

SENATE BILL NO. 388—COMMITTEE ON COMMERCE AND LABOR

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

MARCH 26, 2021

Referred to Committee on Commerce and Labor

SUMMARY—Revises provisions governing the practice of homeopathic medicine. (BDR 54-515)

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; abolishing the Nevada Board of Homeopathic Medical Examiners; transferring the responsibility for regulating the practice of homeopathic medicine to the Division of Public and Behavioral Health of the Department of Health and Human Services and the State Board of Health; authorizing the State Board of Health to establish a Homeopathic Advisory Group; authorizing the Division to contract with certain personnel to fulfill its duties regulating homeopathic medicine; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, the Nevada 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 from the Nevada Board of Homeopathic Medical Examiners to the Division of Public and Behavioral Health of the Department of Health and Human Services and authorizes the State Board of Health to adopt certain regulations. **Section 6** of this bill authorizes the State Board of Health to establish a Homeopathic Advisory Group to provide the Board and the Division with expertise and assistance in regulating the practice of homeopathic medicine. **Section 7** of this bill authorizes the Division to contract with professional, technical, clerical and operational personnel as necessary to fulfill its duties with respect to the regulation of homeopathic medicine. **Sections 5 and 10** of this bill define certain terms and **section 8** indicates the proper placement of **section 5** in the Nevada Revised



Statutes. **Sections 1-3, 9, 11-62 and 64** of this bill make changes to effectuate the transfer of the responsibility for the regulation of homeopathic medicine from the Nevada Board of Homeopathic Medical Examiners to the Board and Division. **Sections 13, 14, 16, 40-44, 47, 48, 52 and 54** of this bill make conforming changes to remove references to provisions that establish administrative procedure before professional licensing boards from provisions governing homeopathic medicine. **Section 65** of this bill makes the transfer of responsibility for the regulation of homeopathic medicine effective January 1, 2022.

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

Section 1. NRS 629.053 is hereby amended to read as follows:
629.053 1. The State Board of Health , *the Division of Public and Behavioral Health of the Department of Health and Human Services* and each board created pursuant to chapter 630, ~~630A,~~ 631, 632, 633, 634, 634A, 635, 636, 637, 637B, 640, 640A, 640B, 640C, 641, 641A, 641B or 641C of NRS shall post on its website on the Internet, if any, a statement which discloses that:

(a) Pursuant to the provisions of subsection 7 of NRS 629.051:

(1) The health care records of a person who is less than 23 years of age may not be destroyed; and

(2) The health care records of a person who has attained the age of 23 years may be destroyed for those records which have been retained for at least 5 years or for any longer period provided by federal law; and

(b) Except as otherwise provided in subsection 7 of NRS 629.051 and unless a longer period is provided by federal law, the health care records of a patient who is 23 years of age or older may be destroyed after 5 years pursuant to subsection 1 of NRS 629.051.

2. The State Board of Health shall adopt regulations prescribing the contents of the statements required pursuant to this section.

Sec. 2. NRS 629.079 is hereby amended to read as follows:

629.079 1. If a health care licensing board determines that a complaint received by the health care licensing board concerns a matter within the jurisdiction of another health care licensing board, the health care licensing board which received the complaint shall:

(a) Except as otherwise provided in paragraph (b), refer the complaint to the other health care licensing board within 5 days after making the determination; and

(b) If the health care licensing board also determines that the complaint concerns an emergency situation, immediately refer the complaint to the other health care licensing board.

2. If a health care licensing board determines that a complaint received by the health care licensing board concerns a public health



1 emergency or other health event that is an immediate threat to the
2 health and safety of the public in a health care facility or the office
3 of a provider of health care, the health care licensing board shall
4 immediately notify the appropriate health authority for the purposes
5 of NRS 439.970.

6 3. A health care licensing board may refer a complaint pursuant
7 to subsection 1 or provide notification pursuant to subsection 2
8 orally, electronically or in writing.

9 4. The provisions of subsections 1 and 2 apply to any
10 complaint received by a health care licensing board, including,
11 without limitation:

12 (a) A complaint which concerns a person who or entity which is
13 licensed, certified or otherwise regulated by the health care licensing
14 board that received the complaint and by another health care
15 licensing board; and

16 (b) A complaint which concerns a person who or entity which is
17 licensed, certified or otherwise regulated solely by another health
18 care licensing board.

19 5. The provisions of this section do not prevent a health care
20 licensing board from acting upon a complaint which concerns a
21 matter within the jurisdiction of the health care licensing board
22 regardless of whether the health care licensing board refers the
23 complaint pursuant to subsection 1 or provides notification based
24 upon the complaint pursuant to subsection 2.

25 6. A health care licensing board or an officer or employee of
26 the health care licensing board is immune from any civil liability for
27 any decision or action taken in good faith and without malicious
28 intent in carrying out the provisions of this section.

29 7. As used in this section:

30 (a) "Health care facility" means any facility licensed pursuant to
31 chapter 449 of NRS.

32 (b) "Health care licensing board" means:

33 (1) A board created pursuant to chapter 630, ~~630A,~~ 631,
34 632, 633, 634, 634A, 635, 636, 637, 637B, 639, 640, 640A, 640B,
35 640C, 640D, 640E, 641, 641A, 641B or 641C of NRS.

36 (2) The Division of Public and Behavioral Health of the
37 Department of Health and Human Services.

38 **Sec. 3.** NRS 629.097 is hereby amended to read as follows:

39 629.097 1. If the Governor must appoint to a board a person
40 who is a member of a profession being regulated by that board, the
41 Governor shall solicit nominees from one or more applicable
42 professional associations in this State.

