

ASSEMBLY BILL NO. 341—ASSEMBLYWOMAN CARLTON

MARCH 18, 2013

Referred to Committee on Commerce and Labor

SUMMARY—Revises provisions relating to homeopathic medicine. (BDR 54-1032)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: Yes.

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

AN ACT relating to homeopathic medicine; requiring an applicant for a license or certificate issued by the Board of Homeopathic Medical Examiners to submit to a criminal background check; revising provisions governing homeopathic physicians to make those provisions also applicable to advanced practitioners of homeopathy and homeopathic assistants; revising provisions governing the membership of the Board; revising provisions governing grounds for denial or revocation of a license or certificate or initiating other disciplinary action; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

- 1 **Section 1** of this bill requires each applicant for a license to practice
- 2 homeopathic medicine or a certificate to practice as an advanced practitioner of
- 3 homeopathy or as a homeopathic assistant to submit to the Board of Homeopathic
- 4 Medical Examiners a complete set of fingerprints and written permission
- 5 authorizing the Board to forward the fingerprints to the Central Repository for
- 6 Nevada Records of Criminal History for submission to the Federal Bureau of
- 7 Investigation for its report.
- 8 **Sections 2-5, 7 and 9-24** of this bill revise certain provisions governing
- 9 homeopathic physicians to make those provisions also applicable to advanced
- 10 practitioners of homeopathy and homeopathic assistants.
- 11 Existing law requires that certain members of the Board must have resided in
- 12 this State for at least 5 years. (NRS 630A.110) **Section 6** of this bill reduces this
- 13 residency period to a minimum of 3 years.



* A B 3 4 1 *

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 **Section 1.** Chapter 630A of NRS is hereby amended by
2 adding thereto a new section to read as follows:

3 *In addition to any other requirements set forth in this chapter,*
4 *each applicant for a license or certificate, including, without*
5 *limitation, a reciprocal, limited, temporary, special or restricted*
6 *license, must submit to the Board:*

7 1. *A complete set of fingerprints; and*

8 2. *Written permission authorizing the Board to forward the*
9 *fingerprints submitted pursuant to subsection 1 to the Central*
10 *Repository for Nevada Records of Criminal History for submission*
11 *to the Federal Bureau of Investigation for its report.*

12 **Sec. 2.** NRS 630A.030 is hereby amended to read as follows:

13 630A.030 “Gross malpractice” means malpractice where the
14 failure to exercise the requisite degree of care, diligence or skill
15 consists of:

16 1. Ministering to a patient while the homeopathic physician ,
17 *advanced practitioner of homeopathy or homeopathic assistant* is
18 under the influence of alcohol or any controlled substance.

19 2. Gross negligence.

20 3. Willful disregard of homeopathic medical procedures.

21 4. Willful and consistent use of homeopathic medical
22 procedures, services or treatment considered by homeopathic
23 physicians in the community to be inappropriate or unnecessary in
24 the cases where used.

25 **Sec. 3.** NRS 630A.060 is hereby amended to read as follows:

26 630A.060 “Malpractice” means failure on the part of a
27 homeopathic physician , *advanced practitioner of homeopathy or*
28 *homeopathic assistant* to exercise the degree of care, diligence and
29 skill ordinarily exercised by homeopathic physicians , *advanced*
30 *practitioners of homeopathy or homeopathic assistants,*
31 *respectively,* in good standing in the community in which he or she
32 practices. As used in this section, “community” embraces the entire
33 area customarily served by homeopathic physicians , *advanced*
34 *practitioners of homeopathy and homeopathic assistants* among
35 whom a patient may reasonably choose, not merely the particular
36 area inhabited by the patients of that individual *homeopathic*
37 *physician , advanced practitioner of homeopathy or homeopathic*
38 *assistant* or the particular city or place where the homeopathic
39 physician , *advanced practitioner of homeopathy or homeopathic*
40 *assistant* has an office.



1 **Sec. 4.** NRS 630A.070 is hereby amended to read as follows:
2 630A.070 “Professional incompetence” means lack of ability
3 safely and skillfully to practice homeopathic medicine ~~††~~ or ~~†e~~
4 ~~practice†~~ one or more specified branches of homeopathic medicine
5 ~~††~~ *as a homeopathic physician, or to practice as an advanced*
6 *practitioner of homeopathy or as a homeopathic assistant, as*
7 *applicable*, arising from:

- 8 1. Lack of knowledge or training.
- 9 2. Impaired physical or mental capability of the homeopathic
10 physician ~~††~~ , *advanced practitioner of homeopathy or*
11 *homeopathic assistant.*
- 12 3. Indulgence in the use of alcohol or any controlled substance.
- 13 4. Any other sole or contributing cause.

