

ASSEMBLY BILL NO. 341—ASSEMBLYWOMAN CARLTON

MARCH 18, 2013

Referred to Committee on Commerce and Labor

SUMMARY—Revises provisions relating to homeopathic medicine. (BDR 54-1032)

FISCAL NOTE: Effect on Local Government: No.
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 homeopathic medicine; requiring an applicant for a license or certificate issued by the Board of Homeopathic Medical Examiners to submit to a criminal background check; revising provisions governing homeopathic physicians to make those provisions also applicable to advanced practitioners of homeopathy and homeopathic assistants; revising provisions governing the membership of the Board; revising provisions governing grounds for denial or revocation of a license or certificate or initiating other disciplinary action; revising the qualifications of an applicant for a license to practice as a homeopathic physician; requiring certain applicants for a license to practice as a homeopathic physician to submit proof of certain education and training; revising the educational requirements for an applicant for a certificate as an advanced practitioner of homeopathy; revising provisions relating to the supervision of homeopathic assistants; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

- 1 **Section 1** of this bill requires each applicant for a license to practice
- 2 homeopathic medicine or a certificate to practice as an advanced practitioner of
- 3 homeopathy or as a homeopathic assistant to submit to the Board of Homeopathic
- 4 Medical Examiners a complete set of fingerprints and written permission
- 5 authorizing the Board to forward the fingerprints to the Central Repository for
- 6 Nevada Records of Criminal History for submission to the Federal Bureau of
- 7 Investigation for its report.



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Sections 2-5, 7, 11 and 14-28 of this bill revise certain provisions governing homeopathic physicians to make those provisions also applicable to advanced practitioners of homeopathy and homeopathic assistants.

Existing law requires that certain members of the Board must have resided in this State for at least 5 years. (NRS 630A.110) Section 6 of this bill reduces this residency period to a minimum of 3 years.

Existing law establishes certain qualifications of an applicant for a license to practice homeopathic medicine. (NRS 630A.230) Section 9 of this bill makes certain revisions to those qualifications.

Existing law requires an applicant for a license to practice homeopathic medicine who is a graduate of a medical school located in the United States or Canada to submit proof of certain education and training. (NRS 630A.240) Section 10 of this bill revises those education and training requirements and provides for the submission by a graduate of a medical school located in the United Kingdom of proof of that education and training.

Existing law authorizes the Board to grant a certificate as an advanced practitioner of homeopathy to a person who has completed an educational program which meets certain requirements. (NRS 630A.293) Section 12 of this bill revises those requirements.

Existing law authorizes the Board to issue a certificate as a homeopathic assistant to an applicant who meets certain qualifications. (NRS 630A.297) Section 13 of this bill requires the applicant to have completed an educational program which meets certain requirements. Section 13 also increases, from five to seven, the maximum number of homeopathic assistants who may be employed or supervised at any given time by a homeopathic physician.

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

Section 1. Chapter 630A of NRS is hereby amended by adding thereto a new section to read as follows:

In addition to any other requirements set forth in this chapter, each applicant for a license or certificate, including, without limitation, a reciprocal, limited, temporary, special or restricted license, must submit to the Board:

- 1. A complete set of fingerprints; and*
- 2. Written permission authorizing the Board to forward the fingerprints submitted pursuant to subsection 1 to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report.*

Sec. 2. 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 physician , *advanced practitioner of homeopathy or homeopathic assistant* is under the influence of alcohol or any controlled substance.
2. Gross negligence.
3. Willful disregard of homeopathic medical procedures.



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

Sec. 3. NRS 630A.060 is hereby amended to read as follows:

630A.060 "Malpractice" means failure on the part of a homeopathic physician, *advanced practitioner of homeopathy or homeopathic assistant* to exercise the degree of care, diligence and skill ordinarily exercised by homeopathic physicians, *advanced practitioners of homeopathy or homeopathic assistants, respectively*, 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 physicians, *advanced practitioners of homeopathy and homeopathic assistants* among whom a patient may reasonably choose, not merely the particular area inhabited by the patients of that individual *homeopathic physician, advanced practitioner of homeopathy or homeopathic assistant* or the particular city or place where the homeopathic physician, *advanced practitioner of homeopathy or homeopathic assistant* has an office.

