

Telephone meeting/conference
Of the
NRS/NAC/Manual Committee Telephone Meeting
Of the
NEVADA STATE BOARD
OF
HOMEOPATHIC MEDICAL EXAMINERS
Thursday, August 5, 2010, at 6:00 p.m. pacific time

The Nevada Clinic
3663 Pecos McLeod Int.
Las Vegas, NV 89121

and

Sierra Integrative Medical Center
6512 South McCarran, Suite E.
Reno, NV 89509

MINUTES

1. The Chair called the meeting to order at 6:00 p.m. Those present at the beginning of the meeting were Fuller Royal (Las Vegas), Chairman, Greg Olson (Las Vegas), George Eversaul (Las Vegas) Tom Lee (Reno), and Bruce Fong (Reno).

2. Visitor: Babs Clough attended the meeting in Reno.

3. **Motion:** Tom Lee moved that today's agenda be approved.
Second: George Eversaul
Action: Motion passed

4. The NRS/NAC/Manual Committee members had previously been sent by email attachment the proposed new language, deletions and additions to chapter 630A of NRS. The Chairman put together his recommendations after reviewing previous legislative bills, several chapters of NRS, including NRS 630A, NAC 630A, Arizona statutes relating to health care, National Center for Complementary and Alternative Medicine (NCCAM), and websites of the Federal Drug Administration and World Health Organization. The Committee members discussed the suggested changes.

The Chairman reminded Committee members that the purpose for reviewing and recommending changes to chapter 630A of NRS is to assist the Board in fulfilling its mandate from the Legislature to conduct a review of NRS 630A and, "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.*" (NRS 630A.155(5)) This meeting is for the Committee to begin that process and, if possible, to present the Committee's findings and recommendations to the Board during its next meeting.

Dr. Fong urged the Committee to consider new language for expanding the authority of the Board to include complementary alternative therapies currently practiced in Nevada that are not licensed under any statute. The public is not being currently protected in those practices.

The Chairman explained the definition of "complementary, integrative, alternative medicine," found on the website of NCCAM. Committee members agreed that complementary alternative medicine better defined the extent of regulation and duties of the Board than "homeopathic medicine." After a discussion, Royal pointed out that the legislative mandate

includes *all parts* of complementary, integrative, alternative medicine, but some systems are currently regulated under NRS.

A discussion ensued in regards to **Sections 4 and 5**, full prescription rights for licensees. Attorney General Opinion 99-06 and Legislative Counsel Bureau Opinion regarding AGO 99-06 were reviewed. Currently, the legal counsel and Executive Secretary of the Pharmacy Board have refused to allow singly licensed physicians applying for licensure under chapter 630A of NRS to have prescription rights, based on AGO 99-06. LCB January 31, 2000, Opinion on AGO 99-06 refutes the opinion, AGO 99-06, and has ruled that all physicians licensed under chapter 630A of NRS must have prescription rights in order to practice various therapies regulated by the Board. The problem can be resolved when the Legislature puts appropriate language in NRS 630A, declaring its intent.

Tom Lee raised the question as to what prescription rights would be granted to naturopathic physicians who wish to apply for licensing/certification in Nevada who are practicing with those rights in place in another state. Fuller Royal explained this is covered in **Sections 4 and 5**.

The Chairman explained the necessity for deleting “supervising physician” in **Section 14** (NRS 630A.075), placing the responsibility for examining, certifying, and regulating complementary alternative practitioners with the Board. The certification procedure, protocol agreement, and regulation for a complementary alternative practitioner is found in **Section 29** (NRS 630A.293). George Eversaul suggested a new section be added whereby complementary alternative practitioners the Board determines not sufficiently trained to practice without supervision, could be placed under the supervision of a licensed complementary alternative physician—perhaps as an intern or resident complementary alternative practitioner.

The Chairman recommended the deletion of paragraph 4 in **Section 16** (NRS 630A.090). Tom Lee suggested eliminating paragraph 1(a), but others explained this language was placed by the Legislature at the time this Board was established in 1983.

A discussion of **Section 17** (NRS 630A.110) ensued, beginning with Bruce Fong, Fuller Royal explained the necessity for the new language in paragraph 2. George Eversaul raised the question as to whether or not a complementary alternative practitioner should be added as a Board member. The Committee agreed the number of physicians appointed to the Board in paragraph 1 be reduced to 3. A complementary alternative practitioner could or may be appointed to fill one seat on the Board. A new paragraph 3 will be added with the necessary new language mirroring paragraph 1. The total number of Board members will remain at 7.

The Chairman stated that the new language in **Section 20** (NRS 630A.225) was taken from an Arizona statute governing the Arizona Homeopathic and Integrative Medical Board. There was no objection from the Committee.

The Chairman explained the changes in **Section 21** (NRS 630A.230) also closely followed the Arizona licensing procedure. The Committee was in agreement with the new language in this section.

The Chairman explained the need for deleting NRS 630A.240 in **Section 22**, placing the contents as new language in **Section 3**, paragraph 2(h).

The Chairman explained the intent of the new language in **Section 26** (NRS 630A.270) is to give the Board authority to determine the methods and requirements for licensure of foreign applicants. Greg Olson explained this change will improve the Board’s ability to license

physicians trained in Complementary Alternative Medicine in foreign nations, where such training is combined with allopathic training in several European Countries.

Section 29 (NRS 630A.293) is language pertaining to Board certification of a complementary alternative practitioner. The Committee agreed that new language is needed in order for the Board to have authority to assign a complementary alternative physician or practitioner to supervise a complementary alternative practitioner when deemed necessary. Such language will be added to this section.

George Eversaul asked for someone to explain whether there were any differences between having a licensure versus having a certification. Fuller Royal said both have authority defined by the Legislature. Greg Olson pointed out that some APHs in Nevada have added "Board Certified" following "APH." The title is deceptive and confusing to the public. The Committee agreed complementary alternative practitioners should be "licensed," rather than certified. However, complementary alternative medical assistants will continue to practice under a certificate.

Motion: Greg Olson moved to approve the additions, deletions, and new language to chapter 630A as amended.

Second: George Eversaul

Action: Passed unanimously

5. Public Comment: None

6. Adjourn meeting:

Motion: George Moved the meeting be adjourned.

Second: Greg Olson

Action: Passed

Time: 7: 35 p.m.

F. Fuller Royal, Chairman

Date: August 5, 2010

Approved August 20, 2010