14 **Sec. 5.** NRS 630A.080 is hereby amended to read as follows:
15 630A.080 The purpose of licensing homeopathic physicians
16 *and certifying advanced practitioners of homeopathy and*
17 *homeopathic assistants* is to protect the public health and safety and
18 the general welfare of the people of this State. Any license *or*
19 *certificate* issued pursuant to this chapter is a revocable privilege
20 and no holder of such a license *or certificate* acquires thereby any
21 vested right.

22 **Sec. 6.** NRS 630A.110 is hereby amended to read as follows:
23 630A.110 1. Three members of the Board must be persons
24 who are licensed to practice allopathic or osteopathic medicine in
25 any state or country, the District of Columbia or a territory or
26 possession of the United States, have been engaged in the practice
27 of homeopathic medicine in this State for a period of more than 2
28 years preceding their respective appointments, are actually engaged
29 in the practice of homeopathic medicine in this State and are
30 residents of ~~†he†~~ *this* State.

31 2. One member of the Board must be a person who has resided
32 in this State for at least ~~††~~ 3 years and who represents the interests
33 of persons or agencies that regularly provide health care to patients
34 who are indigent, uninsured or unable to afford health care. This
35 member may be licensed under the provisions of this chapter.

36 3. The remaining three members of the Board must be persons
37 who:

- 38 (a) Are not licensed in any state to practice any healing art;
- 39 (b) Are not the spouse or the parent or child, by blood, marriage
40 or adoption, of a person licensed in any state to practice any healing
41 art;
- 42 (c) Are not actively engaged in the administration of any
43 medical facility or facility for the dependent as defined in chapter
44 449 of NRS;



1 (d) Do not have a pecuniary interest in any matter pertaining to
2 such a facility, except as a patient or potential patient; and

3 (e) Have resided in this State for at least ~~{5}~~ 3 years.

4 4. The members of the Board must be selected without regard
5 to their individual political beliefs.

6 ~~{5. As used in this section, "healing art" means any system,
7 treatment, operation, diagnosis, prescription or practice for the
8 ascertainment, cure, relief, palliation, adjustment or correction of
9 any human disease, ailment, deformity, injury, or unhealthy or
10 abnormal physical or mental condition for the practice of which
11 long periods of specialized education and training and a degree of
12 specialized knowledge of an intellectual as well as physical nature
13 are required.}~~

14 **Sec. 7.** NRS 630A.140 is hereby amended to read as follows:

15 630A.140 1. The Board shall elect from its members a
16 President, a Vice President and a Secretary-Treasurer. The officers
17 of the Board hold their respective offices during its pleasure.

18 2. The Board shall receive through its Secretary-Treasurer
19 applications for the *licenses and* certificates issued under this
20 chapter.

21 3. The Secretary-Treasurer is entitled to receive a salary, in
22 addition to the salary paid pursuant to NRS 630A.160, the amount
23 of which must be determined by the Board.

24 **Sec. 8.** NRS 630A.225 is hereby amended to read as follows:

25 630A.225 1. The Board shall not issue a license to practice
26 homeopathic medicine *or a certificate to practice as an advanced
27 practitioner of homeopathy or as a homeopathic assistant* to an
28 applicant who has been licensed *or certified* to practice any type of
29 medicine in another jurisdiction and whose license *or certificate*
30 was revoked for gross medical negligence by that jurisdiction.

31 2. The Board may revoke the license *or certificate* of any
32 person *who has been* licensed *or certified* to practice any type of
33 medicine in another jurisdiction ~~{which}~~ *and whose license or
34 certificate* was revoked for gross medical negligence by that
35 jurisdiction.

36 3. The revocation of a license *or certificate* to practice any type
37 of medicine in another jurisdiction on grounds other than grounds
38 which would constitute ~~{revocation for}~~ gross medical negligence
39 constitutes grounds for initiating disciplinary action or denying the
40 issuance of a license ~~{}~~ *or certificate*.

