

**REVISED PROPOSED REGULATION OF  
THE STATE BOARD OF OSTEOPATHIC MEDICINE**

**LCB File No. R154-09**

April 29, 2010

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

AUTHORITY: §§1, 6-11, 21, 23-25, 28, 35 and 36, NRS 633.291; §§2, 3 and 16-20, NRS 633.291 and section 4 of Senate Bill No. 266, chapter 265, Statutes of Nevada 2009, at page 1107 (NRS 633.419); §4, NRS 633.291 and 633.315; §§5 and 13, NRS 633.291 and 633.415; §12, NRS 633.291 and 633.501; §§14, 15 and 29-34, NRS 633.291 and 633.434; §22, NRS 633.241 and 633.291; §26, NRS 633.291, 633.401 and 633.411; §27, NRS 633.131 and 633.291; §32, NRS 633.291 and 633.571.

A REGULATION relating to osteopathic medicine; defining certain terms; establishing certain fees; establishing requirements for the issuance of certain special licenses, including the issuance of a special event license; specifying conduct which is considered unethical conduct for an osteopathic physician and a physician assistant; providing for the summary suspension of a license of a physician assistant under certain circumstances; and providing other matters properly relating thereto.

**Section 1.** Chapter 633 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 20, inclusive, of this regulation.

**Sec. 2.** *“Special event” has the meaning ascribed to it in section 4 of Senate Bill No. 266, chapter 265, Statutes of Nevada 2009, at page 1107 (NRS 633.419).*

**Sec. 3.** *“Sponsoring osteopathic physician” means an osteopathic physician who sponsors a holder of a special event license issued pursuant to section 4 of Senate Bill No. 266, chapter 265, Statutes of Nevada 2009, at page 1107 (NRS 633.419).*

**Sec. 4.** *For the purposes of NRS 633.315, the Board will interpret the phrase “gross medical negligence” to:*

- 1. Mean the intentional failure to perform a duty in reckless disregard of the consequences as affecting the life of another person;*
- 2. Have the meaning ascribed to it by the jurisdiction in which the license was revoked; or*
- 3. Have the meaning ascribed to a term which the Board determines to be substantially similar to “gross medical negligence” by the jurisdiction in which the license was revoked.*

**Sec. 5.** *For the purposes of NRS 633.415, the Board will interpret the term “notify” to mean that the medical research facility or school of osteopathic medicine where a special licensee who is issued a special license pursuant to NRS 633.415 is employed notifies the Board within 30 days after the person ceases to teach, research or practice clinical osteopathic medicine in this State at the medical research facility or school of osteopathic medicine.*

**Sec. 6.** *For the purposes of section 66.5 of Senate Bill No. 269, chapter 494, Statutes of Nevada 2009, at page 2977 (NRS 633.417), the Board will interpret the term “notify” to mean that the Division of Mental Health and Developmental Services of the Department of Health and Human Services notifies the Board within 30 days after a person who holds an authorized facility license issued pursuant to section 66.5 of Senate Bill No. 269, chapter 494, Statutes of Nevada 2009, at page 2977 (NRS 633.417), ceases to practice osteopathic medicine in this State as a psychiatrist in a mental health center of the Division.*

**Sec. 7.** *For the purposes of section 66.7 of Senate Bill No. 269, chapter 494, Statutes of Nevada 2009, at page 2977 (NRS 633.418), the Board will interpret the term “notify” to mean that the Department of Corrections notifies the Board within 30 days after a person who holds*

*an authorized facility license issued pursuant to section 66.7 of Senate Bill No. 269, chapter 494, Statutes of Nevada 2009, at page 2977 (NRS 633.418), ceases to practice osteopathic medicine in this State in an institution of the Department of Corrections.*

**Sec. 8.** *For the purposes of section 4 of Senate Bill No. 266, chapter 265, Statutes of Nevada 2009, at page 1107 (NRS 633.419), the Board will interpret the phrase “clinician for teaching or demonstrating certain methods of technical procedures” to mean a person who conducts sessions by performing medical techniques on a patient for the purposes of teaching or demonstrating new procedures or techniques for treating a specific disease or injury.*

