

Digest for Revised Adopted Regulation R_154-09

Existing law requires the State Board of Osteopathic Medicine to adopt regulations necessary to enable the Board to carry out its duties under chapter 633 of NRS, including, without limitation, regulations which establish the principles of medical ethics to be used as the basis for determining whether conduct that does not constitute malpractice is unethical. (NRS 633.291)

Sections 2-8 of this regulation provide the manner in which the Board will interpret certain statutory terms relating to osteopathic medicine.

Section 9 of this regulation establishes the amounts that the Board will charge and collect for certain fees relating to the licensure of osteopathic physicians and physician assistants.

Existing law authorizes the Board to issue special licenses to certain persons who are graduates of a foreign school. (NRS 633.415) **Section 10** of this regulation: (1) requires an applicant for such a special license to include an updated curriculum vitae with his or her application; and (2) prohibits such a special licensee from employing or supervising a physician assistant.

Existing law authorizes the Board to issue an authorized facility license to certain persons who are intending to practice osteopathic medicine in this State as psychiatrists in a mental health center of the Division of Mental Health and Developmental Services of the Department of Health and Human Services or as osteopathic physicians in an institution of the Department of Corrections. (NRS 633.417, 633.418) **Sections 11 and 12** of this regulation: (1) authorize persons who hold such an authorized facility license to

employ a physician assistant under certain circumstances; and (2) set forth the requirements for renewal of such licenses.

Section 13 of this regulation increases the compensation of the members of the Board from \$80 to \$150 for each day spent in the discharge of official duties. (NAC 633.100)

Section 14 of this regulation decreases the number of days' notice required to be given to the members of the Board for a regular meeting of the Board from 10 to 7 days, and for a special meeting of the Board, from 5 to 3 days. (NAC 633.130)

Section 16 of this regulation authorizes the Board to require an applicant for a license to practice osteopathic medicine or to practice as a physician assistant to: (1) appear before the Board for a personal interview; and (2) pass an oral examination. (NAC 633.210)

Section 18 of this regulation provides, without limitation, that failure to comply with certain filing and notice requirements by a person who holds a license to practice osteopathic medicine is a ground for initiating disciplinary action against that person. (NAC 633.260)

Section 19 of this regulation revises the substances an osteopathic physician is prohibited from prescribing, dispensing or using in his or her practice. (NAC 633.340)

Sections 20 and 21 of this regulation specify conduct which is considered unethical for an osteopathic physician and a physician assistant. (NAC 633.350)

Section 22 of this regulation provides for the summary suspension of a license of a physician assistant under certain circumstances. (NAC 633.450)

Section 23 of this regulation authorizes the Board to require a person whose practice of osteopathic medicine has been placed on inactive status to submit to an examination testing his or her competence to practice osteopathic medicine under certain circumstances. (NAC 633.490)

Section 26 of this regulation repeals a provision requiring that communications to members of the Board and responses to those communications be placed in the records of the Board. (NAC 633.140)

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

LCB File No. R154-09

§§1-20 and 22-27 effective October 15, 2010
§21 effective July 1, 2011

(§§2, 3, 8 and 16-21 have been removed from this regulation for separate consideration; these sections are now located in LCB File No. R151-10)

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

AUTHORITY: §§1, 4-8, 14-16, 19, 26 and 27, NRS 633.291; §2, NRS 633.291 and 633.315; §§3 and 10, NRS 633.291 and 633.415; §9, NRS 633.291 and 633.501; §§11, 12 and 20-22, 24 and 25, NRS 633.291 and 633.434; §13, NRS 633.241 and 633.291; §17, NRS 633.291, 633.401 and 633.411; §18, NRS 633.131 and 633.291; §23, NRS 633.291 and 633.571.

A REGULATION relating to osteopathic medicine; establishing fees relating to the licensure of osteopathic physicians and physician assistants; establishing requirements for the issuance of certain special licenses; specifying conduct which is considered unethical 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 12, inclusive, of this regulation.