43 2. To the extent practicable, such an applicable professional
44 association shall provide nominees who represent the geographic
45 diversity of this State.



3. The Governor may appoint any qualified person to a board, without regard to whether the person is nominated pursuant to this section.

4. As used in this section, "board" refers to a board created pursuant to chapter 630, ~~[630A,]~~ 631, 632, 633, 634, 634A, 635, 636, 637, 637B, 639, 640, 640A, 640B, 640C, 641, 641A, 641B or 641C of NRS.

Sec. 4. Chapter 630A of NRS is hereby amended by adding thereto the provisions set forth as sections 5, 6 and 7 of this act.

Sec. 5. *"Division" means the Division of Public and Behavioral Health of the Department of Health and Human Services.*

Sec. 6. 1. *The Board may establish a Homeopathic Advisory Group consisting of persons familiar with the practice of homeopathy to provide the Board and the Division with expertise and assistance in carrying out their respective duties pursuant to this chapter. If a Homeopathic Advisory Group is established, the Board must:*

(a) Determine the number of members;

(b) Appoint the members;

(c) Establish the terms of the members; and

(d) Determine the duties of the Homeopathic Advisory Group.

2. *Members of a Homeopathic Advisory Group established pursuant to subsection 1 serve without compensation.*

Sec. 7. *The Division may, within the limits of legislative appropriations and other available funds, contract for the services of such professional, technical, clerical and operational personnel and consultants as the Division deems necessary for the execution of its duties pursuant to this chapter, including, without limitation, conducting investigations, disciplinary proceedings and examinations of applicants.*

Sec. 8. 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 section 5 of this act* have the meanings ascribed to them in those sections.

Sec. 9. NRS 630A.015 is hereby amended to read as follows:

630A.015 "Advanced 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; and

2. Received from the ~~[Board]~~ *Division* a certificate as an advanced practitioner of homeopathy.



1 **Sec. 10.** NRS 630A.020 is hereby amended to read as follows:
2 630A.020 "Board" means the ~~{Nevada Board of Homeopathic~~
3 ~~Medical Examiners.}~~ *State Board of Health.*

4 **Sec. 11.** NRS 630A.035 is hereby amended to read as follows:
5 630A.035 "Homeopathic assistant" means a person who is a
6 graduate of an academic program approved by the ~~{Board}~~ *Division*
7 or who, by general education, practical training and experience
8 determined to be satisfactory by the ~~{Board.}~~ *Division*, is qualified
9 to perform homeopathic services under the supervision of a
10 supervising homeopathic physician and who has been issued a
11 certificate as a homeopathic assistant by the ~~{Board.}~~ *Division.*

12 **Sec. 12.** NRS 630A.050 is hereby amended to read as follows:
13 630A.050 "Homeopathic physician" means a person who has:
14 1. Complied with all of the requirements set forth in this
15 chapter and the regulations adopted by the Board for the practice of
16 homeopathic medicine; and
17 2. Received from the ~~{Board}~~ *Division* a license to practice
18 homeopathic medicine.

19 **Sec. 13.** NRS 630A.155 is hereby amended to read as follows:
20 630A.155 The ~~{Board}~~ *Division* shall:

21 1. Regulate the practice of homeopathic medicine in this State
22 and any activities that are within the scope of such practice, to
23 protect the public health and safety and the general welfare of the
24 people of this State.

25 2. Determine the qualifications of, and examine, applicants for
26 licensure or certification pursuant to this chapter . ~~{, and specify by~~
27 ~~regulation the methods to be used to check the background of such~~
28 ~~applicants.}~~

29 3. License or certify those applicants it finds to be qualified.

30 4. Investigate and, if required, hear and decide ~~{in a manner~~
31 ~~consistent with the provisions of chapter 622A of NRS}~~ all
32 complaints made against any homeopathic physician, advanced
33 practitioner of homeopathy, homeopathic assistant or any agent or
34 employee of any of them, or any facility where the primary practice
35 is homeopathic medicine. If a complaint concerns a practice which
36 is within the jurisdiction of ~~{another}~~ a licensing board *created by*
37 *this title* or any other possible violation of state law, the ~~{Board}~~
38 *Division* shall refer the complaint to the ~~{other}~~ licensing board.

39 5. Unless the ~~{Board}~~ *Division* determines that extenuating
40 circumstances exist, forward to the appropriate law enforcement
41 agency any substantiated information submitted to the ~~{Board}~~
42 *Division* concerning a person who practices or offers to practice
43 homeopathic medicine without the appropriate license or certificate
44 issued pursuant to the provisions of this chapter.



Sec. 14. NRS 630A.160 is hereby amended to read as follows:

~~630A.160 [1. Out of the money coming into the possession of the Board, each member of the Board is entitled to receive:~~

~~—(a) A salary of not more than \$150 per day, as fixed by the Board, while engaged in the business of the Board; and~~

~~—(b) A per diem allowance and travel expenses at a rate fixed by the Board, while engaged in the business of the Board. The rate must not exceed the rate provided for state officers and employees generally.~~

~~—2. While engaged in the business of the Board, each employee of the Board is entitled to receive a per diem allowance and travel expenses at a rate fixed by the Board. The rate must not exceed the rate provided for state officers and employees generally.~~

~~—3. Expenses of the Board and the expenses and salaries of the members and employees of the Board must be paid from the fees received by the Board pursuant to the provisions of this chapter. Except as otherwise provided in subsection 6, no part of the salaries or expenses of the members of the Board may be paid out of the State General Fund.~~

~~—4. All money received by the Board must be deposited in financial institutions in this State that are federally insured or insured by a private insurer approved pursuant to NRS 672.755.~~

