

#1

Brian Sandoval, Governor



Maggie Tracey, O.M.D., President
Abraham Jim Nagy, M.D. Vice President
Lisa Grant, O.M.D., Secretary/Treasurer
Michael Ferris, Member
Chia Hua Linda Chow, Member
Michael Smith, Member
Jennifer Braster, Member
Merle Lok, Executive Director

**STATE OF NEVADA
BOARD OF ORIENTAL MEDICINE**

*****PUBLIC NOTICE*****

**REGULAR BOARD MEETING AND HEARING FOR THE ADOPTION OF A
PERMANENT REGULATION OF THE NEVADA STATE BOARD OF ORIENTAL
MEDICINE**

October 23, 2018 @ 12:00 PM

AT THE FOLLOWING LOCATION:

Grant Sawyer Building, Office of the Attorney General, 555 East Washington Ave., Room #4500, Las Vegas, NV 89101 and Office of the Attorney General, 5420 Kietzke Lane, Suite 202, Reno, NV 89511.

*****MINUTES*****

1. CALL TO ORDER (Discussion/For Possible Action) Maggie Tracey, OMD,
President

Roll call to determine presence of a quorum, at 12:00 pm

Board Members Present:

Dr. Maggie Tracey, OMD (Reno location)
Dr. Michael Ferris, OMD (Via Telephone)
Jennifer Braster (Via Telephone)
Dr. Lisa Grant (Las Vegas location)
Michael Smith (Las Vegas location)

Board Staff:

Merle Lok, Executive Director
Asheesh Bhalla, Deputy AG

Public:

Susan Fisher (Reno location)
Daniel Davies (Via Telephone)
Dr. Rachel Kohl (Via Telephone)
Dr. Anita Lanier (Las Vegas location)
Dr. DuWayne Steele (Las Vegas location)

2. Public Comment (Discussion Only).

None

3. Adoption of agenda (For Possible Action)

Motion: Dr. Grant motioned to approve

Second: Ms. Braster

Action: Motion carried unanimously

4. PUBLIC HEARING: Discussion/Consideration/Potential Action regarding the proposed Regulations including:

-Revision to NAC 634A regarding addition of definitions of national organizations

-Revision to NAC 634A.060 regarding a salary for the position of Secretary-Treasurer

-Revision to NAC 634A.071 regarding application submission deadlines

-Revision to NAC 634A.080 regarding approval of programs of study for Oriental medicine and applications for licensure by endorsement and applicant qualifications

-Revision to 634A.085 regarding national examination certification requirements

-Revision to 634A regarding approval of curriculum of schools and colleges of Oriental medicine in Nevada

-Revision to 634.095A regarding proficiency of applicant in English language

-Revision to 634A.100 regarding the practical examination

-Revision to 634A.110 regarding reexamination of applicants who fail the practical exam

-Revision to 634A.135 regarding continuing education and maintenance of inactive licenses

-Revision to 634A.137 regarding approval of continuing education courses

-Revision to 634A.140 regarding payment of annual registration fees for new licensees

-Revision to 634A.150 regarding reinstatement of cancelled licenses

-Revision to 634A.165 regarding Board fees

-Revision to 634A.170 regarding grounds for disciplinary action

(For Possible Action).

Motion: Dr. Grant motioned to approve for adoption

Second: Ms. Braster

Action: Motion carried unanimously

5. Approve or disapprove the previous board meeting minutes of June 25, 2018 and July 9, 2018 (For Possible Action).

Motion: Dr. Grant motioned to approve

Second: Dr. Ferris

Action: Motion carried unanimously

6. Approve or disapprove of possible changes to NRS 634A (For Possible Action).

Dr. Tracey stated that the scope of the changes should include dry needling and the licensing exam. Dr. Grant discussed a few possible changes including bringing the definitions of acupuncture, herbs, and oriental medicine more in line with the

modern definitions. Dr. Grant also discussed adding a statute that states a new OM school may be established only if it enters into pre-accreditation status with ACAOM as soon as legally possible and continues to maintain ACAOM accreditation during its operation. Dr. Grant stated that the biggest change may be the exam wherein all the categories will be eliminated except for the section testing the laws and regulations of Nevada as future applicants will have and maintain the Oriental Medicine Certification by NCCAOM. Dr. Grant also stated that another statute change would affect all OM doctors who practice injection therapy; they must apply for an endorsement from the Board and show that they have at least 24 hours of NCCAOM approved training for injection therapy. Dr. Tracey and Dr. Grant stated that if the licensees have changes, they can submit to the ED by 10/31/2018. Dr. Tracey stated that the item will be tabled and brought up at the next meeting.