41 4. *If a license or certificate to practice any type of medicine
42 issued to an applicant in another jurisdiction has been revoked or
43 surrendered, the applicant must provide proof satisfactory to
44 the Board that the applicant is rehabilitated with respect to the
45 conduct that was the basis for the revocation or surrender of the*



1 *license or certificate when submitting an application for a license*
2 *or certificate to the Board.*

3 **5. The Board shall vacate an order to deny a license or**
4 **certificate if the denial is based on a conviction of:**

5 **(a) A felony for a violation or offense described in paragraph**
6 **(a), (b) or (d) of subsection 2 of NRS 630A.340; or**

7 **(b) An offense involving moral turpitude,**

8 **↪ and the conviction is reversed on appeal. An applicant may**
9 **resubmit an application for a license or certificate after a court**
10 **enters an order reversing the conviction.**

11 **6. If the Board finds that an applicant has committed an act**
12 **or engaged in conduct that constitutes grounds for initiating**
13 **disciplinary action or denying the issuance of a license or**
14 **certificate as set forth in NRS 630A.340 to 630A.380, inclusive, the**
15 **Board shall investigate whether the act or conduct has been**
16 **corrected or the matter has otherwise been resolved. If the matter**
17 **has not been resolved to the satisfaction of the Board, the Board,**
18 **before issuing a license or certificate, shall determine to its**
19 **satisfaction whether or not mitigating circumstances exist which**
20 **prevent the resolution of the matter.**

21 **7. For the purposes of this section, the Board shall adopt by**
22 **regulation a definition of gross medical negligence.**

23 **Sec. 9. NRS 630A.290 is hereby amended to read as follows:**

24 **630A.290 1. The Board may deny an application for a license**
25 **to practice homeopathic medicine *or a certificate to practice as an***
26 ***advanced practitioner of homeopathy or as a homeopathic***
27 ***assistant* for any violation of the provisions of this chapter or the**
28 **regulations adopted by the Board.**

29 **2. The Board shall notify an applicant of any deficiency which**
30 **prevents any further action on the application or results in the denial**
31 **of the application. The applicant may respond in writing to the**
32 **Board concerning any deficiency and, if the applicant does so, the**
33 **Board shall respond in writing to the contentions of the applicant.**

34 **3. An unsuccessful applicant may appeal to the district court to**
35 **review the action of the Board within 30 days after the date of the**
36 **rejection of the application by the Board. Upon appeal the applicant**
37 **has the burden to show that the action of the Board is erroneous or**
38 **unlawful.**

39 **4. The Board shall maintain records pertaining to applicants to**
40 **whom licenses *and certificates* have been issued or denied. The**
41 **records must be open to the public and must contain:**

42 **(a) The name of each applicant.**

43 **(b) ~~The~~ *For an applicant for a license to practice***
44 ***homeopathic medicine, the* name of the school granting the diploma**



1 ~~(e) The~~ *and the* date of the diploma.
2 ~~[(d)] (c)~~ The date of issuance or denial of the license ~~†~~
3 ~~(e)] or certificate.~~
4 *(d)* The business address of the applicant.
5 **Sec. 10.** NRS 630A.325 is hereby amended to read as follows:
6 630A.325 1. To renew a license *or certificate*, other than a
7 temporary, special or limited license , issued pursuant to this
8 chapter, each person must, on or before January 1 of each year:
9 (a) Apply to the Board for renewal;
10 (b) Pay the annual fee for renewal set by the Board;
11 (c) Submit evidence to the Board of completion of the
12 requirements for continuing education; and
13 (d) Submit all information required to complete the renewal.
14 2. The Board shall, as a prerequisite for the renewal or
15 restoration of a license *or certificate*, other than a temporary, special
16 or limited license, require each holder of a license *or certificate* to
17 comply with the requirements for continuing education adopted by
18 the Board.
19 3. Any holder who fails to pay the annual fee for renewal and
20 submit all information required to complete the renewal after they
21 become due must be given a period of 60 days in which to pay the
22 fee and submit all required information and, failing to do so,
23 automatically forfeits the right to practice homeopathic medicine ~~†~~
24 *or to practice as an advanced practitioner of homeopathy or as a*
25 *homeopathic assistant, as applicable*, and his or her license to
26 practice homeopathic medicine *or certificate to practice as an*
27 *advanced practitioner of homeopathy or as a homeopathic*
28 *assistant* in this State is automatically suspended. The holder may,
29 within 2 years after the date his or her license *or certificate* is
30 suspended, apply for the restoration of the license ~~†~~ *or certificate*.
31 4. The Board shall notify any holder whose license *or*
32 *certificate* is automatically suspended pursuant to subsection 3 and
33 send a copy of the notice to the Drug Enforcement Administration
34 of the United States Department of Justice or its successor agency.
35 **Sec. 11.** NRS 630A.340 is hereby amended to read as follows:
36 630A.340 The following acts, among others, constitute
37 grounds for initiating disciplinary action or denying the issuance of
38 a license ~~†~~ *or certificate*:
39 1. Unprofessional conduct.
40 2. Conviction of:
41 (a) A violation of any federal or state law regulating the
42 possession, distribution or use of any controlled substance or any
43 dangerous drug as defined in chapter 454 of NRS;



