



**Declaratory Judgments
Of The
Nevada State Board of Homeopathic Medical Examiners**

By Authority Of NAC 630A.240

January 24, 2004

A. Question: Is External Counter Pulsation Therapy (ECP Therapy) a form of neuromuscular integration?

Definition:

ECP therapy is the application of external, sequentially inflated blood pressure cuffs located from the ankles to the pelvis that "counter-pulse" the cardiac generated pressure waves thru the extremities.

Explanation:

The mechanism of action is unknown, but the therapy is approved by the Food and Drug Administration (FDA) for use in cardiovascular diseases. The rhythm or pace of the therapy is derived from the gated ECP signal. The patient is instructed (in my office) to control his thoughts and regulate his breathing, which affects the heart rate, in order to learn to control the speed and rhythm of the counter-pulsing therapy. When multiple areas of endothelial dysfunction cause an abnormal physiological state, neuromuscular biofeedback by means of ECP therapy integrates and physiologically entrains arterial smooth muscle soliton waves. Can ECP therapy be defined as a form of neuromuscular integration in accordance with paragraph c in subsection 1 of NAC 630A.014?

Board Declaratory Judgment and Opinion

Your definition and explanation of External Counter Pulsation Therapy (ECP Therapy) is a form of neuromuscular integration, which is defined as:

NAC 630A.014 Interpretation of terms used in .

As used in , unless the context otherwise requires, the board will interpret:

NAC 630A.014(1)(c) "Neuromuscular integration" to mean the progressive harmonization of the endocrine system, immune system, autonomic nervous system, skeletal system and smooth muscle system of a patient with the cognitive and noncognitive faculties of a patient by the use of (1) Manipulation of the soft tissues of the body to balance the body.

B. Question: Can any unlicensed person in Nevada or person licensed to practice under chapters 630, 631, 632, 633, 634, 634A, or 638 of NRS perform or practice homeopathy or any of the complementary and alternative medical therapies that are listed in NRS 630A.040(2), including electrodiagnosis and electro-therapeutic acupuncture, without being licensed to practice such under NRS 630A? Can such persons prescribe, recommend, advise, etc. the use of substances commonly available "over-the-counter" to anyone other than immediate family members without being licensed under NRS 630A?

Board Declaratory Judgment and Opinion

The Nevada Legislature has mandated that the Board of Homeopathic Medical Examiners "regulate the practice of homeopathy in Nevada and any activities that are within the scope of such practice, . . ." (NRS 630A.155(1))

1. Unlicensed Persons

Unlicensed persons are prohibited from practicing homeopathic medicine as defined in chapter 630A.040 of NRS, and as defined in 630A.014, 630A.015, 630A.022, and 630A.023 of NAC.

NRS 630A.460(1)(b) enjoins non-licensed persons from practicing homeopathy without a

license. NRS 630A.560 authorizes the Board of Homeopathic Medical Examiners to prosecute all violations. Practicing homeopathy in Nevada without a license is a class D felony. (NRS

630A.590(4), and 630A.600)

2. Chapter 630 of NRS (Allopathic Medicine)

The practice of allopathic medicine under chapter 630 of NRS and NAC neither defines nor regulates the practice of homeopathic medicine or complementary and alternative medicine as defined in chapter 630A.040 of NRS, and as defined in 630A.014, 630A.015, 630A.022, and 630A.023 of NAC. Although the term “homeopathic” was added to NRS 630.257 by the legislature in 1985, the term was never defined in NAC 630, and was removed by the legislature in 1993 (AB 559). None of the terms found in NRS 630A.040 are present in chapter 630 of NRS, and the term “nutrition” is used in paragraph c of subsection 1 in NAC 630.205 as a reference in regards to prescribing “Appetite Suppressants.” The terms “alternative” and “complimentary” are neither found nor defined in chapter 630 of NRS or NAC. Therefore, by removing the term, “homeopathic” from chapter 630 of NRS, the 1993 Nevada Legislature mandated that the term “homeopathic medicine,” including the complementary and alternative medical therapies in subsection 2 of NRS 630A.040, be regulated by the Nevada Board of Homeopathic Medical Examiners. NRS 630 licensees may not practice homeopathic medicine or any of the therapies in NRS 630A.040 unless qualified, examined, licensed, and regulated by the Board of Homeopathic Medical Examiners.

