

PROPOSED CHANGES TO NRS 634A:

NAME CHANGE OF BOARD TO BOARD OF ACUPUNCTURE AND HERBAL MEDICINE

GENERAL PROVISIONS

NRS 634A.010 Legislative declaration. The practice of Oriental medicine and any branch thereof is hereby declared to be a learned profession, affecting public safety and welfare and charged with the public interest, and therefore subject to protection and regulation by the State.

(Added to NRS by 1973, 635; A 1975, 231; 1991, 1127)

NRS 634A.020 Definitions. As used in this chapter, unless the context otherwise requires:

1. "Acupuncture" means the insertion of needles into the skin or tissues, used to alleviate pain and to treat various physical, mental and emotional conditions, into the human body by piercing the skin and other tissues of the body to control and regulate the flow and balance of energy in the body and to cure, relieve or palliate the body for therapeutic purposes, including, without limitation:

- (a) Any ailment or disease of the mind or body; or
- (b) Any wound, bodily injury or deformity.

2. "Board" means the State Board of ~~Oriental Medicine~~ Acupuncture and Herbal Medicine.

3. "Doctor of Oriental Medicine" or "Oriental Medical Doctor" means a person who is licensed under the provisions of this chapter to practice as a doctor of Oriental medicine.

4. "Dry needling":

(a) Means an advanced needling skill or technique limited to the treatment of myofascial pain, using a single-use, single-insertion, sterile needle without the use of heat, cold or any other added modality or medication, which is inserted into the skin or underlying tissue to stimulate a trigger point.

(b) Does not include:

- (1) The stimulation of an auricular point;
- (2) Utilization of a distal point or nonlocal point;
- (3) Needle retention;
- (4) Application of a retained electrical stimulation lead; or
- (5) The teaching or application of other acupuncture theory.

5. "Herbal medicine" and "practice of herbal medicine" mean suggesting, recommending, prescribing or directing the use of herbs for the cure, relief or palliation of any ailment or disease of the mind or body, or for the cure or relief of any wound, bodily injury or deformity.

6. "Herbs" means any plant or part of a plant or other substances within the traditions of Oriental medicine which is not prohibited by the laws of the United States or this State and is used in tests or examinations in the practice of Oriental medicine.

7. "Oriental medicine" means a medical system that ~~of the healing art which places the chief emphasis on the flow and balance of energy in the body mechanism as being the most important single factor in maintaining the well-being of the organism in health and disease. The term~~ includes, without limitation, the practice of acupuncture, herbal medicine, moxibustion, dry needling, guasha, cupping, and other services approved by the Board.

(Added to NRS by 1973, 635; A 1975, 231; 1981, 1289; 1991, 1127; 2001, 1104; 2019, 1596)

NRS 634A.025 Applicability of chapter.

1. This chapter does not apply to Oriental physicians who are:

- (a) Called into this State for consultation; or

(b) Temporarily exempt from licensure pursuant to NRS 634A.163 and are practicing Oriental medicine within the scope of the exemption.

2. This chapter does not apply to a practitioner of acupuncture:

(a) Who is employed by an accredited school of Oriental medicine located in this State;

(b) Who is licensed to practice acupuncture in another state or jurisdiction; and

(c) Whose practice of acupuncture in this State:

(1) Is limited to teaching, supervising or demonstrating the methods and practices of acupuncture to students in a clinical setting; and

(2) Does not involve the acceptance of payment from any patient for services relating to his or her practice of acupuncture.

3. This chapter does not apply to a physician who is licensed pursuant to chapter 630 or 633 of NRS.

4. This chapter does not prohibit:

(a) Gratuitous services of druggists or other persons in cases of emergency.

(b) The domestic administration of family remedies.

(c) Any person from assisting any person in the practice of the healing arts licensed under this chapter, except that such person may not insert needles into the skin or prescribe herbal medicine.

5. For the purposes of this section, "accredited school of Oriental medicine" means a school that has received at least candidacy status for institutional accreditation from the Accreditation Commission for Acupuncture and Herbal Medicine, or its successor organization.

(Added to NRS by 1973, 639; A 1975, 235; 2015, 1423; 2017, 1325, 3482)

STATE BOARD OF ORIENTAL MEDICINE

NRS 634A.030 Creation; number and appointment of members; oaths.

1. The State Board of ~~Oriental Medicine~~ Acupuncture and Herbal Medicine, consisting of ~~seven~~ six members appointed by the Governor, is hereby created.

2. Each member of the Board shall, before entering upon the duties of office, take the oath of office prescribed by the Constitution before someone qualified to administer oaths.

3. The members of the Board serve at the pleasure of the Governor.

(Added to NRS by 1973, 636; A 1975, 232; 1981, 70; 1989, 815; 2003, 1639; 2017, 1326)

NRS 634A.040 Qualifications of members.