1 (b) A violation of any of the provisions of NRS 616D.200,
2 616D.220, 616D.240, 616D.300, 616D.310, or 616D.350 to
3 616D.440, inclusive;

4 (c) Any offense involving moral turpitude; or

5 (d) Any offense relating to the practice of homeopathic medicine
6 or the ability to practice homeopathic medicine ~~H~~ *or the practice,*
7 *or the ability to practice, as an advanced practitioner of*
8 *homeopathy or as a homeopathic assistant.*

9 ➔ A plea of nolo contendere to any offense listed in this subsection
10 shall be deemed a conviction.

11 3. The suspension, modification or limitation of a license *or*
12 *certificate* to practice any type of medicine *or to perform any type*
13 *of medical services* by any other jurisdiction.

14 4. The surrender of a license *or certificate* to practice any type
15 of medicine *or to perform any type of medical services* or the
16 discontinuance of the practice of medicine while under investigation
17 by any licensing *or certifying* authority, medical facility, facility for
18 the dependent, branch of the Armed Forces of the United States,
19 insurance company, agency of the Federal Government or employer.

20 5. Gross or repeated malpractice, which may be evidenced by
21 claims of malpractice settled against a ~~practitioner~~ *homeopathic*
22 *physician, advanced practitioner of homeopathy or homeopathic*
23 *assistant.*

24 6. Professional incompetence.

25 **Sec. 12.** NRS 630A.350 is hereby amended to read as follows:

26 630A.350 The following acts, among others, constitute
27 grounds for initiating disciplinary action or denying the issuance of
28 a license ~~H~~ *or certificate:*

29 1. Willfully making a false or fraudulent statement or
30 submitting a forged or false document in applying for a license to
31 practice homeopathic medicine ~~H~~ *or a certificate to practice as an*
32 *advanced practitioner of homeopathy or as a homeopathic*
33 *assistant.*

34 2. Willfully representing with the purpose of obtaining
35 compensation or other advantages for himself or herself or for any
36 other person that a manifestly incurable disease or injury or other
37 manifestly incurable condition can be permanently cured.

38 3. Obtaining, maintaining or renewing, or attempting to obtain,
39 maintain or renew, a license to practice homeopathic medicine *or a*
40 *certificate to practice as an advanced practitioner of homeopathy*
41 *or as a homeopathic assistant* by bribery, fraud or
42 misrepresentation or by any false, misleading, inaccurate or
43 incomplete statement.



1 4. Advertising the practice of homeopathic medicine *or*
2 *practice as an advanced practitioner of homeopathy or as a*
3 *homeopathic assistant* in a false, deceptive or misleading manner.

4 5. Practicing or attempting to practice homeopathic medicine ,
5 *or practicing or attempting to practice as an advanced practitioner*
6 *of homeopathy or as a homeopathic assistant*, under a name other
7 than the name under which ~~he or she~~ *the person practicing or*
8 *attempting to practice* is licensed ~~+~~ *or certified*.

9 6. Signing a blank prescription form.

10 7. Influencing a patient in order to engage in sexual activity
11 with the patient or another person.

12 8. Attempting directly or indirectly, by way of intimidation,
13 coercion or deception, to obtain or retain a patient or to discourage a
14 patient from obtaining a second opinion.

15 9. Terminating the medical care of a patient without giving
16 adequate notice or making other arrangements for the continued care
17 of the patient.

18 **Sec. 13.** NRS 630A.370 is hereby amended to read as follows:

19 630A.370 The following acts, among others, constitute
20 grounds for initiating disciplinary action or denying the issuance of
21 a license ~~+~~ *or certificate*:

22 1. Inability to practice homeopathic medicine *or to practice as*
23 *an advanced practitioner of homeopathy or as a homeopathic*
24 *assistant, as applicable*, with reasonable skill and safety because of
25 an illness, a mental or physical condition or the use of alcohol,
26 drugs, narcotics or any other addictive substance.

