

Amendment No. 407

Senate Amendment to Senate Bill No. 412

(BDR 54-1105)

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

Adoption of this amendment will REMOVE the 2/3s majority vote requirement from S.B. 412.

ASSEMBLY ACTION				Initial and Date	SENATE ACTION				Initial and Date
Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____	Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____
Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____
Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____

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 underlining* is newly added transitory language.

JMM/MSN



Date: 4/20/2011

S.B. No. 412—Provides for the regulation of the practice of complementary integrative medicine. (BDR 54-1105)



SENATE BILL NO. 412—COMMITTEE ON
COMMERCE, LABOR AND ENERGY

MARCH 28, 2011

Referred to Committee on Commerce, Labor and Energy

SUMMARY—Provides for the regulation of the practice of complementary integrative medicine. (BDR 54-1105)

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 complementary integrative medicine; providing for the regulation of the practice of complementary integrative medicine; creating the Board of Complementary Integrative ~~Medicine~~ **Medical Examiners**; providing for the organization, powers and duties of the Board; authorizing the Board to license or certify qualified persons to engage in the practice of complementary integrative medicine; authorizing the Board to discipline a person who is licensed or certified by the Board for certain actions; authorizing certain persons licensed by the Board to prescribe and possess dangerous drugs and controlled substances under certain circumstances; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the Board of Homeopathic Medical Examiners to regulate the practice of homeopathic medicine in this State, including persons licensed or certified by the Board to engage in the practice of homeopathic medicine. (Chapter 630A of NRS) This bill revises existing law to provide for the regulation of the practice of complementary integrative medicine, which includes homeopathy. ~~Sections 4-38~~ **11, 17, 30 and 31** of this bill provide definitions for various ~~therapies, treatments, modalities or other~~ terms relating to the practice of complementary integrative medicine. **Sections 43-99** of this bill revise existing law to provide for the licensing or certification, regulation and discipline of complementary integrative physicians, complementary integrative practitioners ~~and complementary integrative technicians~~ and complementary integrative assistants.

Sections 45 and 55 of this bill replace the Board of Homeopathic Medical Examiners with the Board of Complementary Integrative ~~Medicine~~ **Medical Examiners**. **Section 70** of this bill provides for the regulation and certification of complementary integrative assistants ~~and complementary integrative technicians~~ by the Board of Complementary Integrative ~~Medicine~~. ~~Section 41 of this bill authorizes a provider of health care, a complementary integrative physician or a complementary integrative practitioner to screen a patient to~~

~~determine whether certain complementary integrative medical services would be beneficial for the patient.)~~ **Medical Examiners.**

Sections 42, 100, 106 and 107 of this bill authorize a complementary integrative physician ~~for complementary integrative practitioners~~ to prescribe or possess dangerous drugs and controlled substances under certain circumstances.

Section 58 of this bill makes it unlawful to practice or hold oneself out as qualified to practice complementary integrative medicine without a license or certificate issued by the Board of Complementary Integrative ~~Medicine~~ **Medical Examiners.**

Sections 76-80 of this bill revise provisions pertaining to grounds for disciplinary action by the Board of Complementary Integrative ~~Medicine~~ **Medical Examiners** to include complementary integrative physicians, complementary integrative practitioners ~~for complementary integrative technicians~~, and complementary integrative assistants. Sections 81-86 of this bill expand the authority of the Board of Complementary Integrative ~~Medicine~~ **Medical Examiners** to investigate and examine persons licensed or certified by the Board for certain conduct.

Sections 98 and 99 of this bill provide that, except for certain personal assistants, a person who practices complementary integrative medicine without a license or certificate issued by the Board of Complementary Integrative ~~Medicine~~ **Medical Examiners** is guilty of a category D felony.

~~Section 108 of this bill requires an insurer who offers or issues any plan, policy or contract of health insurance in this State to use an ABC coding system under certain circumstances. Sections 109-112 of this bill require certain persons who provide coverage for health care to contract with at least one complementary integrative physician or complementary integrative practitioner under certain circumstances.~~

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

Section 1. Chapter 629 of NRS is hereby amended by adding thereto a new section to read as follows:

The Legislature hereby finds and declares that:

1. A person has the right to obtain freely any health care services not prohibited by law.

2. The State of Nevada encourages and supports the use of health care savings accounts as a means of alleviating the demand for diminishing state resources and the impoverishment of residents who require long-term care.

3. Health care savings accounts may be offered as health plan options to all employers and residents as an incentive to reduce inefficiencies in the provision of health care and to encourage persons to participate in and promote the efficient provision of health care in this State.

Sec. 2. Chapter 630A of NRS is hereby amended by adding thereto the provisions set forth as sections 3 to 42, inclusive, of this act.

Sec. 3. *The Legislature hereby finds and declares that:*

1. A person has the freedom of choice with respect to obtaining health care in this State.

2. The State is responsible for ensuring that competent persons practice alternative and complementary integrative medicine, including, without limitation, homeopathic medicine within this State.

3. The Board is charged with the authority and duty to determine the initial and continuing competence of persons who are licensed or certified pursuant to the provisions of this chapter.

4. The powers conferred upon the Board by this chapter must be liberally construed to carry out these purposes for the protection and benefit of the public.

Sec. 4. ~~(Deleted by amendment.)~~

1 Sec. 5. (Deleted by amendment.)

2 Sec. 6. (Deleted by amendment.)

3 Sec. 7. (Deleted by amendment.)

4 Sec. 8. (Deleted by amendment.)

5 Sec. 9. (Deleted by amendment.)

6 Sec. 10. (Deleted by amendment.)

7 Sec. 11. *“Complementary integrative medicine” means alternative and*
8 *complementary systems of healing arts and holistic therapies, including, without*
9 *limitation, homeopathy, modalities, diagnostics, treatments, procedures and*
10 *protocols used to treat patients.*

11 Sec. 12. (Deleted by amendment.)

12 Sec. 13. (Deleted by amendment.)

13 Sec. 14. (Deleted by amendment.)

14 Sec. 15. (Deleted by amendment.)

15 Sec. 16. (Deleted by amendment.)

16 Sec. 17. *“Healing art” means any holistic system, treatment, operation,*
17 *diagnosis, prescription or practice for the ascertainment, cure, relief, palliation,*
18 *adjustment or correction of any human disease, ailment, deformity, injury or*
19 *unhealthy or abnormal physical or mental condition.*

20 Sec. 18. (Deleted by amendment.)

21 Sec. 19. (Deleted by amendment.)

22 Sec. 20. (Deleted by amendment.)

23 Sec. 21. (Deleted by amendment.)

24 Sec. 22. (Deleted by amendment.)

25 Sec. 23. (Deleted by amendment.)

26 Sec. 24. (Deleted by amendment.)

27 Sec. 25. (Deleted by amendment.)

28 Sec. 26. (Deleted by amendment.)

29 Sec. 27. (Deleted by amendment.)

30 Sec. 28. (Deleted by amendment.)

31 Sec. 29. (Deleted by amendment.)

32 Sec. 30. *“Protocol” means a written agreement between the Board and a*
33 *person licensed or certified by the Board which sets forth:*

34 1. *The patients which the person may serve or treat;*

35 2. *The specific substances which the person may prescribe or administer;*
36 *and*

37 3. *The conditions under which the person must directly refer a patient to*
38 *another provider of health care.*

39 Sec. 31. *“Provider of health care” has the meaning ascribed to it in*
40 *NRS 629.031.*

41 Sec. 32. (Deleted by amendment.)

42 Sec. 33. (Deleted by amendment.)

43 Sec. 34. (Deleted by amendment.)

44 Sec. 35. (Deleted by amendment.)

45 Sec. 36. (Deleted by amendment.)

46 Sec. 37. (Deleted by amendment.)

47 Sec. 38. (Deleted by amendment.)

48 Sec. 39. (Deleted by amendment.)

49 Sec. 40. (Deleted by amendment.)

50 Sec. 41. (Deleted by amendment.)

51 Sec. 42. *A complementary integrative physician ~~for complementary~~*
52 *integrative practitioner may prescribe or write a prescription pursuant to NRS*
53 *639.235 if the Board finds that the complementary integrative physician ~~for~~*

~~complementary integrative practitioner~~ has completed a program which prepares the physician ~~for practitioner~~ to:

1. Perform designated acts of medical diagnosis;
2. Prescribe therapeutic or corrective measures; and
3. Prescribe medicines and substances which are used in complementary integrative medicine and which are approved by the Board.

Sec. 43. NRS 630A.010 is hereby amended to read as follows:

630A.010 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 630A.015 to 630A.075, inclusive, ~~and sections 4 to 38, inclusive,~~ 11, 17, 30 and 31 of this act have the meanings ascribed to them in those sections.

Sec. 44. NRS 630A.015 is hereby amended to read as follows:

630A.015 ~~["Advanced"]~~ *"Complementary integrative practitioner"* ~~{of homeopathy}~~ means a person who has:

1. Complied with all of the requirements set forth in this chapter and the regulations adopted by the Board for ~~advanced practitioners of homeopathy;~~ *complementary integrative practitioners*; and

2. Received from the Board a ~~certificate~~ *license to practice* as ~~an advanced~~ *a complementary integrative* practitioner. ~~{of homeopathy}~~

Sec. 45. NRS 630A.020 is hereby amended to read as follows:

630A.020 "Board" means the Board of ~~Homeopathic Medical Examiners.~~ *Complementary Integrative Medicine Medical Examiners.*

Sec. 46. NRS 630A.030 is hereby amended to read as follows:

630A.030 "Gross malpractice" means malpractice where the failure to exercise the requisite degree of care, diligence or skill consists of:

1. Ministering to a patient while the ~~homeopathic~~ *complementary integrative* physician ~~for complementary integrative practitioner~~ is under the influence of alcohol or any controlled substance.

