

**Amendment No. CA47**

First Conference Committee Amendment to Assembly Bill No. 208 Third Reprint (BDR 54-1108)

**Proposed by:** First Conference Committee

**Amendment Box:**

**Resolves Conflicts with:** N/A

**Amends:** Summary: No Title: Yes Preamble: No Joint Sponsorship: No Digest: No

Amend the bill as a whole by deleting sections 5 through 12 and adding new sections designated sections 5 through 12, following sec. 4, to read as follows:

“**Sec. 5.** Chapter 630A of NRS is hereby amended by adding thereto the provisions set forth as sections 5.2 to 10, inclusive, of this act.

**Sec. 5.2.** *As used in sections 5.2 to 10, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 5.4, 5.5 and 5.6 of this act have the meanings ascribed to them in those sections.*

**Sec. 5.4.** *“Practitioner” means:*

- 1. A homeopathic physician licensed pursuant to this chapter;*
- 2. A physician licensed pursuant to chapter 630 of NRS; or*
- 3. An osteopathic physician licensed pursuant to chapter 633 of NRS.*

**Sec. 5.5.** *1. “Researcher” means a practitioner who intends to undertake or is undertaking a research study.*

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Date: 6/6/2005

A.B. No. 208—Makes various changes relating to physicians and medical research.



*2. The term does not include a practitioner who intends to undertake or is undertaking any research, study or trial described in section 5.8 of this act.*

*Sec. 5.6. 1. "Research study" means any research, study or trial using devices, therapies or substances regulated by the Board of Homeopathic Medical Examiners, or any combination of those devices, therapies or substances, in a manner that is considered to be a form of alternative or complementary integrative medicine.*

*2. The term does not include any research, study or trial described in section 5.8 of this act.*

*Sec. 5.8. The provisions of sections 5.2 to 10, inclusive, of this act do not apply to any research, study or trial that is conducted under the auspices of a federally qualified institutional review board and in accordance with applicable federal statutes.*

*Sec. 6. 1. The Nevada Institutional Review Board is hereby created.*

*2. The Nevada Institutional Review Board shall be under the supervision of the Board of Homeopathic Medical Examiners.*

*3. The Nevada Institutional Review Board consists of seven members appointed as follows:*  
*(a) After consultation with organizations in Nevada representing medical disciplines, the Board of Homeopathic Medical Examiners shall appoint four members who represent various medical disciplines in Nevada.*

*(b) Three members who are lay members of the general public and residents of Nevada and who are not licensed in any medical discipline must be appointed as follows:*

*(1) One member appointed by the Governor;*

*(2) One member appointed by the Majority Leader of the Senate; and*

*(3) One member appointed by the Speaker of the Assembly.*

*4. The members of the Nevada Institutional Review Board serve at the pleasure of the appointing authority. A vacancy on the Nevada Institutional Review Board must be filled by the appointing authority in the same manner as the original appointment.*

*5. The members of the Nevada Institutional Review Board are entitled to receive, out of the money coming into the possession of the Nevada Institutional Review Board, a per diem allowance and travel expenses, as fixed by the Nevada Institutional Review Board.*

*6. Four members of the Nevada Institutional Review Board constitute a quorum. A quorum may exercise all the power and authority conferred on the Nevada Institutional Review Board.*

*7. The Nevada Institutional Review Board shall elect officers from within its membership, fix the time and place of its meetings and adopt rules of procedure as it deems necessary to carry out its duties.*

**Sec. 7.** *Before entering upon the duties of his office, each member of the Nevada Institutional Review Board shall take:*

- 1. The constitutional oath or affirmation of office; and*
- 2. An oath or affirmation that he is legally qualified to serve on the Nevada Institutional Review Board.*

**Sec. 7.3.** *1. The Nevada Institutional Review Board shall adopt regulations to carry out the provisions of sections 5.2 to 10, inclusive, of this act.*

*2. All regulations adopted by the Nevada Institutional Review Board must be approved by the Board of Homeopathic Medical Examiners.*

**Sec. 7.7.** *1. A researcher who intends to undertake a research study must submit a proposal for the research study to the Nevada Institutional Review Board for its review and approval.*

*2. A researcher shall not undertake a research study unless the proposal for the research study has been approved by the Nevada Institutional Review Board.*

**Sec. 8. 1. The Nevada Institutional Review Board shall:**

*(a) Review proposals for research studies and oversee, review and control all research studies it has approved;*

*(b) Evaluate, determine and act upon the safety, efficacy, reimbursement and availability of diagnostic devices, substances, other modalities, therapies and methods of treatment used in such research studies; and*

*(c) Analyze, coordinate and integrate the diagnostic techniques and treatments related to alternative and complementary integrative medicine with the diagnostic techniques and treatments of other health care practices.*

*2. The Nevada Institutional Review Board shall oversee, review and control any research studies which it has approved and which involve the use of human research subjects and any related issues, including, without limitation:*

*(a) The qualifications required for conducting such research studies;*

*(b) The proper clinical outcome to be attributed to such research studies; and*

*(c) The safety, efficacy, reimbursement and availability of diagnostic devices, substances, other modalities, therapies and methods of treatment used in such research studies.*

