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**NEVADA STATE
BOARD OF OSTEOPATHIC MEDICINE**
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January 10, 2012

Barbara Longo, CMBI
Interim Executive Director

**NOTICE OF PUBLIC HEARING FOR THE ADOPTION OF PERMANENT
REGULATIONS FOR THE NEVADA STATE BOARD OF OSTEOPATHIC MEDICINE**

The Nevada State Board of Osteopathic Medicine ("Board") will hold a public hearing on February 14, 2012 commencing at 6:00 p.m. at its office located at 901 American Pacific Dr., Suite 180, Henderson, Nevada 89014. The Board will receive testimony from all interested persons and take action on/adopt the following proposed regulations pertaining to NRS 633 of Nevada Administrative Code pertaining to the practice of Osteopathic medicine. If no person who is directly affected by the proposed action appears to request time to make an oral presentation, the Board may proceed to act upon any written submissions:

1. The Need for and Purpose of the Proposed Permanent Regulations.

The need and purpose of the proposed permanent regulations are to implement and interpret certain statutes with respect to the licensing of Osteopathic physicians. In particular the regulations will: (1) clarify how a licensee's status will be reported publicly when the licensee has allowed his or her license to expire for non-renewal; (2) formalize the procedure whereby an inactive licensee may seek to reactivate his or her license; and (3) allow the Board's staff to prorate a licensee's renewal fee where the licensee was licensed within six months of the renewal period.

2. Terms or Substance of the Proposed Permanent Regulations or Description of the Subjects and Issues Involved.

A copy of the regulation (LCB File No. 093-11) is attached.

3. Estimated Economic Effect of the Proposed Permanent Regulations on the Business, which it is to Regulate and the Public, and how such was determined.

A. Adverse and Beneficial Effects.

The proposed permanent regulations will work no adverse effects and will work the beneficial effect of reducing the cost by half for renewal for licensees who obtain their initial licensure within six months of the next subsequent renewal.

B. Immediate and Long-Term Effects.

The beneficial effect will be both immediate and long-term.

C. Method Utilized to Determine Effect.

The beneficial effect is self-evident and intended to be so.

4. Estimated Cost to Agency for Enforcement of Proposed Permanent Regulations.

The proposed permanent regulations present no significant foreseeable or anticipated cost or decrease in costs for enforcement. It appears that there may be some minor additional administrative costs associated with the prorating of the licenses, which cannot be quantified at this time; however, it is believed that any such costs will be minimal.

5. Regulations of Other State or Local Governmental Agencies which the Proposed Permanent Regulations Overlap or Duplicate and the Necessity Therefore.

The proposed permanent regulations do not overlap or duplicate regulations of other state or local governmental agencies.

6. Establishment of New Fee or Existing Fee Increase.

The proposed regulations do not establish any new fee and do not increase any existing fee. Instead, the proposed regulations will reduce an existing fee under certain circumstances.

Persons wishing to comment on the proposed action of the Nevada State Board of Osteopathic Medicine may appear at the above scheduled public hearing or may address their comments, data, views, or arguments, in written form, to the Nevada State Board of Osteopathic Medicine, at 901 American Pacific Drive, Unit 180, Henderson, Nevada 89014. Written submissions must be received at least two weeks prior to the above scheduled public hearing.

A copy of this notice and the proposed permanent regulations to be adopted and amended will be on file at the Nevada State Library, 100 Stewart Street, Carson City, Nevada, for inspection by members of the public during business hours. Additional copies of the notice and the proposed permanent regulations to be adopted and amended will be available at the Nevada State Board of Osteopathic Medicine, 901 American Pacific Drive, Unit 180, Henderson, Nevada 89014; and in all counties in which an office is not maintained, at the main public library, for inspection and copying by members of the public during business hours. The text of the proposed permanent regulations will include the entire text of any section of the Nevada Administrative Code, which is proposed for amendment or repeal. Copies will be mailed to members of the public upon request. A reasonable fee may be charged for copies if deemed necessary.

Under NRS 233B.064(2), when adopting any regulation, the Agency, if requested to do so by an interested person, either prior to adoption or within 30 days thereafter, shall issue a concise statement of the principal reasons for and against its adoption and incorporation, and its reason for overruling the consideration urged against its adoption.

Members of the public who are disabled and require accommodations or assistance at the meeting are requested to notify the Nevada State Board of Osteopathic Medicine in writing or by calling 702-732-2147 no later than five working days prior to the meeting.

Notice has been posted at the following locations: The Nevada State Board of Osteopathic Medicine, 901 American Pacific Drive, Unit 180, Henderson, Nevada 89014. Notice was mailed to each County Public Library for posting.

Notice has been FAXED for posting at the following locations: Grant Sawyer Office Building, Suite 1300, Las Vegas, Nevada; Legislative Building, Capitol Complex, Carson City, Nevada; and the Nevada State Library, 100 Stewart Street, Carson City, Nevada.

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

LCB File No. R093-11

November 9, 2011

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

AUTHORITY: §§1 and 2, NRS 633.291 and 633.481, as amended by section 12 of Senate Bill No. 273, chapter 243, Statutes of Nevada 2011, at page 1039; §3, NRS 633.291; §4, NRS 633.291 and 633.501, as amended by section 14 of Senate Bill No. 273, chapter 243, Statutes of Nevada 2011, at page 1040.

A REGULATION relating to osteopathic medicine; prescribing regulations for the public reporting of certain expired licenses; revising provisions relating to the change of status of certain licenses; revising the fee charged for certain initial licenses; 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 and 3 of this regulation.

Sec. 2. 1. *The Board will report publicly each license that expires pursuant to subsection 1 of NRS 633.481, as amended by section 12 of Senate Bill No. 273, chapter 243, Statutes of Nevada 2011, at page 1039, using the following designation: “Expired: Non-Payment.”*

2. If the Board restores an expired license pursuant to subsection 3 of NRS 633.481, as amended by section 12 of Senate Bill No. 273, chapter 243, Statutes of Nevada 2011, at page 1039, the Board will report publicly the updated status of the license, including, without

limitation, reporting the status of "Good Standing" if the license was in good standing immediately preceding its expiration pursuant to subsection 1 of NRS 633.481.

Sec. 3. 1. A licensee with an inactive license may apply to have the license made active by submitting an application to the Board on a form provided by the Board.

2. The Executive Director of the Board or his or her designee shall review the application for completeness and may request that the applicant submit such additional evidence of the mental, physical, medical or other qualifications of the applicant as the Executive Director or his or her designee believes the Board may require.

3. Upon completion of the review of the application, the Executive Director shall:

(a) Place the application on an agenda at a regular meeting of the Board.

(b) Send written notice that the application will be reviewed by the Board to the applicant at least 21 business days before the meeting. The notice must conform to subsection 2 of NRS 233B.121, be given by certified mail, postage prepaid, and be addressed to the last address furnished by the applicant. If the Executive Director has reason to believe that there are grounds for denying the application, the notice must include a short and plain statement that specifies each such ground.

4. The applicant bears the burden of proving to the Board that making his or her license active is in the best interest of the public health and safety and the general welfare of the people of this State.

Sec. 4. Section 9 of LCB File No. R154-09 is hereby amended to read as follows:

Sec. 9. 1. ~~{The}~~ *Except as otherwise provided in subsection 3, the* Board will charge and collect the following fees:

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

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.

3. *The Board will reduce by one-half the appropriate application and initial license fee prescribed in subsection 1 for an applicant who applies for an initial license as an*

osteopathic physician or a physician assistant that will expire less than 6 months after the date of issuance of the license.