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STATE OF NEVADA
BOARD OF ORIENTAL MEDICINE

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Las Vegas, NV 89120

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NOTICE OF PUBLIC MEETING

DATE: April 13, 2023 (Thursday) at 6:00 P.M.

Members of the public are invited to attend virtually with the following Zoom link below or via telephone:

Videoconference:

<https://us02web.zoom.us/j/9737003097>

Meeting ID: 973 700 3097

Passcode: 009262

Telephone:

1-253-215-8782

Meeting ID: 973 700 3097

Passcode: 009262

As set forth in Executive Order 2023-003, the Board has been directed to review its regulations (NAC 634A) and identify at least ten (10) regulations for removal. The purpose of this Public Hearing is to: (1) vet the Board's proposed recommended changes; (2) solicit input as to the merits of those changes; and (3) identify other regulatory changes stakeholders feel are worthy of consideration regarding the potential to streamline, clarify, reduced or otherwise improved regulations that pertain to the Nevada Administrative Code Chapter 634A. Stakeholder input received as a result of this Hearing will be reflected in the Report to the Governor. Persons wishing to comment may appear at the scheduled public workshop or may address their comments, data, views, or arguments in written form to the Board of Oriental Medicine.

Written submissions must be received on or before April 10, 2023, and may be submitted by email to omboardexecutivedirector@gmail.com or in hard copy addressed to the Board of Oriental Medicine, 3191 E. Warm Springs Rd., Las Vegas, NV 89120. Copy of the Board regulations, NAC 634A are available for viewing or printing on the Board's website www.orientalmedicine.nv.gov

We are pleased to make reasonable accommodations for members of the public who are disabled and wish to participate in the meeting. If special arrangements are necessary, please notify Merle Lok, Executive Director at 702-675-5326 within 72 hours of meeting date and time.

This Notice of Hearing to Review Regulations has been sent to all licensed Doctors of Oriental Medicine and persons on the agency's mailing list for administrative regulations and has been posted on the Board's website www.orientalmedicine.nv.gov, the Board of Oriental Medicine's office at 3191 E. Warm Springs Rd., Las Vegas, NV 89120, and online at www.leg.state.nv.us, and State of Nevada Public Notice Website: www.nv.gov

Dated: 3/10/2023

Deletions are in red-line strike through

Additions are in blue italics

CHAPTER 634A - DOCTORS OF ORIENTAL MEDICINE

GENERAL PROVISIONS

- [634A.001](#) **Definitions.**
[634A.002](#) “Board” defined.
[634A.003](#) “Doctor of Oriental medicine” defined.
[634A.004](#) “Executive Director” defined.
[634A.007](#) “Licensee” defined.
[634A.008](#) “Oriental medicine” defined.

STATE BOARD OF ORIENTAL MEDICINE

- [634A.010](#) Executive Director; principal office.
[634A.020](#) Meetings.
[634A.025](#) Restrictions on salaries of officers.
[634A.035](#) Approval of curriculum of program of study of school or college of Oriental medicine.

LICENSING AND FEES

- [634A.071](#) Application: General requirements.
[634A.075](#) Application: Rejection by Board.
[634A.080](#) Evidence of qualifications of applicant; approval of program of study.
[634A.085](#) Compliance with requirement of passing examination administered by national organization.
[634A.090](#) Investigation of applicant: Prerequisite to practical examination.
[634A.095](#) Proficiency of applicant in English language.
[634A.100](#) Practical examination of applicant; subjects included in examination.
[634A.105](#) Disclosure of certain relationships between member of Board and applicant.
[634A.110](#) Reexamination of applicant who fails practical examination.
[634A.116](#) License issued to alien: Inactive status; required statement.
[634A.121](#) Practice under fictitious name; prohibition against multiple licenses and registration under same name.
[634A.125](#) Issuance of temporary certificate for seminar, lecture or teaching.
[634A.130](#) Pocket license.
[634A.133](#) Holder of license issued after December 31, 2018, required to maintain national certification; proof of certification.
[634A.135](#) Continuing education; placement of license on inactive status; reinstatement to active status.
[634A.137](#) Approval of courses of continuing education; application; exception from approval and exemption from fees for certain courses; expiration of approval.
[634A.140](#) Payment of annual renewal fee; proration of fee for first renewal.

- [634A.150](#) Reinstatement of license cancelled for failure to pay annual fee; reapplication for new license.
- [634A.160](#) Surrender of license and pocket license when suspended or revoked; replacement of lost, stolen or destroyed license or pocket license.
- [634A.165](#) Fees of Board.

PROFESSIONAL CONDUCT

- [634A.170](#) Grounds for disciplinary action.

PRACTICE BEFORE STATE BOARD OF ORIENTAL MEDICINE

General Provisions

- [634A.210](#) Scope, construction and application of regulations.
- [634A.220](#) Communications.
- [634A.230](#) Payment of fees and remittances; refund of application fee.
- [634A.240](#) Computation of time.
- [634A.245](#) Request for Board to consider or take action upon matter at meeting.
- [634A.250](#) Request for additional information from Board.

Parties

- [634A.260](#) Classification of parties.
- [634A.270](#) Staff of Board may be party to proceeding.
- [634A.280](#) Rights of parties.
- [634A.290](#) Appearances.
- [634A.300](#) Representation of parties; qualifications of attorneys.
- [634A.310](#) Service of process on attorney.
- [634A.320](#) Withdrawal of attorney.
- [634A.330](#) Conduct required.

Pleadings, Motions and Other Papers

- [634A.340](#) Captions, amendments and construction of pleadings.
- [634A.350](#) Applications.
- [634A.360](#) Petitions.
- [634A.370](#) Complaints; notification of respondents; use of evidence obtained after notification.
- [634A.380](#) Answers; entry of default upon failure to file.
- [634A.390](#) Motions: Contents; opposition; reply; oral argument.
- [634A.400](#) Filing.
- [634A.410](#) Service of process.

Hearings

- [634A.430](#) Hearings held before Board: Location; notice.
- [634A.440](#) Continuances.
- [634A.450](#) Failure of party to appear.
- [634A.460](#) Subpoenas.
- [634A.470](#) Testimony must be under oath.
- [634A.480](#) Preliminary procedure.
- [634A.490](#) Presentation of evidence.
- [634A.500](#) Consolidation.
- [634A.510](#) Stipulations.
- [634A.520](#) Official notice of Board.
- [634A.530](#) Briefs.

[634A.540](#) Decisions and orders.
[634A.550](#) Records of hearings.

Declaratory Orders and Advisory Opinions

[634A.560](#) Petition; issuance of order or opinion.

Adoption, Filing, Amendment or Repeal of Regulations

[634A.570](#) Petition.