Sec. 2. *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. 3. *For the purposes of NRS 633.415, the Board will interpret the term “notify” to mean that a medical research facility or school of osteopathic medicine in this State notifies the Board within 30 days after a special licensee who is issued a special license pursuant to NRS 633.415 ceases to teach, research or practice clinical osteopathic medicine at the medical research facility or school of osteopathic medicine.*

Sec. 4. *For the purposes of 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 NRS 633.417 ceases to practice osteopathic medicine in this State as a psychiatrist in a mental health center of the Division.*

Sec. 5. *For the purposes of 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 NRS 633.418 ceases to practice osteopathic medicine in this State in an institution of the Department of Corrections.*

Sec. 6. *For the purposes of subsection 13 of NRS 633.511, 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. 7. 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. 8. 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. 9. 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 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. 10. *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 or her application an updated curriculum vitae evidencing recognition of the person 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. 11. *1. A person who holds an authorized facility license issued pursuant to 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. 12. *1. A person who holds an authorized facility license issued pursuant to 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. 13. 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. 14. 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 ~~[+0]~~ **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. 15. 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 9 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. 16. 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. 17. 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 633.501]~~ *section 9 of this regulation* and is received no later than 90 days before the expiration of the then current special license.

Sec. 18. 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 or her 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 or her osteopathic medical practice shall notify the Board in writing at least 30 days before closing the 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. 19. 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) ~~[or the use of]~~ *in his or her practice or use* Chelation Therapy ~~[~~ *in his or her 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. 20. NAC 633.350 is hereby amended to read as follows:

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

NEW FIRST
PARALLEL
SECTION

~~[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; ~~[9.]~~

~~[9.]~~ (i) *Fails to comply with a remediation agreement approved by the Board pursuant to NRS 633.510;*

(j) *Violates the provisions of NRS 633.505 concerning retaliation or discrimination 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 a copy of the health care records;*

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

(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 the physician assistant 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. 21. NAC 633.350 is hereby amended to read as follows:

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;

NEW
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(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 NRS 633.510;~~

~~(j)~~ Violates the provisions of NRS 633.505 concerning retaliation or discrimination 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 a copy of the health care records;

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

~~(m)~~ (l) 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 the physician assistant 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. 22. 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 ~~§~~ *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. 23. 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 ~~and~~ *or placed on inactive status*, applies to the Board ~~pursuant~~ :

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

(b) *Pursuant to NRS 633.491 for the renewal of the 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. 24. 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 ~~INRS 633.501.1~~ *section 9 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. 25. 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 9 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. 26. NAC 633.140 is hereby repealed.

Sec. 27. 1. This section and sections 1 to 20, inclusive, and 22 to 26, inclusive, of this regulation become effective on October 15, 2010.

2. Section 21 of this regulation becomes effective on July 1, 2011.

TEXT OF REPEALED SECTION

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.

INFORMATIONAL STATEMENT
Permanent Regulation of the Nevada State Board of Osteopathic Medicine

LCB File No. R154-09

The following statement is submitted for adopted amendments to Nevada Administrative Code (NAC) chapter 633.

1. A description of how public comment was solicited, a summary of public response, and an explanation of how other interested persons may obtain a copy of the summary.

Notices of the first workshop were posted at the following locations: Nevada State Board of Osteopathic Medicine, 2860 E. Flamingo Rd., Suite D, Las Vegas, Nevada; on the Board's website at www.bom.nv.gov; the Public Libraries in Carson City, Fallon, Elko, Eureka, Pioche, Hawthorne, Lovelock, Reno, Battle Mountain, Minden, Goldfield, Winnemucca, Yerington, Tonopah, Virginia City, and Ely; and the Grant Sawyer Building, 555 E. Washington, Las Vegas, Nevada. Notices were also mailed out to interested persons on record with the Board.

Notices of the second workshop were posted at the following locations: Nevada State Board of Osteopathic Medicine, 901 American Pacific Dr., #180, Henderson, Nevada; on the Board's website at www.bom.nv.gov; the Public Libraries in Carson City, Fallon, Elko, Eureka, Pioche, Hawthorne, Lovelock, Reno, Battle Mountain, Minden, Goldfield, Winnemucca, Yerington, Tonopah, Virginia City, and Ely; and the Grant Sawyer Building, 555 E. Washington, Las Vegas, Nevada. Notices were also mailed out to interested persons on record with the Board.