7. **Discussion by Susan Fisher regarding lobbying updates (For Discussion Only)**
Ms. Fisher stated that there are no updates but she discussed the timetable for the new legislators coming in and the legislative process. Ms. Fisher also talked about potential timeframes for submitting the proposed legislation which is to be by December and February.
8. **Approve or disapprove of the CEU title Oriental Medical Conference 2018/East Meet West sponsored by the Nevada Society of Oriental Medicine on 9/8/2018 for 10 credit hours in Las Vegas, Nevada (For Possible Action).**
Motion: Dr. Grant motioned to approve
Second: Mr. Smith
Action: Motion carried unanimously
9. **Approve or disapprove of the CEU titled Chi Nei Tsang: Medical Abdominal Massage sponsored by the Nevada Coalition for Acupuncture on 10/7/2018 for 8 credit hours in Las Vegas, Nevada (For Possible Action).**
Motion: Dr. Grant motioned to approve
Second: Mr. Smith
Action: The present Board members vote Aye, except for Dr. Ferris who recused himself
10. **Approve or disapprove of the CEU titled Reversing Autoimmune Disease with Acupuncture and Functional Medicine, Part 1 and 2, for 16 hours sponsored by Lotus Institute of Integrative Medicine online (For Possible Action).**
Motion: Dr. Grant motioned to approve
Second: Mr. Smith
Action: Motion carried unanimously
11. **Approve or disapprove of the CEU titled Advanced Cupping Techniques for 16 hours sponsored by International Cupping Therapy Association in Los Angeles, CA on 9/17-9/18/2018 (For Possible Action).**
Motion: Mr. Smith motioned to approve
Second: Dr. Grant
Action: Motion carried unanimously

- 12. Approve or disapprove of the licensure exam to be held on December 15, 2018 from 1 pm to 5 pm to be administered by Dr. Sandip Thanki at 4350 E. Sunset Road, Ste 107A, Henderson, NV 89014 at the rate of \$30 per hour (For Possible Action).**

Motion: Dr. Grant motioned to approve

Second: Mr. Smith

Action: Motion carried unanimously

- 13. Approve or disapprove of hiring an exam writer (For Possible Action).**

Dr. Tracey stated that she has been in contact with 3 possible exam writers and is looking to hire at the same rate as before.

Motion: Mr. Smith motioned to approve

Second: Dr. Grant

Action: Motion carried unanimously

- 14. Approve or disapprove of the applicants to take the December 15, 2018 state licensing exam:**

A. Jessica Mlakar

B. Noriko Ueda Lang

C. Grace Im

D. Choonkook Han

(For Possible Action)

Dr. Ferris stated that he has taught some of the applicants. ED stated that the applicants have met the criteria.

Motion: Dr. Grant motioned to approve

Second: Mr. Smith

Action: Motion carried unanimously

- 15. Approve or disapprove of Yvette Guzman re-taking the licensing exam on December 15, 2018 (For Possible Action).**

Motion: Dr. Grant motioned to approve

Second: Mr. Smith

Action: Motion carried unanimously

- 16. Approve or disapprove of whether teaching hours at an Oriental Medical school will satisfy the licensing didactic hours requirement (For Possible Action)**

Dr. Tracey stated an applicant has to be a student of the subject and not a teacher to satisfy the licensing didactic hours. Dr. Tracey also stated that the law is clear that it has to be didactic hours. Dr. Grant agreed with Dr. Tracey. Dr. Grant stated the didactic hours in a school show that the applicant has been taught in an approved manner. Dr. Ferris asked whether an applicant who has the qualifications should be able to make up the missing hours by teaching. The DAG stated that as a matter of interpretation, there is no basis for the Board to go down the path to allow teaching didactic hours to take the place of learning by didactic hours.

Motion: Dr. Grant motioned to disapprove teaching hours to count as didactic hours

Second: Dr. Tracey

Action: Motion carried unanimously

17. Discussion regarding how to verify the subject requirements in NAC 634A.080 if the Oriental Medical school is closed down (For Discussion only)

The ED stated that a prospective applicant's school has closed down and she is unable to obtain the verification for whether the applicant had training/instruction in the subject areas required. Dr. Tracey and Dr. Grant stated that it would be the responsibility of the applicant to either (1) have a representative of the school provide the verification or (2) provide a course catalog from the school to check the coursework. The DAG stated that this is a general discussion about the Board's policy and not about any specific applicant.

18. Update of archiving project (For Discussion Only).

ED stated that the person who is currently assisting in the archiving project is about 10-15% done and the project is moving very slowly. ED stated that she is open to hiring another person to assist with the project.

19. Approve or disapprove of future Board meeting dates (For Possible Action).

Dr. Tracey that the next meeting will be 11/13/2018 at 5:30 p.m. and the main discussion will be the NRS.

Motion: Dr. Grant motioned to approve

Second: Mr. Smith

Action: Motion carried unanimously

20. Public Comment (Discussion Only).

Susan Fisher stated that the next legislative commission meets on 10/25/18 and the next meeting may be in possibly January. The adoption NACs still have to get on the LCB agenda.

DuWayne Steele stated that he went through a 60-hour injection therapy in chinese herbs training in Florida which has to be noted by the Florida Board before anyone can practice this in Florida. He also stated that he was concerned about dry needling and that the next step after dry needling would be the use of electro-stimulation which releases biochemicals from the body. He stated the Doctorate of Physical Therapy does not have the appropriate level of education for the PTs to administer this medicine.

Dr. Kohl thanked the Board Members and the ED for their work with the NAC changes.

20. Adjournment (For Possible Action).

Motion: Dr. Grant motioned to approve

Second: Mr. Smith

Action: Motion carried unanimously

Meeting Minutes will be approved at a subsequent Board meeting.