**Sec. 9.** *For the purposes of subsection 13 of NRS 633.511, as amended by section 74 of Senate Bill No. 269, chapter 494, Statutes of Nevada 2009, at page 2983, the Board will interpret the phrase “adequate notice” to mean that:*

- 1. Notice has been provided in writing to the patient at the patient’s last known address; and*
- 2. Except in exigent circumstances, such notice has been provided to the patient at least 30 days before the medical care of the patient is terminated.*

**Sec. 10.** *For the purposes of NRS 633.526 and 633.527, the Board will interpret the phrase “report to the Board” to mean to report, in writing, to the Board.*

**Sec. 11.** *For the purposes of NRS 633.526 and 633.527, the Board will interpret the phrase “other disposition” to include, without limitation, dismissal of a case by a court of law or as a result of mediation or arbitration.*

**Sec. 12.** *1. The Board will charge and collect the following fees:*

<i>Application and initial license fee for an osteopathic physician.....</i>	<i>\$600</i>
<i>Annual license renewal fee for an osteopathic physician .....</i>	<i>500</i>
<i>Temporary license fee .....</i>	<i>200</i>
<i>Special or authorized facility license fee.....</i>	<i>200</i>
<i>Special event license fee.....</i>	<i>100</i>
<i>Special or authorized facility license renewal fee.....</i>	<i>200</i>
<i>Reexamination fee.....</i>	<i>200</i>
<i>Late payment fee for a person whose license is currently on active status.....</i>	<i>300</i>
<i>Application and initial license fee for a physician assistant .....</i>	<i>400</i>
<i>Annual license renewal fee for a physician assistant.....</i>	<i>400</i>
<i>Inactive license fee.....</i>	<i>200</i>
<i>Late payment fee for a person whose license is currently on inactive status.....</i>	<i>150</i>

*2. The Board will charge and collect a fee for fingerprints submitted to the Board pursuant to NRS 633.309 that is equal to the total amount of the fees charged by any local agencies of law enforcement, the Central Repository for Nevada Records of Criminal History and the Federal Bureau of Investigation for the handling of the fingerprints of an applicant and issuance of the reports of criminal histories.*

**Sec. 13. 1.** *The Board may issue a special license to any person designated in subsection 1 of NRS 633.415 who applies for a special license and includes with his application an updated curriculum vitae evidencing his recognition as an expert in osteopathic medicine.*

*2. A special licensee who is issued a special license pursuant to NRS 633.415 shall not employ or supervise a physician assistant.*

**Sec. 14.** *1. A person who holds an authorized facility license issued pursuant to section 66.5 of Senate Bill No. 269, chapter 494, Statutes of Nevada 2009, at page 2977 (NRS 633.417), may employ a physician assistant if the holder of the authorized facility license and the physician assistant otherwise satisfy the requirements of this chapter and chapter 633 of NRS concerning physician assistants and supervising osteopathic physicians.*

*2. A person who holds an authorized facility license described in subsection 1 must, if the person wishes to renew the authorized facility license, annually submit proof of employment as a psychiatrist only in a mental health center of the Division.*

*3. As used in this section:*

*(a) "Division" means the Division of Mental Health and Developmental Services of the Department of Health and Human Services.*

*(b) "Mental health center" has the meaning ascribed to it in NRS 433.144.*

**Sec. 15.** *1. A person who holds an authorized facility license issued pursuant to section 66.7 of Senate Bill No. 269, chapter 494, Statutes of Nevada 2009, at page 2977 (NRS 633.418), may employ a physician assistant if the holder of the authorized facility license and the physician assistant otherwise satisfy the requirements of this chapter and chapter 633 of NRS concerning physician assistants and supervising osteopathic physicians.*

