

# NSBOM NEWSLETTER

Nevada State Board of Osteopathic Medicine, 901 American Pacific Dr., Suite 180, Henderson, NV 89014

June, 2010 Volume 2, Issue No. 3

## What you need to know about our laws . . .

### *NAC CHAPTER 633:*

Did you know that at the June 15, 2010 Board Meeting, the Board adopted revised regulations? The proposed regulations can be found on the Board's website, [www.bom.nv.gov](http://www.bom.nv.gov), under the "laws and regulations" section and then in the "proposed regulations" subsection. A "hard" copy of the regulations can also be requested of the Board. We will be happy to provide you with a copy of the regulations. After adoption by the Board, the regulations will be sent to the Legislative Counsel Bureau's Commission for approval and then eventually filed with the Secretary of State's Office. They are not considered the "law" until they are filed.

The new regulations include requirements for closing a medical office, requirements for terminating the physician-patient relationship, new rules concerning the various licenses approved by the 2009 Legislature, a new listing of conduct considered unethical, a new listing of prohibitions by physician's assistants, and many other changes pertaining to medical assistants and physician's assistants.

### *NRS CHAPTER 633:*

The Board is hard at work reviewing our existing statutes to determine if they need to be revised. At the June 15<sup>th</sup> Board meeting, discussions were had about possible statutory revisions. Let us know if there is anything you see outdated in our statutes and in need of revision.

### *Other Statutory Changes:*

Other state agencies are likewise revising their statutes, including the Pharmacy Board. Stay tune for updates on their statutory changes and possible new laws regarding medical assistants.

**REMINDER: NAC 633.260** Each person who holds a license to practice osteopathic medicine in this State shall file with the Board his proper and current mailing address and report immediately to the Board any change of address, giving both his old and his new address. If your address changes, please complete an address change form found on our website at [www.bom.nv.gov](http://www.bom.nv.gov) and mail or fax it to us.

**ALSO, THE RENEWAL REMINDERS FOR 2011 WILL BE GOING OUT IN SEPTEMBER. SO PLEASE WATCH FOR THEM . . . AND MAKE SURE WE HAVE YOUR CORRECT ADDRESS.**

## Do you supervise a PA-C or an APN?

- All physician assistants and their supervising physicians **MUST** sign a supervising agreement form and mail it into the Board office.
- It is **IMPERATIVE** that a collaborating agreement form be completed and sent into us for all APNs.
- Physicians will be required to sign a letter stating they are compliant with NRS 633.469 regarding requirements of supervision.
- A supervising physician may not supervise more than a total of three physician assistants and advanced practitioners of nursing.

**IMPORTANT:** Please refer to Adopted R192-07 for adopted regulations regarding physicians' assistants-- located on our website under "Laws and Regulations"

## INSIDE THIS ISSUE

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Actions by the Board



## NSBOM BOARD MEMBERS

Daniel K. Curtis, D.O.,  
*Chairman;*

C. Dean Milne, D.O.,  
*Vice-Chairman;*

Paul Kalekas, D.O.,  
*Secretary/Treasurer; and*

S. Paul Edwards, Esq.  
Rota Rosaschi, MPA

James Anthony, D.O., J.D.  
Scott Manthei, D.O.

■  
Dianna Hegeduis, Esq.  
*Executive Director/Board Counsel*  
Barbara Longo  
*Deputy Executive Director*

## **MORE ABOUT OUR BOARD & STAFF**

As you can see from the above listing of Board Members, Dr. Paul Kalekas was appointed Secretary-Treasurer. The Board anticipates appointing members to the various positions every January.

Dr. Manthei's term is expiring on June 30, 2010; and he has expressed an interest to continue with the Board. It is our understanding that a number of physicians have contacted the Governor's office requesting to be appointed to the Board.

*Continued on next page*

We have one new employee, replacing Tacy Woodhams who will be leaving later this year for active duty. Our new employee is Michelle Romo. She is a native of the Las Vegas area. She has been happily married for 19 years and has two beautiful children. She enjoys spending time with her family at her parents' cabin in Utah and hunting with her father. Ms. Romo's past work experience includes working as an office manager-bookkeeper in the construction industry and has also worked for a well-known attorney in Henderson, Nevada, specializing in healthcare matters.

As you know, Tammy Sine is the Board's licensing specialist; and she has been with the Board for approximately three years. If you have any issues with renewal applications - - she is the one you should contact.

The Board has also joined various taskforces such as the study group authorized by A.B. 326 (2009 Legislature) regarding prescription drug abuse. Our goal is to become more active in areas which may impact the practice of osteopathic medicine.

### So what has your Board been doing lately . . .

The statistics are contained on this page and indicate we are enjoying an increased number of special licensees and a more active Board.