#2

[Rev. 5/23/2016 8:43:11 AM--2015]

CHAPTER 634A - DOCTORS OF ORIENTAL MEDICINE

GENERAL PROVISIONS

<u>NRS 634A.010</u>	Legislative declaration.
<u>NRS 634A.020</u>	Definitions.
<u>NRS 634A.025</u>	Applicability of chapter.

STATE BOARD OF ORIENTAL MEDICINE

<u>NRS 634A.030</u>	Creation; number and appointment of members; oaths.
<u>NRS 634A.040</u>	Qualifications of members.
<u>NRS 634A.050</u>	Salary of members; per diem allowance and travel expenses of members and employees.
<u>NRS 634A.060</u>	Officers; salary of Secretary-Treasurer.
<u>NRS 634A.070</u>	Powers.
<u>NRS 634A.080</u>	General duties.
<u>NRS 634A.083</u>	Inspection of premises by Board.
<u>NRS 634A.085</u>	Duties of Board concerning written complaints; Attorney General may be retained by Board to conduct investigation of nonfrivolous complaint; prompt determination required by Board; retention of complaints; Attorney General may charge for services.
<u>NRS 634A.090</u>	Approval of schools and colleges of Oriental medicine; prescription of course of study required for degree.

LICENSES

<u>NRS 634A.110</u>	Application; fingerprints; fees.
<u>NRS 634A.115</u>	Payment of child support: Submission of certain information by applicant; grounds for denial of license; duty of Board. [Effective until the date of the repeal of 42 U.S.C. § 666, the federal law requiring each state to establish procedures for withholding, suspending and restricting the professional, occupational and recreational licenses for child support arrearages and for noncompliance with certain processes relating to paternity or child support proceedings.]
<u>NRS 634A.115</u>	Payment of child support: Submission of certain information by applicant; grounds for denial of license; duty of Board. [Effective on the date of the repeal of 42 U.S.C. § 666, the federal law requiring each state to establish procedures for withholding, suspending and restricting the professional, occupational and recreational licenses for child support arrearages and for noncompliance with certain processes relating to paternity or child support proceedings and expires by limitation 2 years after that date.]
<u>NRS 634A.120</u>	Examinations: National examination; practical examination; times offered; cancelled examinations; reexamination; regulations.
<u>NRS 634A.140</u>	Issuance of license to practice as doctor of Oriental medicine.
<u>NRS 634A.144</u>	Board prohibited from issuing or renewing license unless applicant attests to certain information related to safe and appropriate injection practices.
<u>NRS 634A.160</u>	Display of licenses; annual fee for renewal of license; suspension, reinstatement and cancellation of license.
<u>NRS 634A.165</u>	Temporary certificates for lecturing or educational seminars: Issuance; fee; regulations.
<u>NRS 634A.167</u>	Requirements for renewal; duty of Board to require continuing education for renewal or reinstatement.

DISCIPLINARY AND OTHER ACTIONS

<u>NRS 634A.170</u>	Suspension, revocation or refusal of license: Grounds.
<u>NRS 634A.175</u>	Suspension of license for failure to pay child support or comply with certain subpoenas or warrants; reinstatement of license. [Effective until 2 years after the date of the repeal of 42 U.S.C. § 666, the federal law requiring each state to establish procedures for withholding, suspending and restricting the professional, occupational and recreational licenses for child support arrearages and for noncompliance with certain processes relating to paternity or child support proceedings.]
<u>NRS 634A.180</u>	Commencement of disciplinary proceedings required for certain violations of Industrial Insurance Act.
<u>NRS 634A.185</u>	Confidentiality of certain records of Board; exceptions.

MISCELLANEOUS PROVISIONS

<u>NRS 634A.190</u>	Licensees not subject to chapter 630 of NRS; reference to licensee as physician of Oriental medicine.
<u>NRS 634A.200</u>	Applicability of chapter. [Replaced in revision by <u>NRS 634A.025</u> .]
<u>NRS 634A.210</u>	Reporting vital statistics.

PROHIBITED ACTS; PENALTIES; ENFORCEMENT

<u>NRS 634A.225</u>	Seminars not in accordance with Board's regulations prohibited; penalty.
<u>NRS 634A.226</u>	Inspection of premises by Board. [Replaced in revision by <u>NRS 634A.083.</u>]
<u>NRS 634A.228</u>	Practicing or offering to practice without license: Reporting requirements of Board.
<u>NRS 634A.230</u>	Practice without license prohibited; penalties.
<u>NRS 634A.240</u>	Injunctive relief.
<u>NRS 634A.250</u>	Administrative fines.

GENERAL PROVISIONS

NRS 634A.010 Legislative declaration. The practice of Oriental medicine and any branch thereof is hereby declared to be a learned profession, affecting public safety and welfare and charged with the public interest, and therefore subject to protection and regulation by the State.

(Added to NRS by 1973, 635; A 1975, 231; 1991, 1127)

NRS 634A.020 Definitions. As used in this chapter, unless the context otherwise requires:

1. "Acupuncture" means the insertion of needles into the human body by piercing the skin of the body to control and regulate for therapeutic purpose ~~the flow and balance of energy in the body~~ and to control, regulate, cure, relieve or palliate:

(a) Any ailment or disease of the mind or body; or

(b) Any wound, bodily injury or deformity.

