

Amendment No. 186

Senate Amendment to Senate Bill No. 466	(BDR 54-557)
Proposed by: Senate Committee on Commerce, Labor and Energy	
Amends: Summary: No Title: No Preamble: No Joint Sponsorship: No Digest: Yes	

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

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) variations of green bold underlining is language proposed to be added 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 proposed to be retained in this amendment.

EWR/JWP



Date: 4/9/2017

S.B. No. 466—Makes various changes relating to the State Board of Oriental Medicine. (BDR 54-557)



SENATE BILL NO. 466—COMMITTEE ON
COMMERCE, LABOR AND ENERGY(ON BEHALF OF THE SUNSET SUBCOMMITTEE
OF THE LEGISLATIVE COMMISSION)

MARCH 27, 2017

Referred to Committee on Commerce, Labor and Energy

SUMMARY—Makes various changes relating to the State Board of Oriental
Medicine. (BDR 54-557)FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

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

AN ACT relating to Oriental medicine; exempting certain physicians from the provisions governing Oriental medicine; providing that members of the State Board of Oriental Medicine serve at the pleasure of the Governor; revising the membership of the Board; requiring the Board to submit a biannual report to the Sunset Subcommittee of the Legislative Commission; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law: (1) prescribes requirements concerning the practice of Oriental medicine in this State; and (2) establishes the State Board of Oriental Medicine to regulate the practice of Oriental medicine. (Chapter 634A of NRS) This bill makes various changes recommended by the Sunset Subcommittee of the Legislative Commission. (NRS 232B.210-232B.250) **Section 1** of this bill exempts persons licensed as allopathic or osteopathic physicians from regulation under the provisions governing Oriental medicine. **Section 2** of this bill provides that the members of the Board serve at the pleasure of the Governor, authorizing the Governor to remove a member of the Board with or without cause. **Sections 2 and 3** of this bill require the Governor to appoint to the Board two new members, one of whom must be a licensed practitioner of Oriental medicine and the other of whom must be a representative of an approved school or college of Oriental medicine in this State. **Section 4** of this bill requires the Board to submit to the Sunset Subcommittee a biannual report containing certain information relating to the proceedings and duties of the Board.

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

Section 1. NRS 634A.025 is hereby amended to read as follows:
634A.025 1. This chapter does not apply to Oriental physicians who are
called into this State for consultation.

2. This chapter does not apply to a practitioner of acupuncture:
- (a) Who is employed by an accredited school of Oriental medicine located in this State;
 - (b) Who is licensed to practice acupuncture in another state or jurisdiction; and
 - (c) Whose practice of acupuncture in this State:
 - (1) Is limited to teaching, supervising or demonstrating the methods and practices of acupuncture to students in a clinical setting; and
 - (2) Does not involve the acceptance of payment from any patient for services relating to his or her practice of acupuncture.

3. *This chapter does not apply to a physician who is licensed pursuant to chapter 630 or 633 of NRS.*

4. This chapter does not prohibit:
- (a) Gratuitous services of druggists or other persons in cases of emergency.
 - (b) The domestic administration of family remedies.
 - (c) Any person from assisting any person in the practice of the healing arts licensed under this chapter, except that such person may not insert needles into the skin or prescribe herbal medicine.

~~44~~ 5. For the purposes of this section, “accredited school of Oriental medicine” means a school that has received at least candidacy status for institutional accreditation from the Accreditation Commission for Acupuncture and Oriental Medicine, or its successor organization.

Sec. 2. NRS 634A.030 is hereby amended to read as follows:

634A.030 1. The State Board of Oriental Medicine, consisting of ~~five~~ *seven* members appointed by the Governor, is hereby created.

2. Each member of the Board shall, before entering upon the duties of office, take the oath of office prescribed by the Constitution before someone qualified to administer oaths.

3. *The members of the Board serve at the pleasure of the Governor.*

Sec. 3. NRS 634A.040 is hereby amended to read as follows:

634A.040 1. The Governor shall appoint ~~three~~ *four* members to the Board who:

- (a) Have a license issued pursuant to this chapter;
- (b) Currently engage in the practice of Oriental medicine in this State, and have engaged in the practice of Oriental medicine in this State for at least 3 years preceding appointment to the Board;
- (c) Are citizens of the United States; and
- (d) Are residents of the State of Nevada and have been for at least 1 year preceding appointment to the Board.

2. The Governor shall appoint one member to the Board who:

- (a) Is licensed pursuant to chapter 630 of NRS by the Board of Medical Examiners as a physician;
- (b) Does not engage in the administration of a facility for Oriental medicine or a school for Oriental medicine;
- (c) Does not have a pecuniary interest in any matter pertaining to Oriental medicine, except as a patient or potential patient;
- (d) Is a citizen of the United States; and
- (e) Is a resident of the State of Nevada and has been for at least 1 year preceding appointment to the Board.

3. The Governor shall appoint one member to the Board who:

- (a) Does not engage in the administration of a facility for Oriental medicine or a school for Oriental medicine;
- (b) Does not have a pecuniary interest in any matter pertaining to Oriental medicine, except as a patient or potential patient;

(c) Is a citizen of the United States; and
(d) Is a resident of the State of Nevada and has been for at least 1 year preceding appointment to the Board.

4. The Governor shall appoint one member to the Board who represents a school or college of Oriental medicine whose establishment has been approved by the Board pursuant to NRS 634A.090.

~~5. The Governor shall appoint one additional member to the Board.~~

Sec. 4. On or before December 31, 2017, and every 6 months thereafter, the State Board of Oriental Medicine shall submit to the Sunset Subcommittee of the Legislative Commission a report, which must include:

1. The minutes of each meeting of the Board held in the immediately preceding 6 months;

2. Details concerning the examination and licensing of applicants for licensure pursuant to chapter 634A of NRS, including the number of applicants who took an examination within the immediately preceding 6 months and the number of applicants who were issued a license within that period;

3. The name of any school or college of Oriental medicine whose establishment has been approved by the Board pursuant to NRS 634A.090 within the immediately preceding 6 months;

4. A description of any curriculum of a school or college of Oriental medicine that has been approved by the Board pursuant to NRS 634A.090 within the immediately preceding 6 months;

5. Information relating to the oversight of persons licensed pursuant to chapter 634A of NRS, including the number of inspections conducted by a member or agent of the Board pursuant to NRS 634A.083 during the immediately preceding 6 months, a summary of any violations discovered during those inspections and, for each disciplinary action that was imposed during that period, a description of the violation and the disciplinary action imposed; and

6. Any other information requested by the Sunset Subcommittee.

Sec. 5. 1. As soon as practicable after October 1, 2017, the Governor shall appoint to the State Board of Oriental Medicine one member described in subsection 1 of NRS 634A.040, as amended by section 3 of this act, and the member described in subsections 2, 3, 4, and 5 of NRS 634A.040, as amended by section 3 of this act, that section.

2. The provisions of subsection 3 of NRS 634A.030, as amended by section 2 of this act, apply to the members of the State Board of Oriental Medicine who hold office on October 1, 2017, and to any member appointed to the Board on or after that date.

Sec. 6. Section 4 of this act expires by limitation on January 1, 2019.