1. The Governor shall appoint ~~four~~ three members to the Board who:

(a) Have a license issued pursuant to this chapter;

(b) Currently engage in the practice of Oriental medicine in this State, and have engaged in the practice of Oriental medicine in this State for at least 3 years preceding appointment to the Board;

(c) Are citizens of the United States; and

(d) Are residents of the State of Nevada and have been for at least 3 years ~~1-year~~ preceding appointment to the Board.

2. The Governor shall appoint one member to the Board who:

(a) Is licensed pursuant to chapter 630 of NRS by the Board of Medical Examiners or chapter 633 of NRS by the Board of Osteopathic Medicine as a physician;

(b) Does not engage in the administration of a facility for Oriental medicine or a school for Oriental medicine;

(c) Does not have a pecuniary interest in any matter pertaining to Oriental medicine, except as a patient or potential patient;

(d) Is a citizen of the United States; and

(e) Is a resident of the State of Nevada and has been for at least 1 year preceding appointment to the Board.

3. The Governor shall appoint one member to the Board who:
 - (a) Does not engage in the administration of a facility for Oriental medicine or a school for Oriental medicine;
 - (b) Does not have a pecuniary interest in any matter pertaining to Oriental medicine, except as a patient or potential patient;
 - (c) Is a citizen of the United States; and
 - (d) Is a resident of the State of Nevada and has been for at least 1 year preceding appointment to the Board.
4. The Governor shall appoint one member to the Board who represents a school or college of Oriental medicine established pursuant to NRS 634A.090.
(Added to NRS by 1973, 636; A 2003, 1639; 2017, 1326; 2019, 1597)

NRS 634A.050 Salary of members; per diem allowance and travel expenses of members and employees.

1. Each member of the Board is entitled to receive:
 - (a) A salary of not more than \$150 per day, as fixed by the Board, while engaged in the business of the Board; and
 - (b) A per diem allowance and travel expenses at a rate fixed by the Board, while engaged in the business of the Board. The rate must not exceed the rate provided for state officers and employees generally.
2. While engaged in the business of the Board, each employee of the Board is entitled to receive a per diem allowance and travel expenses at a rate fixed by the Board. The rate must not exceed the rate provided for state officers and employees generally.

(Added to NRS by 1973, 636; A 1975, 304; 1981, 1993; 1989, 1698; 2007, 2949)

NRS 634A.060 Officers. The Board shall annually elect from its members a President, Vice President and Secretary-Treasurer.

(Added to NRS by 1973, 636; A 2019, 1597)

NRS 634A.070 Employees; offices; regulations; code of ethics; subpoenas. The Board may:

1. Employ attorneys, investigators and other professional consultants and clerical personnel necessary to discharge its duties. To conduct its examinations, the Board may call to its aid persons of established reputation and known ability in Oriental medicine.
2. Maintain offices in as many localities in the State as it finds necessary to carry out the provisions of this chapter.
3. Adopt regulations not inconsistent with the provisions of this chapter. The regulations may include a code of ethics regulating the professional conduct of licensees.
4. Compel the attendance of witnesses and the production of evidence by subpoena.

(Added to NRS by 1973, 636; A 1975, 232; 1981, 100; 1991, 1127)

NRS 634A.080 Meetings; seal; deposit and use of money received by Board; fiscal year; records. The Board shall:

1. Hold meetings at least once a year and at any other time at the request of the President or the majority of the members;
2. Have and use a common seal;
3. Deposit in interest-bearing accounts in the State of Nevada all money received under the provisions of this chapter, which must be used to defray the expenses of the Board;
4. Operate on the basis of the fiscal year beginning July 1 and ending June 30; and

5. Keep a record of its proceedings which must be open to the public at all times and which must contain the name and business address of every registered licensee in this State.

(Added to NRS by 1973, 636; A 2001, 1104; 2019, 1598)

NRS 634A.083 Inspection of premises by Board. Any member or agent of the Board may enter any premises in this State where a person who holds a license issued pursuant to the provisions of this chapter practices Oriental medicine and inspect it to determine whether a violation of any provision of this chapter has occurred, including, without limitation, an inspection to determine whether any person at the premises is practicing Oriental medicine without a license issued pursuant to the provisions of this chapter.

(Added to NRS by 2013, 2228)

NRS 634A.085 Duties of Board concerning written complaints; Attorney General may be retained by Board to conduct investigation of nonfrivolous complaint; prompt determination required by Board; retention of complaints; Attorney General may charge for services.