2. "Board" means the State Board of Oriental Medicine.

3. "Doctor of Oriental medicine" means a person who is licensed under the provisions of this chapter to practice as a doctor of Oriental medicine.

4. "Herbal medicine" and "practice of herbal medicine" mean suggesting, recommending, prescribing or directing the use of herbs for the cure, relief or palliation of any ailment or disease of the mind or body, or for the cure or relief of any wound, bodily injury or deformity.

5. "Herbs" means ~~plants or parts of plants valued for medicinal qualities~~ any medicinal legal in this jurisdiction, included in standar Oriental Medicine Materia Medica texts.

6. "Oriental medicine" means that system of the healing art ~~which~~ includes the practice of acupuncture,herbal

(Added to NRS by 1973, 635; A 1975, 231; 1981, 1289; 1991 1127; 2001, 1104)

NRS 634A.025 Applicability of chapter.

1. This chapter does not apply to Oriental physicians who are called into this State for consultation.

2. This chapter does not apply to a practitioner of acupuncture:

(a) Who is employed by an accredited school of Oriental medicine located in this State;

(b) Who is licensed to practice acupuncture in another state or jurisdiction; and

(c) Whose practice of acupuncture in this State:

(1) Is limited to teaching, supervising or demonstrating the methods and practices of acupuncture to students in a clinical setting; and

(2) Does not involve the acceptance of payment from any patient for services relating to his or her practice of acupuncture.

3. This chapter does not prohibit:

(a) Gratuitous services of druggists or other persons in cases of emergency.

(b) The domestic administration of family remedies.

(c) Any person from assisting any person in the practice of the healing arts licensed under this chapter, except that such person may not insert needles into the skin or prescribe herbal medicine.

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

(Added to NRS by 1973, 639; A 1975, 235; 2015, 1423)—(Substituted in revision for NRS 634A.200)

STATE BOARD OF ORIENTAL MEDICINE

NRS 634A.030 Creation; number and appointment of members; oaths.

1. The State Board of Oriental Medicine, consisting of five members appointed by the Governor, is hereby created.

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

(Added to NRS by 1973, 636; A 1975, 232; 1981, 70; 1989, 815; 2003, 1639)

NRS 634A.040 Qualifications of members.

1. The Governor shall appoint three members to the Board who:

(a) Have a license issued pursuant to this chapter;

(b) Currently engage in the practice of Oriental medicine in this State, and have engaged in the practice of Oriental medicine in this State for at least 3 years preceding appointment to the Board;

(c) Are citizens of the United States; and

(d) Are residents of the State of Nevada and have been for at least 1 year preceding appointment to the Board.

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

(a) Is licensed pursuant to chapter 630 of NRS by the Board of Medical Examiners as a physician;

(b) Does not engage in the administration of a facility for Oriental medicine or a school for Oriental medicine;

(c) Does not have a pecuniary interest in any matter pertaining to Oriental medicine, except as a patient or potential patient;

(d) Is a citizen of the United States; and

(e) Is a resident of the State of Nevada and has been for at least 1 year preceding appointment to the Board.

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

(a) Does not engage in the administration of a facility for Oriental medicine or a school for Oriental medicine;

(b) Does not have a pecuniary interest in any matter pertaining to Oriental medicine, except as a patient or potential patient;

(c) Is a citizen of the United States; and

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

(Added to NRS by 1973, 636; A 2003, 1639)

NRS 634A.050 Salary of members; per diem allowance and travel expenses of members and employees.

1. 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.

(Added to NRS by 1973, 636; A 1975, 304; 1981, 1993; 1989, 1698; 2007, 2949)

NRS 634A.060 Officers; salary of Secretary-Treasurer. The Board shall annually elect from its members a President, Vice President and Secretary-Treasurer, and may ~~fix and pay a salary to the Secretary-Treasurer.~~

(Added to NRS by 1973, 636)

NRS 634A.070 Powers. The Board may:

1. Employ attorneys, investigators and other professional consultants and clerical personnel necessary to discharge its duties. To conduct its examinations, the Board may call to its aid persons of established reputation and known ability in Oriental medicine.

2. Maintain offices in as many localities in the State as it finds necessary to carry out the provisions of this chapter.

3. Adopt regulations not inconsistent with the provisions of this chapter. The regulations may include a code of ethics regulating the professional conduct of licensees.

4. Compel the attendance of witnesses and the production of evidence by subpoena.

(Added to NRS by 1973, 636; A 1975, 232; 1981, 100; 1991, 1127)

NRS 634A.080 General duties. The Board shall:

1. Hold meetings at least once a year and at any other time at the request of the President or the majority of the members;

2. Have and use a common seal;

3. Deposit in interest-bearing accounts in the State of Nevada all money received under the provisions of this chapter, which must be used to defray the expenses of the Board;

4. ~~Establish and maintain a list of accredited schools and colleges of Oriental medicine that are approved by the Board;~~

5. Operate on the basis of the fiscal year beginning July 1 and ending June 30; and

6. Keep a record of its proceedings which must be open to the public at all times and which must contain the name and business address of every registered licensee in this State.

