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**STATE OF NEVADA
BOARD OF ORIENTAL MEDICINE
3191 E. Warm Springs Rd.
Las Vegas, NV 89120**

Phone (702) 675-5326 Fax (702) 989-8584
Email: omboardexecutivedirector@gmail.com

**Justification for the Amendment to Nevada Administrative Code 634A Regulating the Practice of
Oriental Medicine in Nevada:**

NAC 634A is the body of regulations implementing state law that governs the practice of Oriental medicine in Nevada and spelling out the authority of the state Board of Oriental Medicine to regulate that practice. NAC 634A was approved by the Legislative Commission following approval of the state law by the Nevada Legislature in 1973.

Nevada's 1973 action made the state the first in the United States to legalize the practice of Oriental medicine. At the time, there was no national professional certification system, and the need for regulations for testing practitioners was paramount to ensure the safe practice of Oriental medicine, establish professional competency, and protect public health and safety. Also, because of the lack of a national certification process, the Board of Oriental Medicine was charged with annually reviewing the curriculum of schools of Oriental medicine established in Nevada.

Times have changed. In the intervening 40 years, the profession of Oriental medicine in the United States has grown robustly. The National Certification Commission of Acupuncture and Oriental Medicine (NCCAOM) was established in 1982 to validate competency in the practice of acupuncture and Oriental medicine through certification of practitioners and courses of continuing education. At present, 47 states recognize the authority of NCCAOM. Furthermore, as a national organization, NCCAOM's purpose is to maintain the highest level of integrity and strict standards to certify practitioners and continuing education courses. NCCAOM is accredited by the National Commission for Certifying Agencies, which requires strict adherence to requirements for exam development. NCCAOM certification carries with it the weight of national authority, recognition and integrity.

The Accreditation Commission for Acupuncture and Oriental Medicine (ACAOM) is a sister national organization of Oriental medicine schools recognized by the U.S. Department of Education for the



accreditation of schools of Oriental medicine. Its purpose is to ensure that the education given by schools of Oriental medicine meets acceptable levels of quality that prepare graduates for practice in their field and/or admission to other programs of education. ACAOM schools undergo rigorous periodic review of operating standards and curriculum content. ACAOM accreditation carries with it the weight of national authority, recognition and integrity in the education of practitioners of Oriental Medicine.

The major objective of the proposed NAC 634A regulation changes is to align Nevada's Oriental medicine licensure, continuing education unit approval and Oriental medicine school curriculum approval processes with the national standards governing the practice of Oriental medicine. The amendments accomplish that alignment.

The alignment process impacts four main areas. First, the scope of practice of Oriental medicine needs to be further codified. The proposed amendments to the scope of practice have undergone a detailed review by the state Attorney General Office. Second, the process of licensure and registration, including applicant qualifications and the content and form of the state practical exam, needs to be changed to incorporate NCCAOM standards. Third, the process of school curriculum review needs modification to align with ACAOM standards. Fourth, fee structures need revision to reflect the changes in Board of Oriental Medicine tasks under the new regulations.

In addition, there are clean-up changes to the regulations. Pronouns have been changed to a more respectful gender neutral form. The Board would like to move to an online testing option to reflect updated testing techniques and to make licensure more accessible; the relevant regulations have been modified to allow for that development. Finally, in the age of online reviews, the language of the regulation governing testimonials has been changed to remove the penalty for unpaid testimonials.

To maintain the integrity of the profession of Oriental medicine, a strong, inclusive statement of scope of practice is imperative. The statement of scope allows the Board to make determinations of qualifications that licensees need in order to practice safely and effectively.

NCCAOM certification in Oriental medicine is the highest level of competency certification. The Board-recommended changes, requiring all licensee applicants to have Oriental medicine certification from NCCAOM, improve the level of competency of applicants. This requirement will apply to new applicants starting in 2019.

Because the NCCAOM certification examination is so thorough, the Board would like to focus the state exam on health and safety practices. The issue of emerging communicable and blood-borne diseases makes the safe, hygienic practice of needling critical. Furthermore, developments in pharmacology mean that Oriental medicine practitioners who prescribe herbs must be competent in the area of herb-drug interactions. To this end, the Board will use the state exam as a vehicle to test prospective licensees on their knowledge of safe practices with emphasis on understanding the medical science concerning the anatomy, physiology, pathology and bacteriology of communicable diseases as they relate to safe acupuncture practice, herb-drug interactions, and the laws and regulations governing the practice of Oriental medicine in Nevada.

Establishing ACAOM-certified schools as the default approval requirement for programs of study ensures that applicants have attended programs with the highest level of certification. Clarifying that a Master's level degree from an ACAOM program confers eligibility to apply for licensure will resolve confusion over the various Master's level degree designations. Finally, by confirming that schools of Oriental medicine operating in Nevada maintain their ACAOM accreditation, the Board discharges its curriculum review duties through ACAOM, whose curriculum review process is thorough, professional and competent.

NAC 634A.140 has an established pathway for licensure by endorsement; the proposed amendments clarify the process in accordance with SB69, passed by the 2017 Nevada Legislature.

Inactive status license regulations are modified to require licensees approved under the new regulations to maintain their NCCAOM certification during the inactive period. Furthermore, any licensees who allow their license to lapse for more than a year, without application for inactive status and maintenance of that status, must reapply for licensure. This revision ensures that all licensees maintain the status of their training.

As part of its duties, the Board is responsible for approving continuing education units. NCCAOM has a strong mechanism for reviewing and approving courses offered in core competency categories. The revision to the CEU process encourages licensees to use NCCAOM-approved core courses, which strengthens their ability to choose high-level courses and reduces uncertainty as to acceptability of courses. Finally, the fee for approval of continuing education units will be waived for NCCAOM-approved core competency courses.

To encourage practitioners to move to Nevada and apply to practice, the Board will prorate the first-year licensing fees. The change will be particularly relevant when the state exam is moved to an online format to allow year-round licensure. The fee for school of Oriental medicine curriculum review is also reduced to reflect the reduced time spent on this task.

Licensees will be required to maintain their NCCAOM Oriental medicine certification, and file their original and re-certification with the Board.

Finally, the amendments delete an outdated rule that states that use of unpaid testimonials is grounds for disciplinary action. In today's digital age, unpaid testimonials and reviews are part of modern practice. The regulation amendments keep the penalties for paid reviews.

The current members of the Nevada Board of Oriental Medicine believe that it is our duty to promote the highest standards of professional competency and public safety. In keeping with that duty, we believe that the proposed changes bring Nevada into alignment with the high professional standards that govern the modern practice of Oriental medicine.

--The State of Nevada Board of Oriental Medicine