~~—5. In a manner consistent with the provisions of chapter 622A of NRS, the Board] The Division may delegate to a hearing officer [or panel] its authority to take any disciplinary action pursuant to this chapter, impose and collect administrative fines, court costs and attorney's fees therefor . [and deposit the money therefrom in financial institutions in this State that are federally insured or insured by a private insurer approved pursuant to NRS 672.755.~~

~~—6. If a hearing officer or panel is not authorized to take disciplinary action pursuant to subsection 5, the Board shall deposit the money collected from the imposition of administrative fines, court costs and attorney's fees with the State Treasurer for credit to the State General Fund. The Board may present a claim to the State Board of Examiners for recommendation to the Interim Finance Committee if money is needed to pay attorney's fees or the costs of an investigation, or both.]~~

Sec. 15. NRS 630A.200 is hereby amended to read as follows:

630A.200 The Board ~~[may]~~ :

1. Shall specify by regulation the methods to be used to check the background of applicants for licensure or certification pursuant to this chapter; and

2. May adopt such other regulations as are necessary or desirable to enable it to carry out the provisions of this chapter.



Sec. 16. NRS 630A.210 is hereby amended to read as follows:

630A.210 1. ~~[In a manner consistent with the provisions of chapter 622A of NRS, the Board]~~ **The Division** may hold hearings and conduct investigations relating to its duties under this chapter and take evidence on any matter under inquiry before the ~~[Board.]~~ **Division.** The ~~[Secretary-Treasurer of the Board or, in the Secretary-Treasurer's absence, any member of the Board]~~ **Division** may administer oaths to any witness appearing before the ~~[Board.]~~ **Division.** The ~~[Secretary-Treasurer or President of the Board]~~ **Division** may issue subpoenas to compel the attendance of witnesses and the production of books, medical records, X-ray photographs and other papers. ~~[The Secretary-Treasurer, President or other officer of the Board shall sign the subpoena on behalf of the Board.]~~

2. If any person fails to comply with a subpoena issued by the ~~[Board, the Secretary-Treasurer or President of the Board]~~ **Division, the Division** may petition the district court for an order of the court compelling compliance with the subpoena.

3. Upon such a petition, the court shall enter an order directing the person subpoenaed to appear before the court at a time and place to be fixed by the court in its order, the time to be not more than 10 days from the date of the order, and then and there show cause why he or she has not complied with the subpoena. A certified copy of the order must be served upon that person.

4. If it appears to the court that the subpoena was regularly issued by the ~~[Board,]~~ **Division,** the court shall enter an order compelling compliance with the subpoena, and upon failure to obey the order the person must be dealt with as for contempt of court.

Sec. 17. NRS 630A.225 is hereby amended to read as follows:

630A.225 1. The ~~[Board]~~ **Division** shall not issue a license to practice homeopathic medicine or a certificate to practice as an advanced practitioner of homeopathy or as a homeopathic assistant to an applicant who has been licensed or certified to practice any type of medicine in another jurisdiction and whose license or certificate was revoked for gross medical negligence by that jurisdiction.

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

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



4. If a license or certificate to practice any type of medicine issued to an applicant in another jurisdiction has been revoked or surrendered, the applicant must provide proof satisfactory to the ~~{Board}~~ Division that the applicant is rehabilitated with respect to the conduct that was the basis for the revocation or surrender of the license or certificate when submitting an application for a license or certificate to the ~~{Board}~~ Division.

5. The ~~{Board}~~ Division shall vacate an order to deny a license or certificate if the denial is based on a conviction of:

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

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

6. If the ~~{Board}~~ Division finds that an applicant has committed an act or engaged in conduct that constitutes grounds for initiating disciplinary action or denying the issuance of a license or certificate as set forth in NRS 630A.340 to 630A.380, inclusive, the ~~{Board}~~ Division shall investigate whether the act or conduct has been corrected or the matter has otherwise been resolved. If the matter has not been resolved to the satisfaction of the ~~{Board}~~ Division, the ~~{Board}~~ Division, before issuing a license or certificate, shall determine to its satisfaction whether or not 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. 18. NRS 630A.230 is hereby amended to read as follows:
630A.230 1. Every person desiring to practice homeopathic medicine as a homeopathic physician must, before beginning to practice, procure from the ~~{Board}~~ Division 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) Has received the degree of doctor of medicine or doctor of osteopathic medicine, or its equivalent as provided in paragraph (a) of subsection 1 of NRS 630A.240;

(c) 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) Has completed a program of not less than 3 years of postgraduate training in allopathic or osteopathic medicine approved by the ~~{Board}~~ Division;



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

(f) Meets any additional ~~requirements established by the Board, including, without limitation,~~ requirements established by *the Division* or regulations adopted by the Board.

Sec. 19. 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, Canada or the United Kingdom shall submit to the ~~{Board, through its Secretary-Treasurer,}~~ *Division* proof that the applicant has:

(a) 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}~~ *on* 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}~~ *Commission on Osteopathic College Accreditation* of the American Osteopathic Association;

(b) Completed a program of not less than 3 years of postgraduate training in allopathic or osteopathic medicine approved by the ~~{Board,}~~ *Division;* and

(c) Completed not less than 600 hours of postgraduate training in homeopathy, 300 hours of which are completed in this State under the supervision of a homeopathic physician or through such other program as is deemed equivalent by the ~~{Board,}~~ *Division.*

2. In addition to the proofs required by subsection 1, the ~~{Board}~~ *Division* 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. 20. NRS 630A.241 is hereby amended to read as follows:

630A.241 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,}~~ *Division:*

1. A complete set of fingerprints; and

2. Written permission authorizing the ~~{Board}~~ *Division* 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. 21. 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, a certificate as an advanced practitioner of homeopathy or a certificate as a homeopathic assistant shall include the social security number of the applicant in the application submitted to the ~~{Board.}~~ **Division.**

(b) An applicant for the issuance or renewal of a license to practice homeopathic medicine, a certificate as an advanced practitioner of homeopathy or a certificate as a homeopathic assistant shall submit to the ~~{Board.}~~ **Division** 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.}~~ **Division** 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.}~~ **Division.**

3. A license to practice homeopathic medicine, a certificate as an advanced practitioner of homeopathy or a certificate as a homeopathic assistant may not be issued or renewed by the ~~{Board.}~~ **Division** 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.}~~ **Division** 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.