*2. A person who holds an authorized facility license described in subsection 1 must, if the person wishes to renew the authorized facility license, annually submit proof of employment as an osteopathic physician only in an institution of the Department of Corrections.*

**Sec. 16.** *In addition to satisfying the requirements set forth in section 4 of Senate Bill No. 266, chapter 265, Statutes of Nevada 2009, at page 1107 (NRS 633.419), an applicant for a special event license issued pursuant to that section must:*

- 1. Be 21 years of age or older;*
- 2. Be a graduate of an accredited school of osteopathic medicine;*
- 3. Be sponsored by an osteopathic physician who is licensed and actively practicing osteopathic medicine in this State; and*
- 4. Not later than 60 days before the first special event for which the license is sought, submit to the Board:*
  - (a) The special event license fee set forth in section 12 of this regulation; and*
  - (b) All information required to complete an application for a special event license.*

**Sec. 17.** *An applicant for a special event license issued pursuant to section 4 of Senate Bill No. 266, chapter 265, Statutes of Nevada 2009, at page 1107 (NRS 633.419), may be required to appear before the Board for a discussion of the type of medical techniques and procedures that will be demonstrated at the special event.*

**Sec. 18.** *A special event license issued pursuant to section 4 of Senate Bill No. 266, chapter 265, Statutes of Nevada 2009, at page 1107 (NRS 633.419), is valid for a period of 6 months after the date on which the license was issued.*

**Sec. 19.** *A holder of a special event license issued pursuant to section 4 of Senate Bill No. 266, chapter 265, Statutes of Nevada 2009, at page 1107 (NRS 633.419), may not receive any fee or compensation, directly or indirectly, or expect any payment of any fee or compensation*

*from a person who is the recipient of the medical techniques or procedures demonstrated at a special event by the holder of the special event license.*

**Sec. 20.** *A sponsoring osteopathic physician:*

*1. Is liable for all damages, including any injuries, resulting from any medical techniques or procedures demonstrated at a special event by the holder of the special event license whom he sponsors.*

*2. Shall maintain accurate and legible health care records concerning any medical techniques or procedures performed at a special event on a person by the holder of the special event license whom he sponsors for the period required for the retention of health care records of patients pursuant to NRS 629.051.*

**Sec. 21.** NAC 633.005 is hereby amended to read as follows:

633.005 As used in this chapter, unless the context otherwise requires, the words and terms defined in NAC 633.020 to 633.050, inclusive, *and sections 2 and 3 of this regulation* have the meanings ascribed to them in those sections.

**Sec. 22.** NAC 633.100 is hereby amended to read as follows:

633.100 1. Except as otherwise provided in subsection 2, the compensation of the members of the Board is ~~[\$80]~~ *\$150* for each day spent in the discharge of official duties. While engaged in the business of the Board, each member and employee of the Board is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.

2. The Board will, after notifying each of its members, reduce the amount of the compensation, per diem allowance and travel expenses authorized for payment to the members of the Board, if the financial resources of the Board warrant the reduction.

**Sec. 23.** NAC 633.130 is hereby amended to read as follows:

633.130 1. The Board will hold at least three meetings per year at a time and place to be determined by the Board.

2. The Executive Director shall give each member written notice of each meeting, containing an agenda of the meeting, not later than ~~10~~ 7 days before the meeting, and shall post and mail copies in the manner prescribed by chapter 241 of NRS. Any proper business may be conducted at a regular meeting if it is provided for in the published agenda.

3. The President may call and, at the request of a majority of the members, shall call a special meeting on ~~5~~ 3 days' written notice ~~[by certified mail to all other members]~~ at any place where or time when a regular meeting could have been convened. The President, in calling a special meeting, shall post and mail the notice containing an agenda pursuant to chapter 241 of NRS.

**Sec. 24.** NAC 633.160 is hereby amended to read as follows:

633.160 1. Each applicant for a license to practice osteopathic medicine must apply on forms prepared and furnished by the Board.