Sec. 4. NRS 630A.070 is hereby amended to read as follows:

630A.070 "Professional incompetence" means lack of ability safely and skillfully to practice homeopathic medicine ~~or to practice~~ one or more specified branches of homeopathic medicine *as a homeopathic physician, or to practice as an advanced practitioner of homeopathy or as a homeopathic assistant, as applicable*, arising from:

1. Lack of knowledge or training.
2. Impaired physical or mental capability of the homeopathic physician ~~or to practice~~, *advanced practitioner of homeopathy or homeopathic assistant*.

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

4. Any other sole or contributing cause.

Sec. 5. NRS 630A.080 is hereby amended to read as follows:

630A.080 The purpose of licensing homeopathic physicians *and certifying advanced practitioners of homeopathy and homeopathic assistants* 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. 6. 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



1 possession of the United States, have been engaged in the practice
2 of homeopathic medicine in this State for a period of more than 2
3 years preceding their respective appointments, are actually engaged
4 in the practice of homeopathic medicine in this State and are
5 residents of ~~the~~ *this* State.

6 2. One member of the Board must be a person who has resided
7 in this State for at least ~~1 1/2~~ *3* years and who represents the interests
8 of persons or agencies that regularly provide health care to patients
9 who are indigent, uninsured or unable to afford health care. This
10 member may be licensed under the provisions of this chapter.

11 3. The remaining three members of the Board must be persons
12 who:

13 (a) Are not licensed in any state to practice any healing art;

14 (b) Are not the spouse or the parent or child, by blood, marriage
15 or adoption, of a person licensed in any state to practice any healing
16 art;

17 (c) Are not actively engaged in the administration of any
18 medical facility or facility for the dependent as defined in chapter
19 449 of NRS;

20 (d) Do not have a pecuniary interest in any matter pertaining to
21 such a facility, except as a patient or potential patient; and

22 (e) Have resided in this State for at least ~~1 1/2~~ *3* years.

23 4. The members of the Board must be selected without regard
24 to their individual political beliefs.

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

33 **Sec. 7.** NRS 630A.140 is hereby amended to read as follows:

34 630A.140 1. The Board shall elect from its members a
35 President, a Vice President and a Secretary-Treasurer. The officers
36 of the Board hold their respective offices during its pleasure.

37 2. The Board shall receive through its Secretary-Treasurer
38 applications for the *licenses and* certificates issued under this
39 chapter.

40 3. The Secretary-Treasurer is entitled to receive a salary, in
41 addition to the salary paid pursuant to NRS 630A.160, the amount
42 of which must be determined by the Board.

43 **Sec. 8.** NRS 630A.225 is hereby amended to read as follows:

44 630A.225 1. The Board shall not issue a license to practice
45 homeopathic medicine *or a certificate to practice as an advanced*



1 *practitioner of homeopathy or as a homeopathic assistant* to an
2 applicant who has been licensed *or certified* to practice any type of
3 medicine in another jurisdiction and whose license *or certificate*
4 was revoked for gross medical negligence by that jurisdiction.

5 2. The Board may revoke the license *or certificate* of any
6 person *who has been* licensed *or certified* to practice any type of
7 medicine in another jurisdiction ~~which~~ *and whose license or*
8 *certificate* was revoked for gross medical negligence by that
9 jurisdiction.

