



Nevada State Board of Medical Examiners

NOTICE OF INTENT TO ACT UPON REGULATION

Notice of Hearing for the Adoption/Amendment of Regulation of the
Nevada State Board of Medical Examiners

The Nevada State Board of Medical Examiners (Board) will hold a public hearing at 9:00 a.m., on Thursday, October 20, 2016, at the Board office located at 1105 Terminal Way, Ste. 301, Reno, Nevada and videoconferenced to the Nevada State Board of Dental Examiners, located at 6010 S. Rainbow Blvd., Bldg. A., Ste. 1, Las Vegas, Nevada. The purpose of the hearing is to receive comments from all interested persons regarding the adoption of regulation that pertain to Chapter 630 of the Nevada Administrative Code.

R096-16 Relating to the clarification of the training requirements for medical assistants, as well as the functions they may perform.

The following information is provided pursuant to the requirements of NRS 233B.0603:

1. The proposed amendment is necessary to establish Board policy and to clarify existing Board policy.
2. A copy of this notice and the regulation to be adopted will be on file at the Nevada State Library and Archives, 100 N. Stewart Street, Carson City, Nevada, for inspection by members of the public during business hours. Additional copies of the notice and the regulation to be adopted will be available at the office of the Board at 1105 Terminal Way, Ste. 301, Reno, Nevada 89502, and in all counties in which an office of the agency is not maintained, at the main public library or county office, for inspection and copying by members of the public during business hours. This notice and the text of the proposed regulation is also available in 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>. Copies of this notice and the proposed regulation will also be mailed to members of the public upon request. A reasonable fee may be charged for copies if it is deemed necessary.
3. The Board does not believe that the proposed amendment will have a direct economic effect on the business of the practice of medicine or the public.
4. Enforcement of the proposed amendment will not result in an increased cost to the Board.
5. To the Board's knowledge, the proposed amendment does not overlap or duplicate the regulations of other state or local governmental agencies or any federal regulations.
6. The proposed regulations do not establish new fees or increase existing fees.

Persons wishing to comment upon the proposed regulation of the Board may appear at the scheduled public hearing or may address their comments, data, views, or arguments, in written form, to the Board, 1105 Terminal Way, Ste. 301, Reno, NV 89502.

Written submissions must be received by the Nevada State Board of Medical Examiners on or before **October 19, 2016**.

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 posted at the following locations:

Washoe County Courthouse	Reno, Nevada
Carson City Library	Carson City, Nevada
Clark County District Library	Las Vegas, Nevada
Churchill County Library	Fallon, Nevada
Douglas County Library	Minden, Nevada
Elko County Library	Elko, Nevada
Esmeralda County Library	Goldfield, Nevada
Humboldt County Library	Winnemucca, Nevada
Lander County Library	Battle Mountain, Nevada
Lincoln County Library	Pioche, Nevada
Lyon County Library	Yerington, Nevada
Mineral County Library	Hawthorne, Nevada
Tonopah Public Library (Nye County)	Tonopah, Nevada
Pershing County Library	Lovelock, Nevada
Storey County Commissioners Office	Virginia City, Nevada
White Pine County Library	Ely, Nevada

**THIRD REVISED PROPOSED REGULATION OF THE
BOARD OF MEDICAL EXAMINERS**

LCB File No. R096-16

August 30, 2016

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

AUTHORITY: §1, NRS 630.130 and 630.138.

A REGULATION relating to medical assistants; requiring that certain information be documented in the employment record of a medical assistant; prohibiting a medical assistant from performing certain tasks; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the Board of Medical Examiners to adopt regulations governing the supervision of a medical assistant. (NRS 630.138) This regulation: (1) requires the employer of a medical assistant to document in the employment record of the medical assistant that he or she has been appropriately trained and is competent to perform any task or procedure assigned to him or her; (2) provides that a delegating practitioner may delegate a task to a medical assistant only if the employer of the medical assistant has complied with the documentation requirement as it relates to the task; and (3) prohibits a medical assistant from performing certain tasks.

Section 1. NAC 630.810 is hereby amended to read as follows:

630.810 1. ~~[A]~~ *Except as otherwise provided in this section, a delegating practitioner may delegate to a medical assistant the performance of a task if:*

(a) The delegating practitioner knows that the medical assistant possesses the knowledge, skill and training to perform the task safely and properly;

(b) The medical assistant is not required to be certified or licensed to perform that task; ~~[and]~~

(c) The medical assistant is employed by the delegating practitioner or the medical assistant and the delegating practitioner are employed by the same employer ~~H~~; and

(d) The employer of the medical assistant has complied with the requirements of subsection 2 as they relate to the task.

2. The employer of a medical assistant shall document in the employment record of the medical assistant that he or she has been appropriately trained and is competent to perform any task or procedure assigned to him or her.

3. Except as otherwise provided in NAC 630.820, if a medical assistant is delegated a task which involves an invasive procedure, the delegating practitioner must be immediately available to exercise oversight in person while the medical assistant performs the task.

4. A medical assistant shall not make a diagnosis, initiate any treatment or prescribe any drug.