2. On or after January 1, 2003, each application must be accompanied by:

(a) A physician information profile prepared by the Federation Credentials Verification Service of the Federation of State Medical Boards of the United States; and

(b) An affidavit affirming that:

(1) The applicant is the person named in the application and accompanying material; and

(2) To the best knowledge or belief of the applicant, the application and all accompanying material is complete, correct and consistent, and was obtained without fraud, misrepresentation or mistake.

3. No application will be accepted unless it is accompanied by the appropriate fee prescribed in ~~[NRS 633.501.]~~ *section 12 of this regulation*. All fees are nonrefundable.

*4. An application for a license to practice osteopathic medicine shall not be deemed complete until all supporting documents and information required to complete the application have been provided by the applicant to or otherwise obtained by the Board.*

**Sec. 25.** NAC 633.210 is hereby amended to read as follows:

633.210 1. ~~[Each applicant must appear before the]~~ *The Board may require an applicant to:*

*(a) Appear before the Board* for a personal interview at the time his application is considered ~~[, and may be required to pass]; and~~

*(b) Pass* an oral examination.

2. ~~[An]~~ *If the Board requires an applicant for a license without examination to appear before the Board for a personal interview pursuant to subsection 1:*

*(a) The* application for ~~[a]~~ *the* license without examination is ineffective if the applicant fails to appear at the time and place scheduled for ~~[a]~~ *the* personal interview by the Board ~~[. The]~~; *and*

*(b) The* applicant must refile his application before the Board will schedule another interview.

3. The Board will reschedule a personal interview within 1 year after it receives a request for rescheduling which sets forth sufficient reasons for the applicant's prior inability to attend.

**Sec. 26.** NAC 633.220 is hereby amended to read as follows:

633.220 1. The Board may issue a special license to any person designated in subsection 1 of NRS 633.401 and in subsection 1 of NRS 633.411 who applies for a special license and includes with his application a letter from the regulatory authority of the jurisdiction where he is licensed to practice osteopathic medicine which verifies that the applicant holds a current license.

2. In addition to the letter required by subsection 1, an applicant under NRS 633.411 must submit a letter from any one of the following persons requesting that he be given a special license:

(a) The chief of staff or the medical director of the hospital or institution where the applicant proposes to practice osteopathic medicine. The letter must also specify the members of the medical staff under whose supervision the applicant will practice. Any special license issued to the applicant will limit his practice to that hospital or institution.

(b) The chief of the medical agency proposing to employ the applicant to practice osteopathic medicine. The letter must also describe the scope of the services proposed to be performed by the applicant and the medical licensees under whose supervision the applicant will be employed. Any special license issued will limit the scope of the applicant's practice to those described in the letter and indicate the person under whose medical supervision the applicant will be employed.

(c) The osteopathic physician with whom the applicant proposes to associate. The letter must also state the specific period, not to exceed 1 year, and the specific purpose for which he

proposes to associate the applicant, and must verify that the osteopathic physician will retain primary responsibility for the care of all patients seen by the applicant. Any special license issued to the applicant will specify the period of association, the services to be performed by the applicant and the osteopathic physician with whom the applicant is associated.

3. No special license issued by the Board is valid for a period longer than 1 year following the date of issuance.

4. A special license may be renewed from year to year by the Board upon receipt of an application which meets the requirements of NAC 633.250, is accompanied by the appropriate fee prescribed by ~~NRS 633.504~~ *section 12 of this regulation* and is received no later than 90 days before the expiration of the then current special license.

**Sec. 27.** NAC 633.260 is hereby amended to read as follows:

633.260 *1.* Each person who holds a license to practice osteopathic medicine in this State shall ~~file~~ :

*(a) File* with the Board his proper and current mailing address ; and ~~report immediately to~~

*(b) Notify* the Board *in writing of* any change ~~of address, giving~~ *in his mailing address within 30 days after the change. The notification must provide* both his old and his new *mailing* address.

