

PUBLIC NOTICE

NRS/NAC/Manual Committee Telephone Meeting of the
Nevada State Board of Homeopathic Medical Examiners
held at the offices of

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

and

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

Thursday, October 28, 2010, at 5:00 p.m. pacific time

MINUTES

- A. The Chair called the meeting to order at 5:11 p.m. A quorum of members were present:

Fuller Royal, Chairman, Las Vegas
Greg Olson, member, Las Vegas (left the meeting at 6:30 p.m.)
George Eversaul, member, Las Vegas
Tom Lee, member, Reno
Bruce Fong, Board President, Reno
Nancy Eklof, Executive Director, Reno

- B. Visitor: Dean Friesen—Las Vegas (attended the meeting beginning at 5:30 p.m.)

- C. **Motion:** Tom Lee moved that today's agenda be approved.

Second: Greg Olson

Action: Motion passed

- D. The minutes of the August 20, 2010 meeting were read. George Eversaul corrected line 4 by adding an "advanced (integrated)." The minutes were approved with the correction.

"The Committee again reviewed the proposed language changes in chapter 630A of NRS. **Section 26**, NRS 630A.110 (**Section 17** during the August 5th meeting) was discussed. George Eversaul expressed his feeling that language should exist giving the Governor a choice as to whether to appoint a forth physician or an "advanced (integrated) practitioner" to fill this seat on the Board."

Motion: George Eversaul moved the minutes be approved with a correction in Item 6 line 4 by adding an "advanced" ("integrated") to "practitioner."

Second: Greg Olson

Action: Motion passed

- E. Board President Bruce Fong presented comments of Board members in regards the Committee's recommended additions, deletions, and new language for NRS 630A. Only one Board member provided a written suggestion. He recommended the President dissolve the NRS/NAC 630A Committee. Executive Director Nancy Eklof presented President Fong with comments provided by

Board members. President Fong had not seen the document presented to him by the Executive Director prior to the Committee meeting today. She reported that 2 members had recommended the Committee “keep it simple—only doing a little at a time.” Next, the Board members submitting the note wants the Committee to “address the conflicts within our statute.”

President Fong asked Nancy Eklof what these (conflicts) were.

Nancy Eklof: “They (2 Board Members) didn’t elaborate on it but they said Dr. Royal would understand they said there are statutes that conflict with what you (the Committee) are proposing now.”

Chairman: “Which ones (statutes)?”

President Fong: “The feedback I have gotten has been very, very sketchy . . . These one line things I am reading don’t really tell me these bullet points don’t really tell me anything in detail. When we meet again a better (I can get} a better understanding as to what this Board member is looking for (the Committee) to do.”

Nancy Eklof: “It’s not what this particular Board member (wants). It is a consensus of 3 or 4 Board members. The reason I requested these specific bullet points is because if we don’t do something at this Committee meeting, at least to satisfy some of this, they are just not going to approve (the Committee’s recommendations) when you (Committee) brings them to (the Board).”

Chairman: “I understand what you are saying, Nancy, but where are (these recommendations in conflict) with the NRS?”

President suggested Nancy Eklof ask the Board members to provide more details in order for the Committee to address their concerns. Thomas Lee said he had become familiar with statutes in other states and the Committee’s recommendations are much more detailed. He suggested possible language that would not conflict with statutes other than chapter 630A. George Eversaul added that the recommended language is already present within the Committee’s proposed changes to the Board. He cites standard legal language, such as “. . . limited, but not restricted to” . . . which means that even though we have detailed specific lists that in the future the Board can add to those . . . because of the general phrase, “not limited to.” He asked Nancy Eklof to explain to those submitting the bullet points that the proposed language is designed to resolve conflicts with other statutes

President Fong stated he had asked Board members to read the proposed changes, document parts where they had concerns, and submit recommendations to this Committee regarding the document prepared. Except for the “bullet points” presented today, Board members have not complied with his request.

George Eversaul referred the Committee to page 13, **Section 28, NRS 630A.155** paragraph 3, subparagraph (c) of the document recommended to the Board as an example of what may be of concern. President Fong interjected that Nancy Eklof needed to return to the Board members for more details (specifics) as to their objections. President Fong stated he had not found any conflicts in his review.

Chairman: “Nancy, would you give (the Committee) the names of those members of the Board members who had (you deliver the bullet points) to this Committee?”

Nancy Eklof: “No, I can’t do that at this point; what difference does that make, Dr. Royal?”

Chairman: “I’ll tell you what difference that makes. . . . the Board members should be communicating with us . . . (bringing this to us. Having you provide this anonymously) makes it sound like we are going against the Board. . . . Board members should be communicating with (the Committee). . . if we have the names of the Board members, we can talk with them”

Nancy Eklof: “I had invited them to come to this meeting, but for some reason that wasn’t legal.”