1. If a written complaint regarding a person who practices Oriental medicine is filed with the Board, the Board shall review the complaint. A complaint ~~may be filed anonymously; must be made in writing, signed with a notarized signature, and verified by the person making it. If a complaint is filed anonymously, the Board may accept the complaint but may refuse to consider the complaint if anonymity of the complainant makes processing the complaint impossible or unfair to the person who is the subject of the complaint.~~ If, from the complaint or from other records, it appears that the complaint is not frivolous, the Board may: ~~retain a third-party private investigator.~~

~~(a) Retain the Attorney General to investigate the complaint; and~~

~~—(b) If the Board retains the Attorney General or a third-party private investigator, transmit the original complaint and any facts or information obtained from the review to the Attorney General.~~

~~—2. If the Board retains the Attorney General, the Attorney General shall conduct an investigation of the complaint transmitted to the Attorney General to determine whether it warrants proceedings for the modification, suspension or revocation of the license. If the Attorney General determines that further proceedings are warranted, the Attorney General shall report the results of the investigation and any recommendation to the Board.~~

~~3.~~ 2. The Board shall promptly make a determination with respect to each complaint ~~reported to it by the Attorney General.~~ as to whether there may be a violation of NRS 634A.170. If it is determined that a hearing is warranted, then the Board shall set a hearing date which date must not be less than 30 days after the filing of the complaint. The Board shall notify the subject of the complaint with the date and place fixed for the hearing thereof. A copy of the complaint must be attached to the notice. At the hearing or soon thereafter, ~~t~~The Board shall:

(a) Dismiss the complaint; or

(b) Proceed with appropriate disciplinary action.

~~4.~~ 3. The Board shall retain all complaints received by the Board pursuant to this section for at least 10 years, including, without limitation, any complaints not acted upon.

~~5. If the Board retains the Attorney General, the Attorney General may, in accordance with the provisions of NRS 228.113, charge the Board for all services relating to the investigation of a complaint pursuant to subsection 2.~~

(Added to NRS by 2001, 1103; A 2009, 887; 2011, 369; 2013, 2228)

NRS 634A.090 Requirements for establishment and maintenance of schools and colleges of Oriental medicine in State; authority of Board to prescribe course of study required for degree.

1. A school or college of Oriental medicine may be established and maintained in this State only if:

(a) Its establishment is approved by the Board;
(b) It is accredited by or has received at least candidacy status for institutional accreditation from the Accreditation Commission for Acupuncture and [Herbal Medicine](#) or its successor organization; and

(c) It holds a current license issued by the Commission on Postsecondary Education.

2. ~~The Board may prescribe the course of study required for the degree of doctor of Oriental medicine~~ Schools shall provide proof of the above accreditation and license to the Board on an annual basis.

(Added to NRS by [1973, 635](#); A [1975, 233](#); [1991, 1128](#); [2001, 1104](#); [2019, 1598](#))

LICENSES

NRS 634A.110 Application; fingerprints; fees.

1. An applicant for examination for a license to practice Oriental medicine, or any branch thereof, shall:

(a) Submit an application to the Board on forms provided by the Board;

(b) Submit satisfactory evidence that he or she is 21 years or older and meets the appropriate educational requirements;

(c) Submit with the application a complete set of fingerprints which the Board may forward to the Central Repository for Nevada Records of Criminal History or utilize LIVESCAN facilities for submission to the Federal Bureau of Investigation for its report;

~~—(e) Pay any fees required by the Board for an investigation of the applicant or for the services of a translator, if the translator is required to enable the applicant to take the examination.~~

2. An application submitted to the Board pursuant to subsection 1 must include all information required to complete the application.

(Added to NRS by [1973, 637](#); A [1975, 233](#); [1991, 1128](#); [1997, 2133](#); [2003, 2861](#); [2005, 2731, 2807](#))

NRS 634A.115 Payment of child support: Submission of certain information by applicant; grounds for denial of license; duty of Board. [Effective until the date of the repeal of 42 U.S.C. § 666, the federal law requiring each state to establish procedures for withholding, suspending and restricting the professional, occupational and recreational licenses for child support arrearages and for noncompliance with certain processes relating to paternity or child support proceedings.]

1. In addition to any other requirements set forth in this chapter:

(a) An applicant for the issuance of a license issued pursuant to this chapter shall include the social security number of the applicant in the application submitted to the Board.

(b) An applicant for the issuance or renewal of a license issued pursuant to this chapter shall submit to the Board the statement prescribed by the Division of Welfare and Supportive Services of the Department of Health and Human Services pursuant to [NRS 425.520](#). The statement must be completed and signed by the applicant.

2. The Board shall include the statement required pursuant to subsection 1 in:

(a) The application or any other forms that must be submitted for the issuance or renewal of the license; or

(b) A separate form prescribed by the Board.

