

# AGENDA ITEM 10(a)

# PROPOSED REGULATION

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

**LCB File No. R180-20**

June 10, 2021

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

AUTHORITY: §1, NRS 630.130 and 630.275.

A REGULATION relating to physician assistants; revising the qualifications of certain applicants for licensure as a physician assistant; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Existing law requires the Board of Medical Examiners to establish by regulation the standards for the licensure of physician assistants. (NRS 630.130) Existing law also requires the Board to adopt regulations regarding the licensure of physician assistants, including the required qualifications of applicants for licensure as a physician assistant. (NRS 630.275) Existing regulations authorize the Board to order an applicant for licensure as a physician assistant who has not practiced as a physician assistant for 12 months or more to take and pass the same examination to test medical competency as that given to applicants for initial licensure. (NAC 630.280) This regulation revises this provision to apply to an applicant who has not practiced as a physician assistant for 24 months or more.

**Section 1.** NAC 630.280 is hereby amended to read as follows:

630.280 An applicant for licensure as a physician assistant must have the following qualifications:

1. If the applicant has not practiced as a physician assistant for ~~12~~ 24 months or more before applying for licensure in this State, he or she must, at the order of the Board, have taken and passed the same examination to test medical competency as that given to applicants for initial licensure.

2. Be a citizen of the United States or be lawfully entitled to remain and work in the United States.
3. Be able to communicate adequately orally and in writing in the English language.
4. Be of good moral character and reputation.
5. Have attended and completed a course of training in residence as a physician assistant approved by one of the following entities affiliated with the American Medical Association or its successor organization:
  - (a) The Committee on Allied Health Education and Accreditation or its successor organization;
  - (b) The Commission on Accreditation of Allied Health Education Programs or its successor organization; or
  - (c) The Accreditation Review Commission on Education for the Physician Assistant or its successor organization.
6. Be certified by the National Commission on Certification of Physician Assistants or its successor organization.
7. Possess a high school diploma, general equivalency diploma or postsecondary degree.

# PUBLIC NOTICES

## ❖ PUBLIC NOTICE ❖

### **NEVADA STATE BOARD OF MEDICAL EXAMINERS REGULATION WORKSHOP**

Conference Room at the Offices of the Nevada State Board of  
Medical Examiners  
9600 Gateway Drive, Reno, Nevada 89521

*Videoconferenced to:*

Conference Room at the Offices of the Nevada State Board of  
Medical Examiners  
325 E. Warm Springs Road, Suite 225, Las Vegas, Nevada 89119

**February 2, 2022 – 10:00 a.m.**

### **\* AGENDA \***

#### **Please Note:**

- Persons wishing to attend this meeting may do so at either of the above-listed locations.
- Agenda items, other than those items posted with a specific time, may be taken out of sequence or may be combined for consideration by the Deputy Executive Director to accommodate persons appearing at the workshop and/or to aid in the effectiveness of the meeting.
- Items may be pulled or removed from the Agenda at any time.
- Certain Agenda items, or portions thereof, may be conducted in closed session, in accordance with NRS 241.030.
- Public comment is scheduled under Agenda Item 2, at the beginning of the meeting, and again under Agenda Item 6, at the end of the meeting, and may also be called for at other times throughout the meeting by the Deputy Executive Director. When these Agenda items are called, members of the general public may bring matters not appearing on this Agenda to the attention of the Deputy Executive Director. The Board may discuss the matters, but may not act on the matters at this meeting. If the Board desires, the matters may be placed on a future Agenda for action. In consideration of others, who may also wish to provide public comment, please avoid repetition and limit your comments to no more than four (4) minutes.
- Prior to the commencement and conclusion of a contested case or a quasi-judicial proceeding that may affect the due process rights of an individual, the Board may refuse to consider public comment. See NRS 233B.126.