GENERAL PROVISIONS

NAC 634A.001 Definitions. ([NRS 634A.070](#)) As used in this chapter, unless the context otherwise requires, the words and terms defined in [NAC 634A.002](#) to [634A.008](#), inclusive, have the meanings ascribed to them in those sections.

(Supplied in codification; A by Bd. of Oriental Med. by R071-02, 11-25-2002) —
(Substituted in revision for NAC 634A.005)

NAC 634A.002 “Board” defined. ([NRS 634A.070](#)) “Board” means the State Board of Oriental Medicine.

(Added to NAC by Bd. of Oriental Med. by R071-02, eff. 11-25-2002)

NAC 634A.003 “Doctor of Oriental medicine” defined. ([NRS 634A.070](#)) “Doctor of Oriental medicine” means a person who is licensed pursuant to [chapter 634A](#) of NRS to practice as a doctor of Oriental medicine.

(Added to NAC by Bd. of Oriental Med. by R071-02, eff. 11-25-2002)

NAC 634A.004 “Executive Director” defined. ([NRS 634A.070](#)) “Executive Director” means the Executive Director of the Board.

(Added to NAC by Bd. of Oriental Med. by R071-02, eff. 11-25-2002)

NAC 634A.007 “Licensee” defined. ([NRS 634A.070](#)) “Licensee” means a doctor of Oriental medicine.

(Added to NAC by Bd. of Oriental Med. by R071-02, eff. 11-25-2002)

NAC 634A.008 “Oriental medicine” defined. ([NRS 634A.070](#)) “Oriental medicine” has the meaning ascribed to it in [NRS 634A.020](#).

(Added to NAC by Bd. of Oriental Med. by R071-02, eff. 11-25-2002)

STATE BOARD OF ORIENTAL MEDICINE

NAC 634A.010 Executive Director; principal office. ([NRS 634A.070](#))

1. The Board will designate a person to act as Executive Director of the Board.
2. The principal office of the Board is the office of that person designated as the Executive Director.

[Bd. of Oriental Med., Rule 2.1, eff. 7-26-77] — (NAC A by R071-02, 11-25-2002; R193-07, 6-17-2008)

NAC 634A.020 Meetings. ([NRS 634A.070](#), [634A.080](#)) Regular meetings of the Board will be held at its principal office or such other place as the Board may specify, and at such times as the Board may designate.

[Bd. of Oriental Med., Rule 2.2, eff. 7-26-77]

NAC 634A.025 Restrictions on salaries of officers. ([NRS 634A.050](#), [634A.060](#), [634A.070](#)) The President, Vice President and Secretary-Treasurer of the Board are not entitled to receive a salary other than, or in addition to, that which is authorized and fixed by the Board for each member thereof pursuant to [NRS 634A.050](#). The Board will not pay any salary pursuant to [NRS 634A.060](#).

(Added to NAC by Bd. of Oriental Med. by R072-18, eff. 12-19-2018)

NAC 634A.035 Approval of curriculum of program of study of school or college of Oriental medicine. ([NRS 634A.070](#), [634A.080](#), [634A.140](#)) For the purposes of paragraph (b) of subsection 1 of [NRS 634A.090](#), the Board will approve the curriculum of a program of study of a school or college of Oriental medicine if the school or college submits to the Board proof of payment of annual sustaining accreditation or pre-accreditation dues for that program of study to the Accreditation Commission for Acupuncture and Oriental Medicine or its successor organization. No other review of the curriculum by the Board will be deemed necessary.

(Added to NAC by Bd. of Oriental Med. by R072-18, eff. 12-19-2018)

LICENSING AND FEES

NAC 634A.071 Application: General requirements. ([NRS 634A.070](#), [634A.110](#))

1. A person who desires to be licensed by the Board as a doctor of Oriental medicine must, at least 3 months before the date of the practical examination in which the person wishes to participate:

- (a) File an application with the Executive Director;
- (b) Pay to the Board at the time of filing his or her application any applicable fees set forth in [NAC 634A.165](#); and

- (c) Submit any other documentation or proof that the Board may require.
 - 2. The application must be:
 - (a) Made on the form provided by the Board; and
 - (b) Typed or written in English.
 - 3. The application must include:
 - (a) The social security number of the applicant;
 - (b) A set of the fingerprints of the applicant, together with written consent for the Board to submit the fingerprints to any law enforcement agency in connection with his or her application;
 - (c) Written consent of the applicant to an investigation of his or her personal background, professional training and experience by the Board or any person acting on its behalf; and
 - (d) Evidence that the applicant possesses the qualifications required pursuant to this chapter and [chapter 634A](#) of NRS for licensure as a doctor of Oriental medicine.
- (Added to NAC by Bd. of Oriental Med. by R071-02, eff. 11-25-2002; A by R072-18, 12-19-2018)

NAC 634A.075 Application: Rejection by Board. ([NRS 634A.070](#))

- 1. The Board may reject an application for licensure as a doctor of Oriental medicine if it appears that:
 - (a) The applicant is not qualified for licensure or is not of good moral character or reputation;
 - (b) Any credential submitted is false;
 - (c) The application is not made in proper form or other deficiencies appear in it; or
 - (d) The application is not completed within 6 months.
 - 2. The Board will reject an application if the applicant's check to pay any applicable fees is returned for insufficient funds.
- (Added to NAC by Bd. of Oriental Med. by R071-02, eff. 11-25-2002)

NAC 634A.080 Evidence of qualifications of applicant; approval of program of study. ([NRS 634A.070](#), [634A.080](#), [634A.140](#))

- 1. An applicant for a license to practice Oriental medicine must submit, together with his or her application, evidence that he or she has successfully completed a 4-year program of study, or its equivalent, in Oriental medicine at a school or college of Oriental medicine which is approved by the Board.
- 2. If the application is submitted pursuant to subsection 1 of [NRS 634A.140](#), the applicant must submit evidence showing that he or she has earned a bachelor's degree from an accredited college or university in the United States.

3. If the application for licensure by endorsement is submitted pursuant to subsection 2 of [NRS 634A.140](#), the applicant must submit evidence that he or she:

(a) Has lawfully practiced Oriental medicine in another state or foreign country for at least 4 years; and

(b) Holds Oriental Medicine Certification by the National Certification Commission for Acupuncture and Oriental Medicine or its successor organization.

4. For the purposes of subsection 1, the Board may approve a 4-year program of study, or its equivalent, in Oriental medicine at a school or college of Oriental medicine if the Board finds that:

(a) The school or college of Oriental medicine is:

(1) Accredited by the Accreditation Commission for Acupuncture and Oriental Medicine or its successor organization; or

(2) In pre-accreditation status with the Accreditation Commission for Acupuncture and Oriental Medicine or its successor organization and satisfies the requirements of paragraph (b); *or*

(3) *Approved by another state licensing agency and the applicant from the school or college of Oriental medicine has a current valid out-of-state license.*

(b) The program of study includes training or instruction in the subjects of acupuncture, moxibustion, herbology, Oriental physiology, Oriental pathology, Oriental diagnosis, ~~tuina or qigong~~, biology, ~~chemistry or biochemistry~~, anatomy, Western physiology, Western pathology, Western diagnosis, pharmacology, laboratory and radiology.