NRS 630A.460(1)(b) enjoins non-licensed persons from practicing homeopathy without a license. NRS 630A.560 authorizes the Board of Homeopathic Medical Examiners to prosecute all violations. Practicing homeopathy in Nevada without a license is a class D felony. (NRS 630A.590(4), and 630A.600)

3. Chapter 631 of NRS (Dentistry)

The practice of dentistry under chapter 631 of NRS and NAC neither defines nor permits the practice of homeopathic medicine or complementary and alternative medicine as defined in chapter 630A.040 of NRS, and as defined in 630A.014, 630A.015, 630A.022, and 630A.023 of NAC. NRS 631 licensees may not practice homeopathic medicine or any of the therapies in NRS 630A.040 unless qualified, examined, licensed, and regulated by the Board of Homeopathic Medical Examiners.

NRS 630A.460(1)(b) enjoins non-licensed persons from practicing homeopathy without a license. NRS 630A.560 authorizes the Board of Homeopathic Medical Examiners to prosecute all violations. Practicing homeopathy in Nevada without a license is a class D felony. (NRS 630A.590(4), and 630A.600)

4. Chapter 632 (Nursing)

The practice of nursing under chapter 632 of NRS and NAC neither defines nor permits the practice of homeopathic medicine or complementary and alternative medicine as defined in chapter 630A.040 of NRS, and as defined in 630A.014, 630A.015, 630A.022, and 630A.023 of NAC. NRS 632 licensees may not practice homeopathic medicine or any of the therapies in NRS 630A.040 unless qualified, examined, licensed, and regulated by the Board of Homeopathic Medical Examiners.

NRS 630A.460(1)(b) enjoins non-licensed persons from practicing homeopathy without a license. NRS 630A.560 authorizes the Board of Homeopathic Medical Examiners to prosecute all violations. Practicing homeopathy in Nevada without a license is a class D felony. (NRS 630A.590(4), and 630A.600)

5. Chapter 633 (Osteopathic Medicine)

The practice of osteopathic medicine under chapter 633 of NRS is defined as: NRS 633.081 “Osteopathic medicine” and “osteopathy” defined. “Osteopathic medicine” or “osteopathy” means the school of medicine which:

1. Utilizes full methods of diagnosis and treatment in physical and *mental health* and disease, including the prescribing and administering of drugs and *biologicals of all kinds*, operative surgery, obstetrics, radiological and other electromagnetic emission; and
2. Places emphasis on the *interrelationship of the musculoskeletal system to all other body systems*. (Emphasis added)

Chapter 633 of NAC does not define the terms “mental health,” “biologicals of all kinds,” or “interrelationship of the musculoskeletal system to all other body systems.” However, licensees are not allowed to prescribe or administer “biologicals of all kinds,” are restricted from prescribing medicines in homeopathic doses, and may not use orthomolecular therapies:

NAC 633.340 Prohibited procedures and substances.

1. A licensee shall *not engage in any of the following procedures or use any of the following substances in his practice* :

c) The *prescribing or dispensing of Disodium Ethylene Diamine Tetra Acetic Acid (EDTA) or the use of Chelation Therapy* , except that the substance or the procedure, or both, may be used for the treatment of proven heavy metal poisoning or any other unusual or infrequent condition which the board finds warrants its use.

The use of any procedure or substance which is prohibited by this subsection is harmful to the public, detrimental to the public health, safety and morals and constitutes unprofessional conduct.

2. The *use of Human Chorionic Gonadotropin (HCG)* in programs for the reduction of weight constitutes the practice of experimental medicine and must not be used in a clinical practice. HCG may be used only in a bona fide research program which is approved by the board.(Emphasis added)

EDTA and other chelating agents are permitted for allopathic medical treatment, but licensees are not permitted to use these agents for complementary and alternative medical procedures. Therefore, osteopathic physicians may not practice any of the orthomolecular therapies that include the use of chelating agents for treating non-allopathic conditions unless qualified, examined, licensed, and regulated by the Board of Homeopathic Medical Examiners.