3. A license may not be issued or renewed by the Board pursuant to this chapter if the applicant:

(a) Fails to submit the statement required pursuant to subsection 1; or

(b) Indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order.

4. If an applicant indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order, the Board shall advise the applicant to contact the district attorney or other public agency enforcing the order to determine the actions that the applicant may take to satisfy the arrearage.

(Added to NRS by 1997, 2132; A 2005, 2731, 2807)

NRS 634A.115 Payment of child support: Submission of certain information by applicant; grounds for denial of license; duty of Board. [Effective on the date of the repeal of 42 U.S.C. § 666, the federal law requiring each state to establish procedures for withholding, suspending and restricting the professional, occupational and recreational licenses for child support arrearages and for noncompliance with certain processes relating to paternity or child support proceedings and expires by limitation 2 years after that date.]

1. In addition to any other requirements set forth in this chapter, an applicant for the issuance or renewal of a license issued pursuant to this chapter shall submit to the Board the statement prescribed by the Division of Welfare and Supportive Services of the Department of Health and Human Services pursuant to NRS 425.520. The statement must be completed and signed by the applicant.

2. The Board shall include the statement required pursuant to subsection 1 in:

(a) The application or any other forms that must be submitted for the issuance or renewal of the license; or

(b) A separate form prescribed by the Board.

3. A license may not be issued or renewed by the Board pursuant to this chapter if the applicant:

(a) Fails to submit the statement required pursuant to subsection 1; or

(b) Indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order.

4. If an applicant indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order, the Board shall advise the applicant to contact the district attorney or other public agency enforcing the order to determine the actions that the applicant may take to satisfy the arrearage.

(Added to NRS by 1997, 2132; A 2005, 2731, 2732, 2807, effective on the date of the repeal of 42 U.S.C. § 666, the federal law requiring each state to establish procedures for withholding, suspending and restricting the professional, occupational and recreational licenses for child support arrearages and for noncompliance with certain processes relating to paternity or child support proceedings)

NRS 634A.120 Examinations: National examination; ~~examination approved by Board~~; regulations.

1. Each applicant for a license to practice as a doctor of Oriental medicine must pass:
 - ~~—(a) Each~~ Each examination required and administered by the National Certification Board for Acupuncture and Herbal Medicine or its successor organization for a Diplomate of Acupuncture and Herbal Medicine; and
 - ~~—(b) An examination approved by the Board that tests the applicant's knowledge and understanding of the laws and regulations of this State relating to health and safety in the practice of Oriental medicine.~~
 - ~~2. The Board may establish by regulation for the examination required by paragraph (b) of subsection 1:~~
 - ~~—(a) Additional subject areas to be included in the examination; and~~
 - ~~—(b) Specific methods for the administration of the examination, including, but not limited to, written, oral, demonstrative, practical or any combination thereof.~~
 - ~~3. The Board shall contract for the preparation, administration and grading of the examination required by paragraph (b) of subsection 1.~~
 - ~~4. Except as otherwise provided in subsection 5, the Board shall offer the examination required by paragraph (b) of subsection 1 at least two times each year at a time and place established by the Board.~~
 - ~~5. The Board may cancel a scheduled examination required by paragraph (b) of subsection 1 if, within 60 days before the examination, the Board has not received a request to take the examination.~~
 - ~~6. A person who fails the examination required by paragraph (b) of subsection 1 may retake the examination.~~
2. Actively licensed practitioners prior to January 1, 2019 shall be permitted to maintain their license under the terms of the prior statute and regulations.

(Added to NRS by 1973, 637; A 1975, 233; 1981, 1290; 1991, 1128; 2001, 1105; 2003, 1640; 2019, 1598)

NRS 634A.140 Issuance of license to practice as doctor of Oriental medicine.

1. The Board shall issue a license to practice as a doctor of Oriental medicine to an applicant who:

(a) Has:

(1) Successfully completed an accredited 4-year program of study, or its equivalent, in Oriental medicine at a school or college of Oriental medicine accredited by the Accreditation Commission for Acupuncture and Herbal Medicine or its successor organization that meets any requirements prescribed by the Board pursuant to NRS 634A.090, including, without limitation, requirements concerning clinical and didactic components;

(2) Earned a bachelor's degree, or completed a combined bachelor's and master's degree program in Oriental medicine, from an accredited college or university in the United States;

(3) Passed an investigation of his or her background and personal history conducted by the Board; and

~~—(4) Passed the examinations required by NRS 634A.120; and~~

(b) Holds a current Diplomate of Acupuncture and Herbal Medicine issued by the National Certification Board for Acupuncture and Herbal Medicine or its successor organization.

