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NEVADA STATE
BOARD OF OSTEOPATHIC MEDICINE
2275 Corporate Circle, Suite 210
Henderson, NV 89074
Ph. 702-732-2147 Fax: 702-732-2079
www.bom.nv.gov

Barbara Longo, CMBI
Executive Director

Steven Ray, CMBI
Chief of Enforcement

NOTICE OF INTENT TO ACT UPON A PROPOSED REGULATION R069-16

Notice of Hearing for the Adoption of a Permanent Regulation of the Nevada State Board of Osteopathic Medicine

NOTICE IS HEREBY GIVEN that the Nevada State Board of Osteopathic Medicine will hold a Public Hearing at 5:30 p.m., on December 13, 2016, at:

**Nevada State Board of Osteopathic Medicine
2275 Corporate Circle
Suite 210
Henderson, Nevada 89074**

The purpose of the hearing is to receive comments from all interested persons regarding the adoption of a regulation pertaining to Chapter 633 of the Nevada Administrative Code, LCB File No. R069-16. The following information is provided pursuant to the requirements of NRS 233B.0603:

1. The need for and the purpose of the proposed regulation.

The need and purpose of the proposed regulation is to provide guidance and rules regarding the prescribing of opioids for the treatment of pain to assure the best possible care of Nevada's pain patients while minimizing the potential abuse or misuse of prescription opioids.

2. Either the terms or substance of the proposed regulation or a description of the subjects and issues involved.

See text of R069-16 (attached hereto) for specific amendment language.

3. If the proposed regulation is a permanent regulation, a statement explaining how to obtain the approved or revised text of the proposed regulation prepared by the Legislative Counsel pursuant to NRS 233B.063.

A copy of the proposed regulation may be obtained at:

*Nevada State Board of Osteopathic Medicine
2275 Corporate Circle, Suite 210
Henderson, Nevada 89074
Telephone: (702) 732-2147
Facsimile: (702) 732-2079
E-mail: blongo@bom.nv.gov*

4. A statement of the estimated economic effect of the regulation on the business which it is to regulate and on the public. These must be stated separately and in each case must include:

- (a) Both adverse and beneficial effects.

There are no anticipated adverse economic effects on the practices of osteopathic physicians or the public.

- (b) Both immediate and long term effects.

There are no anticipated immediate or long-term economic effects on the practices of osteopathic medicine or the public.

5. A statement identifying the methods used by the Nevada State Board of Osteopathic Medicine in determining the impact on a small business prepared pursuant to subsection 3 of NRS 233B.0608:

The Board discussed and crafted the language that ultimately became R069-16 at its regular meetings on March 8, 2016 and April 12, 2016. At each such meeting, the Executive Director for the Nevada Osteopathic Medical Association was in attendance. At several of the meetings, some physicians were also in attendance. At all such meetings, those in attendance were invited to participate and comment on the regulation language, and several spoke as to various aspects of the drafts at issue. Based upon the discussions, the Board made some changes to the proposed language. No participant in any of the discussions presented any evidence or argument that the proposed drafts would have a positive or negative impact on small businesses.

On June 14, 2016, the Board held a workshop regarding the language that became R069-16. Attending and participating in the workshop were some of the Board's licensees and other physicians. No participant in the discussion presented any evidence or argument that the proposed language would have a positive or negative impact on small businesses.

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

There will be no significant cost to the Nevada State Board of Osteopathic Medicine for enforcement of the proposed regulation.

7. A description of any regulations of other state or local government agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary. If the regulation overlaps or duplicates a federal regulation, the notice must include the name of the regulating federal agency.

There are no similar regulations of other state or government agencies that the proposed regulations overlap or duplicate.

8. If the regulation is required pursuant to federal law, a citation and description of the federal law.

This proposed regulation is not required by federal law.

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

This proposed regulation does not include any provision that is more stringent than a federal regulation that regulates the same activity.

10. The time when, the place where and the manner in which interested persons may present their views regarding the proposed regulation.

Persons wishing to comment upon the proposed action of the Nevada State Board of Osteopathic Medicine may appear and make oral comment at the scheduled public hearing, or may address their comments, data, views or arguments, in written form, to the Nevada State Board of Osteopathic Medicine, Attention: Barbara Longo, Executive Director, at 2275 Corporate Circle, Suite 210, Henderson, Nevada 89074, Facsimile: (702) 732-2079, E-mail: blongo@bom.nv.gov. Written submissions must be received by Nevada State Board of Osteopathic Medicine on or before December 2, 2016. If no person who is directly affected by the proposed action appears to request time to make an oral presentation, the Nevada State Board of Osteopathic Medicine may proceed immediately to act upon any written submission.

Copies of the notice and the regulations to be adopted or amended will be available at the Nevada State Board of Osteopathic Medicine, 2275 Corporate Circle, Suite 210, Henderson, Nevada. A copy of this notice and the regulation to be adopted or amended has been submitted for posting for inspection by members of the public during business hours at the Nevada State Library and Archives, 100 Stewart Street, Carson City, Nevada. Copies of this notice and the proposed regulation will be mailed to members of the public upon request.

This notice and the text of the proposed regulation has been submitted to the State of Nevada Register of Administrative Regulations, which is prepared and published monthly by the Legislative Counsel Bureau pursuant to NRS 233B.0653, and on the Internet at <http://www.leg.state.nv.us>. This information is also available at the Nevada State Board of Osteopathic Medicine' website at <http://bom.nv.gov>.

Upon adoption of any regulation, the agency, if requested to do so by an interested person either before adoption or within 30 days thereafter, will issue a concise statement of the principal reasons for and against its adoption and incorporate therein its reason for overruling the consideration urged against its adoption.

This Notice of Hearing has been deposited at the following locations:

Nevada State Library and Archives - 100 North Stewart Street, Carson City, Nevada 89701
Nevada State Board of Osteopathic Medicine – 2275 Corporate Circle, Suite 210, Henderson, Nevada 89074
Carson City Library – 900 N. Roop Street, Carson City, Nevada 89701
Churchill County Library - 553 S. Maine Street, Fallon, Nevada 89406
Clark County Library – 1401 E. Flamingo Road, Las Vegas, Nevada 89119
Douglas County Public Library - 1625 Library Lane, Minden, Nevada 89423
Elko County Library - 720 Court Street, Elko, Nevada 89801
Esmeralda County Library - 10 Montezuma Way, Silverpeak, Nevada 89047
Eureka Branch Library - 210 S. Monroe, Eureka, Nevada 89316
Humboldt County Library – 85 E. 5th Street, Winnemucca, Nevada 89445
Lincoln County Library – 63 Main Street, Pioche, Nevada 89043
Lyon County Central Library – 20 Nevin Way, Yerington, Nevada 89447
Mineral County Library – 110 1st Street, Hawthorne, Nevada 89415
Pershing County Library – 1125 Central Avenue, Lovelock, Nevada 89419
Storey County Library - 95 South R Street, Virginia City, Nevada 89440
Tonopah Library – 167 S. Central Street, Tonopah, Nevada 89049
Washoe County Library – 301 S. Center Street, Reno, Nevada 89505
White Pine County Library – 950 Campton Street, Ely, Nevada 89301

A copy of this notice of intent to act upon a regulation has been e-mailed to all licensees of the Nevada State Board of Osteopathic Medicine for whom the Board has permission to contact via listserv, and to all persons who have requested in writing that they be placed upon a mailing list, which is maintained by the Nevada State Board of Osteopathic Medicine for this purpose.