1 **Sec. 22.** NRS 630A.250 is hereby amended to read as follows:
2 630A.250 1. If required by *regulations adopted by* the
3 Board, an applicant for a license to practice homeopathic medicine
4 shall appear personally and pass an oral examination.

5 2. The ~~{Board}~~ *Division* may employ specialists and other
6 consultants or examining services in conducting any examination
7 required by the Board.

8 **Sec. 23.** NRS 630A.260 is hereby amended to read as follows:
9 630A.260 1. If an applicant fails in a first examination, the
10 applicant may be reexamined after not less than 6 months.

11 2. If the applicant fails in a second examination, he or she may
12 not be reexamined within less than 1 year after the date of the
13 second examination. Before taking a third examination, the
14 applicant shall furnish proof satisfactory to the ~~{Board}~~ *Division* of
15 1 year of additional training in homeopathy after the second
16 examination.

17 3. If an applicant fails three consecutive examinations, he or
18 she must show the ~~{Board}~~ *Division* by clear and convincing
19 evidence that extraordinary circumstances justify permitting the
20 applicant to be reexamined again.

21 **Sec. 24.** NRS 630A.270 is hereby amended to read as follows:
22 630A.270 1. An applicant for a license to practice
23 homeopathic medicine who is a graduate of a foreign medical
24 school shall submit to the ~~{Board through its Secretary Treasurer}~~
25 *Division* proof that the applicant:

26 (a) Has received the degree of doctor of medicine or its
27 equivalent, as determined by the ~~{Board}~~ *Division*, from a foreign
28 medical school recognized by the Educational Commission for
29 Foreign Medical Graduates ~~{}~~, *or its successor organization;*

30 (b) Has completed 3 years of postgraduate training satisfactory
31 to the ~~{Board}~~ *Division;*

32 (c) Has completed an additional 6 months of postgraduate
33 training in homeopathic medicine;

34 (d) Has received the standard certificate of the Educational
35 Commission for Foreign Medical Graduates ~~{}~~, *or its successor*
36 *organization;* and

37 (e) Has passed all parts of the ~~{Federation Licensing}~~ *United*
38 *States Medical Licensing* Examination, or has received a written
39 statement from the Educational Commission for Foreign Medical
40 Graduates, *or its successor organization*, that the applicant has
41 passed the examination given by the Commission.

42 2. In addition to the proofs required by subsection 1, the
43 ~~{Board}~~ *Division* may take such further evidence and require such
44 further proof of the professional and moral qualifications of the
45 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 Division*, the requirements of paragraphs (b) and (c) of subsection 1 may be waived by the ~~[Board,]~~ *Division*.

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

Sec. 25. NRS 630A.280 is hereby amended to read as follows:

630A.280 The ~~[Board]~~ *Division* may, in its discretion, license an applicant who holds a valid license or certificate issued to the applicant by the homeopathic medical examining board ~~[or]~~ *or other entity responsible for regulating the practice of homeopathic medicine in* 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 *or other entity* 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 *regulations adopted by* the Board.

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

Sec. 26. NRS 630A.290 is hereby amended to read as follows:

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

2. The ~~[Board]~~ *Division* 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]~~ *Division* concerning any deficiency and, if the applicant does so, the ~~[Board]~~ *Division* 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]~~ *Division* within 30 days after the date of the rejection of the application by the ~~[Board,]~~ *Division*. Upon appeal the applicant has the burden to show that the action of the ~~[Board]~~ *Division* is erroneous or unlawful.



4. The ~~[Board]~~ *Division* 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) For an applicant for a license to practice homeopathic medicine, the name of the school granting the diploma and the date of the diploma.

(c) The date of issuance or denial of the license or certificate.

(d) The business address of the applicant.

Sec. 27. NRS 630A.293 is hereby amended to read as follows:

630A.293 1. The ~~[Board]~~ *Division* may grant a certificate as an advanced practitioner of homeopathy to a person who has completed an educational program:

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

(b) Designed to prepare the person to:

(1) Perform designated acts of medical diagnosis;

(2) Prescribe therapeutic or corrective measures; and

(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. 28. NRS 630A.297 is hereby amended to read as follows:

630A.297 1. The ~~[Board]~~ *Division* 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 as is deemed equivalent by the ~~{Board,}~~ *Division*.

(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.

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,}~~ *Division*, if the services are performed under the supervision and control of the supervising homeopathic physician.

4. A supervising homeopathic physician shall not cosign for, employ or supervise more than seven homeopathic assistants at the same time.

Sec. 29. NRS 630A.299 is hereby amended to read as follows:
630A.299 The Board shall adopt regulations regarding the certification of a homeopathic assistant, 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,}~~ *Division*.

5. The medical services which a homeopathic assistant may perform, except that a homeopathic assistant 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 637B, respectively, of NRS or persons licensed to engage in radiation therapy or radiologic imaging pursuant to chapter 653 of NRS.

