(a) As otherwise provided in subsection 2; or

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

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

3. The Nevada Institutional Review Board shall, not later than July 1, ~~2007~~ 2009:

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

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

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

~~4.~~ 4. Any regulations adopted by the Nevada Institutional Review Board, or by the Board of Homeopathic Medical Examiners concerning the Nevada Institutional Review Board, are void on July 1, ~~2007~~ 2009. The Legislative Counsel shall remove those regulations from the Nevada Administrative Code as soon as practicable after July 1, ~~2007~~ 2009.

~~5.~~ 5. Any contract entered into by the Nevada Institutional Review Board, or by the Board of Homeopathic Medical Examiners concerning the Nevada Institutional Review Board, including, without limitation, a contract for employment and a contract for the services of a person pursuant to NRS 284.013, that is not fully performed on July 1, ~~2007~~ 2009, is void.

~~6.~~ 6. If the Board of Homeopathic Medical Examiners has created a nonprofit organization pursuant to NRS 630A.875, including, without limitation, the NIRB Medical Foundation, the Board of Homeopathic Medical Examiners shall, not later than July 1, ~~2007~~ 2009, dissolve the nonprofit organization.

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

~~8.~~ 8. The terms of the members of the Nevada Institutional Review Board expire on July 1, ~~2007~~ 2009.

Sec. 5. 1. The Legislative ~~Committee on Health Care shall appoint a subcommittee to review issues.~~ Commission shall provide for a study conducted by the staff of the Legislative Counsel Bureau concerning alternative and complementary integrative medicine, homeopathic medicine and the use of nonembryonic stem cells in bioregenerative medical technology. ~~The subcommittee must consist of:~~

~~(a) One member of the Legislative Committee on Health Care who is a member of the Senate appointed by the Chairman of that Committee;~~

~~(b) Two members of the Legislative Committee on Health Care who are members of the Assembly appointed by the Chairman of that Committee;~~

~~(c) Two members of the Senate Standing Committee on Commerce and Labor who served during the 74th Session of the Nevada Legislature appointed by the Chairman of that Committee; and~~

~~(d) One member of the Assembly Standing Committee on Commerce and Labor who served during the 74th Session of the Nevada Legislature appointed by the Chairman of that Committee.~~

~~2. The Chairman of the Legislative Committee on Health Care shall designate a member of the subcommittee to serve as chairman of the subcommittee.~~

~~3. The review.~~

2. The study must include, without limitation:

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

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

(1) The scope of the practice;

(2) Any laws governing the practice; and

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

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

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

~~3. Not later than June 30, 2008, the subcommittee staff of the Legislative Counsel Bureau shall submit a report of the results of its review study and any recommendations for legislation to the Legislative Committee on Health Care. The Legislative Committee on Health Care Commission. The Legislative Commission shall submit the report of the results of the review study and any recommendations for legislation to the 75th Session of the Nevada Legislature.~~

Sec. 6. 1. This section and section 4 of this act become effective upon passage and approval.

2. ~~Sections 1, 2, 3 and~~ **Section 5** of this act ~~become~~ **becomes** effective on July 1, 2007.

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