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

15 4. *If a license or certificate to practice any type of medicine*
16 *issued to an applicant in another jurisdiction has been revoked or*
17 *surrendered, the applicant must provide proof satisfactory to*
18 *the Board that the applicant is rehabilitated with respect to the*
19 *conduct that was the basis for the revocation or surrender of the*
20 *license or certificate when submitting an application for a license*
21 *or certificate to the Board.*

22 5. *The Board shall vacate an order to deny a license or*
23 *certificate if the denial is based on a conviction of:*

24 (a) *A felony for a violation or offense described in paragraph*
25 *(a), (b) or (d) of subsection 2 of NRS 630A.340; or*

26 (b) *An offense involving moral turpitude,*
27 *↪ and the conviction is reversed on appeal. An applicant may*
28 *resubmit an application for a license or certificate after a court*
29 *enters an order reversing the conviction.*

30 6. *If the Board finds that an applicant has committed an act*
31 *or engaged in conduct that constitutes grounds for initiating*
32 *disciplinary action or denying the issuance of a license or*
33 *certificate as set forth in NRS 630A.340 to 630A.380, inclusive, the*
34 *Board shall investigate whether the act or conduct has been*
35 *corrected or the matter has otherwise been resolved. If the matter*
36 *has not been resolved to the satisfaction of the Board, the Board,*
37 *before issuing a license or certificate, shall determine to its*
38 *satisfaction whether or not mitigating circumstances exist which*
39 *prevent the resolution of the matter.*

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

42 **Sec. 9.** NRS 630A.230 is hereby amended to read as follows:

43 630A.230 1. Every person desiring to practice homeopathic
44 medicine *as a homeopathic physician* must, before beginning to
45 practice, procure from the Board a license authorizing such practice.



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

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

(b) *Is of good moral character;*

(c) Has received the degree of doctor of 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)—~~, *or its equivalent as provided in paragraph (a) of subsection 1 of NRS 630A.240;*

(d) Is licensed *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~~ *a program of not less than 3 years* of postgraduate training in allopathic or osteopathic medicine approved by the Board;

~~[(e)]~~ (f) Has passed all oral or written examinations required by the Board or this chapter; and

~~[(f)]~~ (g) Meets *any* additional requirements established by the Board ~~1~~, *including, without limitation, requirements established by regulations adopted by the Board.*

Sec. 10. NRS 630A.240 is hereby amended to read as follows:

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

(a) ~~[(The)]~~ *Received 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, *the degree of Bachelor of Medicine and Bachelor of Surgery or its equivalent from a medical school which at the time of his or her graduation was determined by the General Medical Council of the United Kingdom to be entitled to award primary medical qualifications,* 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;

(b) ~~[(One-year)]~~ *Completed a program of not less than 3 years* of postgraduate training in allopathic or osteopathic medicine approved by the Board; and

(c) ~~[(Six-months)]~~ *Completed not less than 600 hours* of postgraduate training in homeopathy ~~1~~, *300 hours of which are completed in this State under the supervision of a homeopathic*



1 *physician or through such other program as is deemed equivalent*
2 *by the Board.*

3 2. In addition to the proofs required by subsection 1, the Board
4 may take such further evidence and require such other documents or
5 proof of qualification as in its discretion may be deemed proper.

6 3. If it appears that the applicant is not of good moral character
7 or reputation or that any credential submitted is false, the applicant
8 may be rejected.

9 **Sec. 11.** NRS 630A.290 is hereby amended to read as follows:

10 630A.290 1. The Board may deny an application for a license
11 to practice homeopathic medicine *or a certificate to practice as an*
12 *advanced practitioner of homeopathy or as a homeopathic*
13 *assistant* for any violation of the provisions of this chapter or the
14 regulations adopted by the Board.

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

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

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

28 (a) The name of each applicant.

29 (b) ~~The~~ *For an applicant for a license to practice*
30 *homeopathic medicine, the* name of the school granting the diploma

31 ~~+~~
32 ~~(c) The~~ *and the* date of the diploma.

33 ~~(d)~~ *(c)* The date of issuance or denial of the license ~~+~~

34 ~~(e)~~ *or certificate.*

35 (d) The business address of the applicant.

36 **Sec. 12.** NRS 630A.293 is hereby amended to read as follows:

37 630A.293 1. The Board may grant a certificate as an
38 advanced practitioner of homeopathy to a person who has completed
39 an educational program ~~designed~~ :

40 (a) *Consisting of not less than 400 hours of training, 200*
41 *hours of which are completed in this State under the supervision*
42 *of a homeopathic physician or such other program as is deemed*
43 *equivalent by the Board.*

44 (b) *Designed* to prepare the person to:

45 ~~(a)~~ *(1)* Perform designated acts of medical diagnosis;



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- ~~(b)~~ (2) Prescribe therapeutic or corrective measures; and
~~(c)~~ (3) Prescribe substances used in homeopathic medicine.