6. The duration, renewal and termination of certificates.

7. The grounds respecting disciplinary actions against homeopathic assistants.

8. The supervision of a homeopathic assistant by a supervising homeopathic physician.

9. The establishment of requirements for the continuing education of homeopathic assistants.



Sec. 30. NRS 630A.310 is hereby amended to read as follows:
630A.310 1. Except as otherwise provided in NRS 630A.225, the ~~{Board}~~ *Division* may:

(a) Issue a temporary license, to be effective not more than 6 months after issuance, to any homeopathic physician 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 physician to serve as a substitute for some other homeopathic physician who is licensed to practice homeopathic medicine in this State and who is absent from his or her practice for reasons deemed sufficient by the ~~{Board}~~ *Division*. A temporary license issued under the provisions of this paragraph is not renewable.

(b) Issue a special license to a licensed homeopathic physician 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}~~ *Division* 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}~~ *Division* for any of the grounds provided in NRS 630A.225 or 630A.340 to 630A.380, inclusive.

Sec. 31. NRS 630A.320 is hereby amended to read as follows:
630A.320 1. Except as otherwise provided in NRS 630A.225, the ~~{Board}~~ *Division* may issue to a qualified applicant a limited license to practice homeopathic medicine as a resident homeopathic physician 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 by the Educational Commission for Foreign Medical Graduates , *or its successor organization*, and has completed 1 year of supervised clinical training approved by the ~~{Board}~~ *Division*.

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

2. In addition to the requirements of subsection 1, an applicant who is a graduate of a foreign medical school must have received the standard certificate of the Educational Commission for Foreign Medical Graduates ~~{}~~ , *or its successor organization*.



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

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

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

Sec. 32. 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~~ Division for renewal;

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

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

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

2. The ~~Board~~ Division 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 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 or certificate.

4. The ~~Board~~ Division 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. 33. 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 \$800; and



(b) Pay the cost of obtaining such further evidence and proof of qualifications as the ~~{Board}~~ Division 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 \$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 \$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 \$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,}~~ Division, the ~~{Board}~~ Division 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 \$400, as determined by the Board, and must pay a fee of \$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:

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

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

(c) For a homeopathic assistant, \$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. 34. NRS 630A.380 is hereby amended to read as follows:

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

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

2. Willful failure to comply with any provision of this chapter, regulation, subpoena or order of the ~~{Board}~~ Division 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 physician, a certified advanced practitioner of homeopathy or a certified homeopathic assistant, as applicable.

Sec. 35. NRS 630A.390 is hereby amended to read as follows:

630A.390 1. Any person who becomes aware that a person practicing medicine or practicing as an advanced practitioner of homeopathy or as a homeopathic assistant 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}~~ **Division**. A complaint may be filed anonymously. If a complaint is filed anonymously, the ~~{Board}~~ **Division** may accept the complaint but may refuse to consider the complaint if anonymity of the complainant makes processing the complaint impossible or unfair to the person who is the subject of the complaint.

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

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

- (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}~~ **Division** shall retain all complaints filed with the ~~{Board}~~ **Division** pursuant to this section for at least 10 years, including, without limitation, any complaints not acted upon.

Sec. 36. 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}~~ **Division** shall review every complaint filed with the ~~{Board}~~ **Division** and conduct an investigation to determine whether there is a reasonable basis for compelling a homeopathic physician to take a mental or physical examination or an examination of his or her competence to practice homeopathic medicine ~~{ }~~ **or take other action authorized by this chapter.**



2. ~~If a committee is designated, it must be composed of at least three members of the Board, at least one of whom is a licensed homeopathic 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] Division** may:

(a) Retain the Attorney General to investigate the complaint; and

(b) If the **[Board] Division** retains the Attorney General, transmit the original complaint, along with further facts or information derived from its own review, to the Attorney General.

~~[4.—Following an 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.]~~

Sec. 37. NRS 630A.410 is hereby amended to read as follows:

630A.410 1. If the **[Board] Division** retains the Attorney General pursuant to NRS 630A.400, the Attorney General shall conduct an investigation of the complaint transmitted to the Attorney General to determine whether it warrants proceedings for modification, suspension or revocation of license. If the Attorney General determines that such further proceedings are warranted, the Attorney General shall report the results of the investigation together with a recommendation to the **[Board] Division** in a manner which does not violate the right of the person charged in the complaint to due process in any later hearing before the **[Board] Division**.

2. The **[Board] Division** shall promptly make a determination with respect to each complaint reported to it by the Attorney General as to what action shall be pursued. The **[Board] Division** shall:

(a) Dismiss the complaint; or

(b) Proceed with appropriate disciplinary action.

3. If the **[Board] Division** retains the Attorney General pursuant to NRS 630A.400, the Attorney General may, in accordance with the provisions of NRS 228.113, charge the **[Board] Division** for all services relating to the investigation of a complaint.

Sec. 38. NRS 630A.420 is hereby amended to read as follows:

630A.420 1. If the ~~**[Board or its investigative committee]**~~ **Division** has reason to believe that the conduct of any homeopathic physician has raised a reasonable question as to his or her competence to practice medicine with reasonable skill and safety to patients, it may order the homeopathic physician to undergo:

(a) A mental or physical examination; or



(b) An examination of his or her competence to practice homeopathic medicine,

↳ by physicians or others designated by the ~~[Board]~~ Division to assist the ~~[Board]~~ Division in determining the fitness of the homeopathic physician to practice homeopathic medicine.