27 2. Engaging in any:

28 (a) Professional conduct which is intended to deceive or which
29 the Board by regulation has determined is unethical.

30 (b) Medical practice harmful to the public or any conduct
31 detrimental to the public health, safety or morals which does not
32 constitute gross or repeated malpractice or professional
33 incompetence.

34 3. Administering, dispensing or prescribing any controlled
35 substance, except as authorized by law.

36 4. Performing, assisting or advising an unlawful abortion or in
37 the injection of any liquid substance into the human body to cause
38 an abortion.

39 5. Practicing or offering to practice beyond the scope permitted
40 by law, or performing services which the homeopathic physician ,
41 *advanced practitioner of homeopathy or homeopathic assistant*
42 knows or has reason to know he or she is not competent to perform.

43 6. Performing any procedure without first obtaining the
44 informed consent of the patient or the patient's family or prescribing



1 any therapy which by the current standards of the practice of
2 homeopathic medicine is experimental.

3 7. Continued failure to exercise the skill or diligence or use the
4 methods ordinarily exercised under the same circumstances by
5 *homeopathic physicians, advanced practitioners of homeopathy*
6 *and homeopathic assistants* in good standing who practice
7 homeopathy and electrodiagnosis **†**, *as applicable.*

8 8. Operation of a medical facility, as defined in NRS 449.0151,
9 at any time during which:

10 (a) The license of the facility is suspended or revoked; or

11 (b) An act or omission occurs which results in the suspension or
12 revocation of the license pursuant to NRS 449.160.

13 ↪ This subsection applies to an owner or other principal responsible
14 for the operation of the facility.

15 **Sec. 14.** NRS 630A.380 is hereby amended to read as follows:

16 630A.380 The following acts, among others, constitute
17 grounds for initiating disciplinary action or denying the issuance of
18 a license **†** *or certificate:*

19 1. Willful disclosure of a communication privileged under a
20 statute or court order.

21 2. Willful failure to comply with any provision of this chapter,
22 regulation, subpoena or order of the Board or with any court order
23 relating to this chapter.

24 3. Willful failure to perform any statutory or other legal
25 obligation imposed upon a licensed homeopathic physician **†**, *a*
26 *certified advanced practitioner of homeopathy or a certified*
27 *homeopathic assistant, as applicable.*

28 **Sec. 15.** NRS 630A.390 is hereby amended to read as follows:

29 630A.390 1. Any person who becomes aware that a person
30 practicing medicine *or practicing as an advanced practitioner of*
31 *homeopathy or as a homeopathic assistant* in this State has, is or is
32 about to become engaged in conduct which constitutes grounds for
33 initiating disciplinary action may file a written complaint with the
34 Board.

35 2. Any medical society or medical facility or facility for the
36 dependent licensed in this State shall report to the Board the
37 initiation and outcome of any disciplinary action against any
38 homeopathic physician, *advanced practitioner of homeopathy or*
39 *homeopathic assistant* concerning the care of a patient or the
40 competency of the *homeopathic* physician **†**, *advanced*
41 *practitioner of homeopathy or homeopathic assistant.*

42 3. The clerk of every court shall report to the Board any
43 finding, judgment or other determination of the court that a
44 homeopathic physician **†**, *advanced practitioner of homeopathy*
45 *or homeopathic assistant:*



- 1 (a) Is mentally ill;
 - 2 (b) Is mentally incompetent;
 - 3 (c) Has been convicted of a felony or any law relating to
 - 4 controlled substances or dangerous drugs;
 - 5 (d) Is guilty of abuse or fraud under any state or federal program
 - 6 providing medical assistance; or
 - 7 (e) Is liable for damages for malpractice or negligence.
- 8 4. The Board shall retain all complaints filed with the Board
- 9 pursuant to this section for at least 10 years, including, without
- 10 limitation, any complaints not acted upon.

