



MEMBERS:

Ronald Hedger, D.O.
President
Ricardo Almaguer, D.O.
Vice President
Nicole Cavenagh, Ph.D.
Secretary/Treasurer, Public Member
Samir Pancholi, D.O.
Member
Paul Mausling, D.O.
Member
C. Dean Milne, D.O.
Member
Swadeep Nigam
Public Member

NEVADA STATE
BOARD OF OSTEOPATHIC MEDICINE
2275 Corporate Circle, Suite 210
Henderson, NV 89074
Ph. 702-732-2147 Fax: 702-732-2079
www.bom.nv.gov

Sandra Reed, MPA
Executive Director

NOTICE OF INTENT TO ACT UPON A PROPOSED REGULATION R116-17

**NOTICE OF HEARING FOR THE ADOPTION OF A PERMANENT REGULATION OF THE
NEVADA STATE BOARD OF OSTEOPATHIC MEDICINE**

NOTICE IS HEREBY GIVEN that the Nevada State Board of Osteopathic Medicine will hold a Public Hearing at 5:30 p.m., on December 12, 2017, at:

**Nevada State Board of Osteopathic Medicine
2275 Corporate Circle
Suite 210
Henderson, Nevada 89074**

The purpose of the hearing is to receive comments from all interested persons regarding the adoption of a regulation pertaining to Chapter 633 of the Nevada Administrative Code, LCB File No. R116-17. The following information is provided pursuant to the requirements of NRS 233B.0603:

1. The need for and the purpose of the proposed regulation.

The need and purpose of the proposed regulation is to add language regarding continuing medical education relating to suicide prevention mandated in SB 105 of the 2017 Legislature and relating to opioid prescribing mandated in AB 474 of the 2017 Legislature.

2. Either the terms or substance of the proposed regulation or a description of the subjects and issues involved.

See text of R116-17 (attached hereto) for specific amendment language.

3. If the proposed regulation is a permanent regulation, a statement explaining how to obtain the approved or revised text of the proposed regulation prepared by the Legislative Counsel pursuant to

A copy of the proposed regulation may be obtained at:

*Nevada State Board of Osteopathic Medicine
2275 Corporate Circle, Suite 210
Henderson, Nevada 89074
Telephone: (702) 732-2147
Facsimile: (702) 732-2079
E-mail: sreed@bom.nv.gov*

4. A statement of the estimated economic effect of the regulation on the business which it is to regulate and on the public. These must be stated separately and in each case must include:

- (a) Both adverse and beneficial effects.

There are no anticipated adverse economic effects on the practices of osteopathic physicians or the public.

- (b) Both immediate and long term effects.

There are no anticipated immediate or long-term economic effects on the practices of osteopathic medicine or the public.

5. A statement identifying the methods used by the Nevada State Board of Osteopathic Medicine in determining the impact on a small business prepared pursuant to subsection 3 of NRS 233B.0608:

On October 10, 2017, the Board held a workshop at its regular meeting regarding the draft language that ultimately became R116-17. No member of the public attending the meeting offered comment during the workshop and no written comments were received regarding the language that ultimately became R116-17. No participant in any of the discussions presented any evidence or argument that the proposed drafts would have a positive or negative impact on small businesses.

6. The estimated cost to the agency for enforcement of the proposed regulation.

There will be no significant cost to the Nevada State Board of Osteopathic Medicine for enforcement of the proposed regulation.

7. A description of any regulations of other state or local government agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary. If the regulation overlaps or duplicates a federal regulation, the notice must include the name of the regulating federal agency.

There are no similar regulations of other state or government agencies that the proposed regulations overlap or duplicate.

8. If the regulation is required pursuant to federal law, a citation and description of the federal law.

This proposed regulation is not required by federal law.

9. If the regulation includes provisions which are more stringent than a federal regulation that regulates the same activity, a summary of such provisions.

This proposed regulation does not include any provision that is more stringent than a federal regulation that regulates the same activity.