2. For the purposes of this section:

(a) Every homeopathic physician who applies for a license or is licensed under this chapter shall be deemed to have given consent to submit to a mental or physical examination or an examination of his or her competence to practice homeopathic medicine when directed to do so in writing by the ~~[Board or an investigative committee of the Board.]~~ Division.

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

3. Except in extraordinary circumstances, as determined by the ~~[Board.]~~ Division, the failure of a homeopathic physician licensed under this chapter to submit to an examination when directed as provided in this section constitutes an admission of the charges against the homeopathic physician.

Sec. 39. NRS 630A.430 is hereby amended to read as follows:

630A.430 If the ~~[Board]~~ Division has reason to believe that the conduct of any homeopathic physician has raised a reasonable question as to his or her competence to practice homeopathic medicine with reasonable skill and safety to patients, the ~~[Board]~~ Division may order an examination of the homeopathic physician to determine his or her fitness to practice homeopathic medicine. When such action is taken, the reasons for the action must be documented and must be available to the homeopathic physician being examined.

Sec. 40. NRS 630A.440 is hereby amended to read as follows:

630A.440 ~~[Notwithstanding the provisions of chapter 622A of NRS, if]~~ If the ~~[Board]~~ Division issues an order summarily suspending the license of a homeopathic physician pending proceedings for disciplinary action and requires the homeopathic physician to submit to a mental or physical examination or an examination of his or her competence to practice homeopathic medicine, the examination must be conducted and the results obtained not later than 60 days after the ~~[Board]~~ Division issues its order.

Sec. 41. NRS 630A.450 is hereby amended to read as follows:

630A.450 ~~[Notwithstanding the provisions of chapter 622A of NRS, if]~~ If the ~~[Board]~~ Division issues an order summarily suspending the license of a homeopathic physician pending proceedings for disciplinary action, including, without limitation, a



summary suspension pursuant to NRS 233B.127, the court shall not stay that order.

Sec. 42. NRS 630A.480 is hereby amended to read as follows:
630A.480 ~~[Notwithstanding the provisions of chapter 622A of NRS, if]~~ *If* the ~~[Board]~~ *Division* receives a report pursuant to subsection 5 of NRS 228.420, a disciplinary proceeding regarding the report must be commenced within 30 days after the ~~[Board]~~ *Division* receives the report.

Sec. 43. 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]~~ *Division* shall cause notice to be published once a week for 4 consecutive weeks in a newspaper published in the county of the 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.]~~ *Division*.

Sec. 44. NRS 630A.500 is hereby amended to read as follows:
630A.500 ~~[Notwithstanding the provisions of chapter 622A of NRS, in]~~ *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. 45. NRS 630A.510 is hereby amended to read as follows:
630A.510 1. ~~[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,]~~ *Division*, 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



1 ~~{Board}~~ **Division**. If the ~~{Board}~~ **Division** determines that no
2 violation has occurred, it shall dismiss the charges, in writing, and
3 notify the person that the charges have been dismissed.

4 2. If the ~~{Board}~~ **Division** finds that a violation has occurred, it
5 may by order:

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

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

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

11 (d) Suspend the license or certificate of the person for a
12 specified period or until further order of the ~~{Board}~~ **Division**.

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

16 (f) Require the person to participate in a program to correct an
17 alcohol or other substance use disorder or any other impairment.

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

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

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

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

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

28 3. The ~~{Board}~~ **Division** shall not administer a private
29 reprimand.

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

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

33 630A.520 1. Any person aggrieved by a final order of the
34 ~~{Board}~~ **Division** is entitled to judicial review of the ~~{Board's}~~
35 **Division's** order as provided by law.

36 2. Every order of the ~~{Board}~~ **Division** which limits the
37 practice of homeopathic medicine or the practice of an advanced
38 practitioner of homeopathy or of a homeopathic assistant or
39 suspends or revokes a license or certificate is effective from the date
40 the ~~{Secretary-Treasurer of the Board}~~ **Division** certifies the order
41 until the date the order is modified or reversed by a final judgment
42 of the court. The court shall not stay the order of the ~~{Board}~~
43 **Division** pending a final determination by the court.



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

Sec. 47. 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}~~ **Division** 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 or certificate.

2. In hearing the application, the ~~{Board or a committee of members of the Board;}~~ **Division:**

(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}~~ **Division** 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}~~ **Division** 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}~~ **To** reinstate a license or certificate that has been revoked by the ~~{Board;}~~ **Division**, 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. 48. NRS 630A.540 is hereby amended to read as follows:

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

~~—(a)]~~ Any person who furnishes information to the ~~[Board,]~~ **Division**, in good faith in accordance with the provisions of this chapter, concerning a person who is licensed or certified or applies for a license or certificate under this chapter is immune from civil liability for furnishing that information.

~~[(b)]~~ 2. The ~~[Board]~~ **Division** and its ~~[members,]~~ staff, counsel, investigators, experts, ~~[committees, panels,]~~ hearing officers and consultants are immune from civil liability for any decision or action taken in good faith in response to information received by the ~~[Board.~~

~~—(c)]~~ **Division.**

3. The ~~[Board]~~ **Division** and any of its ~~[members]~~ **employees** are immune from civil liability for disseminating information concerning a person who is licensed or certified or applies for a license or certificate under this chapter to the Attorney General or any board or agency of the State, hospital, medical society, insurer, employer, patient or patient’s family or law enforcement agency.