2. An advanced 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,

↳ pursuant to a protocol approved by a supervising homeopathic physician. A protocol must not include, and an advanced practitioner of homeopathy shall not engage in, any diagnosis, treatment or other conduct which he or she is not qualified to perform.

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.

Sec. 13. NRS 630A.297 is hereby amended to read as follows:

630A.297 1. The Board may issue a certificate as a homeopathic assistant to an applicant who is qualified under the regulations of the Board *and who has completed an educational program:*

(a) Consisting of not less than 200 hours of training, 100 hours of which are completed in this State under the supervision of a homeopathic physician or such other program is deemed equivalent by the Board.

(b) Designed to prepare the applicant to perform homeopathic services under the supervision of a supervising homeopathic physician.

2. The application for the certificate must be cosigned by the supervising homeopathic physician, and the certificate is valid only so long as that supervising homeopathic physician employs and supervises the homeopathic assistant.

~~(2)~~ 3. A homeopathic assistant may perform such homeopathic services as he or she is authorized to perform under the terms of the certificate issued to the homeopathic assistant by the Board, if the services are performed under the supervision and control of the supervising homeopathic physician.

~~(3)~~ 4. A supervising homeopathic physician shall not cosign for, employ or supervise more than ~~five~~ *seven* homeopathic assistants at the same time.



Sec. 14. 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 , 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, 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 medicine ~~H~~ *or to practice as an advanced practitioner of homeopathy or as a homeopathic assistant, as applicable*, and his or her license to practice homeopathic medicine *or certificate to practice as an advanced practitioner of homeopathy or as a homeopathic assistant* 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 ~~H~~ *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.

Sec. 15. NRS 630A.340 is hereby amended to read as follows:

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

1. Unprofessional conduct.

2. Conviction of:

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

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

(c) Any offense involving moral turpitude; or

(d) Any offense relating to the practice of homeopathic medicine or the ability to practice homeopathic medicine ~~H~~ *or the practice*,



or the ability to practice, as an advanced practitioner of homeopathy or as a homeopathic assistant.

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

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

4. The surrender of a license *or certificate* to practice any type of medicine *or to perform any type of medical services* or the discontinuance of the practice of medicine while under investigation by any licensing *or certifying* 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~~ *homeopathic physician, advanced practitioner of homeopathy or homeopathic assistant.*

6. Professional incompetence.

Sec. 16. 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~~ *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 medicine ~~or~~ *or a certificate to practice as an advanced practitioner of homeopathy or as a homeopathic assistant.*

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 to practice homeopathic medicine *or a certificate to practice as an advanced practitioner of homeopathy or as a homeopathic assistant* by bribery, fraud or misrepresentation or by any false, misleading, inaccurate or incomplete statement.

4. Advertising the practice of homeopathic medicine *or practice as an advanced practitioner of homeopathy or as a homeopathic assistant* in a false, deceptive or misleading manner.

5. Practicing or attempting to practice homeopathic medicine , *or practicing or attempting to practice as an advanced practitioner of homeopathy or as a homeopathic assistant*, under a name other than the name under which ~~he or she~~ *the person practicing or attempting to practice* is licensed ~~or~~ *or certified.*