(Added to NRS by 1973, 636; A 2001, 1104)

NRS 634A.083 Inspection of premises by Board. Any member or agent of the Board may enter any premises in this State where a person who holds a license issued pursuant to the provisions of this chapter practices Oriental medicine and inspect it to determine whether a violation of any provision of this chapter has occurred, including, without limitation, an inspection to determine whether any person at the premises is practicing Oriental medicine without a license issued pursuant to the provisions of this chapter.

(Added to NRS by 2013, 2228)—(Substituted in revision for NRS 634A.226)

NRS 634A.085 Duties of Board concerning written complaints; Attorney General may be retained by Board to conduct investigation of nonfrivolous complaint; prompt determination required by Board; retention of complaints; Attorney General may charge for services.

1. If a written complaint regarding a person who practices Oriental medicine is filed with the Board, the Board shall review the complaint. A complaint may be filed anonymously. If a complaint is filed anonymously, the Board 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. If, from the complaint or from other records, it appears that the complaint is not frivolous, the Board may:

- (a) Retain the Attorney General to investigate the complaint; and
- (b) If the Board retains the Attorney General, transmit the original complaint and any facts or information obtained from the review to the Attorney General.

2. If the Board retains the Attorney General, the Attorney General shall conduct an investigation of the complaint transmitted to the Attorney General to determine whether it warrants proceedings for the modification, suspension or revocation of the license. If the Attorney General determines that further proceedings are warranted, the Attorney General shall report the results of the investigation and any recommendation to the Board.

3. The Board shall promptly make a determination with respect to each complaint reported to it by the Attorney General. The Board shall:

- (a) Dismiss the complaint; or
- (b) Proceed with appropriate disciplinary action.

4. The Board shall retain all complaints received by the Board pursuant to this section for at least 10 years, including, without limitation, any complaints not acted upon.

5. If the Board retains the Attorney General, the Attorney General may, in accordance with the provisions of NRS 228.113, charge the Board for all services relating to the investigation of a complaint pursuant to subsection 2.

(Added to NRS by 2001, 1103; A 2009, 887; 2011, 369; 2013, 2228)

NRS 634A.090 Approval of schools and colleges of Oriental medicine; prescription of course of study required for degree.

1. A school or college of Oriental medicine may be established and maintained in this State only if:

- (a) Its establishment is approved by the Board; and
- (b) ~~Its curriculum is approved annually by the Board for content and quality of instruction in accordance with the requirements of this chapter.~~ It enters ACAOM pre-accreditation status as soon as legally possible and continues to maintain ACAOM accreditation for the duration of operation.

2. ~~The Board may prescribe the course of study required for the degree of doctor of Oriental medicine.~~

(Added to NRS by 1973, 635; A 1975, 233; 1991, 1128; 2001, 1104)

LICENSES

NRS 634A.110 Application; fingerprints; fees.

1. An applicant for examination for a license to practice Oriental medicine, or any branch thereof, shall:

- (a) Submit an application to the Board on forms provided by the Board;
- (b) Submit satisfactory evidence that he or she is 21 years or older and meets the appropriate educational requirements;
- (c) Submit with the application a complete set of fingerprints which the Board may forward to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report;
- (d) Pay a fee established by the Board of not more than \$1,000; and
- (e) Pay any fees required by the Board for an investigation of the applicant or for the services of a translator, if the translator is required to enable the applicant to take the examination.

2. An application submitted to the Board pursuant to subsection 1 must include all information required to complete the application.

(Added to NRS by 1973, 637; A 1975, 233; 1991, 1128; 1997, 2133; 2003, 2861; 2005, 2731, 2807)

NRS 634A.115 Payment of child support: Submission of certain information by applicant; grounds for denial of license; duty of Board. [Effective until the date of the repeal of 42 U.S.C. § 666, the federal law requiring each state to establish procedures for withholding, suspending and restricting the professional, occupational and recreational licenses for child support arrearages and for noncompliance with certain processes relating to paternity or child support proceedings.]

1. In addition to any other requirements set forth in this chapter:

(a) An applicant for the issuance of a license issued pursuant to this chapter shall include the social security number of the applicant in the application submitted to the Board.

(b) An applicant for the issuance or renewal of a license issued pursuant to this chapter shall submit to the Board 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 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
- (b) A separate form prescribed by the Board.

3. A license may not be issued or renewed by the Board pursuant to this chapter 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 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.

(Added to NRS by 1997, 2132; A 2005, 2731, 2807)

NRS 634A.115 Payment of child support: Submission of certain information by applicant; grounds for denial of license; duty of Board. [Effective on the date of the repeal of 42 U.S.C. § 666, the federal law requiring each state to establish procedures for withholding, suspending and restricting the professional, occupational and recreational licenses for child support arrearages and for noncompliance with certain processes relating to paternity or child support proceedings and expires by limitation 2 years after that date.]

1. In addition to any other requirements set forth in this chapter, an applicant for the issuance or renewal of a license issued pursuant to this chapter shall submit to the Board 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 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
- (b) A separate form prescribed by the Board.