~~[2.]~~ 4. The ~~[Board]~~ **Division** shall not commence an investigation, impose any disciplinary action or take any other adverse action against a homeopathic physician for:

(a) Disclosing to a governmental entity a violation of any law, rule or regulation by an applicant for a license to practice homeopathic medicine or by a homeopathic physician; 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.]~~ 5. 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. 49. NRS 630A.543 is hereby amended to read as follows:

630A.543 1. If the ~~{Board}~~ **Division** 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 to practice homeopathic medicine or a certificate to practice as an advanced practitioner of homeopathy or as a homeopathic assistant, the ~~{Board}~~ **Division** 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}~~ **Division** 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}~~ **Division** shall reinstate a license to practice homeopathic medicine or 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}~~ **Division** 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. 50. NRS 630A.545 is hereby amended to read as follows:

630A.545 1. Any disciplinary action taken by a hearing officer ~~{or-panel}~~ pursuant to NRS 630A.160 is subject to the same procedural requirements which apply to disciplinary actions taken by the ~~{Board,}~~ **Division**, and the officer ~~{or-panel}~~ has the powers and duties given to the ~~{Board}~~ **Division** in relation thereto.

2. A decision of a hearing officer ~~{or-panel}~~ relating to the imposition of an administrative fine is a final decision in a contested case.

Sec. 51. 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,}~~ **Division**, 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 physician, advanced practitioner of homeopathy or homeopathic



1 assistant according to its rules or the custom of the profession. No
2 civil liability attaches to any such action taken without malice even
3 if the ultimate disposition of the complaint is in favor of the
4 homeopathic physician, advanced practitioner of homeopathy or
5 homeopathic assistant.

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

8 **Sec. 52.** NRS 630A.555 is hereby amended to read as follows:

9 630A.555 1. Except as otherwise provided in this section and
10 NRS 239.0115, a complaint filed with the ~~{Board}~~ **Division**, all
11 documents and other information filed with the complaint and all
12 documents and other information compiled as a result of an
13 investigation conducted to determine whether to initiate disciplinary
14 action against a person are confidential, unless the person submits a
15 written statement to the ~~{Board}~~ **Division** requesting that such
16 documents and information be made public records.

17 2. The charging documents filed with the ~~{Board}~~ **Division** to
18 initiate disciplinary action ~~[pursuant to chapter 622A of NRS]~~ and
19 all documents and information considered by the ~~{Board}~~ **Division**
20 when determining whether to impose discipline are public records.

21 3. The ~~{Board}~~ **Division** shall, to the extent feasible,
22 communicate or cooperate with or provide any documents or other
23 information to any other licensing board or any other agency that is
24 investigating a person, including, without limitation, a law
25 enforcement agency.

26 **Sec. 53.** NRS 630A.557 is hereby amended to read as follows:

27 630A.557 Any ~~{member or}~~ agent of the ~~{Board}~~ **Division** may
28 enter any premises in this State where a person who holds a license
29 or certificate issued pursuant to the provisions of this chapter
30 practices homeopathic medicine and inspect it to determine whether
31 a violation of any provision of this chapter has occurred, including,
32 without limitation, an inspection to determine whether any person at
33 the premises is practicing homeopathic medicine without the
34 appropriate license or certificate issued pursuant to the provisions of
35 this chapter.

36 **Sec. 54.** NRS 630A.560 is hereby amended to read as follows:

37 630A.560 ~~[In a manner consistent with the provisions of~~
38 ~~chapter 622A of NRS, the Board]~~ **The Division** is authorized to
39 prosecute all persons guilty of violation of the provisions of this
40 chapter and may employ investigators and such other assistants as
41 may be necessary to carry out the provisions of this chapter . ~~[and~~
42 ~~chapter 622A of NRS, but any expenses so incurred must not be~~
43 ~~paid out of the State General Fund.]~~



Sec. 55. NRS 630A.565 is hereby amended to read as follows:
630A.565 1. In addition to any other remedy provided by law, the ~~[Board, through its President or Secretary-Treasurer or the Attorney General,]~~ **Division** may apply to any court of competent jurisdiction to:

(a) Enjoin any prohibited act or other conduct of a homeopathic physician which is harmful to the public;

(b) Enjoin any person who is not licensed under this chapter from practicing homeopathic medicine; or

(c) Limit a homeopathic physician's practice or suspend his or her license to practice homeopathic medicine.

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

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

(b) Without relieving any person from criminal prosecution for engaging in the practice of homeopathic medicine without a license; and

(c) Pending proceedings for disciplinary action by the ~~[Board,]~~ **Division.**

Sec. 56. 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]~~ **Division** 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. 57. NRS 630A.590 is hereby amended to read as follows:

630A.590 A person who:

1. Presents to the ~~[Board]~~ **Division** 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,]~~ **Division;**

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, or unless a greater penalty is provided pursuant to NRS 200.830 or 200.840, 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. 58. NRS 630A.600 is hereby amended to read as follows:

630A.600 1. 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 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, unless a greater penalty is provided pursuant to NRS 200.830 or 200.840.

2. In addition to any other penalty prescribed by law, if the ~~Board~~ Division determines that a person is practicing homeopathic medicine without a license or certificate issued pursuant to this chapter, the ~~Board~~ Division may:

(a) Issue and serve on the person an order to cease and desist until the person obtains from the ~~Board~~ Division the proper license or certificate or otherwise demonstrates that he or she is no longer in violation of subsection 1. An order to cease and desist must include a telephone number with which the person may contact the ~~Board~~ Division.

(b) Issue a citation to the person. A citation issued pursuant to this paragraph must be in writing, describe with particularity the nature of the violation and inform the person of the provisions of this paragraph. Each activity in which the person is engaged constitutes a separate offense for which a separate citation may be issued. To appeal a citation, the person must submit a written request for a hearing to the ~~Board~~ Division not later than 30 days after the date of issuance of the citation.

(c) Assess against the person an administrative fine of not more than \$5,000.