A copy of the notice of public hearing on the adoption of the regulations and the proposed regulation were placed on file at the State Library, 100 Stewart Street, Carson City, Nevada, for inspection by members of the public during business hours. The notice of the public hearing was also mailed to each of the County Public Library as identified above and faxed to the following locations to posting: Grant Sawyer Office Building, Suite 1300, Las Vegas, Nevada; Legislative Building, Capitol Complex, Carson City, Nevada; and the Nevada State Library as indicated above. Additional copies of the notice of public hearing and the proposed regulation were also posted at the Board's office located at 901 American Pacific, # 180, Henderson, Nevada; and such information was made available and placed on file at the Nevada State Board of Osteopathic Medicine, for inspection and copying by members of the public during business hours. Interested persons who have requested to be apprised of the Board's actions were also provided copies of the notice of public hearing.

The public hearing was held on the 15th day of June, 2010, at the Board's offices located at 901 American Pacific, # 180, Henderson, Nevada. Interested persons and businesses as well as affected persons as set forth in #3 below responded to the proposed regulations and testified at the hearing. A tape of the hearing or minutes of the Board's public hearing, for which a reasonable fee may be charged, may be obtained by calling the Nevada State Board of Osteopathic Medicine at (702) 732-2147 or by writing to the Nevada State Board of Osteopathic Medicine at 901 American Pacific, # 180, Henderson, Nevada.

The proposed regulation was submitted to the Legislative Counsel Bureau, which completed its final review and revisions on the 29th day of April, 2010. Thus, the proposed regulations, for practical purposes, were discussed at two workshops and have been heard and considered at one public hearing of the Nevada State Board of Osteopathic Medicine. The Regulations were also brought to the attention of the Interim Health Care Committee.

2. The number of persons who:

(a) Attended the public adoption hearing: Dr. C. Dean Milne; Dr. Scott Manthei; Paul Edwards, Esq.; Dr. Daniel Curtis; Christine Parvan, Deputy Attorney General; Dr. James Mahoney; Denise Selleck-Davis of NOMA; and Dr. Robert Kessler. Board's staff included Executive Director Dianna Hegeduis; Deputy Executive Director Barbara Longo; and licensing specialist Tammy Sine.

(b) Testified at the hearing: Dr. C. Dean Milne; Dr. Scott Manthei; Paul Edwards, Esq.; Dr. Daniel Curtis; Dr. James Mahoney; Denise Selleck-Davis of NOMA; and Dr. Robert Kessler.

(c) Submitted to the Board written comments: No written comments were submitted to, or received by, the Board.

(d) Also testifying at the previous workshops: Weldon Havins, M.D.

3. A description of how comment was solicited from affected businesses, a summary of their response, and an explanation how other interested persons may obtain a copy of the summary.

Comments were solicited from affected and interested businesses and persons by the notices set forth in #1 above, and by direct mail to the approximately 10 interested businesses and/or persons on the Board's mailing list. Also, information was contained on the website.

4. If the regulation was adopted without changing any part of the proposed regulation, a summary of the reasons for adopting the regulation without change.

The Board adopted all regulations except for three as written. Three regulations were revised based upon the comments/discussion by Ms. Selleck-Davis and Dr. Kessler.

5. The estimated economic effect of the adopted regulation on the business which it is to regulate and on the public. These must be stated separately, and each case must include: (a) Both adverse and beneficial effects; and (b) Both immediate and long-term effects.

(a) Adverse and beneficial effects.

The proposed regulations present no foreseeable or anticipated adverse economic effects to businesses or the public. Regulations were simply created to supplement the four new licenses and the various bills/laws enacted by the 2009 Nevada legislature, along with a total review of the practice regulations as required by NRS chapter 233B.

(b) Immediate and long-term effects.

Same as #5(a) above.

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

The proposed regulations present no significant foreseeable or anticipated cost for enforcement. There may be some minor administrative costs for the Board in establishing and policing the special licenses at issue in SB 269 and SB 266, which are not quantifiable at this time.