(c) The program of study:

(1) Required the completion of at least 2,800 hours of instruction, including not less than 2,500 didactic hours, for a student to have graduated before November 25, 2002; or

(2) Requires the completion of at least 3,000 hours of instruction, including not less than 2,500 didactic hours, for a student to graduate on or after November 25, 2002.

5. For the purposes of subsection 1, the Board will deem a master's degree to be the equivalent of a 4-year program of study if the program of study for the degree conforms to the requirements of paragraphs (b) and (c) of subsection 4.

6. For the purposes of subsections 2 and 3, evidence that the applicant is qualified for licensure as a doctor of Oriental medicine must include certified copies of any diplomas, transcripts, licenses and certificates issued to the applicant. If possible, all certified copies of official diplomas, transcripts, licenses or certificates must be forwarded directly to the Executive Director from the issuing entity rather than from the applicant.

[Bd. of Oriental Med., Art. IV part § 1, eff. 7-19-76; + Art. V part § 1, eff. 4-26-74]
— (NAC A 1-22-92; R071-02, 11-25-2002; R072-18, 12-19-2018)

NAC 634A.085 Compliance with requirement of passing examination administered by national organization. ([NRS 634A.070](#), [634A.120](#)) To comply with the requirement of passing an examination in Oriental medicine that is administered by a national organization approved by the Board pursuant to [NRS 634A.120](#), an applicant for licensure as a doctor of Oriental medicine must:

1. Have passed the examinations for Oriental Medicine Certification administered by the National Certification Commission for Acupuncture and Oriental Medicine or its successor organization within the 12 months preceding the date of application for licensure; or

2. Be certified by the National Certification Commission for Acupuncture and Oriental Medicine or its successor organization.

(Added to NAC by Bd. of Oriental Med. by R071-02, eff. 11-25-2002; A by R193-07, 6-17-2008; R072-18, 12-19-2018)

NAC 634A.090 Investigation of applicant: Prerequisite to practical examination. ([NRS 634A.070](#), [634A.110](#))

1. An investigation of an applicant's background and training by the Board or any person acting on its behalf must include:

(a) Verification of a report from the Federal Bureau of Investigation showing no prior convictions;

(b) Verification of graduation from a school or college approved by the Board;

(c) Verification of licensure in another state or country, if applicable;

(d) Verification that questions on the application relating to the applicant's background have been answered correctly; and

(e) Further investigation of an applicant who attended a foreign school or college or practiced Oriental medicine in another state or country as the circumstances warrant.

2. An applicant may not take the practical examination for which he or she has applied before the investigation of his or her background and training has been completed.

[Bd. of Oriental Med., Art. VII §§ 1 & 2, eff. 4-26-74; § 3, eff. 4-26-74; A 7-19-76]
— (NAC A by R071-02, 11-25-2002; R193-07, 6-17-2008)

NAC 634A.095 Proficiency of applicant in English language. ([NRS 634A.070](#), [634A.120](#))

1. Except as otherwise provided in subsection 2, an applicant for a license to practice Oriental medicine must:

(a) Before taking the practical examination:

(1) Pass the Test of English as a Foreign Language Paper-Based Test with a score of at least 550; or

(2) Pass the Test of English as a Foreign Language Internet-Based Test with a total score of at least 80; and

(b) At the time of the practical examination, demonstrate a reasonable proficiency in the English language through an oral interview.

2. Subsection 1 does not apply to an applicant who graduated from a high school or college in the United States.

[Bd. of Oriental Med., Art. V, part § 1 & part § 4, eff. 4-26-74] — (NAC A 7-19-82; R071-02, 11-25-2002; R072-18, 12-19-2018) — (Substituted in revision for NAC 634A.055)

NAC 634A.100 Practical examination of applicant; subjects included in examination. ([NRS 634A.070](#), [634A.120](#))

1. Until such time as the Board implements a process for administering a practical examination online:

(a) The practical examination will be given in June and December of each year.

(b) An applicant may not take the practical examination unless the applicant has first passed the examinations required pursuant to [NAC 634A.085](#). The Executive Director shall notify an applicant of the time and place of the practical examination not later than 20 days before the date on which the practical examination is scheduled.

(c) During the practical examination, only the testing consultant and the applicants will be allowed in the examination rooms.

2. Upon the implementation of a process for administering the practical examination online:

(a) Examinations will be offered at times and places established by the Board but at least two times each year in accordance with [NRS 634A.120](#).

(b) The Board will notify an applicant of his or her eligibility to take the practical examination online. Not later than 90 days after notification by the Board, the applicant must take the examination online at the facility that is designated by the Board.

3. As a part of the practical examination, the Board may examine an applicant as to his or her basic knowledge of the following subjects:

(a) Basic medical science concerning anatomy, physiology, pathology, bacteriology and communicable diseases.

(b) The Clean Needle Technique, as presented in the current guidelines of the Clean Needle Technique course administered by the Council of Colleges of Acupuncture and Oriental Medicine.

(c) Oriental medicine theory, herbology and acupuncture.

(d) Oriental herb safety and herb-drug interactions.

(e) Applicable laws and regulations pertaining to health and safety.

4. The practical examination will be given in written form. Each applicant shall take the examination in the English language.

5. An applicant must receive an overall score of 70 percent on the practical examination and 65 percent on each of its sections or subparts to pass the examination.

[Bd. of Oriental Med., Art. IV §§ 1 & 2, eff. 4-26-74; renumbered as §§ 2 & 3, 7-19-76; part §§ 1 & 4, eff. 7-19-76; + Art. V § 2, eff. 4-26-74] — (NAC A 7-19-82; 1-22-92; 1-24-94; R071-02, 11-25-2002; R072-18, 12-19-2018)

NAC 634A.105 Disclosure of certain relationships between member of Board and applicant. ([NRS 634A.070](#)) No member of the Board may participate in preparing, examining or grading an examination or in any other decision made with respect to an applicant to whom the member is related within the third degree of consanguinity or affinity or with whom the member has a significant pecuniary relationship. Information regarding such a relationship must be disclosed by the Board member and applicant at the time of application.

(Added to NAC by Bd. of Oriental Med. by R193-07, eff. 6-17-2008)

NAC 634A.110 Reexamination of applicant who fails practical examination. ([NRS 634A.070](#), [634A.120](#))

1. An applicant for a license to practice Oriental medicine who fails the practical examination may retake the examination on the next scheduled examination date. A person seeking reexamination must notify the Executive Director by completing a form prescribed by the Board and submitting the fee set forth in [NAC 634A.165](#).