2. Gross negligence.

3. Willful disregard of ~~homeopathic~~ *complementary integrative* medical procedures.

4. Willful and consistent use of ~~homeopathic~~ *complementary integrative* medical procedures, services or treatment considered by ~~homeopathic~~ *complementary integrative* physicians ~~for complementary integrative practitioners~~ in the community to be inappropriate or unnecessary in the cases where used.

Sec. 47. NRS 630A.035 is hereby amended to read as follows:

630A.035 ~~["Homeopathic"]~~ *"Complementary integrative assistant"* means a person who is a graduate of an academic program approved by the Board or who, by general education, practical training and experience determined to be satisfactory by the Board, is qualified to perform ~~homeopathic~~ *complementary integrative medical* services under the supervision of a ~~supervising homeopathic~~ *complementary integrative* physician ~~or a complementary integrative practitioner~~ and who has been issued a certificate as a ~~homeopathic~~ *complementary integrative* assistant by the Board.

Sec. 48. NRS 630A.040 is hereby amended to read as follows:

630A.040 1. "Homeopathic medicine" or "homeopathy" means a system of medicine employing substances of animal, vegetable, chemical or mineral origin, including:

~~[(a)]~~ (a) Nosodes and sarcodes, which are:

~~[(1)]~~ (1) Given in micro-dosage, except that sarcodes may be given in macro-dosage;

~~[(b)]~~ (2) Prepared according to homeopathic pharmacology by which the formulation of homeopathic preparations is accomplished by the methods of Hahnemannian dilution and succussion or magnetically energized geometric patterns applicable in potencies above 30X, as defined in the official Homeopathic Pharmacopoeia of the United States; and

~~[(c)]~~ (3) Prescribed by ~~homeopathic physicians or advanced practitioners of homeopathy~~ *complementary integrative physicians and complementary integrative practitioners* according to the medicines and dosages in the Homeopathic Pharmacopoeia of the United States.

➤ in accordance with the principle that a substance which produces symptoms in a healthy person can eliminate those symptoms in an ill person.

~~[(2)]~~ (b) Noninvasive electrodiagnosis, cell therapy, neural therapy, herbal therapy, neuromuscular integration, orthomolecular therapy and nutrition.

2. The terms include techniques to imprint or transfer the vital force or energetic essence from one substance to another substance through electromagnetism.

Sec. 49. NRS 630A.050 is hereby amended to read as follows:

630A.050 ~~["Homeopathic"]~~ *"Complementary integrative* physician" means a person who has:

1. Complied with all of the requirements set forth in this chapter and the regulations adopted by the Board for the practice of ~~homeopathic~~ *complementary integrative* medicine; and

2. Received from the Board a license to practice ~~homeopathic~~ *complementary integrative* medicine.

Sec. 50. NRS 630A.060 is hereby amended to read as follows:

630A.060 "Malpractice" means failure on the part of a ~~homeopathic~~ *complementary integrative* physician ~~for complementary integrative practitioner~~ to exercise the degree of care, diligence and skill ordinarily exercised by ~~homeopathic~~ *complementary integrative* physicians ~~for complementary integrative practitioners~~ in good standing in the community in which he or she practices. As used in this section, "community" embraces the entire area customarily served by ~~homeopathic~~ *complementary integrative* physicians ~~and complementary integrative practitioners~~ among whom a patient may reasonably choose, not merely the particular area inhabited by the patients of that individual physician ~~for practitioner~~ or the particular city or place where the ~~homeopathic~~ *complementary integrative* physician ~~for complementary integrative practitioner~~ has an office.

Sec. 51. NRS 630A.070 is hereby amended to read as follows:

630A.070 "Professional incompetence" means lack of ability safely and skillfully to practice ~~homeopathic~~ *complementary integrative* medicine, or to practice one or more specified branches *or therapies* of ~~homeopathic~~ *complementary integrative* medicine, arising from:

1. Lack of knowledge or training.

2. Impaired physical or mental capability of the ~~homeopathic~~ *complementary integrative* physician ~~for complementary integrative practitioner~~.

3. Indulgence in the use of alcohol or any controlled substance.

4. Any other sole or contributing cause.

Sec. 52. NRS 630A.075 is hereby amended to read as follows:

630A.075 "Supervising ~~homeopathic~~ *complementary integrative* physician" *or "supervising complementary integrative practitioner"* means an active ~~homeopathic~~ *complementary integrative* physician *or complementary integrative practitioner* licensed in the State of Nevada who employs and supervises a

~~{homeopathic} complementary integrative~~ assistant. ~~{or} {an advanced practitioner of homeopathy.} {complementary integrative technician.}~~

Sec. 53. NRS 630A.080 is hereby amended to read as follows:

630A.080 The purpose of licensing ~~{homeopathic} complementary integrative~~ physicians ~~and complementary integrative practitioners, and for certifying complementary integrative assistants. {and complementary integrative technicians.}~~ is to protect the public health and safety and the general welfare of the people of this State. Any license ~~or certificate~~ issued pursuant to this chapter is a revocable privilege and no holder of such a license ~~or certificate~~ acquires thereby any vested right.

Sec. 54. NRS 630A.090 is hereby amended to read as follows:

630A.090 1. This chapter does not apply to:

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

(b) A medical officer of the Armed Forces or a medical officer of any division or department of the United States in the discharge of his or her official duties, including, without limitation, providing medical care in a hospital in accordance with an agreement entered into pursuant to NRS 449.2455.

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

(d) ~~{Homeopathic} Complementary integrative~~ physicians ~~{and complementary integrative practitioners.}~~ 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.

~~{(e) Aquastretch services provided by a massage therapist, athletic trainer, fitness trainer or wellness instructor who is an employee or contractor of a resort or hotel spa, or an institution of higher education.}~~

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} complimentary integrative~~ physician ~~or complimentary integrative practitioner~~ to practice medicine, including allopathic medicine, except as otherwise provided in NRS 630A.040.

Sec. 55. NRS 630A.100 is hereby amended to read as follows:

630A.100 The Board of ~~{Homeopathic Medical Examiners} Complementary Integrative {Medicine} Medical Examiners~~ consists of seven members appointed by the Governor. After the initial terms, the term of office of each member is 4 years.

Sec. 56. NRS 630A.110 is hereby amended to read as follows:

630A.110 1. Three members of the Board must be persons who are licensed to practice allopathic or osteopathic medicine in any state or country, the District of Columbia or a territory or possession of the United States, have been engaged in the practice of ~~{homeopathic} complementary integrative~~ medicine in this State for a period of more than 2 years preceding their respective appointments, are actually engaged in the practice of ~~{homeopathic} complementary integrative~~ medicine in this State and are residents of the State.

2. ~~{One member of the Board may be a person licensed to practice as a complementary integrative practitioner or a complementary integrative physician who has been actively engaged in the practice of complementary integrative~~

~~medicine in this State for a period of at least 2 years and is a resident of this State.~~

~~3.1~~ One member of the Board must be a person who has resided in this State for at least ~~{5}~~ 3 years and who represents the interests of persons or agencies that regularly provide health care to patients who are indigent, uninsured or unable to afford health care. This member may ~~must not~~ be licensed under the provisions of this chapter.

~~3.4~~ The remaining three ~~two~~ members of the Board must be persons who:

- (a) Are not licensed in any state to practice any healing art;
- (b) Are not the spouse or the parent or child, by blood, marriage or adoption, of a person licensed in any state to practice any healing art;
- (c) Are not actively engaged in the administration of any medical facility or facility for the dependent as defined in chapter 449 of NRS;
- (d) Do not have a pecuniary interest in any matter pertaining to such a facility, except as a patient or potential patient; and
- (e) Have resided in this State for at least ~~{5}~~ 3 years.

~~4.5~~ The members of the Board must be selected without regard to their individual political beliefs.

~~5.6~~ As used in this section, "healing art" means any system, treatment, operation, diagnosis, prescription or practice for the ascertainment, cure, relief, palliation, adjustment or correction of any human disease, ailment, deformity, injury, or unhealthy or abnormal physical or mental condition for the practice of which long periods of specialized education and training and a degree of specialized knowledge of an intellectual as well as physical nature are required.

Sec. 57. NRS 630A.155 is hereby amended to read as follows:

630A.155 The Board shall:

1. Regulate the practice of ~~{homeopathic}~~ complementary integrative 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}~~ complementary integrative physician, ~~{advanced}~~ complementary integrative practitioner ~~{of homeopathy, homeopathic}~~, complementary integrative assistant ~~{complementary integrative technician}~~ or any agent or employee of any of them, or any facility where the primary practice is ~~{homeopathic}~~ complementary integrative medicine. If the Board determines that 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. 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. 58. NRS 630A.220 is hereby amended to read as follows:

630A.220 1. It is unlawful for any person:

- (a) To practice ~~{homeopathic medicine}~~ complementary integrative medicine;

(b) To hold himself or herself out as qualified to practice ~~homeopathic~~ *complementary integrative* medicine; or

(c) To use in connection with his or her name the words or letters ~~“H.M.D.”~~ *“C.I.M.”*

~~(1) “M.D. (C.I.M.)” (Doctor of Medicine (Complementary Integrative Medicine)), “M.D. (H.M.D.)” (Doctor of Medicine (Holistic or Homeopathic Medical Doctor)), “D.O. (C.I.M.)” (Doctor of Osteopathic Medicine (Complementary Integrative Medicine)), “D.O. (H.M.D.)” (Doctor of Osteopathic Medicine (Holistic or Homeopathic Medical Doctor)), or any other title, word, letter or other designation intended to imply or designate the person as a practitioner of homeopathic medicine;~~

~~(2) “N.P.” or “N.P. (C.I.M.)” (Naturopathic Practitioner (Complementary Integrative Medicine)), “A.N.P.” or “A.N.P. (C.I.M.)” (Advanced Naturopathic Practitioner (Complementary Integrative Medicine)), “A.P.” or “A.P. (C.I.M.)” (Advanced Practitioner (Complementary Integrative Medicine)), “A.P.H.” or “A.P.H. (C.I.M.)” (Advanced Practitioner of Homeopathy (Complementary Integrative Medicine)), or any other title, word, letter or other designation intended to imply or designate the person as an complementary integrative practitioner;~~

~~(3) “P.A. (C.I.M.)” (Physician Assistant (Complementary Integrative Medicine)) or (Practitioner’s Assistant (Complementary Integrative Medicine)), or any other title, word, letter or other designation intended to imply or designate the person as a complementary integrative assistant; or~~

~~(4) “Tech. (C.I.M.)” (Technician (Complementary Integrative Medicine)), or any other title, word, letter or other designation intended to imply or designate the person as a complementary integrative technician;~~

in this State without first obtaining ~~the appropriate~~ *the appropriate* license ~~so to do~~ *from the Board* as provided in this chapter.