We are constantly updating our website to include the latest information provided to us that may be of interest to our licensees (such as the latest addition in the scrolling section on the E-Health Initiative/survey) as well as the latest information resulting from Board meetings, such as minutes of the meetings. Since July, 2009, three complaints have been filed by the Board, which resulted in two summary suspensions of licenses and one surrender of a medical license for a period of ten (10) years. You can view the complaints and the orders on the website under the "enforcement" section. We urge you to review this website; it has a wealth of information. Although this may have been mentioned above, it has prior newsletters, the application forms, disciplinary matters, the latest in the laws, and much more. It would behoove you to review the website.

### HAVE YOU HEARD?

Check out the following stats pertaining to our Board's licensees per fiscal year:

Licenses	2000	2008/09	2009/10
D.O.	499	737	735
P.A.	30	58	58
Special	24	135	192
Inactive	0	50	65

And our staff has been busier than ever:

Discipline	2008	2009	2010(to date)
Settlements	2	32	51
Hearings	0	1	0
License Surrender	1	1	1
License Suspension	0	1	1
License Denial	1	1	0
Public Reprimands	1	2	0
Private Letters of Warning			46

(Please note, the Board was only given the authority to write private letters of warning by the 2009 Legislature.)

### WHAT YOU REALLY NEED TO KNOW ABOUT MEDICAL RECORDS: NRS 629.051

1. Except as otherwise provided in this section and in regulations adopted by the State Board of Health pursuant to NRS 652.135 with regard to the records of a medical laboratory and unless a longer period is provided by federal law, each provider of health care shall retain the health care records of his or her patients as part of his or her regularly maintained records for 5 years after their receipt or production. Health care records may be retained in written form, or by microfilm or any other recognized form of size reduction, including, without limitation, microfiche, computer disc, magnetic tape and optical disc, which does not adversely affect their use for the purposes of NRS 629.061. Health care records may be created, authenticated and stored in a computer system which limits access to those records.
2. A provider of health care shall post, in a conspicuous place in each location at which the provider performs health care services, a sign which discloses to patients that their health care records may be destroyed after the period set forth in subsection 1.
3. When a provider of health care performs health care services for a patient for the first time, the provider of health care shall deliver to the patient a written statement which discloses to the patient that the health care records of the patient may be destroyed after the period set forth in subsection 1.
4. If a provider fails to deliver the written statement to the patient pursuant to subsection 3, the provider of health care shall deliver to the patient the written statement described in subsection 3 when the provider next performs health care services for the patient.
5. In addition to delivering a written statement pursuant to subsection 3 or 4, a provider of health care may deliver such a written statement to a patient at any other time.
6. A written statement delivered to a patient pursuant to this section may be included with other written information delivered to the patient by a provider of health care.
7. A provider of health care shall not destroy the health care records of a person who is less than 23 years of age on the date of the proposed destruction of the records. The health care records of a person who has attained the age of 23 years may be destroyed in accordance with this section for those records which have been retained for at least 5 years or for any longer period provided by federal law.

AS TO THE CONTENT OF THE SIGN, as required by Subsection 2 listed above, we would suggest the following (but of course, we would also suggest that you verify the correct wording with your own attorney to assure statutory compliance):

Each provider of health care shall retain the health care records of his patients as part of his regularly maintained records for 5 years after their receipt or production. Health care records may be retained in written form, or by microfilm or any other recognized form of size reduction, including, without limitation, microfiche, computer disc, magnetic tape and optical disc, which does not adversely affect their use for the purposes of NRS 629.061. Health care records may be created, authenticated and stored in a computer system which limits access to those records. A provider of health care shall not destroy the health care records of a person who is less than 23 years of age on the date of the proposed destruction of the records. The health care records of a person who has attained the age of 23 years may be destroyed in accordance with the law for those records which have been retained for at least 5 years or for any longer period provided by federal law.

### Questions for the licensees?

In order to bring disciplinary actions against our licensees, we need expert witnesses and expert witnesses are rather costly. Do you have the time and desire to help your Board in such cases? If so, please contact the Board at your convenience.

Do you think we should have a statute regarding telemedicine and if so, what are the conditions or restrictions?

What else should the Board be doing to assist our licensees? What else should be in the Newsletter? We would appreciate your feedback. Email us and let us know your thoughts.

### AS A REMINDER ABOUT THAT "PESTY" REPORTING STATUTE (NRS 633.527) . . .

Physicians are required to report to the Board when they are served with a summons and complaint in a medical malpractice case, as well as report any type of a disposition of that lawsuit, and whether that matter is referred to mediation or arbitration. Licensees are mandated to report such information within 45 days. Physicians may be fined up to \$5,000 per violation of this statute. The Board will ask the 2011 Legislature to amend this statute to include the requirement that P.A.s notify us as well about such events in medical malpractice cases.