11 **Sec. 16.** NRS 630A.490 is hereby amended to read as follows:

12 630A.490 Except as otherwise provided in chapter 622A of

13 NRS:

14 1. Service of process made under this chapter must be either

15 personal or by registered or certified mail with return receipt

16 requested, addressed to the homeopathic physician , *advanced*

17 *practitioner of homeopathy or homeopathic assistant* at his or her

18 last known address. If personal service cannot be made and if notice

19 by mail is returned undelivered, the Secretary-Treasurer of the

20 Board shall cause notice to be published once a week for 4

21 consecutive weeks in a newspaper published in the county of the

22 ~~homeopathic physician's~~ last known address *of the homeopathic*

23 *physician, advanced practitioner of homeopathy or homeopathic*

24 *assistant* or, if no newspaper is published in that county, then in a

25 newspaper widely distributed in that county.

26 2. Proof of service of process or publication of notice made

27 under this chapter must be filed with the Board and recorded in the

28 minutes of the Board.

29 **Sec. 17.** NRS 630A.500 is hereby amended to read as follows:

30 630A.500 Notwithstanding the provisions of chapter 622A of

31 NRS, in any disciplinary hearing:

- 32 1. Proof of actual injury need not be established.
- 33 2. A certified copy of the record of a court or a licensing *or*
- 34 *certifying* agency showing a conviction or plea of nolo contendere
- 35 or the suspension, revocation, limitation, modification, denial or
- 36 surrender of a license to practice homeopathic medicine *or a*
- 37 *certificate to practice as an advanced practitioner of homeopathy*
- 38 *or as a homeopathic assistant* is conclusive evidence of its
- 39 occurrence.

40 **Sec. 18.** NRS 630A.510 is hereby amended to read as follows:

41 630A.510 1. Any member of the Board who was not a

42 member of the investigative committee, if one was appointed, may

43 participate in the final order of the Board. If the Board, after notice

44 and a hearing as required by law, determines that a violation of the

45 provisions of this chapter or the regulations adopted by the Board



1 has occurred, it shall issue and serve on the person charged an order,
2 in writing, containing its findings and any sanctions imposed by the
3 Board. If the Board determines that no violation has occurred, it
4 shall dismiss the charges, in writing, and notify the person that the
5 charges have been dismissed.

6 2. If the Board finds that a violation has occurred, it may by
7 order:

8 (a) Place the person on probation for a specified period on any
9 of the conditions specified in the order.

10 (b) Administer to the person a public reprimand.

11 (c) Limit the practice of the person or exclude a method of
12 treatment from the scope of his or her practice.

13 (d) Suspend the license *or certificate* of the person for a
14 specified period or until further order of the Board.

15 (e) Revoke the *person's* license ~~of the person~~ to practice
16 homeopathic medicine *H or certificate to practice as an advanced*
17 *practitioner of homeopathy or as a homeopathic assistant.*

18 (f) Require the person to participate in a program to correct a
19 dependence upon alcohol or a controlled substance, or any other
20 impairment.

21 (g) Require supervision of the person's practice.

22 (h) Impose an administrative fine not to exceed \$10,000.

23 (i) Require the person to perform community service without
24 compensation.

25 (j) Require the person to take a physical or mental examination
26 or an examination of his or her competence to practice homeopathic
27 medicine *H or to practice as an advanced practitioner of*
28 *homeopathy or as a homeopathic assistant, as applicable.*

29 (k) Require the person to fulfill certain training or educational
30 requirements.

31 3. The Board shall not administer a private reprimand.

32 4. An order that imposes discipline and the findings of fact and
33 conclusions of law supporting that order are public records.

34 **Sec. 19.** NRS 630A.520 is hereby amended to read as follows:

35 630A.520 1. Any person aggrieved by a final order of the
36 Board is entitled to judicial review of the Board's order as provided
37 by law.

38 2. Every order of the Board which limits the practice of
39 homeopathic medicine *or the practice of an advanced practitioner*
40 *of homeopathy or of a homeopathic assistant* or suspends or
41 revokes a license *or certificate* is effective from the date the
42 Secretary-Treasurer of the Board certifies the order until the date the
43 order is modified or reversed by a final judgment of the court. The
44 court shall not stay the order of the Board pending a final
45 determination by the court.



1 3. The district court shall give a petition for judicial review of
2 the Board's order priority over other civil matters which are not
3 expressly given priority by law.

4 **Sec. 20.** NRS 630A.530 is hereby amended to read as follows:
5 630A.530 1. Any person:

6 (a) Whose practice of homeopathic medicine has been limited;
7 or

8 (b) Whose license to practice homeopathic medicine *or*
9 *certificate to practice as an advanced practitioner of homeopathy*
10 *or as a homeopathic assistant* has been:

11 (1) Suspended until further order; or

12 (2) Revoked,

13 ↪ may apply to the Board for removal of the limitation or
14 suspension or may apply to the Board pursuant to the provisions of
15 chapter 622A of NRS for reinstatement of the revoked license ~~H~~ *or*
16 *certificate*.

