

Amendment No. 1013

Senate Amendment to Senate Bill No. 98	(BDR 54-519)
Proposed by: Senate Committee on Finance	
Amends: Summary: No Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes	

Adoption of this amendment will ADD a 2/3s majority vote requirement for final passage of S.B. 98 (§ 5).

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) 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.

KRO/EGO



Date: 5/28/2019

S.B. No. 98—Revises provisions governing the practice of homeopathic medicine.
(BDR 54-519)



SENATE BILL NO. 98—COMMITTEE ON COMMERCE AND LABOR

(ON BEHALF OF THE SUNSET SUBCOMMITTEE
OF THE LEGISLATIVE COMMISSION)

PREFILED JANUARY 28, 2019

Referred to Committee on Commerce and Labor

SUMMARY—Revises provisions governing the practice of homeopathic medicine.
(BDR 54-519)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; ~~{transferring the responsibility for regulating the practice of homeopathic medicine from}~~ changing the name of the Board of Homeopathic Medical Examiners to the ~~{State}~~ Nevada Board of ~~{Health}~~ Homeopathic and Integrated Medicine Examiners; increasing the number of members of the Board; revising the powers of the President of the Board; revising the fees relating to licensure and certification by the Board; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, the Board of Homeopathic Medical Examiners is charged with regulating the practice of homeopathic medicine in this State. (NRS 630A.155) ~~{This bill transfers the responsibility for regulating the practice of homeopathic medicine to the State Board of Health. Section 3 of this bill authorizes the State Board of Health to establish a Homeopathic Advisory Group to provide the State Board of Health with expertise and assistance in regulating the practice of homeopathic medicine. Section 4 of this bill authorizes the State Board of Health to contract for professional, technical, clerical and operational personnel as necessary to fulfill its duties with respect to the regulation of homeopathic medicine. Sections 1 and 5-18 of this bill make conforming changes.}~~ Section 2 of this bill changes the name of the Board to the Nevada Board of Homeopathic and Integrated Medicine Examiners. Section 2 also increases the number of members of the Board by one member for a total of eight members. Section 3 of this bill requires that the additional member be an advanced practitioner of homeopathy. Section 1 of this bill makes conforming changes.

Existing law requires the Board to elect officers from among its membership, including a President. (NRS 630A.140) Section 4 of this bill restricts voting by the President to only in the case of a tie. Section 6 of this bill makes conforming changes.

Under existing law, applicants and licensees are required to pay certain fees related to licensure or certification by the Board. (NRS 630A.330) Section 5 of this bill increases those fees.

Section 7 of this bill expires the terms of the current members of the Board of Homeopathic Medical Examiners on June 30, 2019, and requires the Governor to appoint eight new members to the Nevada Board of Homeopathic and Integrated Medicine Examiners as soon as practicable after July 1, 2019.

Existing law requires the Sunset Subcommittee of the Legislative Commission to review certain boards and commissions in this State to determine whether the board or commission should be terminated, modified, consolidated or continued. (NRS 232B.210-232B.250) Section 8 of this bill requires the Nevada Board of Homeopathic and Integrated Medicine Examiners to report to the Sunset Subcommittee at the first and last meetings of the Sunset Subcommittee during the 2019-2021 biennium.

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

Delete existing sections 1 through 19 of this bill and replace with the following new sections 1 through 11:

Section 1. NRS 630A.020 is hereby amended to read as follows:

630A.020 “Board” means the Nevada Board of Homeopathic ~~Medical~~ and Integrated Medicine Examiners.

Sec. 2. NRS 630A.100 is hereby amended to read as follows:

630A.100 The Nevada Board of Homeopathic ~~Medical~~ and Integrated Medicine Examiners consists of ~~seven~~ eight members appointed by the Governor. After the initial terms, the term of office of each member is 4 years.

Sec. 3. 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 medicine in this State for a period of more than 2 years preceding their respective appointments, are actually engaged in the practice of homeopathic medicine in this State and are residents of this State.

2. One member of the Board must be an advanced practitioner of homeopathy who holds a valid certificate granted by the Board pursuant to NRS 630A.293.

3. One member of the Board must be a person who has resided in this State for at least 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 be licensed under the provisions of this chapter.

~~4.~~ 4. The remaining three 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 3 years.

~~5.~~ 5. The members of the Board must be selected without regard to their individual political beliefs.

~~6.~~ 6. As used in this section, “healing art” means any system, treatment, operation, diagnosis, prescription or practice for the ascertainment, cure, relief,

1 palliation, adjustment or correction of any human disease, ailment, deformity,
2 injury, or unhealthy or abnormal physical or mental condition for the practice of
3 which long periods of specialized education and training and a degree of
4 specialized knowledge of an intellectual as well as physical nature are required.

5 **Sec. 4. NRS 630A.150 is hereby amended to read as follows:**

6 630A.150 1. The Board shall meet at least twice annually and may meet at
7 other times on the call of the President or a majority of its members.

8 2. A majority of the Board constitutes a quorum to transact all business.