2. A physician licensed pursuant to this chapter who holds a degree such as doctor of medicine or doctor of osteopathy may identify himself or herself by that degree or its appropriate abbreviation, but unless the physician is also licensed pursuant to chapter 630 or 633 of NRS must further identify himself or herself by the words ~~“practitioner of homeopathic medicine”~~ *“complementary integrative physician,” “complementary integrative practitioner”* *physician* or their equivalent.

Sec. 59. NRS 630A.225 is hereby amended to read as follows:

630A.225 1. The Board shall not issue a license to practice ~~homeopathic~~ *complementary integrative* medicine to an applicant who has been licensed to practice any type of medicine in another jurisdiction and whose license was revoked for gross medical negligence by that jurisdiction.

2. The Board may revoke the license of any person licensed to practice any type of medicine in another jurisdiction which was revoked for gross medical negligence by that jurisdiction.

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

4. *If a license issued to an applicant in another state has been revoked or surrendered, the applicant must provide proof satisfactory to the Board that the applicant is rehabilitated with respect to the conduct that was the basis for the revocation or surrender of his or her license before resubmitting an application for licensure to the Board.*

5. *The Board shall vacate any order to deny a license if the denial was based on a conviction of a felony or an offense involving moral turpitude if the conviction was reversed on appeal. A person may resubmit an application for licensure after a court enters an order reversing the conviction.*

6. *If the Board finds that an applicant has committed an act or engaged in conduct that would constitute grounds for disciplinary action, the Board shall investigate whether the conduct has been corrected, monitored and resolved. If the matter has not been resolved to the satisfaction of the Board, the Board, before it may issue a license, shall determine to the satisfaction of the Board that mitigating circumstances exist which prevent the resolution of the matter.*

7. For the purposes of this section, the Board shall adopt by regulation a definition of gross medical negligence.

Sec. 60. NRS 630A.230 is hereby amended to read as follows:

630A.230 1. Every person desiring to practice ~~homeopathic~~ *complementary integrative* medicine must, before beginning to practice, procure from the Board a license authorizing such practice.

2. Except as otherwise provided in NRS 630A.225, a license may be issued to any person who:

(a) *Is of good moral character;*

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

~~[(b)] (c) Has received the degree of doctor of allopathic medicine or doctor of osteopathic medicine from the school he or she attended during the 2 years immediately preceding the granting of the degree;~~

~~—(e) Is licensed], or has received an equivalent education satisfactory to the Board;~~

(d) *Holds a license in good standing* to practice allopathic or osteopathic medicine in any state or country, the District of Columbia or a territory or possession of the United States;

~~[(d)] (e) Has completed 1 year of a postgraduate training in allopathic or osteopathic medicine] program~~ approved by the Board;

~~[(e)] (f) Completes the application required by the Board;~~

(g) *Has the physical and mental capacity safely to engage in the practice of complementary integrative medicine;*

(h) *Provides the Board with affidavits from three physicians in active practice who are licensed to practice medicine in the District of Columbia or any state or district of the United States attesting to the good moral character of the applicant and his or her fitness to practice complementary integrative medicine;*

(i) *Pays the application fee and any other fee or cost required by the Board;*

(j) Has passed all oral or written examinations required by the Board or this chapter; and

~~[(j)] (k) Meets any additional requirements established by the Board.~~

Sec. 61. NRS 630A.240 is hereby amended to read as follows:

630A.240 1. An applicant for a license to practice ~~homeopathic~~ *complementary integrative* medicine who is a graduate of a medical school located in the United States, *the United Kingdom* or Canada shall submit to the Board, through its Secretary-Treasurer, proof that the applicant has received:

(a) The degree of doctor of medicine from a medical school which at the time of his or her graduation was accredited by the Liaison Committee on Medical Education or the Committee for the Accreditation of Canadian Medical Schools, or the degree of doctor of osteopathic medicine from an osteopathic school which at the time of his or her graduation was accredited by the Bureau of Professional Education of the American Osteopathic Association; *and*

(b) One year of postgraduate training ~~(in allopathic or osteopathic medicine) in a complementary integrative medical program~~ approved by the Board. ~~}; and~~
~~(c) Six months of postgraduate training in homeopathy.}~~

2. In addition to the proofs required by subsection 1, the Board may take such further evidence and require such 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. 62. 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,} as a complementary integrative physician, a {certificate} license to practice as {an advanced} a complementary integrative practitioner {; {of homeopathy} or a certificate as a {homeopathic} complementary integrative assistant {for a certificate as a complementary integrative technician}~~ 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,} as a complementary integrative physician, a {certificate} license to practice as {an advanced} a complementary integrative practitioner {; {of homeopathy} or a certificate as a {homeopathic} complementary integrative assistant {for a certificate as a complementary integrative technician}~~ 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 to practice ~~homeopathic medicine,} as a complementary integrative physician, a {certificate} license to practice as {an advanced} a complementary integrative practitioner {; {of homeopathy} or a certificate as a {homeopathic} complementary integrative assistant {for a certificate as a complementary integrative technician}~~ 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 the applicant 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 the applicant 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. 63. NRS 630A.250 is hereby amended to read as follows:

630A.250 1. If required by the Board, an applicant for a license *or certificate* to practice *homeopathic complementary integrative* medicine shall appear personally and pass an oral examination.

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

Sec. 64. NRS 630A.260 is hereby amended to read as follows:

630A.260 1. If an applicant *for a license or certificate* fails in a first examination, the applicant may be reexamined after not less than ~~6~~ 3 months.

2. If the applicant fails in a second examination, he or she may not be reexamined within less than ~~1-year~~ 6 months after the date of the second examination. Before taking a third examination, the applicant shall furnish proof satisfactory to the Board of 1 year of additional training in ~~homeopathy~~ *complementary integrative medicine* after the second examination.

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

Sec. 65. NRS 630A.270 is hereby amended to read as follows:

630A.270 1. An applicant for a license to practice ~~homeopathic medicine~~ *as a complementary integrative physician* who is a graduate of a foreign medical school shall submit to the Board through its Secretary-Treasurer proof that the applicant:

(a) Is a citizen of the United States, or that he or she 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; *and*

(c) Has completed ~~3-years~~ *a 3-year program* of postgraduate training *or an equivalent program deemed* satisfactory to the Board. ~~†~~

~~(d) Has completed an additional 6 months of postgraduate training in homeopathic medicine;~~

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

~~(f) Has passed all parts of the Federation Licensing Examination, or has received a written statement from the Educational Commission for Foreign Medical Graduates that the applicant has passed the examination given by the Commission.]~~

2. In addition to the proofs required by subsection 1, the Board may *require proof satisfactory that the applicant has passed the examination issued by the Federation of State Medical Boards or the Educational Commission for Foreign Medical Graduates and may* take such further evidence and require such further proof of the professional and moral qualifications of the applicant as in its discretion may be deemed proper.

3. If the applicant is a diplomate of an approved specialty board recognized by this Board, the requirements of ~~paragraphs~~ *paragraph* (c) ~~and (d)~~ of subsection 1 may be waived by the Board.

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

Sec. 66. NRS 630A.280 is hereby amended to read as follows:

630A.280 The Board may, in its discretion, license an applicant who holds a valid license or certificate issued to the applicant by ~~the homeopathic~~ *a* medical examining board of the District of Columbia or of any state or territory of the United States, if:

1. The legal requirements of the ~~{homeopathic}~~ medical examining board were, at the time of issuing the license or certificate, in no degree or particular less than those of this State at the time when the license or certificate was issued.

2. The applicant is of good moral character and reputation.

3. The applicant passes an oral examination, where required by the Board.

4. The applicant furnishes to the Board such other proof of qualifications, professional or moral, as the Board may require.

Sec. 67. NRS 630A.290 is hereby amended to read as follows:

630A.290 1. The Board may deny an application for a license to practice ~~{homeopathic}~~ *complementary integrative* medicine *or for certification as a complementary integrative assistant* ~~for complementary integrative technician~~ for any violation of the provisions of this chapter or the regulations adopted by the Board.

2. The Board shall notify an applicant of any deficiency which prevents any further action on the application or results in the denial of the application. The applicant may respond in writing to the Board concerning any deficiency and, if the applicant does so, the Board shall respond in writing to the contentions of the applicant.

3. An unsuccessful applicant may appeal to the district court to review the action of the Board within 30 days after the date of the rejection of the application by the Board. Upon appeal the applicant has the burden to show that the action of the Board is erroneous or unlawful.

4. The Board shall maintain records pertaining to applicants to whom licenses *and certificates* have been issued or denied. The records must be open to the public and must contain:

(a) The name of each applicant.

(b) The name of the school granting the diploma.

(c) The date of the diploma.

(d) The date of issuance or denial of the license ~~{}~~ *or certificate*.

(e) The business address of the applicant.