- 1 6. Signing a blank prescription form.
- 2 7. Influencing a patient in order to engage in sexual activity
- 3 with the patient or another person.
- 4 8. Attempting directly or indirectly, by way of intimidation,
- 5 coercion or deception, to obtain or retain a patient or to discourage a
- 6 patient from obtaining a second opinion.
- 7 9. Terminating the medical care of a patient without giving
- 8 adequate notice or making other arrangements for the continued care
- 9 of the patient.
- 10 **Sec. 17.** NRS 630A.370 is hereby amended to read as follows:
- 11 630A.370 The following acts, among others, constitute
- 12 grounds for initiating disciplinary action or denying the issuance of
- 13 a license **†† or certificate:**
- 14 1. Inability to practice homeopathic medicine *or to practice as*
- 15 *an advanced practitioner of homeopathy or as a homeopathic*
- 16 *assistant, as applicable*, with reasonable skill and safety because of
- 17 an illness, a mental or physical condition or the use of alcohol,
- 18 drugs, narcotics or any other addictive substance.
- 19 2. Engaging in any:
- 20 (a) Professional conduct which is intended to deceive or which
- 21 the Board by regulation has determined is unethical.
- 22 (b) Medical practice harmful to the public or any conduct
- 23 detrimental to the public health, safety or morals which does not
- 24 constitute gross or repeated malpractice or professional
- 25 incompetence.
- 26 3. Administering, dispensing or prescribing any controlled
- 27 substance, except as authorized by law.
- 28 4. Performing, assisting or advising an unlawful abortion or in
- 29 the injection of any liquid substance into the human body to cause
- 30 an abortion.
- 31 5. Practicing or offering to practice beyond the scope permitted
- 32 by law, or performing services which the homeopathic physician ,
- 33 *advanced practitioner of homeopathy or homeopathic assistant*
- 34 knows or has reason to know he or she is not competent to perform.
- 35 6. Performing any procedure without first obtaining the
- 36 informed consent of the patient or the patient's family or prescribing
- 37 any therapy which by the current standards of the practice of
- 38 homeopathic medicine is experimental.
- 39 7. Continued failure to exercise the skill or diligence or use the
- 40 methods ordinarily exercised under the same circumstances by
- 41 *homeopathic physicians , advanced practitioners of homeopathy*
- 42 *and homeopathic assistants* in good standing who practice
- 43 homeopathy and electrodiagnosis **††, as applicable.**
- 44 8. Operation of a medical facility, as defined in NRS 449.0151,
- 45 at any time during which:



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- 1 (a) The license of the facility is suspended or revoked; or
- 2 (b) An act or omission occurs which results in the suspension or
- 3 revocation of the license pursuant to NRS 449.160.

4 ➔ This subsection applies to an owner or other principal responsible
5 for the operation of the facility.

6 **Sec. 18.** NRS 630A.380 is hereby amended to read as follows:

7 630A.380 The following acts, among others, constitute
8 grounds for initiating disciplinary action or denying the issuance of
9 a license ~~or~~ **or certificate:**

10 1. Willful disclosure of a communication privileged under a
11 statute or court order.

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

15 3. Willful failure to perform any statutory or other legal
16 obligation imposed upon a licensed homeopathic physician ~~or~~ **, a**
17 **certified advanced practitioner of homeopathy or a certified**
18 **homeopathic assistant, as applicable.**

19 **Sec. 19.** NRS 630A.390 is hereby amended to read as follows:

20 630A.390 1. Any person who becomes aware that a person
21 practicing medicine **or practicing as an advanced practitioner of**
22 **homeopathy or as a homeopathic assistant** in this State has, is or is
23 about to become engaged in conduct which constitutes grounds for
24 initiating disciplinary action may file a written complaint with the
25 Board.

26 2. Any medical society or medical facility or facility for the
27 dependent licensed in this State shall report to the Board the
28 initiation and outcome of any disciplinary action against any
29 homeopathic physician **, advanced practitioner of homeopathy or**
30 **homeopathic assistant** concerning the care of a patient or the
31 competency of the **homeopathic** physician ~~or~~ **, advanced**
32 **practitioner of homeopathy or homeopathic assistant.**

33 3. The clerk of every court shall report to the Board any
34 finding, judgment or other determination of the court that a
35 homeopathic physician ~~or~~ **, advanced practitioner of homeopathy**
36 **or homeopathic assistant:**

- 37 (a) Is mentally ill;
- 38 (b) Is mentally incompetent;
- 39 (c) Has been convicted of a felony or any law relating to
- 40 controlled substances or dangerous drugs;
- 41 (d) Is guilty of abuse or fraud under any state or federal program
- 42 providing medical assistance; or
- 43 (e) Is liable for damages for malpractice or negligence.