9 **3. The President may vote only in case of a tie.**

10 **Sec. 5. NRS 630A.330 is hereby amended to read as follows:**

11 630A.330 1. Except as otherwise provided in subsection 6, each applicant
12 for a license to practice homeopathic medicine must:

13 (a) Pay a fee of ~~[\$500]~~ **\$800**; and

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

16 2. Each applicant for a certificate as an advanced practitioner of homeopathy
17 must:

18 (a) Pay a fee of ~~[\$300]~~ **\$500**; and

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

21 3. Each applicant for a certificate as a homeopathic assistant must pay a fee of
22 ~~[\$150]~~ **\$300**.

23 4. Each applicant for a license or certificate who fails an examination and
24 who is permitted to be reexamined must pay a fee not to exceed ~~[\$400]~~ **\$600** for
25 each reexamination.

26 5. If an applicant for a license or certificate does not appear for examination,
27 for any reason deemed sufficient by the Board, the Board may, upon request, refund
28 a portion of the application fee not to exceed 50 percent of the fee. There must be
29 no refund of the application fee if an applicant appears for examination.

30 6. Each applicant for a license issued under the provisions of NRS 630A.310
31 or 630A.320 must pay a fee not to exceed ~~[\$150]~~ **\$400**, as determined by the
32 Board, and must pay a fee of ~~[\$100]~~ **\$250** for each renewal of the license.

33 7. The fee for the renewal of a license or certificate, as determined by the
34 Board, must not exceed ~~[\$600]~~ **\$1,200** per year and must be collected for the year
35 in which a physician, advanced practitioner of homeopathy or homeopathic
36 assistant is licensed or certified.

37 8. The fee for the restoration of a suspended license or certificate is twice the
38 amount of the fee for the renewal of a license or certificate at the time of the
39 restoration of the license or certificate.

40 **Sec. 6. NRS 630A.510 is hereby amended to read as follows:**

41 630A.510 1. ~~[Any]~~ **Except as otherwise provided in NRS 630A.150, any**
42 member of the Board who was not a member of the investigative committee, if one
43 was appointed, may participate in the final order of the Board. If the Board, after
44 notice and a hearing as required by law, determines that a violation of the
45 provisions of this chapter or the regulations adopted by the Board has occurred, it
46 shall issue and serve on the person charged an order, in writing, containing its
47 findings and any sanctions imposed by the Board. If the Board determines that no
48 violation has occurred, it shall dismiss the charges, in writing, and notify the person
49 that the charges have been dismissed.

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

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

53 (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 to practice homeopathic medicine 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 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. 7. 1. The terms of the current members of the Board of Homeopathic Medical Examiners expire on June 30, 2019.

2. As soon as practicable after July 1, 2019, the Governor shall appoint to the Nevada Board of Homeopathic and Integrated Medicine Examiners created pursuant to NRS 630A.100, as amended by section 2 of this act;

(a) Four members to serve initial terms that expire on June 30, 2021.

(b) Four members to serve initial terms that expire on June 30, 2023.

Sec. 8. The Nevada Board of Homeopathic and Integrated Medicine Examiners created pursuant to NRS 630A.100, as amended by section 2 of this act, shall report on its progress in improving the functioning of the Board and its performance of its duties in compliance with the applicable statutes to the Sunset Subcommittee of the Legislative Commission at the first and last meetings of the Sunset Subcommittee during the 2019-2021 biennium.

Sec. 9. 1. Any administrative regulations adopted by an officer, agency or other entity whose name has been changed or whose responsibilities have been transferred pursuant to the provisions of this act to another officer, agency or other entity remain in force until amended by the officer, agency or other entity to which the responsibility for the adoption of the regulations has been transferred.

2. Any contracts or other agreements entered into by an officer, agency or other entity whose name has been changed or whose responsibilities have been transferred pursuant to the provisions of this act to another officer, agency or other entity are binding upon the officer, agency or other entity to which the responsibility for the administration of the provisions of the contract or other agreement have been transferred. Such contracts and other agreements may be enforced by the officer, agency or other entity to which the responsibility for the enforcement of the provisions of the contract or other agreement has been transferred.

3. Any action taken by an officer, agency or other entity whose name has been changed or whose responsibilities have been transferred pursuant to the provisions of this act to another officer, agency or entity remains in effect as if taken by the officer, agency or other entity to which the responsibility for the enforcement of such actions has been transferred.

1 Sec. 10. The Legislative Counsel shall:

2 1. In preparing the Nevada Revised Statutes, use the authority set forth
3 in subsection 10 of NRS 220.120 to substitute appropriately the name of any
4 agency or officer of the State whose name is changed by this act for the name
5 for which the agency or officer previously used; and

6 2. In preparing supplements to the Nevada Administrative Code,
7 appropriately change any references to an officer, agency or other entity
8 whose name is changed or whose responsibilities are transferred pursuant to
9 the provisions of this act to refer to the appropriate officer, agency or other
10 entity.

11 Sec. 11. 1. This section and section 7 of this act become effective upon
12 passage and approval.

13 2. Sections 1 to 6, inclusive, 8, 9 and 10 of this act become effective on
14 July 1, 2019.