Sec. 68. NRS 630A.293 is hereby amended to read as follows:

630A.293 1. The Board may grant a ~~{certificate}~~ *license to practice* as ~~{an advanced}~~ *a complementary integrative* practitioner ~~{of homeopathy}~~ to a person who has completed an educational program designed to prepare the person to:

(a) Perform designated acts of medical diagnosis;

(b) Prescribe therapeutic or corrective measures; and

(c) Prescribe *medicines and* substances *which are* used in ~~{homeopathic}~~ *complementary integrative* medicine ~~{}~~ *and which are approved by the Board*.

2. ~~{An advanced}~~ *A complementary integrative* practitioner ~~{of homeopathy}~~ may:

(a) Engage in selected medical diagnosis and treatment; and

(b) Prescribe substances which are ~~{contained in the Homeopathic Pharmacopeia of the United States;~~

~~{}~~ *identified as complementary integrative substances* pursuant to a protocol approved by ~~{a supervising homeopathic physician;} the Board~~. A protocol must not include, and ~~{an advanced}~~ *a complementary integrative* practitioner ~~{of homeopathy}~~ shall not engage in, any diagnosis, treatment or other conduct which he or she is not qualified to perform ~~{}~~ *or which is prohibited by this chapter or any regulation adopted pursuant thereto*.

3. ~~{As used in this section, "protocol" means a written agreement between a homeopathic physician and an advanced practitioner of homeopathy which sets forth matters including the:~~

~~—(a) Patients which the advanced practitioner of homeopathy may serve;~~

~~—(b) Specific substances used in homeopathic medicine which the advanced practitioner of homeopathy may prescribe; and~~

~~—(c) Conditions under which the advanced practitioner of homeopathy must directly refer the patient to the homeopathic physician.~~ *The Board may authorize a complementary integrative physician for complementary integrative practitioner to supervise a complementary integrative physician or complementary integrative practitioner.*

Sec. 69. NRS 630A.295 is hereby amended to read as follows:

630A.295 The Board shall adopt regulations:

1. Specifying the training, education and experience necessary for ~~{certification as an advanced}~~ *licensure as a complementary integrative practitioner. {of homeopathy.}*

2. Delineating the authorized scope of practice of ~~{an advanced}~~ *a complementary integrative practitioner. {of homeopathy.}*

3. Establishing the procedure for application for ~~{certification as an advanced}~~ *licensure as a complementary integrative practitioner. {of homeopathy.}*

4. Establishing the duration, renewal and termination of ~~{certificates for advanced}~~ *licenses for complementary integrative practitioners. {of homeopathy.}*

5. Establishing requirements for the continuing education of ~~{advanced}~~ *complementary integrative practitioners. {of homeopathy.}*

6. Delineating the grounds respecting disciplinary actions against ~~{advanced}~~ *complementary integrative practitioners. {of homeopathy.}*

Sec. 70. NRS 630A.297 is hereby amended to read as follows:

630A.297 1. The Board may issue a certificate as a ~~{homeopathic}~~ *complementary integrative assistant {for complementary integrative technician}* to an applicant who is qualified under the regulations of the Board to perform ~~{homeopathic}~~ *complementary integrative medical* services under the supervision of a ~~{supervising homeopathic}~~ *complementary integrative physician { } or a complementary integrative practitioner.* The application for the certificate must be cosigned by the ~~{supervising homeopathic}~~ *complementary integrative physician { } or complementary integrative practitioner,* and the certificate is valid only so long as that ~~{supervising homeopathic}~~ *complementary integrative physician or complementary integrative practitioner* employs ~~{and supervises the homeopathic assistant.}~~ *the complementary integrative assistant. {for complementary integrative technician.}*

2. A ~~{homeopathic}~~ *complementary integrative assistant {for complementary integrative technician}* may perform such ~~{homeopathic}~~ *complementary integrative medical* services as he or she is authorized to perform under the terms of the certificate issued to the ~~{homeopathic}~~ *complementary integrative assistant {for complementary integrative technician}* by the Board, if the services are performed under the supervision and control of the supervising ~~{homeopathic}~~ *complementary integrative physician { } or complementary integrative practitioner.*

3. A ~~{supervising homeopathic}~~ *complementary integrative physician or complementary integrative practitioner* shall not cosign for ~~{ } or employ {or supervise}~~ more than five ~~{homeopathic}~~ *complementary integrative assistants {for complementary integrative technicians}* at the same time ~~{ } without obtaining written approval from the Board.~~

Sec. 71. NRS 630A.299 is hereby amended to read as follows:

630A.299 The Board shall adopt regulations regarding the certification of a ~~{homeopathic}~~ *complementary integrative assistant. {for complementary integrative technician.}* including, but not limited to:

1. The educational and other qualifications of applicants.

2. The required academic program for applicants.
3. The procedures for applications for and the issuance of certificates.
4. The tests or examinations of applicants by the Board.
5. The medical services which a ~~homeopathic~~ *complementary integrative* assistant ~~for complementary integrative technician~~ may perform, except that a ~~homeopathic~~ *complementary integrative* assistant ~~for complementary integrative technician~~ may not perform those specific functions and duties delegated or restricted by law to persons licensed as dentists, chiropractors, podiatric physicians, optometrists or hearing aid specialists under chapter 631, 634, 635, 636 or 637A, respectively, of NRS.

6. The duration, renewal and termination of certificates.

7. The grounds respecting disciplinary actions against ~~homeopathic~~ *complementary integrative* assistants ~~for complementary integrative technicians~~.

8. The supervision of a ~~homeopathic~~ *complementary integrative* assistant ~~for complementary integrative technician~~ by a supervising ~~homeopathic~~ *complementary integrative* physician ~~or complementary integrative practitioner~~.

9. The establishment of requirements for the continuing education of ~~homeopathic assistants~~ *a complementary integrative assistant* ~~for complementary integrative technician~~.

Sec. 72. NRS 630A.310 is hereby amended to read as follows:

630A.310 1. Except as otherwise provided in NRS 630A.225, the Board may:

(a) Issue a temporary license, to be effective not more than 6 months after issuance, to any ~~homeopathic~~ *complementary integrative* physician ~~or complementary integrative practitioner~~ who is eligible for a permanent license in this State and who also is of good moral character and reputation. The purpose of the temporary license is to enable an eligible ~~homeopathic~~ *complementary integrative* physician ~~or complementary integrative practitioner~~ to serve as a substitute for some other ~~homeopathic~~ *complementary integrative* physician ~~or complementary integrative practitioner~~ who is licensed to practice ~~homeopathic~~ *complementary integrative* medicine in this State and who is absent from his or her practice for reasons deemed sufficient by the Board. A temporary license issued under the provisions of this paragraph is not renewable.

(b) Issue a special license to a licensed ~~homeopathic~~ *complementary integrative* physician ~~or complementary integrative practitioner~~ of another state to come into Nevada to care for or assist in the treatment of his or her own patients in association with a physician licensed in this State. A special license issued under the provisions of this paragraph is limited to the care of a specific patient.

(c) Issue a restricted license for a specified period if the Board determines the applicant needs supervision or restriction.

2. A person who is licensed pursuant to paragraph (a), (b) or (c) of subsection 1 shall be deemed to have given consent to the revocation of the license at any time by the Board for any of the grounds provided in NRS 630A.225 or 630A.340 to 630A.380, inclusive.

Sec. 73. NRS 630A.320 is hereby amended to read as follows:

630A.320 1. Except as otherwise provided in NRS 630A.225, the Board may issue to a qualified applicant a limited license to practice ~~homeopathic~~ *complementary integrative* medicine as a resident ~~homeopathic~~ *complementary integrative* physician ~~or as a resident complementary integrative practitioner~~ in a postgraduate program of clinical training if:

(a) The applicant is a graduate of an accredited medical school in the United States or Canada or is a graduate of a foreign medical school ~~recognized~~ *that is listed in the International Medical Education Directory published* by the Educational Commission for Foreign Medical Graduates and:

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

(2) Has completed 1 year of supervised clinical training approved by the Board.

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

2. In addition to the requirements of subsection 1, *the Board may require* an applicant who is a graduate of a foreign medical school ~~must have received~~ *to obtain* the standard certificate of the Educational Commission for Foreign Medical Graduates.

3. The Board may issue this limited license for not more than 1 year, but may renew the license ~~annually~~.

4. The holder of this limited license may practice ~~homeopathic~~ *complementary integrative* medicine only in connection with his or her duties as a resident physician and shall not engage in the private practice of ~~homeopathic~~ *complementary integrative* medicine.

5. A limited license granted under this section may be revoked by the Board at any time for any of the grounds set forth in NRS 630A.225 or 630A.340 to 630A.380, inclusive.

Sec. 74. NRS 630A.325 is hereby amended to read as follows:

630A.325 1. To renew a license *or certificate* other than a temporary, special or limited license *or certificate* issued pursuant to this chapter, each person must, on or before January 1 of each year:

(a) Apply to the Board for renewal;

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

(c) Submit evidence to the Board of completion of the requirements for continuing education; and

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

2. The Board shall, as a prerequisite for the renewal or restoration of a license *or certificate* other than a temporary, special or limited license ~~or certificate~~ *or certificate*, require each holder of a license *or certificate* to comply with the requirements for continuing education adopted by the Board.

3. Any holder who fails to pay the annual fee for renewal and submit all information required to complete the renewal after they become due ~~must be given a period of 60 days in which to pay the fee and submit all required information and, failing to do so,~~ automatically forfeits the right to practice ~~homeopathic~~ *complementary integrative* medicine, and his or her license *or certificate* to practice ~~homeopathic~~ *complementary integrative* medicine in this State is automatically suspended. The holder may, within 2 years after the date his or her license *or certificate* is suspended, apply for the restoration of the license ~~or certificate~~ *or certificate*.

4. The Board shall notify any holder whose license *or certificate* is automatically suspended pursuant to subsection 3 and send a copy of the notice to the Drug Enforcement Administration of the United States Department of Justice or its successor agency.