2. If an applicant who has failed the practical examination failed only one section of the practical examination, the applicant will be reexamined only with respect to the section that he or she failed. If the applicant failed two or more sections of the practical examination, he or she must repeat the entire practical examination at the time of reexamination.

[Bd. of Oriental Med., Art. XV § 1, eff. 4-26-74; A 7-15-75; § 2, eff. 4-26-74; § 3, eff. 7-15-75] — (NAC A by R071-02, 11-25-2002; R193-07, 6-17-2008)

NAC 634A.116 License issued to alien: Inactive status; required statement. ([NRS 634A.070](#))

1. A license issued to an alien automatically transfers to inactive status if he or she loses his or her entitlement to remain and work in the United States.
2. A license issued to an alien after June 17, 2008, must state in a conspicuous manner:

This license is issued subject to any limitations imposed by the United States Citizenship and Immigration Services of the Department of Homeland Security. This license becomes inactive immediately upon the termination of the right of the person named herein to remain and work in the United States lawfully.

(Added to NAC by Bd. of Oriental Med. by R071-02, eff. 11-25-2002; A by R193-07, 6-17-2008)

NAC 634A.121 Practice under fictitious name; prohibition against multiple licenses and registration under same name. ([NRS 634A.070](#))

1. A licensee shall not operate under a fictitious name unless the licensee complies with [chapter 602](#) of NRS and files with the Board a certified copy of the certificates issued by the county clerk.
2. Any licensee who wishes to practice under a fictitious name must submit to the Board an application, on a form provided by the Board, accompanied by a fee of \$50.
3. The Board will not issue more than one license or register more than one licensee under the same name.

(Added to NAC by Bd. of Oriental Med. by R071-02, eff. 11-25-2002)

NAC 634A.125 Issuance of temporary certificate for seminar, lecture or teaching. ([NRS 634A.070](#), [634A.165](#)) A person who is not a licensee may be issued a temporary certificate pursuant to [NRS 634A.165](#) if:

1. The person submits an application to the Board, on a form provided by the Board, that includes:
 - (a) The curriculum vitae of the applicant;
 - (b) The specific topic concerning Oriental medicine or acupuncture which is the subject of the seminar, lecture or teaching;
 - (c) The specific dates for which the temporary certificate is requested; and

(d) Evidence that the person is competent with respect to the specific topic concerning Oriental medicine or acupuncture which is the subject of the seminar, lecture or teaching;

2. The person submits the appropriate fee for issuance of a temporary certificate pursuant to [NAC 634A.165](#); and

3. The Board approves the application at a meeting of the Board.

(Added to NAC by Bd. of Oriental Med. by R071-02, eff. 11-25-2002; A by R193-07, 6-17-2008)

NAC 634A.130 Pocket license. ([NRS 634A.070](#))

1. At the time a license is issued and on each renewal thereof, a pocket license bearing the expiration date of the license or renewal will be issued to each licensee, and the licensee shall keep the pocket license in his or her possession at all times during the performance of his or her professional services.

2. At the request of any patient or prospective patient, any member of the Board or any peace officer, the licensee shall permit the pocket license to be inspected for the purpose of identification and as proof that all current fees have been paid.

[Bd. of Oriental Med., Art. XVI, eff. 4-26-74] — (NAC A by R193-07, 6-17-2008)

NAC 634A.133 Holder of license issued after December 31, 2018, required to maintain national certification; proof of certification. ([NRS 634A.070](#), [634A.110](#), [634A.160](#), [634A.167](#)) Each holder of a new license that is first issued after December 31, 2018, including, without limitation, a holder of a license by endorsement issued pursuant to subsection 2 of [NRS 634A.140](#), shall:

1. Maintain Oriental Medicine Certification by the National Certification Commission for Acupuncture and Oriental Medicine or its successor organization; and

2. Provide proof of that certification to the Executive Director upon:

(a) Certification;

(b) Recertification; and

(c) The change of classification of his or her license from inactive status to active status.

(Added to NAC by Bd. of Oriental Med. by R072-18, eff. 12-19-2018)

NAC 634A.135 Continuing education; placement of license on inactive status; reinstatement to active status. ([NRS 634A.070](#), [634A.167](#))

1. Except as otherwise provided in this section, a licensee shall complete, during each ~~calendar year~~ *period not exceeding 365 days prior to submitting the annual license renewal application*, at least 10 hours of continuing education.

2. A licensee may only receive credit for hours of continuing education in courses that have been approved by the Board pursuant to [NAC 634A.137](#).

3. Beginning with the 2003 calendar year, a licensee who earns more than 10 hours of credit for continuing education in any calendar year may carry forward up to 10 hours of excess credit and apply such excess credit to the educational requirements for the next calendar year if the licensee indicates in writing, at the time he or she submits the form for renewal of his or her license pursuant to [NRS 634A.167](#), that the licensee intends to carry forward such excess credit.

4. A licensee who is not practicing in this State may request the Board to classify his or her license as inactive. A person who holds an inactive license is exempt from the requirements set forth in this section regarding continuing education.

5. A person who is requesting the Board to change the classification of his or her license from inactive to active must:

(a) Satisfy the requirements of continuing education for the year in which the person seeks to reclassify his or her license;

(b) Submit proof to the Board that the person has satisfied the applicable requirements; and

(c) Submit the fee set forth in [NAC 634A.165](#).

(Added to NAC by Bd. of Oriental Med., eff. 2-1-92; A 1-24-94; R071-02, 11-25-2002; R193-07, 6-17-2008)

NAC 634A.137 Approval of courses of continuing education; application; exception from approval and exemption from fees for certain courses; expiration of approval. ([NRS 634A.070](#), [634A.225](#))

1. Except as otherwise provided in subsection 2, a person or entity shall not offer a course of continuing education for licensees in this State unless the person or entity has first obtained approval for the course from the Board pursuant to this section.

2. Courses in the core competency of Acupuncture and Oriental Medicine and Biomedicine (AOM-BIO) which are approved for recertification by the National Certification Commission for Acupuncture and Oriental Medicine may be offered as courses of continuing education for licensees in this State without approval from the Board and are exempt from the imposition of fees for approval of courses of continuing education pursuant to [NAC 634A.165](#).

3. A person or entity may apply for approval of a course of continuing education by submitting to the Board:

(a) An application, on a form provided by the Board, which must include information indicating the specific subject or topics to be presented and the name of each proposed instructor;

(b) All material relating to the course, including, without limitation, written material to be provided to a licensee attending the course; and

(c) The fee required pursuant to [NAC 634A.165](#).