Chairman: “Coming to this meeting would have been perfectly legal.” President Fong stated it is legal for any Board member to attend a Committee meeting.

Nancy Eklof: “Basically, our two (2) Board members that have a problem with the (Committee’s suggested) changes (Cyrus) Pourzon have and (Diane) Kennedy. . . . “I’ll take dictation from them. Obviously, they do not want to write a paper on it. I had requested (bullet points) to be able to move forward from this Committee meeting . . . but I think it is going to have to before our main Board meeting. I believe we are going to have to have another (Committee) meeting with more clarification.”

President Fong stated some Board members and licensee/certificate holders had concerns about changing the name of the Board. Nancy said the Governor has suggested his desire to combine Boards before he leaves office.

Nancy Eklof: “Diane feels like we should just lay low as far as going through any name change and all of the ramifications that means.”

Chairman: “Nancy, do you have any documentation received from the Office of the Governor about that specific item.”

Nancy Eklof: “I do have that . . . we had a meeting called the summit of all Boards and Commissions this past summer at the Governor’s Office, and I’ll furnish you with that information.”

The Chairman stated it would have been helpful for such information to have been in the possession of the Committee before beginning with recommendations to the Board. Nancy said she sent a copy to all Board members (including President Fong, who attended the meeting).

President Fong stated the Committee’s work was designed to show the Governor that this Board was already working to assist in bringing together the alternative and complementary fields under one Board. He has encouraged the Committee in the spirit of the summit.

The final two bullet points expressed concerns about unlicensed practices within the state. The Board verified health care practices defined under chapter 630A by unlicensed and uncertified practitioners. Complaints were forwarded to the Office of Attorney General, but no action has been

taken. The Committee has created language within its document to the Board that addresses this. Board member Cyrus Pourzan would like for language to be included that would allow the Board to take legal action. President Fong supports language within NRS 630A to obtain this authority.

Chairman Royal read NRS 630A.155 (5) and pointed out that this legislative mandate does not allow the Board to bring forth a bill for legislative action that goes beyond the bounds of NRS 630A.155 (5). He suggested the Board should work on the legal language members want to introduce during the 2011 Legislative Session. That language is not required by this mandate.

Tom Lee suggested the Committee review the proposed document, make any changes, and send it back to the Board for action.

President Fong said Board members and advanced practitioners of homeopathy (APH) would prefer another designation be given to those practicing alternative therapies that would not be qualified under the present requirements to become an APH. No name titles were suggested. "Technician," "Practitioner." Chairman Royal expressed his opinion that it would be the Board's responsibility to provide such suggestions (in view of the fact that no positive suggestions have come forward).

President Fong suggested a separate grouping or designation for those practicing various therapies of complementary medicine. George Eversaul suggested "Alternative Practitioner." Tom Lee had concerns that Naturopathic Physicians are not included in some states that recognize complementary alternative medicine. President Fong explained that Nevada has provided this Board with authority to recognize, license and regulate all such therapies.

George Eversaul put forth the following 3 points:

1. There are persons well trained in some forms of CAM therapies who do not wish to be required to pass an examination the current APHs must take. This would be a burden for them because they have no desire to practice homeopathic medicine, for example.
2. Some are licensed by other Boards that do not recognize nor approve these types of treatment modalities. Other states are trying to limit the "MD" to allopathic doctors.
3. In terms of the protocol, the term "Alternative Therapist" should be clearly defined within the regulations as to what practices are approved. Those practices could be part of the required information provided a patient for clarity. An (X) would identify each therapy approved by the Board.

Tom Lee had concerns about #2 above. The Chairman explained that the Board will be supervising APHs and not allopathic physicians or osteopathic physicians. President Fong stressed a new title for those qualified as APH be carefully selected. Nurse Practitioners and Physician's Assistants are gaining increased respect because of their titles.

Chairman Royal explained that many of the things being discussed can be defined in chapter 630A of NAC. Tom Lee suggested the Committee send this proposed bill with changes back to the Board for action. Greg Olson believe it is now time for the Board to get more involved in document.