3. A license may not be issued or renewed by the Board pursuant to this chapter 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 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.

(Added to NRS by 1997, 2132; A 2005, 2731, 2732, 2807, effective on the date of the repeal of 42 U.S.C. § 666, the federal law requiring each state to establish procedures for withholding, suspending and restricting the professional, occupational and recreational licenses for child support arrearages and for noncompliance with certain processes relating to paternity or child support proceedings)

NRS 634A.120 Examinations: National examination; practical examination; times offered; cancelled examinations; reexamination; regulations.

1. Each applicant for a license to practice as a doctor of Oriental medicine must pass:

- (a) ~~An examination in Oriental medicine that is administered by a national organization approved by the Board;~~ All examinations for certification in Oriental Medicine administered by NCCAOM or its successor body
- and (b) An ~~practical~~ examination approved by the Board that tests the applicant's knowledge and understanding of:

- (1) ~~Basic medical science;~~
- (2) ~~Acupuncture;~~
- (3) ~~Herbal medicine;~~
- (4) ~~Oriental medicine;~~
- (5) ~~English proficiency;~~ and
- (6) ~~(1) The laws and regulations of this State relating to health and safety in the practice of Oriental medicine.~~

2. The Board may establish by regulation:

- (a) Additional subject areas to be included in the ~~practical~~ examination; and
- (b) Specific methods for the administration of the ~~practical~~ examination, including, but not limited to, written, oral, demonstrative, practical or any combination thereof.

3. The Board shall contract for the preparation, administration and grading of the ~~practical~~ examination.

4. Except as otherwise provided in subsection 5, the Board shall offer the ~~practical~~ examination at least two times each year at a time and place established by the Board.

5. The Board may cancel a scheduled ~~practical~~ examination if, within 60 days before the examination, the Board has not received a request to take the examination.

6. A person who fails the ~~practical~~ examination may retake the examination.

(Added to NRS by 1973, 637; A 1975, 233; 1981, 1290; 1991, 1128; 2001, 1105; 2003, 1640)

NRS 634A.140 Issuance of license to practice as doctor of Oriental medicine. The Board shall issue a license to practice as a doctor of Oriental medicine to an applicant who:

1. Has:

(a) Successfully completed an accredited 4-year program of study, or its equivalent, in Oriental medicine, including herbology, at a school or college of Oriental medicine that is ACAOM approved by the Board;

(b) Earned a bachelor's degree, or completed a combined BA/MA program in Oriental medicine, including herbology, which meets the didactic and practical hours requirement as set by the Board from an accredited college or university in the United States; (c) Passed an investigation of his or her background and personal history conducted by the Board; and (d) Passed the examinations required by NRS 634A.120; and (e). Earns and maintains NCCAOM board certification in Oriental Medicine

or

2. Has:

(a) Successfully completed a 4-year program of study, or its equivalent, in Oriental medicine including herbology at a school or college of Oriental medicine that is approved by the Board;

(b) Lawfully practiced Oriental medicine in another state or foreign country for at least 4 years,

(c) Passed an investigation of his or her background and personal history conducted by the Board; and

(d) Passed the examinations required by NRS 634A.120; and (e). Earns and maintains NCCAOM

board certification in Oriental Medicine. (f) Candidates who graduated prior to 2008, or from a non-US school, and lack the required didactic or clinical hours in their education, and meet all other requirements outlined in this section, may be granted licensure by endorsement by the Board.

(Added to NRS by 1973, 637; A 1975, 234, 1814; 1981, 1290; 1991, 1128; 2001, 1105, 2416)

NRS 634A.144 Endorsement for Acupuncture Point Injection Therapy Board prohibited from issuing or renewing license unless applicant attests to certain information related to safe and appropriate injection practices. The Board shall not issue or renew a license to practice Oriental medicine unless the applicant for issuance or renewal of the license attests to knowledge of and compliance with the guidelines of the Centers for Disease Control and Prevention concerning the prevention of transmission of infectious agents through safe and appropriate injection practices.

All Oriental Medicine doctors who practice point injection therapy must apply for an endorsement from the Board.

1. Definition: The subcutaneous, intramuscular and intradermal injection of substances consistent with the practice of Oriental Medicine to stimulate acupuncture points, ashi points and trigger points.

2. Board endorsement requires practitioners to

a. complete post graduate coursework on safe injection therapy practices that is no less than 24 hours of education in person, with a minimum of 8 hours of practice hours;

b. be approved by NCCAOM,

c. include 2 hours of training in the administration of intramuscular epinephrine

d. Practitioners must carry insurance that covers injection therapy.

e. Documentation to verify must be submitted to the Board before endorsement is granted.

3. Practitioners may only inject substances that they have received training in.

(Added to NRS by 2011, 2055)

NRS 634A.160 Display of licenses; annual fee for renewal of license; suspension, reinstatement and cancellation of license.

1. Every license must be displayed in the office, place of business or place of employment of the holder thereof.

2. Every person holding a license shall pay to the Board on or before February 1 of each year, the annual fee for a license required pursuant to subsection 4-3.- The holder of a license shall submit with the fee all information required to complete the renewal of the license. If the holder of a license fails to pay the fee or submit all required information, by February 1 of each year, the license must be suspended will be automatically cancelled. The license may be reinstated by payment of the required fee and submission of all required information within 90 days after February 1.