4. If the Board approves a course of continuing education pursuant to this section, the Board will determine the number of hours of continuing education that a licensee may receive for attending the course.

5. Board approval of a course of continuing education other than a course described in subsection 2 expires 4 years after that approval.

(Added to NAC by Bd. of Oriental Med. by R071-02, eff. 11-25-2002; A by R072-18, 12-19-2018)

NAC 634A.140 Payment of annual renewal fee; proration of fee for first renewal. ([NRS 634A.070](#), [634A.160](#)) Except as otherwise provided in this section, each person who holds an active or inactive license to practice Oriental medicine shall pay to the Board an annual fee for the renewal of the license as required by [NAC 634A.165](#). The Board will prorate by month the annual fee for the first renewal of an active or inactive license to practice Oriental medicine.

[Bd. of Oriental Med., Art. IX part § 2, eff. 4-26-74; A 7-19-76; 4-4-78; 1-1-80] — (NAC A 1-22-92; R173-05, 12-29-2005; R072-18, 12-19-2018)

NAC 634A.150 Reinstatement of license cancelled for failure to pay annual fee; reapplication for new license. ([NRS 634A.070](#), [634A.160](#))

1. Any person whose license has been cancelled pursuant to [NRS 634A.160](#) and who desires to reinstate his or her license may have the license reinstated if:

(a) Not later than 1 year after the date on which the license was cancelled:

(1) The person submits to the Board all required fees for the period during which his or her license was cancelled, plus any late fee set forth in [NAC 634A.165](#); and

(2) The person submits proof of compliance with the applicable requirements concerning continuing education; and

(b) The Board reinstates the license of the person at a regularly scheduled meeting.

2. Any person whose license has been cancelled pursuant to [NRS 634A.160](#), who fails to comply with the requirements of paragraph (a) of subsection 1 and who desires a license must reapply for a new license.

[Bd. of Oriental Med., Art. IX part § 2, eff. 4-26-74; A 7-19-76; 4-4-78; 1-1-80] — (NAC A by R071-02, 11-25-2002; R072-18, 12-19-2018)

NAC 634A.160 Surrender of license and pocket license when suspended or revoked; replacement of lost, stolen or destroyed license or pocket license. ([NRS 634A.070](#))

1. If a license is revoked, the license and the pocket license previously issued by the Board must be surrendered by the licensee to the Executive Director within 5 days after receipt of a notice of revocation.

2. If a license is suspended for a fixed period, the license and pocket license previously issued by the Board must be surrendered by the licensee to the Executive Director within 5 days after receipt of a notice of suspension.

3. If a license or pocket license must be surrendered pursuant to subsection 1 or 2 but has been lost, stolen or destroyed, the licensee must complete and file an affidavit with the Board stating that the license or pocket license has been lost, stolen or destroyed and that the licensee will immediately return the license or pocket license if it is later recovered by the licensee.

4. If the license or pocket license of a licensee is lost, stolen or destroyed, the licensee must:

(a) Complete and file an affidavit with the Board stating that the license or pocket license has been lost, stolen or destroyed and that the licensee will immediately return the license or pocket license if it is later recovered by the licensee; and

(b) Pay the fee set forth in [NAC 634A.165](#) for replacement of the license or pocket license.

[Bd. of Oriental Med., Art. XI part § 7, eff. 4-26-74] — (NAC A by R071-02, 11-25-2002; R193-07, 6-17-2008)

NAC 634A.165 Fees of Board. ([NRS 634A.070](#), [634A.110](#), [634A.160](#), [634A.165](#)) The Board will charge and collect the following fees:

<i>Original application for licensure as a doctor of Oriental medicine.....</i>	<i>February</i>	\$1,000.00 \$900
<i>Renewal of active license before</i>	<i>February</i>	700.00 \$600
<i>Renewal of inactive license before</i>	<i>February</i>	500.00
<i>Penalty for late renewal of license within 90 days after</i>	<i>February</i>	100.00
<i>Penalty for late renewal of license more than 90 days after</i>	<i>February</i>	200.00

Penalty for reinstatement of cancelled license.....	200.00
Original application for use of fictitious name.....	100.00
Replacement of pocket license.....	100.00
Replacement of license.....	200.00
<i>Original fee for practical examination.....</i>	1,000.00 \$900
Reexamination fee for practical examination.....	500.00
Transfer of license from active status to inactive status.....	200.00
Transfer of license from inactive status to active status.....	500.00
Approval of course of continuing education.....	100.00
Temporary certificate for lecturing or training.....	100.00
Check returned for insufficient funds.....	25.00
For copies of this chapter and chapter 634A of NRS.....	10.00
For other copies, per page.....	0.25
For other copies, per compact disc or tape recording.....	20.00
Original application fee for a school or college of Oriental medicine.....	2,000.00
Annual fee for approval of curriculum before February 1.....	1,000.00
<i>License renewal fee for military members and spouses before February 1.....</i>	<i>\$500</i>

(Added to NAC by Bd. of Oriental Med. by R071-02, eff. 11-25-2002; A by R173-05, 12-29-2005; R026-06, 5-4-2006; R072-18, 12-19-2018)

PROFESSIONAL CONDUCT

NAC 634A.170 Grounds for disciplinary action. ([NRS 634A.070](#), [634A.170](#))
The Board considers the following acts to be unethical and unprofessional conduct warranting appropriate disciplinary action:

1. The division or “splitting” of fees with another licensee, unless the other licensee has actually rendered services, other than referral, to the first licensee in connection with one or more of his or her patients. A person licensed by this Board shall not:

(a) Employ another to solicit or obtain, or remunerate another for soliciting or obtaining, professional employment for the licensee.

(b) Directly or indirectly share with an unlicensed person any compensation arising out of or incidental to professional employment.

(c) Directly or indirectly aid or abet an unlicensed person to practice Oriental medicine, acupuncture or herbal medicine or to receive compensation therefrom.

2. The use of any paid testimonial to solicit or encourage use of the licensee’s services by members of the public.

3. The making or publishing, or causing to be made or published, any advertisement, offer, statement or other form of representation, oral or written, which directly or by implication is false, misleading or deceptive. It is sufficient in bringing any proceeding for violation of this subsection that any advertising of the type referred to has a tendency to deceive, mislead or be harmful to the public even though no member of the public is actually deceived, misled or harmed by the advertising. As used in this subsection, “advertisement” includes, without limitation:

(a) Any calling card, indoor or outdoor sign, stationery, or listing in a telephone directory or other directory;

(b) Any advertisement in a newspaper or magazine; and

(c) Any advertisement made through electronic means, including, without limitation, an advertisement placed on the Internet.

