

# NSBOM NEWSLETTER

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

July, 2011 Volume 5

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

### Senate Bill No. 273:

The Nevada Legislature has passed Senate Bill (SB) 273. This bill will affect statutes relating to telemedicine, proration of initial licenses for osteopathic physicians and physician assistants, renewal processing, the ability for a physician assistant to go to an inactive status, and reporting by physician assistants regarding malpractice, claims, awards, judgments, or other dispositions of any action or claim, and any sanctions reportable to the National Practitioner Data Bank.

There is also Senate Bill 419 regarding safe injections. This requires physicians to confirm that they have training in safe injections. Physicians will have to attest on their renewal application that they have knowledge of and are aware of the Center for Disease Control safe injection practices.

These laws go into effect on October 1, 2011.

### NAC CHAPTER 633:

Just as a reminder, you can find the Nevada laws pertaining to osteopathic physicians and physicians' assistants on the Board's website. [www.bom.nv.gov](http://www.bom.nv.gov). In a continuing effort to assist the Board's licensees, you will find an unofficial version of NAC chapter 633 on the website. This version contains the 2007 and 2009 revisions to the regulations. These revisions have been adopted by the Board and approved by the Legislative Commission. The Legislative Counsel Bureau has not yet assigned section numbers to certain sections of the regulations, but all sections are in full force and effect now.

If you wish to view other applicable statutes and regulations, they can be found on the Legislature's website, [www.leg.state.nv.us](http://www.leg.state.nv.us).

**REMINDER: NAC 633.260 HAS BEEN CHANGED!!** Each person who holds a license with the Osteopathic Medicine Board or in this State shall: (a) file with the Board his proper and current mailing address; and (b) notify the Board in writing of any change in his address within 30 days after the change. The notification must provide both his old and his new mailing address.

Also, 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.

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

## 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 at a time and must report to the Board within 10 days of any termination of a supervising physician agreement.

## INSIDE THIS ISSUE

Changes in the laws  
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. M.B.A.  
Richard Almaguer, D.O.

### STAFF

Barbara Longo  
*Interim Executive Director*  
Tammy Sine  
Licensing Specialist/Bookkeeper  
Michelle Romo  
Enforcement Specialist/  
Administrative Assistant

## MORE ABOUT OUR BOARD & STAFF

The Nevada State Board of Osteopathic Medicine regretfully announces Dianna Hegeduis, Executive Director/Board Counsel, passed away unexpectedly on Friday, May 6. She had been with the board since July 2009 and in that short time made significant, positive changes for the board and in the community.

*Continued on next page*

*Meet the NSBOM, continued...*

She was a strong voice for the medical community in the state legislature and with the Federation of State Medical Boards. Dianna was well respected by all who knew her and will be greatly missed.

**AND...**

At the June 20, 2011 Board Meeting the Board appointed Barbara Longo as the Interim Executive Director. Ms. Longo has been with the Board since September 2008. **ALSO** at the June 20, 2011 Board meeting, after serving on the Board since 2002 and serving as the Board's Chairman since 2008, Dr. Daniel Curtis announced his resignation as Chairman and from the NSBOM, effective July 15, 2011.

**MORE...** NSBOM is proud to announce S. Paul Edwards was elected to the Federation of State Medical Boards (FSBM) Nomination Committee. He will serve a two year term. Mr. Edwards was appointed and has served as a public member on the NSBOM since July 2009. He is also an associate in the Lewis and Roca law firm, Commercial Litigation and Bankruptcy practice groups. The Federation of State Medical Boards (FSMB) is a national not-for-profit organization representing the 70 medical boards of the United States and its territories. FSMB's mission is to continuously improve the quality, safety and integrity of health care by developing and promoting high standards for physician licensure and practice. The NSBOM congratulates Mr. Edwards on all his hard work.

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

The statistics contained on this page indicate NSBOM and staff have not been greatly impacted by the sluggish economy and is still showing signs of a more active Board.

Also, please note the NSBOM board meetings are now being conducted on the 2<sup>nd</sup> Tuesday of each month.

***NOTE FROM NOMA:***

NOMA offers a 10 hour category 1A CME Program, a One Day Symposia Program that will be held on August 13, September 10 and November 12 at the Southern Nevada Health District Auditorium located at 625 S. Shadow Lane, Las Vegas, NV.

Get your hours without closing the office. All offered on Saturday: August Program – Preventive Medicine, including Risk Management and Safe Injection Practices. Package price is available. Winter Medical Symposium, 30 hour Category 1A CME Programs is being held on January 18-22, 2012 at Embassy Suites Hotel in South Lake Tahoe. Check the website [www.nevadaosteopathic.org](http://www.nevadaosteopathic.org) or contact Denise Selleck-Davis, CAE, Executive at the NOMA office at (702) 434-7112 for more information.