*2. Each person who holds a license to practice osteopathic medicine in this State and who intends to close his osteopathic medical practice shall notify the Board in writing at least 30 days before closing his practice. The notice must specify:*

*(a) The person who or facility that will maintain the health care records of the person's patients for the period required by NRS 629.051; and*

*(b) How the patients of the osteopathic medical practice were notified of the closure of the practice.*

*3. Failure to comply with the requirements of this section in a timely manner is a ground for initiating disciplinary action pursuant to NRS 633.511.*

**Sec. 28.** NAC 633.340 is hereby amended to read as follows:

633.340 1. An osteopathic physician shall not ~~engage in any of the following procedures or use any of the following substances in his practice:~~

~~—(a) The prescribing or dispensing of oral amphetamines, except for the treatment of exogenous obesity for a period of less than 30 days;~~

~~—(b) The prescribing or dispensing of any injectable amphetamine; or~~

~~—(c) The prescribing or dispensing of] *prescribe, dispense or use* Disodium Ethylene Diamine~~

Tetra Acetic Acid (EDTA) ~~for the use of]~~ *in his practice or use* Chelation Therapy ~~;~~ *in his*

*practice*, 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.

~~{→}~~

2. The use of any procedure or substance which is prohibited by this ~~[subsection]~~ *section* 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.]~~

**Sec. 29.** NAC 633.350 is hereby amended to read as follows:

NEW FIRST  
PARALLEL  
SECTION

633.350 **1.** For the purposes of this chapter and chapter 633 of NRS, an osteopathic physician engages in unethical conduct if he:

~~[1.]~~ **(a)** Engages in sexual misconduct with a patient;

~~[2.]~~ **(b)** Abandons a patient;

~~[3.]~~ **(c)** Willfully makes and files false reports, records or claims in the osteopathic physician's practice;

~~[4.]~~ **(d)** Willfully fails to file or record a medical report required by law, willfully impedes or obstructs the filing or recording of such a report, or willfully induces another person to fail to file or record such a report;

~~[5.]~~ **(e)** Fails to generate or create medical records relating to the diagnosis, treatment and care of a patient;

~~[6.]~~ **(f)** Prescribes a controlled substance in a manner or an amount that the Board determines is excessive;

~~[7.]~~ **(g)** Fails to comply with the terms of an agreement with a diversion program approved by the Board;

~~[8.]~~ **(h)** Fails to comply with an order of the Board; ~~[or~~

~~—9.]~~

*(i) Fails to comply with a remediation agreement approved by the Board pursuant to section 67 of Senate Bill No. 269, chapter 494, Statutes of Nevada 2009, at page 2978 (NRS 633.510);*

*(j) Violates the provisions of NRS 633.505 concerning discrimination or retaliation against an employee;*

*(k) Violates the provisions of NRS 629.061 concerning making the health care records of a patient available for physical inspection and furnishing of a copy of the health care records;*

*(l) Fails to obtain a special event license for the demonstration of medical techniques and procedures as required by section 4 of Senate Bill No. 266, chapter 265, Statutes of Nevada 2009, at page 1107 (NRS 633.419);*

*(m) Fails to provide adequate supervision of a medical assistant who is employed or supervised by the osteopathic physician; or*

*(n) Engages in any other conduct that the Board determines constitutes unfitness to practice osteopathic medicine.*

*2. For the purposes of this chapter and chapter 633 of NRS, a physician assistant engages in unethical conduct if he engages in any conduct which constitutes unethical conduct by an osteopathic physician pursuant to paragraphs (a) to (j), inclusive, of subsection 1.*

*3. As used in this section, “medical assistant” means any person who:*

*(a) Is employed by an osteopathic physician;*

*(b) Is under the direction and supervision of the osteopathic physician;*

*(c) Assists in the care of a patient; and*

*(d) Is not required to be certified or licensed by an administrative agency to provide that assistance.*

**Sec. 30.** NAC 633.350 is hereby amended to read as follows:

NEW  
SECOND  
PARALLEL  
SECTION

633.350 1. For the purposes of this chapter and chapter 633 of NRS, an osteopathic physician engages in unethical conduct if he:

- (a) Engages in sexual misconduct with a patient;
- (b) Abandons a patient;
- (c) Willfully makes and files false reports, records or claims in the osteopathic physician's practice;
- (d) Willfully fails to file or record a medical report required by law, willfully impedes or obstructs the filing or recording of such a report, or willfully induces another person to fail to file or record such a report;
- (e) Fails to generate or create medical records relating to the diagnosis, treatment and care of a patient;
- (f) Prescribes a controlled substance in a manner or an amount that the Board determines is excessive;
- (g) Fails to comply with the terms of an agreement with a diversion program approved by the Board;
- (h) Fails to comply with an order of the Board;
- (i) ~~Fails to comply with a remediation agreement approved by the Board pursuant to section 67 of Senate Bill No. 269, chapter 494, Statutes of Nevada 2009, at page 2978 (NRS 633.510);~~

—~~(j)~~ Violates the provisions of NRS 633.505 concerning discrimination or retaliation against an employee;

~~(k)~~ *(j)* Violates the provisions of NRS 629.061 concerning making the health care records of a patient available for physical inspection and furnishing of a copy of the health care records;

~~(l)~~ *(k)* Fails to obtain a special event license for the demonstration of medical techniques and procedures as required by section 4 of Senate Bill No. 266, chapter 265, Statutes of Nevada 2009, at page 1107 (NRS 633.419);

~~(m)~~ *(l)* Fails to provide adequate supervision of a medical assistant who is employed or supervised by the osteopathic physician; or

~~(n)~~ *(m)* Engages in any other conduct that the Board determines constitutes unfitness to practice osteopathic medicine.

2. For the purposes of this chapter and chapter 633 of NRS, a physician assistant engages in unethical conduct if he engages in any conduct which constitutes unethical conduct by an osteopathic physician pursuant to paragraphs (a) to ~~(j)~~ *(i)*, inclusive, of subsection 1.

3. As used in this section, “medical assistant” means any person who:

(a) Is employed by an osteopathic physician;

(b) Is under the direction and supervision of the osteopathic physician;

(c) Assists in the care of a patient; and

(d) Is not required to be certified or licensed by an administrative agency to provide that assistance.

**Sec. 31.** NAC 633.450 is hereby amended to read as follows:

633.450 1. If a complaint has been filed against an osteopathic physician pursuant to NRS 633.531 ~~[H]~~ *or against a physician assistant pursuant to section 12 of LCB File No. R192-07*, the Board may order the summary suspension of the license of the osteopathic physician *or physician assistant* pending disciplinary proceedings.

2. The Board will issue such an order if it determines that:

(a) The osteopathic physician *or physician assistant* has violated a provision of this chapter or chapter 633 of NRS;

(b) The summary suspension of the license is necessary to prevent a further violation of this chapter or chapter 633 of NRS; and

(c) The public health, safety or general welfare imperatively requires the summary suspension of the license.

3. An order summarily suspending a license:

(a) Must:

(1) Comply with the applicable provisions of NRS 233B.127; and

(2) Set forth the grounds upon which the order is issued, including a statement of facts;

(b) Is effective upon service on the osteopathic physician *or physician assistant* of the order and complaint; and

(c) Remains in effect until the Board:

(1) Modifies or rescinds the order; or

(2) Issues its final order or decision on the underlying complaint.

4. A hearing on the complaint must be held within ~~[60]~~ 45 days after the effective date of the suspension.

**Sec. 32.** NAC 633.490 is hereby amended to read as follows:

633.490 1. If a person whose practice of osteopathic medicine has been limited, or whose license to practice osteopathic medicine has been suspended, ~~or~~ revoked ~~or~~ *placed on inactive status*, applies to the Board ~~pursuant~~ :

(a) *Pursuant to NRS 633.481 for the restoration of his revoked license;*

(b) *Pursuant to NRS 633.491 for the renewal of his license; or*

(c) *Pursuant to NRS 633.681 for the removal of the limitation or suspension or for the ~~restoration~~ reinstatement of his revoked license,*

→ the Board may require the person to submit to an examination testing his competence to practice osteopathic medicine.