7. A description of any regulations of other state or governmental agencies which the regulation overlaps or duplicates and a statement explaining why the duplication or overlap is necessary. If the regulation overlaps or duplicates a federal regulation, the name of the regulating federal agency.

The proposed regulations are particular to the Nevada State Board of Osteopathic Medicine's practices and procedures and do not appear to overlap or duplicate regulations of other state or local governmental agencies.

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

There are no known federal regulations pertaining to the subjects of the proposed regulations.

9. If the regulation provides a new fee or increases an existing fee, the total annual amount the agency expects to collect and the manner in which the money will be used.

The proposed regulation does not provide a new fee or increase an existing fee. The regulations merely codify what is already in statutes, NRS chapter 633.

SMALL BUSINESS IMPACT STATEMENT FORM
NEVADA STATE BOARD OF OSTEOPATHIC MEDICINE
LCB FILE NO. R154-09

1. Our agency has determined that the rule/s we are proposing have the following type of impact on small businesses:
- Direct impact (*please complete remainder of form*)
 - XX** **Indirect impact** (please provide a brief explanation, then sign, date, and submit form. Questions 2 through 8 do not need to be answered)

Senate Bills 266 and 269, creating NRS 633.418 and NRS 633.419 respectively and four new/different types of licenses, were passed by the 2009 Legislature. The Board is required to draft and ultimately adopt regulations concerning the new licenses. The fees for these licenses are less than the regular licensing fee. The licenses are for individuals who are employees of the Nevada State Department of Corrections, the Nevada State Department of Health & Human Services, for retirees who wish to offer pro bono medical services either in time of disaster or for uninsured/low income individuals, and for experts who wish to offer demonstrations to local physicians in new/improved procedures/practices.

The remainder of the regulations should have no impact on small businesses as they are merely clarification of existing procedural regulations. For example, the doctors are required to notify us “in writing” of certain events as well as require certain notification to be within 30 days. Certain changes were made in the regulations pursuant to LCB File No. R192-07 (i.e., changing “licensee” to osteopathic physician thus omitting the regulating of physicians’ assistants); and we are changing the term “osteopathic physician” to “osteopathic physician” and “physicians’ assistants” since both are licensees of this board.

Two separate workshops were held concerning these regulations providing ample opportunity for small businesses/licensees to participate and offer comments and/or revisions to the proposed regulations. Because there is no direct impact on small businesses, however, responses to Questions 2 – 8 are unnecessary.

At the public hearing on 6-15-2010, Denise Selleck Davis of NOMA appeared and offered comment as well as Dr. Robert Kessler. Minor changes were made pursuant to the suggestions of these individuals.

2. A general narrative and overview of the effect of the rule(s) on small business – written in plain, easy to read language:
3. What is the basis for the enactment of the rules(s)?
- Required to meet changes in federal law?
 - Required to meet changes in State law?
 - Required solely due to changes in date (i.e. must be changed annually)
- Other: _____
4. Why is the rule(s) needed?

5. What small businesses or types of small businesses would be subject to the rule?
6. Estimate the number of small businesses that would be subject to the rule.
- 1-99 100-499 500-999 1,000-4,999
 - More than 5,000
 - Unknown – please explain: _____
7. Are small businesses required to file or maintain any reports under this rule?
- Yes No
- a. If “yes”, how many reports must a small business submit to the state on an annual basis?
- b. If “yes”, how much ongoing recordkeeping within the business is necessary?
- c. If “yes,” what type of professional skills would be necessary to prepare the reports or records?
- The average owner of a small business should be able to complete the reports and/or records with no assistance
 - It is likely that a bookkeeper for a small business should be able to complete the reports and/or records.
 - It is likely that a small business person would need the assistance of a CPA to complete the reports and/or records
 - It is likely that a small business person would need the assistance of an attorney to complete the reports and/or records
 - Other _____
 - Unknown – please explain _____
8. Are there any less intrusive or less costly methods to achieve the purpose of the rule (i.e. fewer reports, less recordkeeping, lower penalties)?
- No – please explain _____
 - Yes – please explain _____