4. The use of any fictitious name that has not been approved by the Board.

[Bd. of Oriental Med., Art. VIII § 1, eff. 4-26-74; A 4-4-78; § 4, eff. 4-26-74; A and renumbered as § 2, 4-4-78; § 5, eff. 4-26-74; A and renumbered as § 3, 4-4-78] — (NAC A 1-22-92; R071-02, 11-25-2002; R072-18, 12-19-2018)

PRACTICE BEFORE STATE BOARD OF ORIENTAL MEDICINE

General Provisions

NAC 634A.210 Scope, construction and application of regulations. ([NRS 634A.070](#))

1. The provisions of [NAC 634A.210](#) to [634A.570](#), inclusive, govern all practice and procedure before the Board unless otherwise directed by the Board.

2. The provisions of [NAC 634A.210](#) to [634A.570](#), inclusive, will be liberally construed to secure a just, speedy and economical determination of all issues presented to the Board.

3. If any provision of [NAC 634A.210](#) to [634A.570](#), inclusive, or any application thereof to any person, thing or circumstance is held invalid, the Board intends that such invalidity will not affect the remaining provisions, or their application, that may be given effect without the invalid provision or application.

[Bd. of Oriental Med., Rule 1, eff. 7-26-77] — (NAC A by R071-02, 11-25-2002)

NAC 634A.220 Communications. ([NRS 634A.070](#)) All formal written communications and documents must be addressed to the State Board of Oriental Medicine and not to individual members of the Board or its staff.

[Bd. of Oriental Med., Rule 2.3, eff. 7-26-77]

NAC 634A.230 Payment of fees and remittances; refund of application fee. ([NRS 634A.070](#), [634A.110](#))

1. Fees and remittances must be paid to the Board by money order, bank draft or check payable to “State Board of Oriental Medicine.” Remittances in currency or coin are wholly at the risk of the remitter and the Board assumes no responsibility for their loss. Postage stamps will not be remitted.

2. The Board will not refund any part of the application fee to an applicant if the applicant:

(a) Does not complete his or her application by providing all the documentation required by the form for application within 6 months after the actual date of filing of the form by the applicant;

(b) Withdraws his or her application; or

(c) Dies before he or she is issued a license by the Board.

[Bd. of Oriental Med., Rule 2.4, eff. 7-26-77] — (NAC A 1-24-94; R071-02, 11-25-2002)

NAC 634A.240 Computation of time. ([NRS 634A.070](#)) The time within which any act must be done, as authorized by [NAC 634A.210](#) to [634A.570](#), inclusive, will be computed by excluding the first day and including the last day unless it is Saturday, Sunday or a legal holiday, and then it is excluded and the time is extended to the next regular business day.

[Bd. of Oriental Med., Rule 13.1, eff. 7-26-77]

NAC 634A.245 Request for Board to consider or take action upon matter at meeting. ([NRS 634A.070](#)) A request for the Board to consider or take action upon a matter at a meeting must be received by the Board at least 15 business days before the date of the meeting.

(Added to NAC by Bd. of Oriental Med. by R071-02, eff. 11-25-2002)

NAC 634A.250 Request for additional information from Board. ([NRS 634A.070](#)) Additional information with reference to proceedings before the Board or the status of any matter may be secured by applying to the Executive Director at the principal office of the Board.

[Bd. of Oriental Med., Rule 13.2, eff. 7-26-77] — (NAC A by R071-02, 11-25-2002)

Parties

NAC 634A.260 Classification of parties. ([NRS 634A.070](#))

1. A party to a proceeding before the Board must be styled an applicant, petitioner, complainant, respondent, intervener or interested party according to the nature of the proceeding and the relationship of the party thereto.

2. Persons applying or petitioning for any right or authority from the Board must be styled the “applicants.”

3. Persons petitioning for affirmative relief (other than complainants) must be styled the “petitioners.”

4. Persons who complain to the Board of any act or of any persons must be styled the “complainants.” In any proceeding which the Board brings on its own motion, it will be styled the “complainant.”

5. Persons against whom any complaint is filed or investigation initiated must be styled the “respondents.”

6. Persons, other than the original parties to the proceeding, who may be directly and substantially affected by the proceeding, must, upon securing an order from the Board or the presiding officer granting leave to intervene, be styled the “interveners.” The granting of leave to intervene, or otherwise appear, in any matter or proceeding is not a finding or determination of the Board that the party will or may be a party aggrieved by any ruling, order or decision of the Board, for the purposes of court review or appeal.

7. Persons who believe they may be affected by a proceeding, but who do not seek to participate in the proceeding, must be styled the “interested parties.”

[Bd. of Oriental Med., Rules 3.1-3.7, eff. 7-26-77]

NAC 634A.270 Staff of Board may be party to proceeding. ([NRS 634A.070](#)) The Board’s staff may appear at any hearing and has the right to participate as a party to the proceeding.

[Bd. of Oriental Med., Rule 3.8, eff. 7-26-77]

NAC 634A.280 Rights of parties. ([NRS 634A.070](#)) At any hearing, all parties named in [NAC 634A.260](#), except interested parties, may enter an appearance, introduce evidence, examine and cross-examine witnesses, make arguments and generally participate in the conduct of the proceeding. Interested parties may be acknowledged to state their possible interest.

[Bd. of Oriental Med., Rule 4.1, eff. 7-26-77]

NAC 634A.290 Appearances. ([NRS 634A.070](#)) Parties shall enter their appearances at the beginning of a hearing, or at any time as may be designated by the presiding officer, by giving their names and addresses and stating their positions or interests to the presiding officer. This information will be recorded in the transcript of the hearing.

[Bd. of Oriental Med., Rule 4.2, eff. 7-26-77]

NAC 634A.300 Representation of parties; qualifications of attorneys. ([NRS 634A.070](#))

1. A party may be heard in person or by his or her designated attorney or other representative.

2. An attorney appearing as counsel in any proceeding must be an attorney at law, admitted to practice and in good standing before the highest court of any state. If the attorney is not admitted and entitled to practice before the Supreme Court of Nevada, an attorney so admitted and entitled to practice must be associated.

[Bd. of Oriental Med., Rule 4.3, eff. 7-26-77]

NAC 634A.310 Service of process on attorney. ([NRS 634A.070](#)) Following the entry of an appearance by an attorney for a party, all notices, pleadings and orders thereafter served must be served upon the attorney. The service will be considered a valid service for all purposes upon the party represented.

[Bd. of Oriental Med., Rule 4.4, eff. 7-26-77]

NAC 634A.320 Withdrawal of attorney. ([NRS 634A.070](#)) Any attorney of record wishing to withdraw from a proceeding before the Board must, in writing, immediately notify the Board or the presiding officer, the party whom he or she represented, and any other parties to the proceeding.

[Bd. of Oriental Med., Rule 4.5, eff. 7-26-77]

NAC 634A.330 Conduct required. ([NRS 634A.070](#)) A person appearing at any proceeding before the Board shall conform to the recognized standards of ethical and courteous conduct.