1 **Sec. 75.** NRS 630A.330 is hereby amended to read as follows:

2 630A.330 1. Except as otherwise provided in subsection ~~6.~~ ~~(7)~~ each
3 applicant for a license to practice ~~[homeopathic medicine]~~ *as a complementary*
4 *integrative physician* must:

5 (a) Pay a fee of \$500; and

6 (b) Pay the cost of obtaining such further evidence and proof of qualifications
7 as the Board may require pursuant to subsection 2 of NRS 630A.240.

8 2. Each applicant for a ~~[certificate]~~ *license* as ~~[an advanced]~~ *a complementary*
9 *integrative* practitioner ~~[of homeopathy]~~ must:

10 (a) Pay a fee of \$300; and

11 (b) Pay the cost of obtaining such further evidence and proof of qualifications
12 as the Board may require pursuant to NRS 630A.295.

13 3. Each applicant for a certificate as a ~~[homeopathic]~~ *complementary*
14 *integrative* assistant must pay a fee of \$150.

15 ~~{ 4. Each applicant for a certificate as a complementary integrative~~
16 ~~technician must pay a fee of \$150. }~~

17 ~~4.~~ ~~(5)~~ Each applicant for a license or certificate who fails an examination and
18 who is permitted to be reexamined must pay a fee not to exceed \$400 for each
19 reexamination.

20 ~~5.~~ ~~(6)~~ If an applicant for a license or certificate does not appear for
21 examination, for any reason deemed sufficient by the Board, the Board may, upon
22 request, refund a portion of the application fee not to exceed 50 percent of the fee.
23 There must be no refund of the application fee if an applicant appears for
24 examination.

25 ~~6.~~ ~~(7)~~ Each applicant for a license issued under the provisions of NRS
26 630A.310 or 630A.320 must pay a fee not to exceed \$150, as determined by the
27 Board, and must pay a fee of \$100 for each renewal of the license.

28 ~~7.~~ ~~(8)~~ The fee for the renewal of a license or certificate, as determined by the
29 Board, must not exceed \$600 per year and must be collected for the year in which a
30 *complementary integrative* physician, ~~[advanced]~~ *complementary integrative*
31 practitioner ~~[of homeopathy or homeopathic]~~ ~~(9)~~ *or complementary integrative*
32 assistant ~~[or complementary integrative technician]~~ is licensed or certified.

33 ~~8.~~ ~~(9)~~ The fee for the restoration of a suspended license or certificate is twice
34 the amount of the fee for the renewal of a license or certificate at the time of the
35 restoration of the license or certificate.

36 **Sec. 76.** NRS 630A.340 is hereby amended to read as follows:

37 630A.340 The following acts, among others, constitute grounds for initiating
38 disciplinary action or denying the issuance of a license ~~(1)~~ *or certificate*:

39 1. Unprofessional conduct.

40 2. Conviction of:

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

44 (b) A violation of any of the provisions of NRS 616D.200, 616D.220,
45 616D.240, 616D.300, 616D.310, or 616D.350 to 616D.440, inclusive;

46 (c) Any offense involving moral turpitude; or

47 (d) Any offense relating to the practice of ~~[homeopathic]~~ *complementary*
48 *integrative* medicine or the ability to practice ~~[homeopathic]~~ *complementary*
49 *integrative* medicine.

50 ➤ A plea of nolo contendere to any offense listed in this subsection shall be
51 deemed a conviction.

52 3. The suspension, modification or limitation of a license *or certificate* to
53 practice any type of medicine by any other jurisdiction.

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

5. Gross or repeated malpractice, which may be evidenced by claims of malpractice settled against a practitioner.

6. Professional incompetence.

Sec. 77. NRS 630A.350 is hereby amended to read as follows:

630A.350 The following acts, among others, constitute grounds for initiating disciplinary action or denying the issuance of a license ~~{}~~ *or certificate*:

1. Willfully making a false or fraudulent statement or submitting a forged or false document in applying for a license to practice ~~{homeopathic}~~ *complementary integrative* medicine ~~{}~~ *or for certification as a complementary integrative assistant.* ~~{for complementary integrative technician}~~

2. Willfully representing with the purpose of obtaining compensation or other advantages for himself or herself or for any other person that a manifestly incurable disease or injury or other manifestly incurable condition can be permanently cured.

3. Obtaining, maintaining or renewing, or attempting to obtain, maintain or renew, a license *or certificate* ~~{to practice homeopathic medicine}~~ by bribery, fraud or misrepresentation or by any false, misleading, inaccurate or incomplete statement.

4. Advertising the practice of ~~{homeopathic}~~ *complementary integrative* medicine in a false, deceptive or misleading manner.

5. Practicing or attempting to practice ~~{homeopathic}~~ *complementary integrative* medicine under a name other than the name under which ~~{he or she}~~ *the person* is licensed ~~{}~~ *or certified*.

6. ~~{Signing a blank prescription form.}~~

~~—7—~~ 7. Influencing a patient in order to engage in sexual activity with the patient or another person.

~~{8—}~~ 7. Attempting directly or indirectly, by way of intimidation, coercion or deception, to obtain or retain a patient or to discourage a patient from obtaining a second opinion.

~~{9—}~~ 8. Terminating the medical care of a patient without giving adequate notice or making other arrangements for the continued care of the patient.

Sec. 78. NRS 630A.360 is hereby amended to read as follows:

630A.360 The following acts, among others, constitute grounds for initiating disciplinary action or denying the issuance of a license:

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

2. Dividing a fee between ~~{homeopathic}~~ *complementary integrative* physicians ~~{}~~ *or complementary integrative practitioners*, unless the patient is informed of the division of fees and the division is made in proportion to the services personally performed and the responsibility assumed by each ~~{homeopathic}~~ *complementary integrative* physician ~~{}~~ *or complementary integrative practitioner*.

3. Charging for visits to the ~~{homeopathic physician's}~~ *office of the complementary integrative physician or complementary integrative practitioner* which did not occur or for services which were not rendered or documented in the records of the patient.

4. Employing, directly or indirectly, any suspended, ~~{or}~~ *unlicensed or uncertified* person in the practice of ~~{homeopathic}~~ *complementary integrative*

1 medicine, or the aiding, abetting or assisting of any unlicensed *or uncertified*
2 person to practice ~~{homeopathic}~~ *complementary integrative* medicine contrary to
3 the provisions of this chapter or the regulations adopted by the Board.

4 5. Advertising the services of an unlicensed *or uncertified* person in the
5 practice of ~~{homeopathic}~~ *complementary integrative* medicine.

6 6. Delegating responsibility for the care of a patient to a person whom the
7 ~~{homeopathic}~~ *complementary integrative* physician *or complementary integrative*
8 *practitioner* knows, or has reason to know, is not qualified to undertake that
9 responsibility.

10 7. Failing to disclose to a patient any financial or other conflict of interest
11 affecting the care of the patient.

12 **Sec. 79.** NRS 630A.370 is hereby amended to read as follows:

13 630A.370 The following acts, among others, constitute grounds for initiating
14 disciplinary action or denying the issuance of a license ~~{}~~ *or certificate:*

15 1. Inability to practice ~~{homeopathic}~~ *complementary integrative* medicine
16 with reasonable skill and safety because of an illness, a mental or physical
17 condition or the use of alcohol, drugs, narcotics or any other addictive substance.

18 2. Engaging in any:

19 (a) Professional conduct which is intended to deceive or which the Board by
20 regulation has determined is unethical.

21 (b) Medical practice harmful to the public or any conduct detrimental to the
22 public health, safety or morals which does not constitute gross or repeated
23 malpractice or professional incompetence.

24 3. Administering, dispensing or prescribing any controlled substance, except
25 as authorized by law.

26 4. Performing, assisting or advising an unlawful abortion or in the injection of
27 any liquid substance into the human body to cause an abortion.

28 5. Practicing or offering to practice beyond the scope permitted by law, or
29 performing services which the ~~{homeopathic}~~ *complementary integrative* physician
30 *, complementary integrative practitioner* ~~{}~~ *or complementary integrative*
31 *assistant* ~~{for complementary integrative technician}~~ knows or has reason to know
32 he or she is not competent to perform.

33 6. Performing any procedure without first obtaining the informed consent of
34 the patient or the patient's family or prescribing any therapy which by the current
35 standards of the practice of ~~{homeopathic}~~ *complementary integrative* medicine is
36 experimental.

37 7. Continued failure to exercise the skill or diligence or use the methods
38 ordinarily exercised under the same circumstances by physicians, *practitioners* ~~{}~~
39 *or assistants* ~~{for technicians}~~ in good standing who practice ~~{homeopathy and~~
40 ~~electrodiagnosis}~~ *complementary integrative medicine.*

41 8. Operation of a medical facility, as defined in NRS 449.0151, at any time
42 during which:

43 (a) The license of the facility is suspended or revoked; or

44 (b) An act or omission occurs which results in the suspension or revocation of
45 the license pursuant to NRS 449.160.

46 **↪** This subsection applies to an owner or other principal responsible for the
47 operation of the facility.

48 **Sec. 80.** NRS 630A.380 is hereby amended to read as follows:

49 630A.380 The following acts, among others, constitute grounds for initiating
50 disciplinary action or denying the issuance of a license ~~{}~~ *or certificate:*

51 1. Willful disclosure of a communication privileged under a statute or court
52 order.

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

3. Willful failure to perform any statutory or other legal obligation imposed upon a licensed ~~{homeopathic}~~ **complementary integrative** physician ~~{}~~, **licensed complementary integrative practitioner** ~~{}~~ **or certified complementary integrative assistant** ~~{or certified complementary integrative technician}~~.

Sec. 81. NRS 630A.390 is hereby amended to read as follows:

630A.390 1. Any person who becomes aware that a person practicing medicine in this State has, is or is about to become engaged in conduct which constitutes grounds for initiating disciplinary action may file a written complaint with the Board.

