

Proposed Regulation Draft

New Provision # 1: *Unless it is an emergency, prior to providing a specific medical intervention to a patient, physicians or physician assistants must obtain and document informed consent from the patient or the patient's surrogate. Informed consent must include information regarding the qualifications of the physician or physician assistant providing the medical intervention as well as a discussion of the burdens, risks, and expected benefits of all options, including forgoing treatment. Prior to providing any care or treatment to a patient, a physician or physician assistant may not require or ask a patient to waive his or her right to file a complaint with the Board regarding that care or treatment. In an emergency situation when the patient or the patient's surrogate is not available, physicians or physician assistants may initiate treatment without prior informed consent. In that situation, the physician or physician assistant should inform the patient or the patient's surrogate at the earliest opportunity and obtain informed consent for ongoing treatment according to the requirements of this section.*

New Provision # 2: *If a letter is sent to a physician assistant pursuant to NRS 630.299, a copy of that letter will also be sent to the physician assistant's supervising physician(s) on file with the Board.*

Authority: NRS 629A, Article 7, Section f

New Provision#3: *For physicians licensed pursuant NRS 629A, information required for biennial registration pursuant NRS 630.267(1)(c) includes any outstanding application documents requested by the Board at initial licensure. Failure to provide these documents may result in the renewal application being denied.*

NAC 630.460 Hearings: Appearance; pleadings; motions; documents. (NRS 630.130)

1. Each party shall enter his or her appearance at the beginning of a hearing or at a time designated by the presiding officer by giving the party's name and address and stating his or her position or interest to the presiding officer. The information will be entered in the record of the hearing.

2. Following the entry of an appearance by an attorney for a party, all notices, pleadings and orders to be served on that party must be served upon the attorney, and that service is valid for all purposes upon the party represented.

3. All pleadings must be verified.

4. A party may respond to a complaint by filing an answer within 20 working days after receiving the complaint. If a party fails to file an answer within the time prescribed, he or she shall be deemed to have denied generally the allegations of the complaint.

5. All ***pre-hearing*** motions, unless they are made during a hearing, must be in writing. All written motions must set forth the nature of relief sought, the grounds therefor and the points and authorities relied upon in support of the motion. A party desiring to oppose a motion may serve and file a written response to the motion within 10 working days after service of the motion. The moving party may serve and file a written reply within 5 working days after service of the opposition to the motion. All motions made during a hearing must be based upon matters arising during the hearing. A decision on the motion will be rendered without oral argument unless oral

argument is ordered by the Board, a panel of members of the Board or the hearing officer in which event the Board, panel or hearing officer will set a date and time for hearing.

6. The original and two copies of each pleading, motion or other paper must be filed with the Board. A copy of each pleading or motion must be made available by the party filing it to any other person whom the Board determines may be affected by the proceeding and who desires the copy.

7. Any document required to be served by a party, other than a notice of hearing, complaint, adverse decision, or order of the Board, may be served by mail, and the service shall be deemed complete when a true copy of the document, properly addressed and stamped, is deposited in the United States mail.

8. There must appear on, or be attached to, each document required to be served:

- (a) Proof of service by a certificate of an attorney or his or her employee;
- (b) Proof of personal service;
- (c) A written admission of service; or
- (d) An affidavit of mailing.

Post-hearing motions are governed by NRS 622A390.

[Bd. of Medical Exam'rs, § 630.460, eff. 12-20-79] — (NAC A 6-23-86; 1-13-94; R149-97, 3-30-98)