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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. 20. NRS 630A.490 is hereby amended to read as follows:

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

1. Service of process made under this chapter must be either personal or by registered or certified mail with return receipt requested, addressed to the homeopathic physician, *advanced practitioner of homeopathy or homeopathic assistant* at his or her last known address. If personal service cannot be made and if notice by mail is returned undelivered, the Secretary-Treasurer of the Board shall cause notice to be published once a week for 4 consecutive weeks in a newspaper published in the county of the ~~homeopathic physician's~~ last known address *of the homeopathic physician, advanced practitioner of homeopathy or homeopathic assistant* or, if no newspaper is published in that county, then in a newspaper widely distributed in that county.

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

Sec. 21. NRS 630A.500 is hereby amended to read as follows:

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

1. Proof of actual injury need not be established.

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

Sec. 22. NRS 630A.510 is hereby amended to read as follows:

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

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



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

(b) Administer to the person a public reprimand.

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

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

(e) Revoke the *person's* license ~~of the person~~ to practice homeopathic medicine *H or certificate to practice as an advanced practitioner of homeopathy or as a homeopathic assistant.*

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

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

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

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

(j) Require the person to take a physical or mental examination or an examination of his or her competence to practice homeopathic medicine *H or to practice as an advanced practitioner of homeopathy or as a homeopathic assistant, as applicable.*

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

3. The Board shall not administer a private reprimand.

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

Sec. 23. NRS 630A.520 is hereby amended to read as follows:

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

2. Every order of the Board which limits the practice of homeopathic medicine *or the practice of an advanced practitioner of homeopathy or of a homeopathic assistant* or suspends or revokes a license *or certificate* is effective from the date the Secretary-Treasurer of the Board certifies the order until the date the order is modified or reversed by a final judgment of the court. The court shall not stay the order of the Board pending a final determination by the court.

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

Sec. 24. NRS 630A.530 is hereby amended to read as follows:

630A.530 1. Any person:

(a) Whose practice of homeopathic medicine has been limited;
or



(b) Whose license to practice homeopathic medicine *or certificate to practice as an advanced practitioner of homeopathy or as a homeopathic assistant* has been:

- (1) Suspended until further order; or
- (2) Revoked,

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

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

(a) May require the applicant to submit to a mental or physical examination or an examination of his or her competence to practice homeopathic medicine *or to practice as an advanced practitioner of homeopathy or as a homeopathic assistant, as applicable*, by physicians or other persons whom it designates and submit such other evidence of changed conditions and of fitness as it deems proper.

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

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

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

4. The Board shall not reinstate a license *or certificate* unless it is satisfied that the applicant has complied with all of the terms and conditions set forth in the final order of the Board and that the applicant is capable of practicing homeopathic medicine *or practicing as an advanced practitioner of homeopathy or as a homeopathic assistant, as applicable*, with reasonable skill and safety to patients.

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

Sec. 25. 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 medicine without a license *or practicing as an advanced practitioner of homeopathy or as a homeopathic assistant without the appropriate* 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. 26. 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 medicine without a license or *practicing as an advanced practitioner of homeopathy or as a homeopathic assistant without the appropriate* 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 medicine *or in the practice of an advanced practitioner of homeopathy or of a homeopathic assistant* without having ~~the~~ *the appropriate* license or certificate to do so, without alleging any further or more particular facts concerning the matter.

Sec. 27. 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 medicine *or practices as an advanced practitioner of homeopathy or as a homeopathic assistant* under a false or assumed name; or

4. Except as otherwise provided in NRS 629.091, practices homeopathic medicine *or practices as an advanced practitioner of homeopathy or as a homeopathic assistant* without being *appropriately* licensed or certified under this chapter,

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

Sec. 28. 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 medicine *or who practices as an advanced practitioner of homeopathy or as a homeopathic assistant* without ~~the~~ *the appropriate* 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.