*3. The Nevada Institutional Review Board shall evaluate:*

*(a) The social and economic impact of the research studies it has approved; and*

*(b) The relationship between alternative and complementary integrative medicine and other health care practices.*

*4. The Nevada Institutional Review Board shall:*

*(a) Keep a record of all transactions and provide the Board of Homeopathic Medical Examiners, the Board of Medical Examiners and the State Board of Osteopathic Medicine with quarterly reports of all transactions; and*

*(b) Make any additional reports or recommendations to the Board of Homeopathic Medical Examiners as the Board of Homeopathic Medical Examiners requires.*

*5. The Nevada Institutional Review Board is accountable to the Board of Homeopathic Medical Examiners for all the activities of the Nevada Institutional Review Board.*

**Sec. 9. 1.** *All money received by the Nevada Institutional Review Board must be deposited in financial institutions in this State that are federally insured or insured by a private insurer approved pursuant to NRS 678.755. The money must be kept separate from any money to be used by or for the Board of Homeopathic Medical Examiners.*

*2. The deposited money must only be used to carry out the activities of the Nevada Institutional Review Board and to pay the expenses incurred by the Nevada Institutional Review Board in the discharge of its duties.*

**Sec. 10. 1.** *Except as otherwise provided in subsection 3, the Nevada Institutional Review Board may be funded by:*

*(a) A nonprofit organization, created by the Board of Homeopathic Medical Examiners, which is exempt from taxation pursuant to 26 U.S.C. § 501(c)(3); and*

*(b) Grants, gifts, appropriations or donations to assist the Nevada Institutional Review Board in carrying out its duties pursuant to the provisions of sections 5.2 to 10, inclusive, of this act.*

*2. Any money received by the Nevada Institutional Review Board must be placed with the financial institutions described in section 9 of this act.*

*3. The Nevada Institutional Review Board may not be funded by any money from:*

*(a) The sponsor of any research study; or*

*(b) The manufacturer of any device, drug or other substance regulated by the Board of Homeopathic Medical Examiners.*

**Sec. 11.** NRS 630A.090 is hereby amended to read as follows:

630A.090 1. ~~[This]~~ *Except as otherwise provided in sections 5.2 to 10, inclusive, of this act, this* chapter does not apply to:

(a) The practice of dentistry, chiropractic, Oriental medicine, podiatry, optometry, respiratory care, faith or Christian Science healing, nursing, veterinary medicine or fitting hearing aids.

(b) A medical officer of the Armed Services or a medical officer of any division or department of the United States in the discharge of his official duties.

(c) Licensed or certified nurses in the discharge of their duties as nurses.

(d) Homeopathic physicians who are called into this State, other than on a regular basis, for consultation or assistance to any physician licensed in this State, and who are legally qualified to practice in the state or country where they reside.

2. This chapter does not repeal or affect any statute of Nevada regulating or affecting any other healing art.

3. This chapter does not prohibit:

(a) Gratuitous services of a person in case of emergency.

(b) The domestic administration of family remedies.

4. This chapter does not authorize a homeopathic physician to practice medicine, including allopathic medicine, except as otherwise provided in NRS 630A.040.

**Sec. 12.** NRS 630A.155 is hereby amended to read as follows:

630A.155 The Board shall:

1. Regulate the practice of homeopathic medicine in this State and any activities that are within the scope of such practice, to protect the public health and safety and the general welfare of the people of this State.

2. Determine the qualifications of, and examine, applicants for licensure or certification pursuant to this chapter, and specify by regulation the methods to be used to check the background of such applicants.

3. License or certify those applicants it finds to be qualified.

4. Investigate, hear and decide all complaints made against any homeopathic physician, advanced practitioner of homeopathy, homeopathic assistant or any agent or employee of any of them, or any facility where the primary practice is homeopathic medicine. If a complaint concerns a practice which is within the jurisdiction of another licensing board ~~[, including, without limitation, spinal manipulation, surgery, nursing or allopathic medicine,]~~ *or any other possible violation of state law*, the Board shall refer the complaint to the other licensing board.

*5. Supervise the Nevada Institutional Review Board created by section 6 of this act, including, without limitation, approving or denying the regulations adopted by the Nevada Institutional Review Board.*

*6. Submit an annual report to the Legislature and make recommendations to the Legislature concerning the enactment of legislation relating to alternative and complementary integrative medicine, including, without limitation, homeopathic medicine.”.*

Amend the bill as a whole by deleting sec. 17 and adding a new section designated sec. 17, following sec. 16, to read as follows:

“**Sec. 17.** 1. As soon as practicable, each appointing authority responsible for the appointment of members to the Nevada Institutional Review Board shall make its initial appointments to the Nevada Institutional Review Board.

2. The Nevada Institutional Review Board shall adopt regulations pursuant to section 7.3 of this act on or before October 1, 2005.”.

Amend the title of the bill by deleting the twelfth through seventeenth lines and inserting:  
“defining its powers and duties; requiring the Board of Homeopathic Medical Examiners to make recommendations to the Legislature regarding alternative and complementary integrative medicine; and”.