[Bd. of Oriental Med., Rule 4.6, eff. 7-26-77]

Pleadings, Motions and Other Papers

NAC 634A.340 Captions, amendments and construction of pleadings. ([NRS 634A.070](#))

1. Pleadings before the Board must be styled applications, petitions, complaints and answers.

2. All pleadings, except complaints brought on the Board's own motion, must be verified.

3. The Board may, when substantial rights of the parties are not violated thereby, allow any pleading to be amended or corrected or any omission therein to be supplied.

4. All pleadings will be liberally construed to effect justice between the parties, and the Board or the presiding officer will, at every stage of any proceeding, disregard errors or defects in the pleadings or proceedings which do not affect the substantial rights of the parties.

[Bd. of Oriental Med., Rules 5.1-5.4, eff. 7-26-77]

NAC 634A.350 Applications. ([NRS 634A.070](#))

1. All pleadings requesting a privilege, license or authority from the Board must be styled "Applications."

2. An application must set forth the full name and address of the applicant and must be signed by the applicant.

[Bd. of Oriental Med., Rule 5.5, eff. 7-26-77]

NAC 634A.360 Petitions. ([NRS 634A.070](#))

1. All pleadings praying for affirmative relief (other than applications, complaints, or answers), including requests for declaratory orders, advisory opinions, and requests for the adoption, filing, amendment or repeal of any regulation, must be styled "Petitions."

2. All petitions must set forth the full name and address of the petitioner and must be signed by the petitioner.

[Bd. of Oriental Med., Rule 5.6, eff. 7-26-77]

NAC 634A.370 Complaints; notification of respondents; use of evidence obtained after notification. ([NRS 634A.070](#))

1. Upon the initiative of any interested person, or upon the initiative of any member of the Board, a complaint may be made alleging one or more causes of action based on [chapter 634A](#) of NRS.

2. Two or more complainants may join in one complaint if their respective causes of action are against the same person and deal with substantially the same violation of a law, regulation or order of the Board.

3. Every complaint must be in writing and must be filed with the Executive Director of the Board.

4. Complaints will be set for hearing at the earliest convenience of the Board, unless notice of satisfaction of the complaint, by answer or otherwise, is received by the Board.

5. At least 30 days before the date set for the hearing, the Board will notify the respondent of the date, time and place of the hearing and, together with the notice, provide the respondent with a copy of the complaint and copies of all communications, reports, affidavits or depositions in possession of the Board relevant to the complaint. Evidence obtained after the date on which the notice and copies of relevant material were provided to the respondent pursuant to this subsection may not be presented to the Board unless it is shown that the evidence was not available upon diligent investigation before that date and that the evidence was given or communicated to the respondent immediately after it was obtained.

[Bd. of Oriental Med., Rule 5.7, eff. 7-26-77] — (NAC A by R071-02, 11-25-2002)

NAC 634A.380 Answers; entry of default upon failure to file. ([NRS 634A.070](#))

1. The respondent shall file an answer within 20 days after service of the notice and relevant material pursuant to subsection 5 of [NAC 634A.370](#). The answer must contain an admission or denial of each of the averments contained in the complaint and any defenses upon which the respondent will rely.

2. The answer may be served by personal delivery to the Board at its principal office or by certified mail to the principal office of the Board.

3. Upon the presentation of evidence that the respondent received notice of the complaint and hearing and has not filed an answer within the time prescribed pursuant to this section, the respondent's default may be entered and a decision may be issued based upon the allegations of the complaint.

[Bd. of Oriental Med., Rule 5.8, eff. 7-26-77] — (NAC A by R071-02, 11-25-2002)

NAC 634A.390 Motions: Contents; opposition; reply; oral argument. ([NRS 634A.070](#))

1. A motion is a proceeding directed at the Board's authority to act on a given subject.
2. All motions, unless made during a hearing, must be in writing.
3. All written motions must set forth the nature of the relief which is sought, and the grounds therefor.
4. A party desiring to oppose a motion may serve and file a written response to the motion within 10 days of receipt of the motion.
5. The moving party may serve and file a written reply within 5 days only if an opposition to the motion has been served and filed.
6. A decision on a motion will be rendered without oral argument unless oral argument is requested by the Board. If so requested, the Board will set a date and time for a hearing.

[Bd. of Oriental Med., Rule 6, eff. 7-26-77]

NAC 634A.400 Filing. ([NRS 634A.070](#)) An original and two legible copies of all pleadings, motions or other papers must be filed with the Board. The Board may direct that a copy of a pleading be made available by the party filing it to any other person whom the Board determines may be affected by the proceeding and who desires a copy of the pleading.

[Bd. of Oriental Med., Rule 7.1, eff. 7-26-77]

NAC 634A.410 Service of process. ([NRS 634A.070](#)) Except as otherwise provided by specific statute or regulation, all notices, opinions and documents required to be served by the Board, other than decisions or orders, and all documents filed by any party must be served in accordance with the provisions of [Rule 4](#) of the Nevada Rules of Civil Procedure.

[Bd. of Oriental Med., Rule 7.2, eff. 7-26-77] — (NAC A by R071-02, 11-25-2002)

Hearings

NAC 634A.430 Hearings held before Board: Location; notice. ([NRS 634A.070](#))

1. Hearings will be held at such place in the State as is designated by the Board in the notice of the hearing.
2. A hearing which has previously been continued may be reset on notice of at least 10 days.

[Bd. of Oriental Med., Rule, 8.1, eff. 7-26-77]

NAC 634A.440 Continuances. ([NRS 634A.070](#))

1. The Board may, before a hearing or during a hearing, on a proper showing of good faith, grant a request for a continuance for the submission of further or additional proof of any subject that is relevant to the hearing.

2. A request for a continuance before a hearing must be received within 7 business days before the date scheduled for the hearing.

[Bd. of Oriental Med., Rule 8.10, eff. 7-26-77] — (NAC A by R071-02, 11-25-2002)

NAC 634A.450 Failure of party to appear. ([NRS 634A.070](#))

1. If a party fails to appear at a hearing scheduled by the Board and no continuance has been requested or granted, the Board may hear the evidence of such witnesses as may have appeared and the Board may proceed to consider the matter and dispose of it on the basis of the evidence before it.

2. If, because of accident, sickness or other reasonable cause, a person fails to appear for a hearing scheduled by the Board or fails to request a continuance thereof, the person may, within a reasonable period of time not to exceed 15 days, apply to the Executive Director to reopen the proceedings, and the Board, upon finding such cause sufficient and reasonable, will immediately fix a time and place for a hearing and give the person notice thereof. At the time and place fixed, the person may testify in his or her own behalf or present such other evidence as may be beneficial to his or her cause. Witnesses who have previously testified are not required to appear at the second hearing unless so directed by the Board.