1. Call to Order and Introductions
2. Public Comment  
*Members of the public are invited to provide public comment. No action will be taken regarding this comment at this workshop. Public comment may be limited to four (4) minutes at the discretion of the Deputy Executive Director.*
3. Presentation and Discussion of Proposed Regulation R180-20  
*Staff of the Nevada State Board of Medical Examiners (Board) will provide background on the purpose and the need for the proposed revisions to Nevada Administrative Code (NAC) Chapter 630.*
4. Question & Answer Period for Proposed Regulation R180-20  
*Members of the public are invited to ask questions about these proposed regulations.*
5. Public Comment for Proposed Regulation R180-20  
*Members of the public are invited to provide public comment. No action will be taken regarding this comment at this workshop. Public comment may be limited to four (4) minutes at the discretion of the Deputy Executive Director.*
6. Public Comment  
*Members of the public are invited to provide public comment. No action will be taken regarding this comment at this workshop. Public comment may be limited to four (4) minutes at the discretion of the Deputy Executive Director.*
7. Adjournment (for possible action)

## NOTICES POSTED AT THE FOLLOWING:

Washoe County Courthouse	Reno, NV
Elko County Courthouse	Elko, NV
Nevada State Board of Medical Examiners	Reno, NV
Nevada State Board of Medical Examiners	Las Vegas, NV
Office of the Attorney General	Carson City
Office of the Attorney General	Las Vegas, NV
Storey County Comm.	Virginia City, NV
White Pine County Courthouse	Ely, NV
Nevada Public Notice Website	<a href="http://www.notice.nv.gov">www.notice.nv.gov</a>
Nevada State Board of Medical Examiners:	<a href="https://medboard.nv.gov/">https://medboard.nv.gov/</a>

### PLEASE NOTE:

- 1) Persons/facilities desiring copies of the Board's agenda must submit their request in writing every twelve (12) months. Check the address label for this agenda for expiration date.
- 2) With regard to any Board meeting, it is possible that an amended notice will be published adding new items to the original agenda. Amended notices will be posted in accordance with the Open Meeting Law.
- 3) Members of the public who are disabled and require special accommodations or assistance at the meeting are requested to notify the Board office in writing at 9600 Gateway Drive, Reno, NV 89521, or by calling (775) 324-9380, prior to the date of the meeting.
- 4) Anyone desiring supporting material for the meeting is invited to call Mercedes Fuentes at 775-324-9380. Supporting material for the meeting is available at the Board's office at 9600 Gateway Drive, Reno, Nevada.





## Nevada State Board of Medical Examiners

### Notice of Workshop to Solicit Comments on Proposed Regulations

The Nevada State Board of Medical Examiners (Board), located at 9600 Gateway Drive, Reno, Nevada 89521, (775) 688-2559, is proposing a disciplinary regulation pertaining to Chapter 630 of the Nevada Administrative Code (NAC) and NRS 630.323(6). The public workshop has been set for 10:00 a.m., on Wednesday, February 2, 2022, at the Board's Reno office and videoconferenced to the Board's Las Vegas office located at 325 E. Warm Springs Road, Suite 225, Las Vegas, Nevada 89119. The purpose of the workshop is to solicit comments from interested persons on the following general topics that may be addressed in the proposed regulations:

**R180-20** Section 1 of this regulation extends the time for a physician assistant to not practice before an examination testing medical competency is required from 12 months to 24 months.

A copy of all materials relating to the proposal may be obtained at the workshop or by contacting the Board at 9600 Gateway Drive, Reno, Nevada 89521, and by telephone at (775) 688-2559. A reasonable fee for copying may be charged.

This Notice of Workshop to Solicit Comments on the Proposed Regulations has been sent to all persons on the agency's mailing list for administrative regulations and posted at the following locations:

**Washoe County Courthouse - Reno, NV**

**Nevada State Board of Medical Examiners - Reno, NV**

**Nevada State Board of Medical Examiners - Las Vegas, NV**

**Office of the Attorney General - Carson City, NV**

**Office of the Attorney General - Las Vegas, NV**

**White Pine County Courthouse - Ely, NV**

**Nevada State Board of Medical Examiners Website: <https://medboard.nv.gov/>**

❖ PUBLIC NOTICE ❖

**NEVADA STATE BOARD OF MEDICAL EXAMINERS  
REGULATION PUBLIC HEARING**

Conference Room at the Offices of the Nevada State Board of  
Medical Examiners  
325 E. Warm Springs Road, Suite 225, Las Vegas, Nevada 89119

*Videoconferenced to:*

Conference Room at the Offices of the Nevada State Board of  
Medical Examiners  
9600 Gateway Drive, Reno, Nevada 89521