17 2. In hearing the application, the Board or a committee of
18 members of the Board:

19 (a) May require the applicant to submit to a mental or physical
20 examination or an examination of his or her competence to practice
21 homeopathic medicine *or to practice as an advanced practitioner*
22 *of homeopathy or as a homeopathic assistant, as applicable*, by
23 physicians or other persons whom it designates and submit such
24 other evidence of changed conditions and of fitness as it deems
25 proper.

26 (b) Shall determine whether under all the circumstances the time
27 of the application is reasonable.

28 (c) May deny the application or modify or rescind its order as it
29 deems the evidence and the public safety warrants.

30 3. The applicant has the burden of proving by clear and
31 convincing evidence that the requirements for reinstatement of the
32 license *or certificate* or removal of the limitation or suspension have
33 been met.

34 4. The Board shall not reinstate a license *or certificate* unless it
35 is satisfied that the applicant has complied with all of the terms and
36 conditions set forth in the final order of the Board and that the
37 applicant is capable of practicing homeopathic medicine *or*
38 *practicing as an advanced practitioner of homeopathy or as a*
39 *homeopathic assistant, as applicable*, with reasonable skill and
40 safety to patients.

41 5. In addition to any other requirements set forth in chapter
42 622A of NRS, to reinstate a license *or certificate* that has been
43 revoked by the Board, a person must apply for a license *or*
44 *certificate* and take an examination as though the person had never
45 been licensed *or certified* under this chapter.



1 **Sec. 21.** NRS 630A.570 is hereby amended to read as follows:
2 630A.570 1. The Board through its President or Secretary-
3 Treasurer or the Attorney General may maintain in any court of
4 competent jurisdiction a suit for an injunction against any person or
5 persons practicing homeopathic medicine without a license or
6 *practicing as an advanced practitioner of homeopathy or as a*
7 *homeopathic assistant without the appropriate* certificate.

8 2. Such an injunction:
9 (a) May be issued without proof of actual damage sustained by
10 any person, this provision being a preventive as well as a punitive
11 measure.

12 (b) Does not relieve such person from criminal prosecution for
13 practicing without a license or certificate.

14 **Sec. 22.** NRS 630A.580 is hereby amended to read as follows:
15 630A.580 In seeking injunctive relief against any person for an
16 alleged violation of this chapter by practicing homeopathic medicine
17 without a license or *practicing as an advanced practitioner of*
18 *homeopathy or as a homeopathic assistant without the appropriate*
19 certificate, it is sufficient to allege that the person did, upon a certain
20 day, and in a certain county of this State, engage in the practice of
21 homeopathic medicine *or in the practice of an advanced*
22 *practitioner of homeopathy or of a homeopathic assistant* without
23 having ~~†~~ *the appropriate* license or certificate to do so, without
24 alleging any further or more particular facts concerning the matter.

25 **Sec. 23.** NRS 630A.590 is hereby amended to read as follows:
26 630A.590 A person who:

27 1. Presents to the Board as his or her own the diploma, license,
28 certificate or credentials of another;

29 2. Gives either false or forged evidence of any kind to the
30 Board;

31 3. Practices homeopathic medicine *or practices as an*
32 *advanced practitioner of homeopathy or as a homeopathic*
33 *assistant* under a false or assumed name; or

34 4. Except as otherwise provided in NRS 629.091, practices
35 homeopathic medicine *or practices as an advanced practitioner of*
36 *homeopathy or as a homeopathic assistant* without being
37 *appropriately* licensed or certified under this chapter,

38 ↳ is guilty of a category D felony and shall be punished as provided
39 in NRS 193.130.

40 **Sec. 24.** NRS 630A.600 is hereby amended to read as follows:
41 630A.600 Except as otherwise provided in NRS 629.091, a
42 person who practices homeopathic medicine *or who practices as an*
43 *advanced practitioner of homeopathy or as a homeopathic*
44 *assistant* without ~~†~~ *the appropriate* license or certificate issued



1 pursuant to this chapter is guilty of a category D felony and shall be
2 punished as provided in NRS 193.130.

⑩



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