2. Except as otherwise provided in subsection 3, the Board, upon a hearing, may issue a license to practice as a doctor of Oriental medicine to an applicant who:

(a) Has: ,

(1) Successfully completed a foreign 4-year program of study, or its equivalent, in Oriental medicine at a school or college of Oriental medicine ~~that is approved by the Board~~ and meets any requirements prescribed by the Board ~~pursuant to NRS 634A.090;~~ including, without limitation, requirements concerning clinical and didactic components;

(2) Lawfully practiced Oriental medicine in another state or foreign country for at least 4 ~~years of the 8 5 years immediately preceding the date of the application;~~

(3) Passed an investigation of his or her background and personal history conducted by the Board; and

~~(4) Passed the examinations required by NRS 634A.120; and~~

(b) Holds a current [Diplomate of Acupuncture and Herbal Medicine](#) issued by [the National Certification Board for Acupuncture and Herbal Medicine](#) or its successor organization.

3. The Board may issue a license to practice [by endorsement](#) as a doctor of Oriental medicine to an applicant who:

(a) Has:

(1) Successfully completed a program in Oriental medicine from a school or college of Oriental medicine accredited by the Accreditation Commission for Acupuncture and [Herbal Medicine](#) or its successor organization before January 1, 2008, that included the study of herbology;

(2) Practiced Oriental medicine pursuant to the laws of another state or territory of the United States, the District of Columbia, or foreign country for at least ~~6 4~~ of the ~~8 5~~ years immediately preceding the date of the application;

(3) Passed an investigation of his or her background and personal history conducted by the Board; and

~~(4) Passed the examinations required by NRS 634A.120; and~~

(b) Holds a current [Diplomate of Acupuncture and Herbal Medicine](#) issued by [the National Certification Board for Acupuncture and Herbal Medicine](#) or its successor organization.

(Added to NRS by 1973, 637; A 1975, 234, 1814; 1981, 1290; 1991, 1128; 2001, 1105, 2416; 2019, 1599)

NRS 634A.142 Endorsement to practice acupuncture point injection therapy.

1. A doctor of Oriental medicine licensed pursuant to this chapter may apply to the Board for an endorsement to practice acupuncture point injection therapy. The applicant must submit with his or her application proof that the applicant has:

(a) ~~Successfully completed postgraduate course work approved~~ [The NCBAHM Acupuncture Injection Therapy Certificate of Qualification](#) by [the National Certification Board for Acupuncture and Herbal Medicine](#) or a successor organization ~~which provides at least 24 hours of instruction provided in person, including, without limitation, at least 8 hours of instruction received by practicum and 2 hours of training in the administration of intramuscular epinephrine; and~~

(b) Obtained or otherwise carries a policy of professional liability insurance which insures the applicant against any liability arising from the provision of acupuncture point injection therapy by the applicant.

2. The Board shall issue an endorsement to practice acupuncture point injection therapy to an applicant who meets the requirements of subsection 1.

3. A licensee who is issued an endorsement to practice acupuncture point injection therapy may only inject substances for which the licensee has received training which may include, without limitation, nutritional, homeopathic and herbal substances.

4. As used in this section, “acupuncture point injection therapy” means the subcutaneous, intramuscular and intradermal injection of substances to stimulate acupuncture points, ashi points and trigger points to relieve pain and prevent illness.

5. Acupuncture Point Injection Therapy endorsees actively registered with the Board prior to 2/1/2027 shall be permitted to maintain their endorsement status under the terms of the prior statute and regulations.

(Added to NRS by 2019, 1596)

NRS 634A.160 Display of licenses. Every license must be displayed in the office, place of business or place of employment of the holder thereof.

(Added to NRS by 1973, 638; A 1975, 234; 1979, 959; 1981, 1291; 1991, 1129; 1997, 2133; 2001, 1105; 2005, 2732, 2807; 2019, 1600)

NRS 634A.163 Temporary exemption from licensure to practice Oriental medicine for doctor of Oriental medicine to provide services to visiting athletic team or athletic event in this State; extension of exemption; conditions and limitations.

1. Except as otherwise provided in subsection 5, if a doctor of Oriental medicine or Licensed Acupuncturist who holds a valid and unrestricted license to practice Oriental medicine in another state or territory of the United States or another country has entered into a written ~~or oral~~ agreement to provide services to members of a visiting athletic team or entertainment organization, the doctor of Oriental medicine is temporarily exempt from licensure and may practice Oriental medicine in this State while providing services pursuant to the agreement to members of the visiting athletic team or entertainment organization who are present in this State for the purpose of engaging in competition or training.

2. Except as otherwise provided in subsection 5, if a doctor of Oriental medicine who holds a valid and unrestricted license to practice Oriental medicine in another state or territory of the United States or another country has been invited by the governing body of a national organization to provide services to persons participating in an athletic event or training sanctioned or operated by the organization, the doctor of Oriental medicine is temporarily exempt from licensure and may practice Oriental medicine in this State while providing services to such persons.