Chairman: Recommended the following:

A. Deletions, additions, new language in **Section 1, paragraphs 1-3:**

Section Chapter 630A of NRS is hereby amended by adding thereto a new section to read as follows: **1. *The Legislature of the State of Nevada hereby:***

- 1. *Declares this State to be a freedom of choice of health state.***
- 2. *Affirms it is among the responsibilities of State Government to ensure, as far as possible, that only competent persons practice alternative and complementary integrative medicine, including homeopathic medicine, within this State.***
- 3. *Delegates to the Board of Integrated Medical Examiners for the protection and benefit of the public the power and duty to determine the initial and continuing competence of alternative and complementary integrative medicine physicians, practitioners, and assistants who are subject to the provisions of this chapter.***

B. Deletions, additions, new language in **Section 3:**

Sec. 3 Chapter 630A of NRS is hereby amended by adding thereto a new section to read as follows: ***“Integrated medicine” means alternative and complementary systems of healing art and holistic therapies include modalities, diagnostics, treatments, procedures and protocols used to relieve suffering and enhance healing in humans. The boundaries between integrated medicine and conventional medicine are recognized [by many nations] as being equivalent.***

2. *The term “holistic therapies” includes without limitation, applied kinesiology, aquastretch, aromatherapy, biofermentics, bio-oxidative therapy, cell therapy, colon therapy, cranio-sacral therapy, dietary supplements, electrodiagnosis, environmental therapy, healing touch, herbal therapy, homeopathy, lifestyle modification, naturopathy, neural therapy, neuromuscular integration, nutrition, orthomolecular therapy, peptides, pharmaceutical medicines, Reiki, Therapeutic Touch, wellness programs, Xenobiotics, and other therapeutic equivalents. As used in this section:*

(p) “Magnetic therapy” means the use of magnetic and electromagnetic fields to treat the human body.

C. Additions, new language in addition in **Section 12:**

Sec. 12. Chapter 630A of NRS is hereby amended by adding thereto a new section to read as follows:
Notwithstanding any other provision of law:

- 1. *An integrated medical screening practice may be created and:***
 - (a) Directed by any provider of health care, integrated physician or integrated practitioner and may be owned by any provider of health, integrated physician or integrated practitioner care; and***
 - (b) May provide the services described in subsection 2.***
- 2. *An integrated medical screening practice may offer health care screening services that include, but are not limited to, screening services related to:***
 - (a) Aquastretch;***
 - (b) Aromatherapy;***
 - (c) Biofeedback;***
 - (d) Biofermentics;***
 - (e) Body measurements and analysis of:***
 - (i) Blood pressure;***
 - (ii) Chi energy;***
 - (iii) Fat analysis;***
 - (iv) Height;***
 - (v) Pulse;***
 - (vi) Weight;***
 - (f) Colon therapy;***
 - (g) Dietary Supplements;***
 - (h) Electrodermal testing;***
 - (i) Electromagnetic therapy;***

- (j) *Healing touch;*
- (k) *Heart rate variability;*
- (l) *Herbal therapies;*
- (m) *Holistic therapies;*
- (n) *Homeopathic medicines including, but not limited to, sarcodes, nosodes, and isodes;*
- (o) *Lifestyle modification counseling;*
- (p) *Massage;*
- (q) *Magnetic therapy*

George Eversaul asked President Fong to assist the Board and this Committee by:

1. Getting details related to whatever conflicts exist that Board members desire this Committee to address and resolve;
2. Addressing those things the Board would like to see that would make this document “simpler; and
3. Discussing with the Board the establishment of a “Technician” class that would include “Alternative Therapist.”

Motion: Tom Lee moved to approve the proposed NRS 630A Bill, including the additions, deletions, new language presented today, and to send the document to the Board.

Second: George Eversaul

Action: Passed unanimously.

President Fong reported on his communication with the Arizona Homeopathic Board and members. A 300 hour educational requirement is in their statutes to be eligible for licensure, whereas ours has a 200 hour requirement. George Eversaul stated that any number of hours required can be addressed within the NAC 630A. (**NOTE:** There is no such requirement in the Policy & Bylaws Manual, chapter 630A of NRS or in chapter 630A of NAC) We are working toward a reciprocity with Arizona.

Arizona Homeopathic Board is adding a 3rd level for licensure for homeopathic doctors. There is a Homeopathic School of Medicine certified in Arizona. Graduates will receive an HD degree.

- F. Public Comment: Dean Friesen advised President Fong that neither the allopathic nor the osteopathic Boards have legal authority to “act upon” a complaint. He questioned whether or not the Board had acted upon the recommendations of the Investigative Committee. The Office of Attorney General will only “act upon” a Board action. President Fong believed the complaint had not been vetted before the Board as yet.

- G. Adjourn meeting:

Motion: George Eversaul moved the meeting be adjourned.

Second: Tom Lee

Action: Passed

Time: 6: 37 p.m.

Meeting Adjourned

F. Fuller Royal, Chairman
NRS/NAC/Manual Committee

Date: October 28, 2010
Approved _____

NRS/NAC/Manual Committee
October 28, 2010 Meeting

Minutes

Approved
_____, 2010 Meeting