2. The Board will not remove a limitation or ~~restore~~ *suspension or reinstate* a *revoked* license unless:

(a) The applicant proves by clear and convincing evidence that the requirements for the removal of the limitation *or suspension* or for the ~~restoration~~ *reinstatement* of the *revoked* license have been met; and

(b) The applicant proves by evidence satisfactory to the Board that he:

(1) Has complied with all the terms and conditions set forth in ~~the~~ *any* final order of the Board limiting his practice or suspending or revoking his license; and

(2) Is capable of practicing osteopathic medicine in a safe manner.

**Sec. 33.** Section 8 of LCB File No. R192-07, which was adopted by the State Board of Osteopathic Medicine and filed with the Secretary of State on December 17, 2008, is hereby amended to read as follows:

Sec. 8. 1. An application for a license as a physician assistant must include, without limitation:

(a) The date and place of birth of the applicant;

(b) The gender of the applicant;

(c) The education of the applicant, including, without limitation, any high school and postsecondary institution attended, the length of time in attendance and whether the applicant is a graduate of those schools and institutions;

(d) The training and experience of the applicant as a physician assistant;

(e) Whether the applicant has ever:

(1) Applied for a license or certificate as a physician assistant in another state and, if so, specification of which state, when the application was made and the results of the application;

(2) Had a license or certificate as a physician assistant revoked, modified, limited or suspended;

(3) Been investigated for misconduct as a physician assistant;

(4) Had any disciplinary action or proceeding instituted against him by a licensing body in any jurisdiction;

(5) Been convicted of a felony or an offense involving moral turpitude; or

(6) Been investigated for, charged with or convicted of the use or illegal sale or dispensing of a controlled substance; and

(f) The places of residence of the applicant since the date of his graduation from high school or his receipt of a high school general equivalency diploma.

2. An application for a license as a physician assistant must be:
  - (a) Signed by the applicant;
  - (b) Sworn to before a notary public or other officer authorized to administer oaths;and
  - (c) Accompanied by:
    - (1) A physician assistant information profile prepared by the Federation Credentials Verification Service of the Federation of State Medical Boards;
    - (2) An affidavit affirming that:
      - (I) The applicant is the person named in the application and accompanying material; and
      - (II) To the best knowledge or belief of the applicant, the application and all accompanying material is complete, correct and consistent, and was obtained without fraud, misrepresentation or mistake; and
    - (3) The nonrefundable application and initial license fee prescribed in ~~ENRS 633.501.~~ *section 12 of LCB File No. R154-09.*

3. If it appears to the Board that:
  - (a) Any information submitted is false or inconsistent; or
  - (b) The application is not made in proper form or other deficiencies appear in it,↳ the application will be rejected.

**Sec. 34.** Section 9 of LCB File No. R192-07, which was adopted by the State Board of Osteopathic Medicine and filed with the Secretary of State on December 17, 2008, is hereby amended to read as follows:

Sec. 9. 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 ~~NRS 633.501.~~ *section 12 of LCB File No. R154-09.*

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.

4. A physician assistant shall notify the Board within 10 days after receipt of notification that his 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.

**Sec. 35.** NAC 633.140 is hereby repealed.

**Sec. 36.** 1. This section and sections 1 to 29, inclusive, and 31 to 35, inclusive, of this regulation become effective on the date on which this regulation is filed by the Legislative Counsel with the Secretary of State.

2. Section 30 of this regulation becomes effective on July 1, 2011.

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**TEXT OF REPEALED SECTION**

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**633.140 Communications. (NRS 633.291)** Each communication to a member of the Board which relates to the affairs of the Board and a copy of the member's reply will immediately be placed in the records of the Board.