(d) Impose any combination of the penalties set forth in paragraphs (a), (b) and (c).

Sec. 59. NRS 644A.880 is hereby amended to read as follows:

644A.880 1. If the Board determines that a complaint filed with the Board concerns a matter within the jurisdiction of another licensing board, the Board shall refer the complaint to the other licensing board within 5 days after making the determination.

2. The Board may refer a complaint pursuant to subsection 1 orally, electronically or in writing.

3. The provisions of subsection 1 apply to any complaint filed with the Board, including, without limitation:



(a) A complaint which concerns a person who or entity which is licensed, certified or otherwise regulated by the Board or by another licensing board; and

(b) A complaint which concerns a person who or entity which is licensed, certified or otherwise regulated solely by another licensing board.

4. The provisions of this section do not prevent the Board from acting upon a complaint which concerns a matter within the jurisdiction of the Board regardless of whether the Board refers the complaint pursuant to subsection 1.

5. The Board or an officer or employee of the Board is immune from any civil liability for any decision or action taken in good faith and without malicious intent in carrying out the provisions of this section.

6. As used in this section, “licensing board” means:

(a) A board created pursuant to chapter 630, ~~630A,~~ 631, 632, 633, 634, 634A, 635, 636, 637, 637B, 639, 640, 640A, 640B, 640C, 640D, 640E, 641, 641A, 641B, 641C, 643 or 654 of NRS; and

(b) The Division of Public and Behavioral Health of the Department of Health and Human Services.

Sec. 60. NRS 654.185 is hereby amended to read as follows:

654.185 1. If the Board determines that a complaint filed with the Board concerns a matter within the jurisdiction of another licensing board, the Board shall refer the complaint to the other licensing board within 5 days after making the determination.

2. The Board may refer a complaint pursuant to subsection 1 orally, electronically or in writing.

3. The provisions of subsection 1 apply to any complaint filed with the Board, including, without limitation:

(a) A complaint which concerns a person who or entity which is licensed, certified or otherwise regulated by the Board or by another licensing board; and

(b) A complaint which concerns a person who or entity which is licensed, certified or otherwise regulated solely by another licensing board.

4. The provisions of this section do not prevent the Board from acting upon a complaint which concerns a matter within the jurisdiction of the Board regardless of whether the Board refers the complaint pursuant to subsection 1.

5. The Board or an officer or employee of the Board is immune from any civil liability for any decision or action taken in good faith and without malicious intent in carrying out the provisions in this section.

6. As used in this section, “licensing board” means:



(a) A board created pursuant to chapter 630, ~~630A,~~ 631, 632, 633, 634, 634A, 635, 636, 637, 637B, 639, 640, 640A, 640B, 640C, 640D, 640E, 641, 641A, 641B, 641C, 643 or 644A of NRS; and

(b) The Division of Public and Behavioral Health of the Department of Health and Human Services.

Sec. 61. 1. Any administrative regulations adopted by an officer or agency whose name has been changed or whose responsibilities have been transferred pursuant to the provisions of this act to another office or agency remain in force until amended by the officer or agency to which the responsibility for the adoption of the regulations has been transferred.

2. Any contracts or other agreements entered into by an officer or agency whose name has been changed or whose responsibilities have been transferred pursuant to the provisions of this act to another officer or agency are binding upon the officer or agency 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 or agency 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 or agency whose name has been changed or whose responsibilities have been transferred pursuant to the provisions of this act to another officer or agency remains in effect as if taken by the officer or agency to which the responsibility for the enforcement of such actions has been transferred.

4. The Legislative Counsel shall, in preparing supplements to the Nevada Administrative Code, appropriately change any references to an officer, agency or other entity whose name has been changed or whose responsibilities are transferred pursuant to the provisions of this act to refer to the appropriate officer, agency or other entity.

Sec. 62. A license that is valid on January 1, 2022, and that was issued by the Nevada Board of Homeopathic Medical Examiners created by NRS 630A.100:

1. Shall be deemed to be issued by the Division of Public and Behavioral Health of the Department of Health and Human Services; and

2. Remains valid until its date of expiration, if the holder of the license otherwise remains qualified for the issuance or renewal of the license on or after January 1, 2022.

Sec. 63. Notwithstanding the provisions of NRS 218D.430 and 218D.435, a committee, other than the Assembly Standing Committee on Ways and Means and the Senate Standing Committee on Finance, may vote on this act before the expiration of the period



prescribed for the return of a fiscal note in NRS 218D.475. This section applies retroactively from and after March 22, 2021.

Sec. 64. NRS 630A.100, 630A.110, 630A.120, 630A.130, 630A.135, 630A.140, 630A.150, 630A.170, 630A.175, 630A.180 and 630A.190 are hereby repealed.

Sec. 65. 1. This section becomes effective upon passage and approval.

2. Sections 1 to 64, inclusive, of this act become effective:

(a) Upon passage and approval for the purposes of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On January 1, 2022, for all other purposes.

LEADLINES OF REPEALED SECTIONS

630A.100 Number, appointment and terms of members.

630A.110 Qualifications of members.

630A.120 Expiration of term; removal of member; replacement of removed member.

630A.130 Oaths or affirmations of office.

630A.135 Acknowledgements of statutory ethical standards.

630A.140 Officers; Secretary-Treasurer to receive applications for licenses and certificates; salary of Secretary-Treasurer.

630A.150 Meetings, quorum; vote by President only in case of tie.

630A.170 Seal; licenses and certificates to bear seal and signatures.

630A.175 Unauthorized use of seal or designation of Board or license or certificate issued by Board.

630A.180 Fiscal year.

630A.190 Offices and employees.