10. The time when, the place where and the manner in which interested persons may present their views regarding the proposed regulation.

Persons wishing to comment upon the proposed action of the Nevada State Board of Osteopathic Medicine may appear and make oral comment at the scheduled public hearing, or may address their comments, data, views or arguments, in written form, to the Nevada State Board of Osteopathic Medicine, Attention: Sandra Reed, Executive Director, at 2275 Corporate Circle, Suite 210, Henderson, Nevada 89074, Facsimile: (702) 732-2079, E-mail: sreed@bom.nv.gov. Written submissions must be received by Nevada State Board of Osteopathic Medicine on or before December 2, 2017. If no person who is directly affected by the proposed action appears to request time to make an oral presentation, the Nevada State Board of Osteopathic Medicine may proceed immediately to act upon any written submission.

Copies of the notice and the regulations to be adopted or amended will be available at the Nevada State Board of Osteopathic Medicine, 2275 Corporate Circle, Suite 210, Henderson, Nevada. A copy of this notice and the regulation to be adopted or amended has been submitted for posting for inspection by members of the public during business hours at the Nevada State Library and Archives, 100 Stewart Street, Carson City, Nevada. Copies of this notice and the proposed regulation will be mailed to members of the public upon request.

This notice and the text of the proposed regulation has been submitted to the State of Nevada Register of Administrative Regulations, which is prepared and published monthly by the Legislative Counsel Bureau pursuant to NRS 233B.0653, and on the Internet at <http://www.leg.state.nv.us>. This information is also available at the Nevada State Board of Osteopathic Medicine' website at <http://bom.nv.gov>.

Upon adoption of any regulation, the agency, if requested to do so by an interested person either before adoption or within 30 days thereafter, will issue a concise statement of the principal reasons for and against its adoption and incorporate therein its reason for overruling the consideration urged against its adoption.

This Notice of Hearing has been deposited at the following locations:

Nevada State Library and Archives - 100 North Stewart Street, Carson City, Nevada 89701
Nevada State Board of Osteopathic Medicine – 2275 Corporate Circle, Suite 210, Henderson, Nevada 89074

Carson City Library – 900 N. Roop Street, Carson City, Nevada 89701

Churchill County Library - 553 S. Maine Street, Fallon, Nevada 89406

Clark County Library – 1401 E. Flamingo Road, Las Vegas, Nevada 89119

Douglas County Public Library - 1625 Library Lane, Minden, Nevada 89423

Elko County Library - 720 Court Street, Elko, Nevada 89801

Esmeralda County Library - 10 Montezuma Way, Silverpeak, Nevada 89047

Eureka Branch Library - 210 S. Monroe, Eureka, Nevada 89316

Humboldt County Library – 85 E. 5th Street, Winnemucca, Nevada 89445

Lincoln County Library – 63 Main Street, Pioche, Nevada 89043

Lyon County Central Library – 20 Nevin Way, Yerington, Nevada 89447

Mineral County Library – 110 1st Street, Hawthorne, Nevada 89415
Pershing County Library – 1125 Central Avenue, Lovelock, Nevada 89419
Storey County Library - 95 South R Street, Virginia City, Nevada 89440
Tonopah Library – 167 S. Central Street, Tonopah, Nevada 89049
Washoe County Library – 301 S. Center Street, Reno, Nevada 89505
White Pine County Library – 950 Campton Street, Ely, Nevada 89301

A copy of this notice of intent to act upon a regulation has been e-mailed to all licensees of the Nevada State Board of Osteopathic Medicine for whom the Board has permission to contact via listserv, and to all persons who have requested in writing that they be placed upon a mailing list, which is maintained by the Nevada State Board of Osteopathic Medicine for this purpose.

PROPOSED REGULATION OF THE STATE

BOARD OF OSTEOPATHIC MEDICINE

LCB File No. R116-17

October 31, 2017

EXPLANATION – Matter in *italics* is new; matter in brackets [omitted-material] is material to be omitted.