3. Except as otherwise provided in this subsection and subsection 4, an exemption described in this section is valid for a period of not more than 10 days for each competition or training session. Upon the application of a doctor of Oriental medicine, the Board may grant an exemption of not more than 20 additional days for each competition or training session.

4. A doctor of Oriental medicine who is practicing Oriental medicine under an exemption described in this section shall not:

- (a) Practice Oriental medicine at a medical facility;
- (b) Provide services to persons who are not described in subsection 1 or 2, as applicable, members of the general public, and/or general attendees of the event; or
- (c) Practice Oriental medicine under such an exemption for more than 60 days in a calendar year.

5. The provisions of this section do not apply to any contest or exhibition of unarmed combat conducted pursuant to chapter 467 of NRS.

6. As used in this section, “visiting athletic team or entertainment organization” means an athletic team or entertainment organization which is primarily based at a location outside of this State.

(Added to NRS by 2017, 3482)

~~—NRS 634A.165 Temporary certificates for lecturing or educational seminars: Issuance; fee; regulations.~~

~~—1. The Board may adopt regulations for the issuance of temporary certificates to persons not licensed pursuant to this chapter. A temporary certificate may be issued:~~

~~—(a) In connection with a bona fide educational seminar concerning Oriental medicine or acupuncture; or~~

~~—(b) For the purpose of authorizing a person to engage in lecturing on or teaching Oriental medicine or acupuncture in this State on a short-term basis.~~

~~—2. The Board may charge a fee for the issuance of a temporary certificate. The fee must not exceed an amount which adequately reimburses the Board for costs incurred in:~~

~~—(a) Investigating an applicant under this section; and~~

~~—(b) Monitoring a seminar, if the Board deems that action necessary.~~

~~—(Added to NRS by 1975, 214; A 1981, 1291; 1991, 1129)~~

NRS 634A.167 Requirements for renewal; duty of Board to require continuing education for renewal or reinstatement; automatic expiration and reinstatement.

1. To renew a license issued pursuant to this chapter, each person must, on or before February 1 of each year:

(a) Apply to the Board for renewal;

(b) Pay the annual fee for a license prescribed by the Board, which must not exceed \$600
\$1,000;

(c) Submit evidence to the Board of completion of the requirements for continuing education; and

(d) Submit all information required to complete the renewal.

2. The Board shall, as a prerequisite for the renewal or reinstatement of a license, require each holder of a license to comply with the requirements for continuing education adopted by the Board.

3. If the holder of a license fails to pay the fee or submit all required information by February 1 of each year, the license expires automatically. The license may be reinstated by payment of the required fee and submission of all required information within 90 days after the expiration of the license pursuant to this subsection.

(Added to NRS by 1985, 548; A 1997, 2134; 2001, 1106; 2005, 2733, 2807; 2019, 1600)

NRS 634A.169 Renewal: Authority of Board to make data request concerning demographic and practice information available to applicants for voluntary completion and electronic submission; confidentiality of information provided.

1. The Board may:

(a) Make the data request developed by the Director of the Department of Health and Human Services pursuant to NRS 439A.116 available to applicants for the renewal of a license pursuant to this chapter through a link on the electronic application for the renewal of a license; and

(b) Request each applicant to complete and electronically submit the data request to the Director.

2. The information provided by an applicant for the renewal of a license pursuant to subsection 1 is confidential and, except as required by subsection 1, must not be disclosed to any person or entity.

3. An applicant for the renewal of a license is not required to complete a data request pursuant to subsection 1 and is not subject to disciplinary action, including, without limitation, refusal to renew the license, for failure to do so.

(Added to NRS by 2021, 803)

DISCIPLINARY AND OTHER ACTIONS

NRS 634A.170 Suspension or revocation of or refusal to issue license: Grounds. The Board may refuse to issue or may suspend or revoke any license for any one or any combination of the following causes:

1. Conviction of:
 - (a) A felony relating to the practice of Oriental medicine;
 - (b) Any offense involving moral turpitude;
 - (c) A violation of any state or federal law regulating the possession, distribution or use of any controlled substance, as shown by a certified copy of the record of the court; or
 - (d) A violation of any of the provisions of NRS 616D.200, 616D.220, 616D.240 or 616D.300 to 616D.440, inclusive;
2. The obtaining of or any attempt to obtain a license or practice in the profession for money or any other thing of value, by fraudulent misrepresentations;
3. Gross or repeated malpractice, which may be evidenced by claims of malpractice settled against a practitioner;
4. Advertising by means of a knowingly false or deceptive statement;
5. Practicing or attempting to practice by means of a knowingly false or deceptive statement;
- ~~5. Advertising, practicing or attempting to practice under a name other than one's own;~~
6. Habitual drunkenness or habitual addiction to the use of a controlled substance;
7. Using any false, fraudulent or forged statement or document, or engaging in any fraudulent, deceitful, dishonest or immoral practice in connection with the licensing requirements of this chapter;
8. Sustaining a physical or mental disability which renders further practice dangerous;
9. Engaging in any dishonorable, unethical or unprofessional conduct which may deceive, defraud or harm the public, or which is unbecoming a person licensed to practice under this chapter;
10. Using any false or fraudulent statement in connection with the practice of Oriental medicine or any branch thereof;
11. Violating or attempting to violate, or assisting or abetting the violation of, or conspiring to violate any provision of this chapter;
12. Being adjudicated incompetent or insane;
13. Advertising in an unethical or unprofessional manner;
14. Obtaining a fee or financial benefit for any person by the use of fraudulent diagnosis, therapy or treatment;
15. Willful disclosure of a privileged communication;
16. Failure of a licensee to designate the nature of his or her practice in the professional use of his or her name by the term Doctor of Oriental medicine or Oriental Medicine Doctor;
17. Willful violation of the law relating to the health, safety or welfare of the public or of the regulations adopted by the State Board of Health;
18. Administering, dispensing or prescribing any controlled substance, except for the prevention, alleviation or cure of disease or for relief from suffering;
19. Performing, assisting or advising in the injection of any liquid silicone substance into the human body;
20. Performing or supervising the performance of a pelvic examination in violation of NRS 629.085; and
21. Operation of a medical facility, as defined in NRS 449.0151, at any time during which:
 - (a) The license of the facility is suspended or revoked; or

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

(c) This subsection applies to an owner or other principal responsible for the operation of the facility.

(Added to NRS by 1973, 638; A 1975, 122, 235; 1981, 594; 1987, 1562; 1991, 1129; 1993, 788; 2001, 1106; 2003, 2710; 2009, 887; 2011, 852; 2021, 1578)

NRS 634A.172 MORAL CHARACTER ISSUES NOT CONSIDERED FOR LICENSING

The following acts will not be considered moral character issues for licensing by an applicant:

- (a) Reckless Driving; first instance, no injuries;
- (b) Driving Under the Influence (DUI); first instance, no injuries;
- (c) Minor in Possession of Alcohol;
- (d) Minor Traffic Violations, first instance, no injuries;
- (e) Public Disturbance, first instance, no injuries;
- (f) Non-criminal convictions more than 10 years old;
- (g) Misdemeanor convictions more than 10 years old, satisfactorily resolved with no subsequent violations;
- (h) Prior professional disciplinary action older than 10 years, satisfactorily resolved with no subsequent violations; and
- (i) Arrests without convictions.

NRS 634A.175 Suspension of license for failure to pay child support or comply with certain subpoenas or warrants; reinstatement of license. [Effective until 2 years after the date of the repeal of 42 U.S.C. § 666, the federal law requiring each state to establish procedures for withholding, suspending and restricting the professional, occupational and recreational licenses for child support arrearages and for noncompliance with certain processes relating to paternity or child support proceedings.]

1. If the Board receives a copy of a court order issued pursuant to NRS 425.540 that provides for the suspension of all professional, occupational and recreational licenses, certificates and permits issued to a person who is the holder of a license issued pursuant to this chapter, the Board shall deem the license issued to that person to be suspended at the end of the 30th day after the date on which the court order was issued unless the Board receives a letter issued to the holder of the license by the district attorney or other public agency pursuant to NRS 425.550 stating that the holder of the license has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

2. The Board shall reinstate a license issued pursuant to this chapter that has been suspended by a district court pursuant to NRS 425.540 if the Board receives a letter issued by the district attorney or other public agency pursuant to NRS 425.550 to the person whose license was suspended stating that the person whose license was suspended has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

(Added to NRS by 1997, 2133; A 2005, 2807)

NRS 634A.180 Commencement of disciplinary proceedings required for certain violations of Industrial Insurance Act. Notwithstanding the provisions of chapter 622A of NRS, if the

Board receives a report pursuant to subsection 5 of NRS 228.420, a disciplinary proceeding regarding the report must be commenced within 30 days after the Board receives the report.

(Added to NRS by 1973, 639; A 1993, 789; 2005, 769)

NRS 634A.185 Confidentiality of certain records of Board; exceptions.

1. Except as otherwise provided in this section and NRS 239.0115, a complaint filed with the Board, all documents and other information filed with the complaint and all documents and other information compiled as a result of an investigation conducted to determine whether to initiate disciplinary action against a person are confidential, unless the person submits a written statement to the Board requesting that such documents and information be made public records.