3. ~~A license which is suspended for more than 3 months under the provisions of subsection 2 may be cancelled by the Board after 30 days' notice to the holder of the license.~~

4. 3. The annual fee for a license must be prescribed annually by the Board and must not exceed \$1,000.

(Added to NRS by 1973, 638; A 1975, 234; 1979, 959; 1981, 1291; 1991, 1129; 1997, 2133; 2001, 1105; 2005, 2732, 2807)

NRS 634A.165 Temporary certificates for lecturing or educational seminars: Issuance; fee; regulations.

1. The Board may adopt regulations for the issuance of temporary certificates to persons not licensed pursuant to this chapter. A temporary certificate may be issued:

(a) In connection with a bona fide educational seminar concerning Oriental medicine or acupuncture; or

(b) For the purpose of authorizing a person to engage in lecturing on or teaching Oriental medicine or acupuncture in this State on a short-term basis.

2. The Board may charge a fee for the issuance of a temporary certificate. The fee must not exceed an amount which adequately reimburses the Board for costs incurred in:

(a) Investigating an applicant under this section; and

(b) Monitoring a seminar, if the Board deems that action necessary.

(Added to NRS by 1975, 214; A 1981, 1291; 1991, 1129)

NRS 634A.167 Requirements for renewal; duty of Board to require continuing education for renewal or reinstatement.

1. To renew a license issued pursuant to this chapter, each person must, on or before February 1 of each year:

(a) Apply to the Board for renewal;

(b) Pay the annual fee for a license prescribed by the Board;

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

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

2. The Board shall, as a prerequisite for the renewal or reinstatement of a license, require each holder of a license to comply with the requirements for continuing education adopted by the Board.

(Added to NRS by 1985, 548; A 1997, 2134; 2001, 1106; 2005, 2733, 2807)

DISCIPLINARY AND OTHER ACTIONS

NRS 634A.170 Suspension, revocation or refusal of license: Grounds. The Board may refuse to issue or may suspend or revoke any license for any one or any combination of the following causes:

1. Conviction of:

- (a) A felony relating to the practice of Oriental medicine;
 - (b) Any offense involving moral turpitude;
 - (c) A violation of any state or federal law regulating the possession, distribution or use of any controlled substance, as shown by a certified copy of the record of the court; or
 - (d) A violation of any of the provisions of NRS 616D.200, 616D.220, 616D.240 or 616D.300 to 616D.440, inclusive;
2. The obtaining of or any attempt to obtain a license or practice in the profession for money or any other thing of value, by fraudulent misrepresentations;
 3. Gross or repeated malpractice, which may be evidenced by claims of malpractice settled against a practitioner;
 4. Advertising by means of a knowingly false or deceptive statement;
 5. Advertising, practicing or attempting to practice under a name other than one's own;
 6. Habitual drunkenness or habitual addiction to the use of a controlled substance;
 7. Using any false, fraudulent or forged statement or document, or engaging in any fraudulent, deceitful, dishonest or immoral practice in connection with the licensing requirements of this chapter;
 8. Sustaining a physical or mental disability which renders further practice dangerous;
 9. Engaging in any dishonorable, unethical or unprofessional conduct which may deceive, defraud or harm the public, or which is unbecoming a person licensed to practice under this chapter;

10. Using any false or fraudulent statement in connection with the practice of Oriental medicine or any branch thereof;
 11. Violating or attempting to violate, or assisting or abetting the violation of, or conspiring to violate any provision of this chapter;
 12. Being adjudicated incompetent or insane;
 13. Advertising in an unethical or unprofessional manner;
 14. Obtaining a fee or financial benefit for any person by the use of fraudulent diagnosis, therapy or treatment;
 15. Willful disclosure of a privileged communication;
 16. Failure of a licensee to designate the nature of his or her practice in the professional use of his or her name by the term doctor of Oriental medicine;
 17. Willful violation of the law relating to the health, safety or welfare of the public or of the regulations adopted by the State Board of Health;
 18. Administering, dispensing or prescribing any controlled substance, except for the prevention, alleviation or cure of disease or for relief from suffering;
 19. Performing, assisting or advising in the injection of any liquid silicone substance into the human body; and
 20. Operation of a medical facility, as defined in NRS 449.0151, at any time during which:
 - (a) The license of the facility is suspended or revoked; or
 - (b) An act or omission occurs which results in the suspension or revocation of the license pursuant to NRS 449.160.
- È This subsection applies to an owner or other principal responsible for the operation of the facility.
 (Added to NRS by 1973, 638; A 1975, 122, 235; 1981, 594; 1987, 1562; 1991, 1129; 1993, 788; 2001, 1106; 2003, 2710; 2009, 887; 2011, 852)

NRS 634A.175 Suspension of license for failure to pay child support or comply with certain subpoenas or warrants; reinstatement of license. [Effective until 2 years after the date of the repeal of 42 U.S.C. § 666, the federal law requiring each state to establish procedures for withholding, suspending and restricting the professional, occupational and recreational licenses for child support arrearages and for noncompliance with certain processes relating to paternity or child support proceedings.]