AUTHORITY: §1, NRS 633.291, 633.471, as amended by section 2.5 of Assembly Bill No. 105, chapter 176, Statutes of Nevada 2017, at page 944, and 633.473, as amended by section 35 of Assembly Bill No. 474, chapter 605, Statutes of Nevada 2017, at page 4421; §2, NRS 633.291, 633.434 and 633.473, as amended by section 35 of Assembly Bill No. 474, chapter 605, Statutes of Nevada 2017, at page 4421.

A REGULATION relating to osteopathic medicine; requiring an osteopathic physician or physician assistant applying for renewal of his or her license to submit proof or attest to the State Board of Osteopathic Medicine that he or she has completed certain continuing education requirements; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Effective January 1, 2018, each osteopathic physician or physician assistant who is registered to dispense controlled substances must, during each period of licensure, complete at least 2 hours of training relating to the misuse and abuse of controlled substances, the prescribing of opioids or addiction. (NRS 633.473, as amended by section 35 of Assembly Bill No. 474, chapter 605, Statutes of Nevada 2017, at page 4421) **Section 1** of this regulation requires each osteopathic physician applying for renewal of his or her license to attest to the State Board of Osteopathic Medicine that he or she has completed such training. **Section 2** of this regulation requires each physician assistant applying for the renewal of his or her license to submit proof that he or she has completed such training.

Existing law requires the Board to require each osteopathic physician to receive at least 2 hours of instruction on evidence-based suicide prevention and awareness: (1) within 2 years after initial licensure; and (2) at least once every 4 years thereafter. (NRS 633.471, as amended by section 2.5 of Assembly Bill No. 105, chapter 176, Statutes of Nevada 2017, at page 944) **Section 1** requires each osteopathic physician to attest to the Board at appropriate intervals when applying for the renewal of his or her license that he or she has completed such training.

Section 1. NAC 633.250 is hereby amended to read as follows:

633.250 1. Each osteopathic physician applying for renewal of his or her license shall ~~furnish~~ *attest to* the Board ~~proof~~ that he or she has attended during the preceding year at least 35 hours of continuing education courses or programs approved by the Board, *which must include* at least ~~10~~ :

(a) *Ten* hours of ~~which are~~ category 1A courses ~~+~~ ; *and*

(b) *Two hours that relate to the misuse and abuse of controlled substances, the prescribing of opioids or addiction.*

2. *On or after July 1, 2018, each osteopathic physician shall, not later than 2 years after initial licensure and at least once every 4 years thereafter, attest to the Board when applying for renewal of his or her license that he or she has received the instruction on evidence-based suicide prevention and awareness required by NRS 633.471, as amended by section 2.5 of Assembly Bill No. 105, chapter 176, Statutes of Nevada 2017, at page 944.*

3. As used in this section, “category 1A course” means a course of continuing medical education that is offered by a sponsor accredited to offer such a course by the American Osteopathic Association or the Accreditation Council for Continuing Medical Education.

Sec. 2. NAC 633.285 is hereby amended to read as follows:

633.285 1. The license of a physician assistant is valid for 1 year and may be renewed annually.

2. An application to renew a license of a physician assistant must be submitted to the Board not less than 30 days before the expiration of the license. The application must be accompanied

by the nonrefundable annual license renewal fee for a physician assistant prescribed in NAC 633.335.

3. A license of a physician assistant will not be renewed unless the physician assistant provides to the Board satisfactory proof of:

(a) Current certification by the National Commission on Certification of Physician Assistants; and

(b) Completion by the physician assistant of at least 20 hours of continuing medical education as defined by the American Academy of Physician Assistants ~~[]~~, *at least 2 hours of which must relate to the misuse and abuse of controlled substances, the prescribing of opioids or addiction.*

4. A physician assistant shall notify the Board within 10 days after receipt of notification that his or her certification by the National Commission on Certification of Physician Assistants was withdrawn.

5. An expired license of a physician assistant will not be renewed unless:

(a) The requirements for renewal prescribed in this section are met; and

(b) The Executive Director approves the renewal.