

**STATE OF NEVADA
BOARD OF HOMEOPATHIC MEDICAL EXAMINERS**

NOTICE OF INTENT TO ACT UPON A REGULATION

Notice of Hearing for the Adoption of Temporary Regulation
of the Board of Homeopathic Medical Examiners

The Board of Homeopathic Medical Examiners (Board) will hold a public hearing by telephone at 1:15 p.m., on October 22, 2004, immediately following a public workshop, at 3663 Pecos McLeod Int., Las Vegas, Nevada 89121 and at Bio Health Center, 615 Sierra Rose Dr. Ste., Reno, Nevada 89511-2060. The purpose of the hearing is to receive comments from all interested persons regarding the adoption of:

TEMPORARY REGULATION CONCERNING THE AMENDMENT OF CHAPTER 630A OF THE NEVADA ADMINISTRATIVE CODE PERTAINING TO THE REGULATION OF HOMEOPATHIC MEDICINE

The following information is provided pursuant to the requirements of NRS 233B.0603:

1. **The need for and the purpose of the proposed regulation or amendment:** This regulation is needed to give the Board more authority over Advanced Practitioners of Homeopathy (APH) and the supervision of these APH s.'
2. **Substance of the regulations to be adopted:** The proposed temporary regulation (attached) permits the Board to add, in its discretion, additional requirements to the requirements that an APH must follow, including additional quality and public safety measures and a requirement of continuous on site supervision by the supervising physician if deemed necessary by the Board. The regulations also add a requirement that a patient sign an informed consent form prior to treatment by an APH.
3. **Estimated economic impact of the regulation on the business which it is to regulate and on the public:**

On the business which it is to regulate:

The proposed regulation should not have either an immediate or long-term economic impact on homeopathic physicians or on APH s.' There is no apparent significant adverse or beneficial effect of the amendments to homeopathic physicians or APH s.'

On the public:

The proposed regulation should have no economic impact on the public.

4. **The estimated cost to the agency for enforcement of the proposed regulation:** The Board will not incur any additional expense to enforce the proposed regulation.

5. **Overlap of other governmental regulations:** The Board is not aware of any overlap or duplication of the regulation changes with any state, local or federal regulation.
6. **If the regulation is required pursuant to federal law, a citation and description of the federal law.** Federal law does not require the amendment.
7. **If the regulation includes provisions which are more stringent than a federal regulation that regulates the same activity, a summary of such provisions.** Not applicable.
8. **Whether the proposed regulation establishes a new fee or increases an existing fee.** The proposed regulation does not establish any new fees or increase an existing fee.

Persons wishing to comment upon the proposed action of the Division may appear at the scheduled public hearing or may address their comments, data, views or arguments, in written form, to the Board of Homeopathic Medical Examiners at 3663 Pecos McLeod, Las Vegas, Nevada 89121. Written submissions must be received by the Board on or before October 22, 2004. If no person who is directly affected by the proposed action appears to request time to make an oral presentation, the Board may proceed immediately to act upon any written submissions.

A copy of this Notice and the proposed regulation will be on file at the State Library, 100 Stewart Street, Carson City, Nevada, for inspection by members of the public during business hours. Additional copies of the Notice and the proposed regulation will be available at the offices of the Board of Homeopathic Medical Examiners at 3663 Pecos McLeod, Las Vegas, Nevada 89121, and in all counties in which an office of the agency is not maintained, at the main public library, for inspection and copying by members of the public during business hours. Copies will also be mailed to members of the public upon request. A reasonable fee may be charged for copies, if it is deemed necessary.

Upon adoption of any regulation, the agency, if requested to do so by an interested person, either before adoption or within 30 days thereafter, will issue a concise statement of the principal reasons for and against its adoption, and incorporate therein its reason for overruling the consideration urged against its adoption.