1. If the Board 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 issued pursuant to this chapter, the Board shall deem the license 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 receives a letter issued to the holder of the license by the district attorney or other public agency pursuant to NRS 425.550 stating that the holder of the license has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.
2. The Board shall reinstate a license issued pursuant to this chapter that has been suspended by a district court pursuant to NRS 425.540 if the Board receives a letter issued by the district attorney or other public agency pursuant to NRS 425.550 to the person whose license was suspended stating that the person whose license was suspended has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.
 (Added to NRS by 1997, 2133; A 2005, 2807)

NRS 634A.180 Commencement of disciplinary proceedings required for certain violations of Industrial Insurance Act. Notwithstanding the provisions of chapter 622A of NRS, if the Board 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 receives the report.

(Added to NRS by 1973, 639; A 1993, 789; 2005, 769)

NRS 634A.185 Confidentiality of certain records of Board; exceptions.

1. Except as otherwise provided in this section and NRS 239.0115, a complaint filed with the Board, all documents and other information filed with the complaint and all documents and other information compiled as a result of an investigation conducted to determine whether to initiate disciplinary action against a person are confidential, unless the person submits a written statement to the Board requesting that such documents and information be made public records.
2. The charging documents filed with the Board to initiate disciplinary action pursuant to chapter 622A of NRS and all documents and information considered by the Board when determining whether to impose discipline are public records.
3. An order that imposes discipline and the findings of fact and conclusions of law supporting that order are public records.
4. The Board shall, to the extent feasible, communicate or cooperate with or provide any documents or other information to any other licensing board or any other agency that is investigating a person, including, without limitation, a law enforcement agency.
 (Added to NRS by 2003, 3448; A 2005, 769; 2007, 2138; 2013, 2228)

MISCELLANEOUS PROVISIONS

NRS 634A.190 Licensees not subject to chapter 630 of NRS; reference to licensee as physician of Oriental medicine.

1. Persons licensed pursuant to this chapter are not subject to the provisions of chapter 630 of NRS.
2. A person who is licensed pursuant to this chapter to practice as a doctor of Oriental medicine may refer to himself or herself as a physician of Oriental medicine.
 (Added to NRS by 1973, 637; A 1975, 119; 1989, 815; 1991, 1130; 2001, 1107)

NRS 634A.200 Applicability of chapter. [Replaced in revision by NRS 634A.025.]

NRS 634A.210 Reporting vital statistics. Doctors of Oriental medicine shall observe and are subject to all state and municipal regulations relative to reporting all births and deaths in all matters pertaining to the public health.
(Added to NRS by 1973, 639; A 1975, 236; 1991, 1130; 2001, 1107)

PROHIBITED ACTS; PENALTIES; ENFORCEMENT

NRS 634A.225 Seminars not in accordance with Board's regulations prohibited; penalty.

1. No seminar concerning Oriental medicine or acupuncture may be conducted in this State except in accordance with regulations prescribed by the Board for bona fide educational seminars.
2. Any person who violates subsection 1 is guilty of a misdemeanor.
(Added to NRS by 1975, 214; A 1991, 1130)

NRS 634A.226 Inspection of premises by Board. [Replaced in revision by NRS 634A.083.]

NRS 634A.228 Practicing or offering to practice without license: Reporting requirements of Board. Unless the Board determines that extenuating circumstances exist, the Board shall forward to the appropriate law enforcement agency any substantiated information submitted to the Board concerning a person who practices or offers to practice Oriental medicine without a license issued pursuant to the provisions of this chapter.
(Added to NRS by 2013, 2228)

NRS 634A.230 Practice without license prohibited; penalties.

1. Any person who represents himself or herself as a practitioner of Oriental medicine, or any branch thereof, or who engages in the practice of Oriental medicine, or any branch thereof, in this State without holding a valid license issued by the Board is guilty of a gross misdemeanor, 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 determines that a person has committed any act described in subsection 1, the Board may:
 - (a) Issue and serve on the person an order to cease and desist until the person obtains from the Board the proper license 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.
 - (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 not later than 30 days after the date of issuance of the citation.
 - (c) Assess against the person an administrative fine as provided in NRS 634A.250.
 - (d) Impose any combination of the penalties set forth in paragraphs (a), (b) and (c).
(Added to NRS by 1973, 640; A 1975, 236; 1981, 1291; 1991, 1130; 2013, 999, 2229)

NRS 634A.240 Injunctive relief.

1. The Board may maintain in any court of competent jurisdiction a suit for an injunction against any person who violates any provision of this chapter.
2. Such an injunction:
 - (a) May be issued without proof of actual damage sustained by any person, this provision being understood to be a preventive as well as a punitive measure.
 - (b) Shall not relieve such person from any criminal prosecution for the violation.
(Added to NRS by 1973, 640; A 1975, 236; 1977, 306)

NRS 634A.250 Administrative fines. In addition to any other penalties prescribed by law, the Board may, after notice and a hearing, as required by law, impose upon any person who violates any provision of this chapter or the regulations adopted pursuant thereto an administrative fine of not more than \$2,500.
(Added to NRS by 1993, 887; A 2003, 3448; 2005, 769)