[Bd. of Oriental Med., Rule 8.2, eff. 7-26-77] — (NAC A by R071-02, 11-25-2002)

NAC 634A.460 Subpoenas. ([NRS 634A.070](#))

1. Subpoenas requiring the attendance of a witness at a hearing may be issued by the Board upon application in writing.

2. Subpoenas for the production of documents, books or other records, unless issued by the Board on its own motion, will be issued only upon application in writing. The application must specify, as clearly as possible, the documents, books or other records desired.

3. The Board, at or before the time specified in the subpoena for compliance therewith, may:

(a) Quash the subpoena if it is unreasonable or oppressive; or

(b) Condition denial of a motion upon the advancement by the person in whose behalf the subpoena is issued of the reasonable cost of producing the documents, books or other records desired.

[Bd. of Oriental Med., Rule 8.9, eff. 7-26-77] — (NAC A by R071-02, 11-25-2002)

NAC 634A.470 Testimony must be under oath. (NRS 634A.070) All testimony to be considered by the Board in a formal hearing, except matters noticed officially or entered by stipulation, must be sworn testimony. Before taking the witness stand, each person shall swear (or affirm) that the testimony he or she is about to give in the hearing is the truth, the whole truth and nothing but the truth.

[Bd. of Oriental Med., Rule 8.4, eff. 7-26-77]

NAC 634A.480 Preliminary procedure. (NRS 634A.070) The presiding member of the Board shall call the proceeding or hearing to order and proceed to take the appearances and act upon any pending motions. The parties may then make opening statements.

[Bd. of Oriental Med., Rule 8.3, eff. 7-26-77]

NAC 634A.490 Presentation of evidence. (NRS 634A.070)

1. Applicants, petitioners or complainants may present their evidence and then such parties as may be opposing the application, petition or complaint, may submit their proof. The presiding member of the Board shall determine the order in which any intervener may introduce his or her evidence. Evidence will ordinarily be received from the parties in the following order:

(a) Upon applications and petitions:

- (1) Applicant or petitioner;
- (2) Board's staff;
- (3) Intervener; and
- (4) Rebuttal by the applicant or the petitioner.

(b) Upon complaints:

- (1) Complainant;
- (2) Respondent;
- (3) Board's staff; and
- (4) Rebuttal by the complainant.

(c) Upon complaints by the Board:

- (1) Board;
- (2) Respondent; and
- (3) Rebuttal by the Board's staff.

2. This procedure may be modified at the discretion of the Board or the presiding member.

3. Closing statements by the parties may be allowed at the discretion of the Board or the presiding member.

[Bd. of Oriental Med., Rule 8.5, eff. 7-26-77]

NAC 634A.500 Consolidation. ([NRS 634A.070](#))

1. The Board may consolidate two or more proceedings in any one hearing when it appears that the issues are substantially the same and that the interests of the parties will not be prejudiced by the consolidation.

2. At any consolidated hearing, the presiding member of the Board shall determine the order in which all the parties may introduce their evidence and which party or parties may open and close.

[Bd. of Oriental Med., Rule 8.6, eff. 7-26-77]

NAC 634A.510 Stipulations. ([NRS 634A.070](#))

1. With the approval of the presiding member of the Board, the parties may stipulate as to any fact at issue, either by written stipulation introduced in evidence as an exhibit or by oral statements shown upon the record.

2. Any stipulation is binding upon all parties so stipulating and may be regarded by the Board as evidence at the hearing. The Board may require proof by evidence of the facts stipulated to, notwithstanding the stipulation of the parties.

[Bd. of Oriental Med., Rule 8.7, eff. 7-26-77]

NAC 634A.520 Official notice of Board. ([NRS 634A.070](#)) The Board may take official notice of judicially cognizable facts and of recognized technical or scientific facts within the Board's specialized knowledge, including:

1. Regulations, official reports, decisions and orders of the Board or any other regulatory agency of this State.

2. The Nevada Revised Statutes.

3. Certificates and permits issued by the Board.

4. Matters of common knowledge and technical or scientific facts of established character.

5. Official documents, if:

(a) The documents are pertinent and properly introduced into the record by reference;

(b) Proper and definite reference to the documents is made by the party offering them; and

(c) The documents are published and generally circulated so that an opportunity is given to all the parties of interest to the hearing to examine them and present rebuttal evidence.

[Bd. of Oriental Med., Rule 8.12, eff. 7-26-77]

NAC 634A.530 Briefs. ([NRS 634A.070](#))

1. In any hearing, the Board may order briefs to be filed within such time as may be allowed by the Board.

2. Three copies of any requested brief must be filed with the Board and must be accompanied by an acknowledgment of service or a certificate of mailing on other parties of record.

3. The Board may, following the filing of briefs or upon contested motions, set the matter for oral argument. Ten days notice thereof, unless the Board deems a shorter time advisable, will be given to all parties of record.

[Bd. of Oriental Med., Rule 8.11, eff. 7-26-77]

NAC 634A.540 Decisions and orders. ([NRS 634A.070](#))

1. A proceeding is submitted for decision by the Board after the taking of evidence, the filing of briefs or the presentation of such oral argument as may have been permitted by the Board.

2. Orders or decisions will be rendered within 90 days of the completion of the hearing.

3. Additional copies of orders may be obtained upon written request.

[Bd. of Oriental Med., Rule 9, eff. 7-26-77]

NAC 634A.550 Records of hearings. ([NRS 634A.070](#))

1. A record of a hearing will be kept by either a mechanical or electronic device.

2. A copy of the record will be made available to any person upon his or her request and at his or her expense.

[Bd. of Oriental Med., Art. XI § 6, eff. 4-26-74]

Declaratory Orders and Advisory Opinions

NAC 634A.560 Petition; issuance of order or opinion. ([NRS 634A.070](#))

1. A petition for a declaratory order or an advisory opinion may be filed only by a holder of or applicant for a license or certificate.

2. The original and seven copies of the petition must be filed with the Executive Director not less than 10 days before the next regularly scheduled meeting of the Board. The petition must be submitted to the Board at that meeting. Within 30 days after the meeting, the Board will issue its declaratory order or advisory opinion.

[Bd. of Oriental Med., Rule 11, eff. 7-26-77] — (NAC A by R071-02, 11-25-2002)

Adoption, Filing, Amendment or Repeal of Regulations

NAC 634A.570 Petition. ([NRS 634A.070](#))

1. A petition requesting the adoption, filing, amendment or repeal of any regulation must be in writing.

2. The original and seven copies of the petition must be filed with the Board.

[Bd. of Oriental Med., Rule 12, eff. 7-26-77] — (NAC A by R071-02, 11-25-2002)