2. Any medical society or medical facility or facility for the dependent licensed in this State shall report to the Board the initiation and outcome of any disciplinary action against any ~~{homeopathic}~~ **complementary integrative** physician **or complementary integrative practitioner** concerning the care of a patient or the competency of the **complementary integrative** physician ~~{}~~ **or complementary integrative practitioner**.

3. The clerk of every court shall report to the Board any finding, judgment or other determination of the court that a ~~{homeopathic}~~ **complementary integrative** physician ~~{}~~, **complementary integrative practitioner** ~~{}~~ **or complementary integrative assistant** ~~{or complementary integrative technician}~~.

(a) Is mentally ill;

(b) Is mentally incompetent;

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

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

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

4. The Board shall retain all complaints filed with the Board pursuant to this section for at least 10 years, including, without limitation, any complaints not acted upon.

Sec. 82. NRS 630A.400 is hereby amended to read as follows:

630A.400 1. The Board or a committee of its members designated by the Board shall review every complaint filed with the Board and conduct an investigation to determine whether there is a reasonable basis for compelling a ~~{homeopathic}~~ **complementary integrative** physician, **complementary integrative practitioner** ~~{}~~ **or complementary integrative assistant** ~~{or complementary integrative technician}~~ to take a mental or physical examination or an examination of his or her competence to practice ~~{homeopathic}~~ **complementary integrative** medicine.

2. If a committee is designated, it must be composed of at least ~~{three}~~ **two** members of the Board, at least one of whom is a licensed ~~{homeopathic}~~ **complementary integrative** physician.

3. If, from the complaint or from other official records, it appears that the complaint is not frivolous and the complaint charges gross or repeated malpractice, the Board shall transmit the original complaint, along with further facts or information derived from its own review, to the Attorney General.

4. Following the investigation, the committee shall present its evaluation and recommendations to the Board. The Board shall review the committee's findings to determine whether to take any further action, but a member of the Board who participated in the investigation may not participate in this review or in any subsequent hearing or action taken by the Board.

1 **Sec. 83.** NRS 630A.420 is hereby amended to read as follows:

2 630A.420 1. If the Board or its investigative committee has reason to
3 believe that the conduct of any ~~{homeopathic}~~ *complementary integrative*
4 physician, *complementary integrative practitioner* ~~{or}~~ *or complementary*
5 *integrative assistant* ~~{for complementary integrative technician}~~ has raised a
6 reasonable question as to his or her competence to practice *complementary*
7 *integrative* medicine with reasonable skill and safety to patients, it may order the
8 ~~{homeopathic}~~ *complementary integrative* physician, *complementary integrative*
9 *practitioner* ~~{or}~~ *or complementary integrative assistant* ~~{for complementary~~
10 ~~integrative technician}~~ to undergo:

11 (a) A mental or physical examination; or

12 (b) An examination of his or her competence to practice ~~{homeopathic}~~
13 *complementary integrative* medicine,
14 ↳ by physicians or others designated by the Board to assist the Board in
15 determining the fitness of the ~~{homeopathic}~~ *complementary integrative* physician,
16 *complementary integrative practitioner* ~~{or}~~ *or complementary integrative assistant*
17 ~~{for complementary integrative technician}~~ to practice ~~{homeopathic}~~
18 *complementary integrative* medicine.

19 2. For the purposes of this section:

20 (a) Every ~~{homeopathic}~~ *complementary integrative* physician,
21 *complementary integrative practitioner* ~~{or}~~ *or complementary integrative assistant*
22 ~~{for complementary integrative technician}~~ who applies for a license *or certificate*
23 *or is licensed or certified* under this chapter shall be deemed to have given consent
24 to submit to a mental or physical examination or an examination of his or her
25 competence to practice ~~{homeopathic}~~ *complementary integrative* medicine when
26 directed to do so in writing by the Board or an investigative committee of the
27 Board.

28 (b) The testimony or reports of the examining physicians are not privileged
29 communications.

30 3. Except in extraordinary circumstances, as determined by the Board, the
31 failure of a ~~{homeopathic}~~ *complementary integrative* physician, *complementary*
32 *integrative practitioner* ~~{or}~~ *or complementary integrative assistant* ~~{for~~
33 ~~complementary integrative technician}~~ licensed *or certified* under this chapter to
34 submit to an examination when directed as provided in this section constitutes an
35 admission of the charges against the ~~{homeopathic}~~ *complementary integrative*
36 physician ~~{or}~~ *complementary integrative practitioner* ~~{or}~~ *or complementary*
37 *integrative assistant* ~~{for complementary integrative technician}~~.

38 **Sec. 84.** NRS 630A.430 is hereby amended to read as follows:

39 630A.430 If the Board has reason to believe that the conduct of any
40 ~~{homeopathic}~~ *complementary integrative* physician, *complementary integrative*
41 *practitioner* ~~{or}~~ *or complementary integrative assistant* ~~{for complementary~~
42 ~~integrative technician}~~ has raised a reasonable question as to his or her competence
43 to practice ~~{homeopathic}~~ *complementary integrative* medicine with reasonable
44 skill and safety to patients, the Board may order an examination of the
45 ~~{homeopathic}~~ *complementary integrative* physician, *complementary integrative*
46 *practitioner* ~~{or}~~ *or complementary integrative assistant* ~~{for complementary~~
47 ~~integrative technician}~~ to determine his or her fitness to practice ~~{homeopathic}~~
48 *complementary integrative* medicine. When such action is taken, the reasons for
49 the action must be documented and must be available to the ~~{homeopathic}~~
50 *complementary integrative* physician, *complementary integrative practitioner* ~~{or}~~
51 *or complementary integrative assistant* ~~{for complementary integrative technician}~~
52 being examined.

1 **Sec. 85.** NRS 630A.440 is hereby amended to read as follows:

2 630A.440 Notwithstanding the provisions of chapter 622A of NRS, if the
3 Board issues an order summarily suspending the license *or certificate* of a
4 ~~{homeopathic}~~ *complementary integrative* physician, *complementary integrative*
5 *practitioner* ~~{}~~ *or complementary integrative assistant* ~~for complementary~~
6 ~~integrative technician~~ pending proceedings for disciplinary action and requires the
7 ~~{homeopathic}~~ *complementary integrative* physician, *complementary integrative*
8 *practitioner* ~~{}~~ *or complementary integrative assistant* ~~for complementary~~
9 ~~integrative technician~~ to submit to a mental or physical examination or an
10 examination of his or her competence to practice ~~{homeopathic}~~ *complementary*
11 *integrative* medicine, the examination must be conducted and the results obtained
12 not later than 60 days after the Board issues its order.

13 **Sec. 86.** NRS 630A.450 is hereby amended to read as follows:

14 630A.450 Notwithstanding the provisions of chapter 622A of NRS, if the
15 Board issues an order summarily suspending the license *or certificate* of a
16 ~~{homeopathic}~~ *complementary integrative* physician, *complementary integrative*
17 *practitioner* ~~{}~~ *or complementary integrative assistant* ~~for complementary~~
18 ~~integrative technician~~ pending proceedings for disciplinary action, including,
19 without limitation, a summary suspension pursuant to NRS 233B.127, the court
20 shall not stay that order.

21 **Sec. 87.** NRS 630A.460 is hereby amended to read as follows:

22 630A.460 1. In addition to any other remedy provided by law, the Board,
23 through its President or Secretary-Treasurer or the Attorney General, may apply to
24 any court of competent jurisdiction to:

25 (a) Enjoin any prohibited act or other conduct of a ~~{homeopathic}~~
26 *complementary integrative* physician, *complementary integrative practitioner* ~~{}~~
27 *or complementary integrative assistant* ~~for complementary integrative technician~~
28 which is harmful to the public;

29 (b) Enjoin any person who is not licensed *or certified* under this chapter from
30 practicing ~~{homeopathic}~~ *complementary integrative* medicine; or

31 (c) Limit the practice of a ~~{homeopathic physician's practice}~~ *complementary*
32 *integrative physician, complementary integrative practitioner* ~~{}~~ *or*
33 *complementary integrative assistant* ~~for complementary integrative technician~~ or
34 suspend his or her license *or certificate* to practice ~~{homeopathic}~~ *complementary*
35 *integrative* medicine.

36 2. The court in a proper case may issue a temporary restraining order or a
37 preliminary injunction for the purposes of subsection 1:

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

39 (b) Without relieving any person from criminal prosecution for engaging in the
40 practice of ~~{homeopathic}~~ *complementary integrative* medicine without a license
41 ~~{}~~ *or certificate*; and

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

43 **Sec. 88.** NRS 630A.490 is hereby amended to read as follows:

44 630A.490 Except as otherwise provided in chapter 622A of NRS:

45 1. Service of process made under this chapter must be either personal or by
46 registered or certified mail with return receipt requested, addressed to the
47 ~~{homeopathic}~~ *complementary integrative* physician, *complementary integrative*
48 *practitioner* ~~{}~~ *or complementary integrative assistant* ~~for complementary~~
49 ~~integrative technician~~ at his or her last known address. If personal service cannot
50 be made and if notice by mail is returned undelivered, the Secretary-Treasurer of
51 the Board shall cause notice to be published once a week for 4 consecutive weeks
52 in a newspaper published in the county of the ~~{homeopathic physician's}~~ last known
53 address *of the complementary integrative physician, complementary integrative*

1 ~~practitioner, ~~or~~ or complementary integrative assistant for complementary~~
2 ~~integrative technician]~~ or, if no newspaper is published in that county, then in a
3 newspaper widely distributed in that county.

4 2. Proof of service of process or publication of notice made under this chapter
5 must be filed with the Board and recorded in the minutes of the Board.

6 **Sec. 89.** NRS 630A.500 is hereby amended to read as follows:

7 630A.500 Notwithstanding the provisions of chapter 622A of NRS, in any
8 disciplinary hearing:

9 1. Proof of actual injury need not be established.

