

**PROPOSED REGULATION OF THE
STATE BOARD OF ORIENTAL MEDICINE**

LCB File No. R024-24

March 8, 2024

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

AUTHORITY: § 1, NRS 634A.070; § 2, NRS 634A.070 and 634A.140; § 3, NRS 634A.070 and 634A.167; § 5, NRS 634A.070, 634A.110, 634A.165 and 634A.167; § 6, NRS 634A.070 and 634A.165.

A REGULATION relating to Oriental medicine; revising the qualifications for licensure to practice Oriental medicine; revising provisions relating to continuing education; revising certain fees; repealing the requirements for the issuance of a temporary certificate for lecturing or educational seminars; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law authorizes the State Board of Oriental Medicine to issue a license to practice as a doctor of Oriental medicine to an applicant who, among other requirements: (1) has successfully completed a 4-year program of study, or its equivalent, in Oriental medicine at a school or college of Oriental medicine that is approved by the Board; and (2) has lawfully practiced Oriental medicine in another state or foreign country for at least 4 years. (NRS 634A.140) Existing regulations provide for the approval of a school or college only if the school or college is: (1) accredited by the Accreditation Commission for Acupuncture and Oriental Medicine or its successor organization; or (2) in pre-accreditation status with that organization. (NAC 634A.080) **Section 2** of this regulation additionally authorizes the Board to approve a school or college that is approved by a licensing agency that regulates the practice of Oriental medicine in another state, if the applicant is currently licensed in that state. **Sections 1 and 2** of this regulation revise the name of the Accreditation Commission to the “Accreditation Commission for Acupuncture and Herbal Medicine” to reflect the current name of that organization.

Existing regulations set forth the requirements for a program of study in Oriental medicine, including training or instruction in certain subjects. (NAC 634A.080) **Section 2** removes the subject of chemistry or biochemistry from the requirements for a program of study.

Existing regulations require the holder of a license to practice Oriental medicine to complete at least 10 hours of continuing education each calendar year. Existing regulations authorize a licensee to carry forward up to 10 hours of excess credit and apply such credit to the educational requirements for the next calendar year. (NAC 634A.135) **Section 3** of this

regulation revises those time periods from a calendar year to the 365 days immediately preceding the submission of an application for annual renewal of a license.

Existing law authorizes the Board to adopt regulations for the issuance of temporary certificates to persons not licensed under chapter 634A of NRS in order to conduct lecturing or educational seminars. (NRS 634A.165) Existing regulations set forth the requirements for obtaining such a temporary certificate. (NAC 634A.125) **Section 6** of this regulation repeals the requirements for the issuance of such a certificate, thereby eliminating such certificates. **Section 5** of this regulation makes a conforming change by eliminating the fee for the issuance of such a temporary certificate.

Existing law authorizes the Board to charge and collect certain fees. (NRS 634A.070, 634A.110, 634A.165, 634A.167) **Section 5:** (1) reduces the fees charged for an original application for licensure as a doctor of Oriental medicine, renewal of an active license submitted before February 1 and the state examination; (2) establishes a separate, reduced fee for renewal of a license for certain military members, veterans and their spouses submitted before February 1; and (3) eliminates the fees charged for the replacement of a pocket license, copies of chapter 634A of NRS and chapter 634A NAC and certain other copies. **Section 4** of this regulation makes a conforming change to eliminate a reference to the fee for the replacement of a pocket license.

Section 1. NAC 634A.035 is hereby amended to read as follows:

634A.035 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~~ *Herbal* Medicine or its successor organization. No other review of the curriculum by the Board will be deemed necessary.

Sec. 2. NAC 634A.080 is hereby amended to read as follows:

634A.080 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 ~~and~~; *and*

(c) If the applicant successfully completed a 4-year program of study at a school or college of Oriental medicine described in subparagraph (3) of paragraph (a) of subsection 4, holds a valid license to practice Oriental medicine in the applicable state.

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~~ *Herbal* Medicine or its successor organization; ~~or~~

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

(3) Approved by a licensing agency that regulates the practice of Oriental medicine in another state, if the applicant currently holds a valid license to practice Oriental medicine in that state;

(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 ~~H~~; *and*

(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, or results in the award of a combined bachelor's and master's degree in Oriental medicine to a student who graduates 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.

Sec. 3. NAC 634A.135 is hereby amended to read as follows:

634A.135 1. Except as otherwise provided in this section, a licensee shall complete, during each ~~calendar year,~~ *period of 365 days immediately preceding the submission of the application for the annual renewal of his or her license*, 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~~ *the period of 365 days immediately preceding the submission of the application for the annual renewal of his or her license* may carry forward up to 10 hours of excess credit and apply such excess credit to the educational requirements for the next ~~calendar year~~ *renewal of his or her license*.

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; and

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

Sec. 4. NAC 634A.160 is hereby amended to read as follows:

634A.160 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~~ *For the replacement of a license, pay* the fee set forth in NAC 634A.165 for replacement of the license . ~~for pocket license.~~

Sec. 5. NAC 634A.165 is hereby amended to read as follows:

634A.165 The Board will charge and collect the following fees:

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| Original application for licensure as a doctor of Oriental medicine | [\$1000.00] <i>\$900.00</i> |
| Renewal of active license before February 1 | [700.00] <i>600.00</i> |
| Renewal of inactive license before February 1 | 500.00 |
| <i>Renewal of active license of an active member of the Armed</i> | |
| <i>Forces of the United States, a veteran or the spouse of such a</i> | |
| <i>member or veteran before February 1</i> | <i>500.00</i> |
| Penalty for late renewal of license within 90 days after February 1 | 100.00 |

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| Replacement of pocket license..... | 100.00 |
| Replacement of license..... | 200.00 |
| Original fee for state examination..... | 1,000.00 900.00 |
| Reexamination fee for state examination..... | 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 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 |

Sec. 6. NAC 634A.125 is hereby repealed.

TEXT OF REPEALED SECTION

634A.125 Issuance of temporary certificate for seminar, lecture or teaching. 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.