**February 16, 2022 – 1:00 p.m.**

**\* AGENDA \***

**Please Note:**

- Persons wishing to attend this public hearing may do so at either of the above-listed locations.
- Agenda items, other than those items posted with a specific time, may be taken out of sequence or may be combined for consideration by the Deputy Executive Director to accommodate persons appearing at the public hearing and/or to aid in the effectiveness of the hearing.
- Items may be pulled or removed from the Agenda at any time.
- Certain Agenda items, or portions thereof, may be conducted in closed session, in accordance with NRS 241.030.
- Public comment is scheduled under Agenda Item 2, at the beginning of the meeting, and again under Agenda Item 4, at the end of the meeting, and may also be called for at other times throughout the meeting by the Deputy Executive Director. When these Agenda items are called, members of the general public may bring matters not appearing on this Agenda to the attention of the Deputy Executive Director. The Board may discuss the matters, but may not act on the matters at this meeting. If the Board desires, the matters may be placed on a future Agenda for action. In consideration of others, who may also wish to provide public comment, please avoid repetition and limit your comments to no more than four (4) minutes.
- Prior to the commencement and conclusion of a contested case or a quasi-judicial proceeding that may affect the due process rights of an individual, the Board may refuse to consider public comment. See NRS 233B.126.

1. Call to Order and Introductions

2. Public Comment

*Members of the public are invited to provide public comment. No action will be taken regarding this comment at this workshop. Public comment may be limited to four (4) minutes at the discretion of the Deputy Executive Director.*

3. Public hearing on LCB File Nos. R180-20 (for discussion only)

*Public comment regarding LCB File No. R180-20 is welcomed and will be accepted. Any written comment received by 1:00 p.m. on February 16, 2022, will be read into the record.*

4. Public Comment

*Members of the public are invited to provide public comment. No action will be taken regarding this comment at this workshop. Public comment may be limited to four (4) minutes at the discretion of the Deputy Executive Director.*

5. Adjournment (for possible action)

## NOTICES POSTED AT THE FOLLOWING:

Washoe County Courthouse	Reno, NV
Elko County Courthouse	Elko, NV
Nevada State Board of Medical Examiners	Reno, NV
Nevada State Board of Medical Examiners	Las Vegas, NV
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White Pine County Courthouse	Ely, NV
Nevada Public Notice Website	<a href="http://www.notice.nv.gov">www.notice.nv.gov</a>
Nevada State Board of Medical Examiners:	<a href="https://medboard.nv.gov/">https://medboard.nv.gov/</a>

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# Nevada State Board of Medical Examiners

## NOTICE OF INTENT TO ACT UPON REGULATION

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

The Nevada State Board of Medical Examiners (Board) will hold a public hearing at 1:00 p.m., on Wednesday, February 16, 2022, at the Board office located at 325 E. Warm Springs Road, Suite 225, Las Vegas, Nevada 89119 with video-conferencing to the Boards Reno office located at 9600 Gateway Drive, Reno, Nevada 89521. The purpose of the hearing is to receive comments from all interested persons regarding the adoption and amendment of three regulations that pertain to Chapter 630 of the Nevada Administrative Code.

**R180-20** Section 1 of this regulation extends the time for a physician assistant to not practice before an examination testing medical competency is required from 12 months to 24 months.

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

**1. The need for and the purpose of the proposed regulation or amendment:**

The proposed amendment is necessary to make requirements for physician and assistants who have not practiced for a period the same; specifically, this extends the time that a physician assistant may not practice before an examination is required from 12 months to 24 months.

**2. If the proposed regulation is a temporary regulation, the terms or the substance of the proposed regulation to be adopted, amended or repealed, or a description of the subjects and the issues involved:**

The proposed regulation changes are not temporary.

**3. If the proposed regulation is a permanent regulation, a statement explaining how to obtain the approved or revised text of the proposed regulation:**

A copy of this Notice and the proposed regulations to be amended will be on file at the Nevada State Library, Archives and Public Records, 100 N. Stewart Street, Carson City, Nevada, for inspection by members of the public during business hours. Additional copies of this Notice and the proposed regulations to be amended will be available at the offices of the Board at 9600 Gateway Drive, Reno, Nevada 89521 and 325 E. Warm Springs Road, Suite 225, Las Vegas, Nevada 89119,

for inspection and copying by members of the public during business hours and on the Board's website, <https://medboard.nv.gov/>. This Notice and the text of the proposed regulations 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 available on the Internet at <https://www.leg.state.nv.us/register/>. Copies of this Notice and the proposed regulations will also be mailed to members of the public at no charge upon request.

