

(Reprinted with amendments adopted on June 1, 2019)

SECOND REPRINT

S.B. 98

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; changing the name of the Board of Homeopathic Medical Examiners to the Nevada Board of Homeopathic Medical Examiners; revising the membership 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) **Section 2** of this bill changes the name of the Board to the Nevada Board of Homeopathic Medical Examiners. **Section 2** also reduces the number of members of the Board by one member for a total of six members. **Section 3** of this bill requires that one member of the Board 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 and specifies separate maximum renewal fees for physicians, advanced practitioners of homeopathy and homeopathic assistants.

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



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appoint six new members to the Nevada Board of Homeopathic Medical 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 Medical 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:

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

630A.020 “Board” means the *Nevada* Board of Homeopathic Medical Examiners.

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

630A.100 The *Nevada* Board of Homeopathic Medical Examiners consists of ~~{seven}~~ *six* 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}~~ *Two* 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.

~~{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 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. 4. NRS 630A.150 is hereby amended to read as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

(a) For a physician, ~~\$2,000 per year~~.

(b) For an advanced practitioner of homeopathy ~~for~~, ~~\$1,500 per year~~.

(c) For a homeopathic assistant ~~[is licensed or certified.]~~, ~~\$1,000 per year~~.

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

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

630A.510 1. ~~[Any]~~ *Except as otherwise provided in NRS 630A.150, 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:

(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 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 Medical Examiners created pursuant to NRS 630A.100, as amended by section 2 of this act:

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

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

Sec. 8. The Nevada Board of Homeopathic Medical 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.

Sec. 10. The Legislative Counsel shall:

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

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

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

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