***HAVE YOU HEARD?***

Check out the following stats pertaining to NSBOM's licensees per fiscal year (July 1 through June 30<sup>th</sup>):

<b>Licenses</b>	<b>2000</b>	<b>2008/09</b>	<b>2009/10</b>	<b>2010/2011</b>
D.O.	99	737	742	774
P.A.	30	58	58	66
Special	24	135	198	220
Inactive	0	50	65	73
DO Special				4
Temporary				2

<b>Discipline</b>	<b>2008</b>	<b>2009</b>	<b>2010</b>	<b>2011</b>
Settlements	2	32	72	10
Hearings	0	1	0	0
License Surrender	1	1	1	0
License Suspension	0	1	2	3
License Denial	1	1	0	0
Public Reprimands	1	2	0	0
Private Letters of Warning			74	15
Probation			1	2

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

**REMINDER:** In September 2011, your renewal reminder will be mailed out. If you are one of the 33% to be audited for your 2011 Continuing Medical Education (CME), this request will be included with the renewal reminder. DOs need proof of 35 credits with 10 of the AOA category 1A or AMA category 1 as well as **safe injection process**. PAs need 20 hours of CME. Renewals are due by December 31, 2011. If the license renewal is not received by January 25, 2012, the revocation of your license process will begin. Any renewals received after January 1, 2012 will be assessed a \$300.00 late fee. The renewal fee for Osteopathic Physicians is \$500.00 and \$400.00 for Physician Assistants. If you opt to expire your license, you **MUST** notify us in writing.

***New Healthcare Legislation Focused on Patient Safety: Safe Injection Practices SB419***

SB 419 requires the Health Division of the Department of Health and Human Services, certain district boards of health and certain boards that license, register or certify health care professionals, as a condition of issuing or renewing a license, registration or certificate, that the applicant for issuance or renewal of the license, registration or certificate must attest to knowledge of and compliance with the guidelines of the Centers for Disease Control and Prevention concerning the prevention of transmission of infectious agents through safe and appropriate injection practices. In addition a physician shall attest that any person:

- (a) Who is under the control and supervision of the physician;
- (b) Who is not licensed pursuant to this chapter; and
- (c) Whose duties involve injection practices,

has knowledge of and is in compliance with the guidelines of the Centers for Disease Control and Prevention concerning the prevention of transmission of infectious agents through safe and appropriate injection practices. Certain medical laboratories licensed by the Health Division and persons who register a radiation machine with the Health Division, as a condition of issuing or renewing a license or registration, must attest that certain employees have such knowledge of and are in compliance with such guidelines.

***EDUCATIONAL MATERIALS***

To help raise awareness about the consequences of unsafe injection practices and to remind healthcare providers about the basics of injection safety, the **Safe Injection Practices Coalition** has created posters and brochures for use in provider's offices, in patient rooms, and work areas.

You can now order the free education materials online or print them yourself.

The information can be found at: <http://www.oneandonlycampaign.org/locations/nevada/>.



*The One & Only Campaign is a public health campaign aimed at raising awareness among the general public and healthcare providers about safe injection practices.*

## **IMPORTANT INFORMATION FROM THE PHARMACY BOARD**

### **WHAT DO I NEED TO DO TO BE ABLE TO LEGALLY DISPENSE HYDROCODONE/APAP TO MY PATIENTS?**

This is a common question we get from physicians at the Board of Pharmacy. The answer is you will need four governmental registrations:

- (1) Your primary license (in your case, your license with the Nevada Board of Osteopathic Medicine);
- (2) A federal DEA number;
- (3) A Nevada controlled substances registration number (CS number); and
- (4) A Nevada dispensing practitioner's registration.

The act of dispensing is the act of preparing a prescription at your practice (rather than at a pharmacy) and providing that prescription to a patient for his or her self-administration away from your office. Because the act of dispensing resembles what a pharmacy does, several of the requirements for dispensing practitioners mimic requirements for Nevada's pharmacies. For example, if you are a dispensing practitioner, you will need to report all controlled substances you dispense to the Nevada Prescription Controlled Substance Abuse Prevention Task Force (the Task Force) by computer per NAC 639.926. Your practice will also receive a pre-licensure inspection to make sure that your practice complies with all Nevada Board of Pharmacy statutes and regulations prior to your dispensing the hydrocodone/acetaminophen to your patients.

Once all the regulatory steps have been completed and you have all the needed registration, you can begin to dispense controlled substances such as hydrocodone/APAP. Per NRS 639.2607, before you prescribe a controlled substance, you must obtain a patient utilization report from the Task Force regarding the patient for the preceding 12 months **IF:** (1) you have a reasonable belief that the patient is seeking controlled substances in whole or part for any reason other than the treatment of an existing medical condition; and (2) the patient is new to you or the patient has not received any prescriptions for a controlled substance from you in the preceding 12 months. You are to review the patient's information to assess whether the prescription for the controlled substance is medically necessary. If you are a dispensing practitioner and have used due diligence in accessing your patient's controlled substance history, you may then dispense the hydrocodone/APAP (or whatever other prescription drug is appropriate). If you are thinking about becoming a dispensing practitioner, please go the Nevada Board of Pharmacy website ([www.bop.nv.gov](http://www.bop.nv.gov)) and look for the "Dispensing Practitioner Fact Sheet-April 2009." As always, the Pharmacy Board is happy to answer questions any time.

### **Questions for the licensees?**

**In order to bring disciplinary actions against licensed Osteopathic medicine doctors, BSBOM needs 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.**

**What else should the Board be doing to assist 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 and physician assistants 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 of notice. Physicians may be fined up to \$5,000 per violation of this statute. **The 2011 Legislature has amended this statute to include the requirement P.A.s notify the Board as well about such events in medical malpractice cases.**