10 2. A certified copy of the record of a court or a licensing agency showing a
11 conviction or plea of nolo contendere or the suspension, revocation, limitation,
12 modification, denial or surrender of a license *or certificate* to practice
13 ~~homeopathic~~ *complementary integrative* medicine is conclusive evidence of its
14 occurrence.

15 **Sec. 90.** NRS 630A.510 is hereby amended to read as follows:

16 630A.510 1. Any member of the Board who was not a member of the
17 investigative committee, if one was appointed, may participate in the final order of
18 the Board. If the Board, after notice and a hearing as required by law, determines
19 that a violation of the provisions of this chapter or the regulations adopted by the
20 Board has occurred, it shall issue and serve on the person charged an order, in
21 writing, containing its findings and any sanctions imposed by the Board. If the
22 Board determines that no violation has occurred, it shall dismiss the charges, in
23 writing, and notify the person that the charges have been dismissed.

24 2. If the Board finds that a violation has occurred, it may by order:

25 (a) Place the person on probation for a specified period on any of the
26 conditions specified in the order.

27 (b) Administer to the person a public reprimand.

28 (c) Limit the practice of the person or exclude a method of treatment from the
29 scope of his or her practice.

30 (d) Suspend the license *or certificate* of the person for a specified period or
31 until further order of the Board.

32 (e) Revoke the license *or certificate* of the person to practice ~~homeopathic~~
33 *complementary integrative* medicine.

34 (f) Require the person to participate in a program to correct a dependence upon
35 alcohol or a controlled substance, or any other impairment.

36 (g) Require supervision of the person's practice.

37 (h) Impose an administrative fine not to exceed \$10,000.

38 (i) Require the person to perform community service without compensation.

39 (j) Require the person to take a physical or mental examination or an
40 examination of his or her competence to practice ~~homeopathic~~ *complementary*
41 *integrative* medicine.

42 (k) Require the person to fulfill certain training or educational requirements.

43 3. The Board shall not administer a private reprimand.

44 4. An order that imposes discipline and the findings of fact and conclusions of
45 law supporting that order are public records.

46 **Sec. 91.** NRS 630A.520 is hereby amended to read as follows:

47 630A.520 1. Any person aggrieved by a final order of the Board is entitled
48 to judicial review of the Board's order as provided by law.

49 2. Every order of the Board which limits the practice of ~~homeopathic~~
50 *complementary integrative* medicine or suspends or revokes a license *or certificate*
51 is effective from the date the Secretary-Treasurer of the Board certifies the order
52 until the date the order is modified or reversed by a final judgment of the court. The

1 court shall not stay the order of the Board pending a final determination by the
2 court.

3 3. The district court shall give a petition for judicial review of the Board's
4 order priority over other civil matters which are not expressly given priority by law.

5 **Sec. 92.** NRS 630A.530 is hereby amended to read as follows:

6 630A.530 1. Any person:

7 (a) Whose practice of ~~homeopathic~~ *complementary integrative* medicine has
8 been limited; or

9 (b) Whose license *or certificate* to practice ~~homeopathic~~ *complementary*
10 *integrative* medicine has been:

11 (1) Suspended until further order; or

12 (2) Revoked,

13 may apply to the Board for removal of the limitation or suspension or may apply
14 to the Board pursuant to the provisions of chapter 622A of NRS for reinstatement
15 of the revoked license ~~or~~ *or certificate*.

16 2. In hearing the application, the Board or a committee of members of the
17 Board:

18 (a) May require the applicant to submit to a mental or physical examination or
19 an examination of his or her competence to practice ~~homeopathic~~ *complementary*
20 *integrative* medicine by physicians or other persons whom it designates and submit
21 such other evidence of changed conditions and of fitness as it deems proper.

22 (b) Shall determine whether under all the circumstances the time of the
23 application is reasonable.

24 (c) May deny the application or modify or rescind its order as it deems the
25 evidence and the public safety warrants.

26 3. The applicant has the burden of proving by clear and convincing evidence
27 that the requirements for reinstatement of the license *or certificate* or removal of
28 the limitation or suspension have been met.

29 4. The Board shall not reinstate a license *or certificate* unless it is satisfied
30 that the applicant has complied with all of the terms and conditions set forth in the
31 final order of the Board and that the applicant is capable of practicing
32 ~~homeopathic~~ *complementary integrative* medicine with reasonable skill and
33 safety to patients.

34 5. In addition to any other requirements set forth in chapter 622A of NRS, to
35 reinstate a license *or certificate* that has been revoked by the Board, a person must
36 apply for a license *or certificate* and take an examination as though the person had
37 never been licensed *or certified* under this chapter.

38 **Sec. 93.** NRS 630A.540 is hereby amended to read as follows:

39 630A.540 1. In addition to any other immunity provided by the provisions
40 of chapter 622A of NRS:

41 (a) Any person who furnishes information to the Board, in good faith in
42 accordance with the provisions of this chapter, concerning a person who is licensed
43 or certified or applies for a license or certificate under this chapter is immune from
44 civil liability for furnishing that information.

45 (b) The Board and its members, staff, counsel, investigators, experts,
46 committees, panels, hearing officers and consultants are immune from civil liability
47 for any decision or action taken in good faith in response to information received by
48 the Board.

49 (c) The Board and any of its members are immune from civil liability for
50 disseminating information concerning a person who is licensed or certified or
51 applies for a license or certificate under this chapter to the Attorney General or any
52 board or agency of the State, hospital, medical society, insurer, employer, patient or
53 patient's family or law enforcement agency.

2. The Board shall not commence an investigation, impose any disciplinary action or take any other adverse action against a ~~homeopathic~~ **complementary integrative** physician, **complementary integrative practitioner**, ~~or~~ **complementary integrative assistant** ~~for complementary integrative technician~~ for:

(a) Disclosing to a governmental entity a violation of any law, rule or regulation by an applicant for **or a person holding** a license **or certificate** to practice ~~homeopathic medicine; or by a homeopathic physician;~~ **complementary integrative medicine;** or

(b) Cooperating with a governmental entity that is conducting an investigation, hearing or inquiry into such a violation, including, without limitation, providing testimony concerning the violation.

3. As used in this section, "governmental entity" includes, without limitation:

(a) A federal, state or local officer, employee, agency, department, division, bureau, board, commission, council, authority or other subdivision or entity of a public employer;

(b) A federal, state or local employee, committee, member or commission of the Legislative Branch of Government;

(c) A federal, state or local representative, member or employee of a legislative body or a county, town, village or any other political subdivision or civil division of the State;

(d) A federal, state or local law enforcement agency or prosecutorial office, or any member or employee thereof, or police or peace officer; and

(e) A federal, state or local judiciary, or any member or employee thereof, or grand or petit jury.

Sec. 94. NRS 630A.543 is hereby amended to read as follows:

630A.543 1. If the Board receives a copy of a court order issued pursuant to NRS 425.540 that provides for the suspension of all professional, occupational and recreational licenses, certificates and permits issued to a person who is the holder of a license **or certificate** to practice ~~homeopathic~~ **complementary integrative** medicine, ~~for a certificate to practice as an advanced practitioner of homeopathy or as a homeopathic assistant;~~ the Board shall deem the license or certificate issued to that person to be suspended at the end of the 30th day after the date on which the court order was issued unless the Board receives a letter issued to the holder of the license or certificate by the district attorney or other public agency pursuant to NRS 425.550 stating that the holder of the license or certificate has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

2. The Board shall reinstate a license **or certificate** to practice ~~homeopathic~~ **complementary integrative** medicine ~~for a certificate to practice as an advanced practitioner of homeopathy or a homeopathic assistant;~~ that has been suspended by a district court pursuant to NRS 425.540 if:

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

(b) The person whose license or certificate was suspended pays the fee prescribed in NRS 630A.330 for the reinstatement of a suspended license or certificate.

Sec. 95. NRS 630A.550 is hereby amended to read as follows:

630A.550 The filing and review of a complaint, its dismissal without further action or its transmittal to the Attorney General, and any subsequent disposition by the Board, the Attorney General or any reviewing court do not preclude:

1. Any measure by a hospital or other institution or medical society to limit or terminate the privileges of a ~~homeopathic~~ **complementary integrative** physician, ~~advanced~~ **complementary integrative** practitioner ~~of homeopathy or homeopathy~~ ~~or~~ **complementary integrative** assistant ~~for complementary integrative technician~~ according to its rules or the custom of the profession. No civil liability attaches to any such action taken without malice even if the ultimate disposition of the complaint is in favor of the ~~homeopathic~~ **complementary integrative** physician, ~~advanced~~ **complementary integrative** practitioner ~~of homeopathy or homeopathy~~ ~~or~~ **complementary integrative** assistant ~~for complementary integrative technician~~.

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

Sec. 96. NRS 630A.570 is hereby amended to read as follows:

630A.570 1. The Board through its President or Secretary-Treasurer or the Attorney General may maintain in any court of competent jurisdiction a suit for an injunction against any person or persons practicing ~~homeopathic~~ **complementary integrative** medicine without a license or certificate.

2. Such an injunction:

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

(b) Does not relieve such person from criminal prosecution for practicing without a license or certificate.

Sec. 97. NRS 630A.580 is hereby amended to read as follows:

630A.580 In seeking injunctive relief against any person for an alleged violation of this chapter by practicing ~~homeopathic~~ **complementary integrative** medicine without a license or certificate, it is sufficient to allege that the person did, upon a certain day, and in a certain county of this State, engage in the practice of ~~homeopathic~~ **complementary integrative** medicine without having a license or certificate to do so, without alleging any further or more particular facts concerning the matter.

Sec. 98. NRS 630A.590 is hereby amended to read as follows:

630A.590 A person who:

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

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

3. Practices ~~homeopathic~~ **complementary integrative** medicine under a false or assumed name; or

4. Except as otherwise provided in NRS 629.091, practices ~~homeopathic~~ **complementary integrative** medicine without being licensed or certified under this chapter,

is guilty of a category D felony and shall be punished as provided in NRS 193.130.