NOTICES POSTED: NV State Board of Medical Examiners 1105 Terminal Way Reno, NV 89502, Office of the Attorney General 100 N. Carson St. Carson City, NV 89701, District Health Dept., Reno, NV 89511-2060 Health Bldg. B, 1001 E. Ninth St., Reno, NV 89502, Washoe County Library, 301 South Center Street, Reno, NV 89505, Daniel F. Royal, DO, HMD, 10120 S. Eastern Ave., Suite 100, Henderson, NV 89052, Board of Homeopathic Medical Examiners, 3663 Pecos McLeod Int, Las Vegas, NV 89121; The Nevada Clinic 3663 Pecos McLeod Int., Las Vegas, NV 89121, and Las Vegas Clark County Library, 833 Las Vegas Blvd. North Las Vegas, NV 89101.

AGENDA

1. Call to order, roll call, and determination of a quorum.
2. Welcome visitors; all visitors must sign in and identify themselves.
3. **PROPOSED REGULATIONS:** The board held a workshop October 22, 2004, to receive comments from members of the public. Each objection must be carefully reviewed. Objections must be met through amendments and deletions. The board must review each **Section** and **vote to adopt, amend or reject**. **Discussion/Action**

**STATE OF NEVADA
BOARD OF HOMEOPATHIC MEDICAL EXAMINERS**

TEMPORARY REGULATION

CONCERNING AMENDMENTS TO CHAPTER 630A OF NAC

EXPLANATION Matter in *bold italics* is new; matter in brackets [~~omitted material~~] is material to be omitted.

Authority: *NRS 630A.200*

Section 1. NAC 630A.450 is hereby amended to read as follows:

1. A homeopathic physician who supervises an advanced practitioner of homeopathy must currently practice homeopathic medicine in the State of Nevada.
2. The supervising homeopathic physician shall consult with and monitor the quality of care provided by the advanced practitioner.
3. The supervising homeopathic physician shall provide to the Board:
 - (a) The current physical address and telephone number of each location where an advanced practitioner of homeopathy whom he supervises provides medical services; [~~and~~]
 - (b) Any change in such information[~~-~~]; *and*
 - (c) *Any additional quality or public safety measures, activities or requirements imposed on the advanced practitioner of homeopathy by the board.* **Discussion/Action**

Section 2. NAC 630A.460 is hereby amended to read as follows:

A homeopathic physician who supervises an advanced practitioner of homeopathy shall develop and implement a program to monitor the quality of care provided by the advanced practitioner. As part of the program, the supervising homeopathic physician shall:

1. Assess the competency of the advanced practitioner to provide medical services;
2. Review selected medical charts of the advanced practitioner; ~~and~~
3. Maintain accurate records and documentation of the program for each advanced practitioner whom the homeopathic physician supervises~~[-]~~; **and**
4. ***The board may require additional quality and public safety measures. Discussion/Action***

Section 3. NAC 630A.470 is hereby amended to read as follows:

1. Except as otherwise provided in this subsection, a homeopathic physician who supervises an advanced practitioner of homeopathy must be available to consult with the advanced practitioner by phone or in person at all times when the advanced practitioner provides medical services. If the supervising homeopathic physician cannot be available, he shall designate an equally qualified homeopathic physician to be available for consultation.

2. The supervising homeopathic physician shall ensure that the advanced practitioner:

- (a) Does not use a prescription which has been signed by a physician before a patient requires the prescription; ~~and~~

- (b) Is aware of all laws and regulations with which he must comply, including, without limitation, the regulations of the State Board of Pharmacy regarding prescriptions, controlled substances, and dangerous drugs and devices~~[-]~~; **and**

3. ***The board may require the supervising homeopathic physician to provide continuous on site supervision of an advanced homeopathic practitioner as deemed necessary by the board.*** **Discussion/Action**

Section 4. NAC 630A.480 is hereby amended to read as follows:

1. An advanced practitioner of homeopathy may perform only those acts which he is:
 - (a) ~~[Qualified]~~ **Authorized** to perform, as determined by **the board** ~~[his supervising homeopathic physician]~~; and
 - (b) Authorized to perform pursuant to the protocol established pursuant to [NAC 630A.490](#).
2. ~~[A]~~ **The board** ~~[homeopathic physician]~~ may authorize the advanced practitioner of homeopathy ~~[whom he supervises]~~ to:
 - (a) Systematically assess the health of a person or family by:
 - (1) Taking, recording and interpreting a medical history;
 - (2) Performing a physical examination; and
 - (3) Performing or initiating any specific diagnostic procedure which is authorized in the protocol established pursuant to [NAC 630A.490](#).
 - (b) Manage the care of a person who has a common, acute, recurrent or chronic health-related problem, based on an assessment of the health of that person by:
 - (1) Initiating a program of treatment;
 - (2) Evaluating the response to health-related problems and programs of treatment;
 - (3) Informing a patient or a member of his family about the health of the patient and the alternatives for treatment;
 - (4) Evaluating the compliance of a patient with the program of treatment that was agreed upon by him or his family and the advanced practitioner;
 - (5) Modifying a program of treatment based upon the response of the patient to that treatment;
 - (6) Referring a patient to an appropriate provider of health care, if necessary;
 - (7) Treating minor lacerations which do not involve damage to a nerve, tendon or major blood vessel; and

(8) Commencing care which is necessary to stabilize the condition of a patient during an emergency until a physician can be consulted or the patient can be transported to a facility where emergency medical care is available.

(c) Perform any other procedure related to the practice of homeopathy if:

(1) The advanced practitioner is certified to perform that procedure by an organization which is recognized by the Board;

(2) The advanced practitioner learned how to perform the procedure in a program of education which he attended;

(3) The advanced practitioner learned how to perform the procedure during the successful completion of a comprehensive program of instruction which included clinical experience; or

(4) The act is within the authorized scope of practice of an advanced practitioner of homeopathy as determined by the Board.

3. *The board may require of any advanced practitioner any additional quality and public safety measures deemed necessary by the board.*

Discussion/Action

Section 5. NAC 630A.490 is hereby amended to read as follows:

1. An advanced practitioner of homeopathy and his supervising homeopathic physician shall prepare and sign a written protocol ***and informed consent form***, demonstrating agreement to the terms and content of the protocol ***and informed consent***. The protocol must include, without limitation:

(a) A description of the scope of practice of the advanced practitioner as authorized by the supervising homeopathic physician;

(b) A statement from the supervising homeopathic physician that he has determined that the advanced practitioner is qualified and competent to provide the services authorized in the scope of practice;

(c) A list of any programs of training from which the advanced practitioner has graduated;
and

(d) A list of conditions under which the advanced practitioner agrees to refer a patient to the supervising homeopathic physician.

2. If an advanced practitioner of homeopathy intends to engage in the intrastate practice of homeopathic medicine using electronic means, the written protocol must incorporate all the requirements and prohibitions that apply to homeopathic physicians engaging in the intrastate practice of homeopathic medicine using electronic means.

3. The protocol must reflect established national or customary standards for the practice of homeopathic medicine.

4. Before an advanced practitioner of homeopathy may provide a medical service to a patient, he must obtain the signature of the patient on *an informed consent* form which discloses to the patient that he is an advanced practitioner of homeopathy and is not a licensed homeopathic physician. *Additional information may be required by the board to be included in the consent form as the board deems necessary. Before an advanced practitioner may provide homeopathic medical services to a patient the informed consent form must be reviewed and approved by the board.*

5. The supervising physician shall submit a copy of the protocol *and informed consent form* to the Board for approval. If the Board does not approve the protocol, it will return the protocol *and informed consent form* to the physician with an explanation for the denial. The supervising homeopathic physician shall rewrite the protocol *and informed consent form* to conform with any suggestion of the Board and resubmit it to the Board for consideration at the next regularly scheduled meeting of the Board.

6. A copy of the protocol *and informed consent form* must be maintained *and available for inspection upon request by the board or an authorized representative of the board* at each location where the advanced practitioner provides medical services. **Discussion/Action**

4. Adjournment: **Discussion/Action**

September 16, 2004
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Dated this 16th day of September, 2004 by: _____
F. Fuller Royal, Secretary-Treasurer