Human Chorionic Gonadotropin (HCG) in the amounts utilized for the treatment of obesity conforms with the definition of "Sarcode" under subsection 1 of chapter 630A of NRS and paragraph c in subsection 3 of NAC 630A.023. Therefore, osteopathic physicians may not practice homeopathic medicine as defined in subsection 1 of chapter 630A.040 unless qualified, examined, licensed, and regulated by the Board of Homeopathic Medical Examiners.

"Interrelationship of the musculoskeletal system to all other body systems" is not defined but may have a similar meaning as "neuromuscular integration." Therefore, licensees may practice neuromuscular integration as defined in chapter 633 of NRS or NAC, but may not practice thought field therapy (NAC 630A.014(1)(c)(2)) unless qualified, examined, licensed, and regulated by the Board of Homeopathic Medical Examiners.

NRS 630A.460(1)(b) enjoins non-licensed persons from practicing homeopathy without a license. NRS 630A.560 authorizes the Board of Homeopathic Medical Examiners to prosecute all violations. Practicing homeopathy in Nevada without a license is a class D felony. (NRS 630A.590(4), and 630A.600)

6. Chapter 634 of NRS (Chiropractic)

The practice of chiropractic under chapter 634 of NRS and NAC neither defines nor permits the practice of homeopathic medicine or complementary and alternative medicine as defined in chapter 630A.040 of NRS, and as defined in 630A.014, 630A.015, 630A.022, and 630A.023 of NAC. NRS 634 licensees may not practice homeopathic medicine or any of the therapies in NRS 630A.040 unless qualified, examined, licensed, and regulated by the Board of Homeopathic Medical Examiners.

NRS 630A.460(1)(b) enjoins non-licensed persons from practicing homeopathy without a license. NRS 630A.560 authorizes the Board of Homeopathic Medical Examiners to prosecute all violations. Practicing homeopathy in Nevada without a license is a class D felony. (NRS 630A.590(4), and 630A.600)

7. Chapter 634A of NRS (Oriental Medicine)

The practice of Oriental medicine under chapter 634A of NRS and NAC defines and permits the practice of herbal medicine and acupuncture, but does not define and does not permit the practice of homeopathic medicine or other complementary and alternative medicine as defined in chapter 630A.040 of NRS, and as defined in 630A.014, 630A.015, 630A.022, and 630A.023 of NAC. "Acupuncture" is defined in subsection 1 of chapter 634A.020 of NRS as meaning:

. . . the insertion of needles into the human body by piercing the skin of the body to control and regulate the flow and balance of energy in the body and to cure, relieve or palliate:

(a) Any ailment or disease of the mind or body; or

(b) Any wound, bodily injury or deformity.

The term "electro-therapy acupuncture," a form of "dry needling" that is defined in paragraph c in subsection 2 of NRS 630A.014, is not included in chapter 634A of NRS or NAC 634A. Traditional acupuncture can be practiced by licensees of NRS 634A, but it is unclear whether or not the legislature intended to

also allow non-traditional acupuncture to be practiced under NRS 634A. The legislature has mandated that the Board of Homeopathic Medical Examiners "Shall regulate the practice of Homeopathy in Nevada and any activities that are within the scope of such practice." (NRS 630A.155(1))

NRS 630A.460(1)(b) enjoins non-licensed persons from practicing homeopathy without a license. NRS 630A.560 authorizes the Board of Homeopathic Medical Examiners to prosecute all violations. Practicing homeopathy in Nevada without a license is a class D felony. (NRS 630A.590(4), and 630A.600)

8. Chapter 638 of NRS (Veterinary Medicine)

The practice of veterinary medicine under chapter 638 of NRS and NAC neither defines nor permits the practice of homeopathic medicine or complementary and alternative medicine for the treatment of humans or animals as defined in chapter 630A.040 of NRS, and as defined in 630A.014, 630A.015, 630A.022, and 630A.023 of NAC. NRS 638 licensees may not practice homeopathic medicine or any of the therapies in NRS 630A.040 on humans unless qualified, examined, licensed, and regulated by the Board of Homeopathic Medical Examiners.

NRS 630A.460(1)(b) enjoins non-licensed persons from practicing homeopathy without a license. NRS 630A.560 authorizes the Board of Homeopathic Medical Examiners to prosecute all violations. Practicing homeopathy in Nevada without a license is a class D felony. (NRS 630A.590(4), and 630A.600)

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