Sec. 99. NRS 630A.600 is hereby amended to read as follows:

630A.600 Except as otherwise provided in NRS 629.091, a person who practices ~~homeopathic~~ **complementary integrative** medicine without a license or certificate issued pursuant to this chapter is guilty of a category D felony and shall be punished as provided in NRS 193.130.

Sec. 100. NRS 639.0125 is hereby amended to read as follows:

639.0125 "Practitioner" means:

1. A physician, **complementary integrative physician**, ~~complementary integrative practitioner~~, dentist, veterinarian or podiatric physician who holds a license to practice his or her profession in this State;

2. A hospital, pharmacy or other institution licensed, registered or otherwise permitted to distribute, dispense, conduct research with respect to or administer drugs in the course of professional practice or research in this State;

3. An advanced practitioner of nursing who has been authorized to prescribe controlled substances, poisons, dangerous drugs and devices;

4. A physician assistant who:

(a) Holds a license issued by the Board of Medical Examiners; and

(b) Is authorized by the Board to possess, administer, prescribe or dispense controlled substances, poisons, dangerous drugs or devices under the supervision of a physician as required by chapter 630 of NRS;

5. A physician assistant who:

(a) Holds a license issued by the State Board of Osteopathic Medicine; and

(b) Is authorized by the Board to possess, administer, prescribe or dispense controlled substances, poisons, dangerous drugs or devices under the supervision of an osteopathic physician as required by chapter 633 of NRS; or

6. An optometrist who is certified by the Nevada State Board of Optometry to prescribe and administer therapeutic pharmaceutical agents pursuant to NRS 636.288, when the optometrist prescribes or administers therapeutic pharmaceutical agents within the scope of his or her certification.

Sec. 101. 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, ~~homeopathic~~ *complementary integrative* medicine, chiropractic or any other form or method of healing.

Sec. 102. 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~~ *complementary integrative* physician licensed pursuant to chapter 630A of NRS;

4. A chiropractic physician licensed pursuant to chapter 634 of NRS; or

5. A podiatric physician licensed pursuant to chapter 635 of NRS.

Sec. 103. 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*.

2. The terms “physician,” “osteopathic physician,” ~~“homeopathic physician,”~~ *“complementary integrative physician,”* “chiropractic physician” and “podiatric physician” are used in chapters 630, 630A, 633, 634 and 635 of NRS in the limited senses prescribed by those chapters respectively.

Sec. 104. NRS 89.050 is hereby amended to read as follows:

89.050 1. Except as otherwise provided in subsection 2, a professional entity 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 entity 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 entity 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* 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 ~~homeopathic~~ *complementary integrative* medicine as provided in chapter 630A of NRS and persons engaged in the practice of osteopathic medicine as provided in chapter 633 of NRS. Such a professional entity may market and manage additional professional entities which are organized to render a professional service relating to medicine, ~~homeopathy~~ *complementary integrative 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;

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

(5) Any clinical professional counselor who is licensed by this State pursuant to chapter 641A of NRS.

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

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

Sec. 105. NRS 200.471 is hereby amended to read as follows:

200.471 1. As used in this section:

(a) "Assault" means:

(1) Unlawfully attempting to use physical force against another person; or

(2) 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 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 the employee to make home visits.

(c) "Provider of health care" means a physician, a perfusionist or a physician assistant licensed pursuant to chapter 630 of NRS, a practitioner of respiratory care, a ~~homeopathic~~ *complementary integrative* physician, ~~an advanced~~ a

1 ~~complementary integrative~~ practitioner ~~[of homeopathy, a homeopathic assistant,]~~,
2 ~~a certified complementary integrative assistant, [a certified complementary~~
3 ~~integrative technician,]~~ an osteopathic physician, a physician assistant licensed
4 pursuant to chapter 633 of NRS, a podiatric physician, a podiatry hygienist, a
5 physical therapist, a medical laboratory technician, an optometrist, a chiropractor,
6 a chiropractor's assistant, a doctor of Oriental medicine, a nurse, a student nurse, a
7 certified nursing assistant, a nursing assistant trainee, a dentist, a dental hygienist, a
8 pharmacist, an intern pharmacist, an attendant on an ambulance or air ambulance,
9 a psychologist, a social worker, a marriage and family therapist, a marriage and
10 family therapist intern, a clinical professional counselor, a clinical professional
11 counselor intern and an emergency medical technician.

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

14 (e) "Sporting event" has the meaning ascribed to it in NRS 41.630.

15 (f) "Sports official" has the meaning ascribed to it in NRS 41.630.

16 (g) "Taxicab" has the meaning ascribed to it in NRS 706.8816.

17 (h) "Taxicab driver" means a person who operates a taxicab.

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

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

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

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

28 (c) If paragraph (d) does not apply to the circumstances of the crime and if the
29 assault is committed upon an officer, a provider of health care, a school employee,
30 a taxicab driver or a transit operator who is performing his or her duty or upon a
31 sports official based on the performance of his or her duties at a sporting event and
32 the person charged knew or should have known that the victim was an officer, a
33 provider of health care, a school employee, a taxicab driver, a transit operator or a
34 sports official, for a gross misdemeanor, unless the assault is made with the use of a
35 deadly weapon or the present ability to use a deadly weapon, then for a category B
36 felony by imprisonment in the state prison for a minimum term of not less than 1
37 year and a maximum term of not more than 6 years, or by a fine of not more than
38 \$5,000, or by both fine and imprisonment.

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

1 **Sec. 106.** NRS 453.126 is hereby amended to read as follows:

2 453.126 “Practitioner” means:

3 1. A physician, *complementary integrative physician*, ~~complementary~~
4 ~~integrative practitioner,~~ dentist, veterinarian or podiatric physician who holds a
5 license to practice his or her profession in this State and is registered pursuant to
6 this chapter.

7 2. An advanced practitioner of nursing who holds a certificate from the State
8 Board of Nursing and a certificate from the State Board of Pharmacy authorizing
9 him or her to dispense or to prescribe and dispense controlled substances.

10 3. A scientific investigator or a pharmacy, hospital or other institution
11 licensed, registered or otherwise authorized in this State to distribute, dispense,
12 conduct research with respect to, to administer, or use in teaching or chemical
13 analysis, a controlled substance in the course of professional practice or research.

14 4. A euthanasia technician who is licensed by the Nevada State Board of
15 Veterinary Medical Examiners and registered pursuant to this chapter, while he or
16 she possesses or administers sodium pentobarbital pursuant to his or her license and
17 registration.

18 5. A physician assistant who:

19 (a) Holds a license from the Board of Medical Examiners; and

20 (b) Is authorized by the Board to possess, administer, prescribe or dispense
21 controlled substances under the supervision of a physician as required by chapter
22 630 of NRS.

23 6. A physician assistant who:

24 (a) Holds a license from the State Board of Osteopathic Medicine; and

25 (b) Is authorized by the Board to possess, administer, prescribe or dispense
26 controlled substances under the supervision of an osteopathic physician as required
27 by chapter 633 of NRS.

28 7. An optometrist who is certified by the Nevada State Board of Optometry to
29 prescribe and administer therapeutic pharmaceutical agents pursuant to NRS
30 636.288, when the optometrist prescribes or administers therapeutic pharmaceutical
31 agents within the scope of his or her certification.

32 **Sec. 107.** NRS 454.00958 is hereby amended to read as follows:

33 454.00958 “Practitioner” means:

34 1. A physician, *complementary integrative physician*, ~~complementary~~
35 ~~integrative practitioner,~~ dentist, veterinarian or podiatric physician who holds a
36 valid license to practice his or her profession in this State.

37 2. A pharmacy, hospital or other institution licensed or registered to
38 distribute, dispense, conduct research with respect to or to administer a dangerous
39 drug in the course of professional practice in this State.

40 3. When relating to the prescription of poisons, dangerous drugs and devices:

41 (a) An advanced practitioner of nursing who holds a certificate from the State
42 Board of Nursing and a certificate from the State Board of Pharmacy permitting
43 him or her so to prescribe; or

44 (b) A physician assistant who holds a license from the Board of Medical
45 Examiners and a certificate from the State Board of Pharmacy permitting him or
46 her so to prescribe.

47 4. An optometrist who is certified to prescribe and administer dangerous
48 drugs pursuant to NRS 636.288 when the optometrist prescribes or administers
49 dangerous drugs which are within the scope of his or her certification.

1 **Sec. 108.** ~~(Deleted by amendment.)~~

2 **Sec. 109.** ~~(Deleted by amendment.)~~

3 **Sec. 110.** ~~(Deleted by amendment.)~~

4 **Sec. 111.** ~~(Deleted by amendment.)~~

5 **Sec. 112.** ~~(Deleted by amendment.)~~

6 **Sec. 113.** ~~(Deleted by amendment.)~~

7 **Sec. 114.** Notwithstanding the amendatory provisions of this act:

8 1. A license issued by the Board of Homeopathic Medical Examiners which is
9 active on October 1, 2011, shall be deemed to be a license issued by the Board of
10 Complementary Integrative ~~[Medicine]~~ **Medical Examiners** unless such license is
11 suspended or revoked by the Board of Complementary Integrative ~~[Medicine]~~
12 **Medical Examiners.**

13 2. Any member of the Board of Homeopathic Medical Examiners who is a
14 member on October 1, 2011, shall be deemed to be a member of the Board of
15 Complementary Integrative ~~[Medicine]~~ **Medical Examiners** and is entitled to serve
16 out the remainder of the term to which he or she was appointed.

17 **Sec. 115.** This act becomes effective:

18 1. Upon passage and approval for the purposes of adopting regulations and
19 performing any other preparatory actions that are necessary to carry out the
20 provisions of this act; and

21 2. On October 1, 2011, for all other purposes.