2. The charging documents filed with the Board to initiate disciplinary action pursuant to chapter 622A of NRS and all documents and information considered by the Board when determining whether to impose discipline are public records.

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

4. The Board shall, to the extent feasible, communicate or cooperate with or provide any documents or other information to any other licensing board or any other agency that is investigating a person, including, without limitation, a law enforcement agency.

5. Unless the Board determines that extenuating circumstances exist, the Board shall forward any disciplinary action to the appropriate law enforcement agency, the National Certification Board for Acupuncture and Herbal Medicine or its successor, other states licensing agencies, and/or any national reporting agency the findings and disciplinary action concerning the person being disciplined.

(Added to NRS by 2003, 3448; A 2005, 769; 2007, 2138; 2013, 2228)

MISCELLANEOUS PROVISIONS

NRS 634A.190 Licensees not subject to chapter 630 of NRS; reference to licensee as physician of Oriental medicine.

1. Persons licensed pursuant to this chapter are not subject to the provisions of chapter 630 of NRS or chapter 633 of NRS.

2. A person who is licensed pursuant to this chapter to practice as a Doctor of Oriental medicine may refer to himself or herself as a physician of Oriental medicine.

(Added to NRS by 1973, 637; A 1975, 119; 1989, 815; 1991, 1130; 2001, 1107)

NRS 634A.210 Reporting vital statistics. Doctors of Oriental medicine shall observe and are subject to all state and municipal regulations relative to reporting all births and deaths in all matters pertaining to the public health.

(Added to NRS by 1973, 639; A 1975, 236; 1991, 1130; 2001, 1107)

PROHIBITED ACTS; PENALTIES; ENFORCEMENT

NRS 634A.225 Seminars not in accordance with Board's regulations prohibited; penalty.

1. No seminar concerning Oriental medicine or acupuncture may be conducted in this State except in accordance with regulations prescribed by the Board for bona fide educational seminars.

2. Any person who violates subsection 1 is guilty of a misdemeanor.

(Added to NRS by 1975, 214; A 1991, 1130)

NRS 634A.228 Practicing or offering to practice without license: Reporting requirements of Board. Unless the Board determines that extenuating circumstances exist, the Board shall forward to the appropriate law enforcement agency, [the National Certification Board for Acupuncture and Herbal Medicine or its successor, and/or any national reporting agency](#) any substantiated information submitted to the Board concerning a person who practices or offers to practice Oriental medicine without a license issued pursuant to the provisions of this chapter.

(Added to NRS by [2013, 2228](#))

NRS 634A.230 Practice without license prohibited; penalties.

1. Any person who represents himself or herself as a practitioner of Oriental medicine, or any branch thereof, or who engages in the practice of Oriental medicine, or any branch thereof, in this State without holding a valid license issued by the Board is guilty of a gross misdemeanor, unless a greater penalty is provided pursuant to [NRS 200.830](#) or [200.840](#).

2. In addition to any other penalty prescribed by law, if the Board determines that a person has committed any act described in subsection 1, the Board may:

(a) Issue and serve on the person an order to cease and desist until the person obtains from the Board the proper license or otherwise demonstrates that he or she is no longer in violation of subsection 1. An order to cease and desist must include a telephone number with which the person may contact the Board.

(b) Issue a citation to the person. A citation issued pursuant to this paragraph must be in writing, describe with particularity the nature of the violation and inform the person of the provisions of this paragraph. Each activity in which the person is engaged constitutes a separate offense for which a separate citation may be issued. To appeal a citation, the person must submit a written request for a hearing to the Board not later than 30 days after the date of issuance of the citation.

(c) Assess against the person an administrative fine as provided in [NRS 634A.250](#).

(d) Impose any combination of the penalties set forth in paragraphs (a), (b) and (c).

(Added to NRS by [1973, 640](#); A [1975, 236](#); [1981, 1291](#); [1991, 1130](#); [2013, 999, 2229](#))

NRS 634A.240 Injunctive relief.

1. The Board may maintain in any court of competent jurisdiction a suit for an injunction against any person who violates any provision of this chapter.

2. Such an injunction:

(a) May be issued without proof of actual damage sustained by any person, this provision being understood to be a preventive as well as a punitive measure.

(b) Shall not relieve such person from any criminal prosecution for the violation.

(Added to NRS by [1973, 640](#); A [1975, 236](#); [1977, 306](#))

NRS 634A.250 Administrative fines. In addition to any other penalties prescribed by law, the Board may, after notice and a hearing, as required by law, impose upon any person who violates any provision of this chapter or the regulations adopted pursuant thereto an administrative fine of not more than \$2,500.

(Added to NRS by [1993, 887](#); A [2003, 3448](#); [2005, 769](#))