**4. The estimated economic effect of the regulation on the business which it is to regulate and on the public:**

**a. Both adverse and beneficial effects:**

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.

**b. Both immediate and long-term effects:**

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.

**c. The methods used by the agency in determining the impact on small business:**

The Board sent letters regarding the proposed regulations and requesting information regarding whether the proposed regulations would impact small businesses to the Better Business Bureau of Northern Nevada, the Better Business Bureau of Southern Nevada, multiple chambers of commerce offices in the State of Nevada, the Nevada State Medical Association, the Washoe County Medical Society, and the Clark County Medical Society. To date, the Board has received no responses indicating that these proposed regulations will impact small businesses.

**d. The estimated cost to the agency for enforcement of the proposed regulation:**

Enforcement of the proposed regulations will not result in an increased cost to the Board.

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

To the Board's knowledge, the proposed regulations do not overlap or duplicate the regulations of other state or local governmental agencies or any federal regulations.

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

The proposed regulations are not required pursuant to federal law.

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

To the Board's knowledge, the proposed regulations do not regulate the same activity addressed in a federal regulation.

**h. Whether the proposed regulation establishes a new fee or increases an existing fee:**

The proposed regulations do not establish new fees or increase existing fees.

**i. If the proposed regulation is a temporary regulation, each address at which the text of the regulation may be inspected and copied:**

The proposed regulations are not temporary.

Persons wishing to comment upon the proposed regulations of the Nevada State Board of Medical Examiners may appear at the scheduled public hearing or may address their comments, data, views, or arguments, in written form, to the Nevada State Board of Medical Examiners, 9600 Gateway Drive, Reno, Nevada 89521. Written submissions must be received by the Nevada State Board of Medical Examiners on or before 1:00 p.m. on Wednesday, February 16, 2022. 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 Medical Examiners may proceed immediately to act upon any written submissions.

A copy of this notice and the regulation to be adopted will be on file at the Nevada State Library, Archives and Public Records, 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 Nevada State Board of Medical Examiners office located at 9600 Gateway Drive, Reno, Nevada 89521, and the Nevada State Board of Medical Examiners office located at 325 E. Warm Springs Road, Suite 225, Las Vegas, Nevada 89119, for inspection and copying by members of the public during business hours, and on the Board's website, <https://medboard.nv.gov/>. 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 available on the Internet at <https://www.leg.state.nv.us/>. Copies of this Notice and the proposed regulation will also be mailed to members of the public at no charge upon request.

Upon adoption of any regulation, the agency, if requested to do so by an interested person, either before adoption or within thirty (30) days thereafter, shall 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, NV**

**Nevada State Board of Medical Examiners - Reno, NV**

**Nevada State Board of Medical Examiners - Las Vegas, NV**

**Office of the Attorney General - Carson City, NV**

**Office of the Attorney General - Las Vegas, NV**

**White Pine County Courthouse - Ely, NV**

**Nevada State Board of Medical Examiners Website: <https://medboard.nv.gov/>**



# TRANSCRIPT OF WORKSHOP

**In the Matter Of:**

**Nevada State Board of Medical Examiners**

**TRANSCRIPT OF PROCEEDINGS**

*February 02, 2022*

*Job Number: R180-20*

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NEVADA STATE BOARD OF MEDICAL EXAMINERS  
REGULATION WORKSHOP  
LCB File No. R180-20

TRANSCRIPT OF PROCEEDINGS  
9600 Gateway Drive  
Reno, Nevada 89521  
FEBRUARY 2, 2022  
RENO, NEVADA

REPORTED BY: CORRIE L. WOLDEN, NV CSR #194, RPR, CP  
JOB NO. 840065

1 RENO, NEVADA, WEDNESDAY, FEBRUARY 2, 2022, 10:05 A.M.

2 -o0o-

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4 MS. BRADLEY: So it is 10:05 a.m. on February 2nd,  
5 2022. This is the time and place set for a public  
6 regulation workshop on a regulation proposed by the Board.  
7 It is R180-20. I'm looking in Las Vegas and I don't see any  
8 members of the public present.

9 DON ANDREAS: That's correct.

10 MS. BRADLEY: Thank you, Don.

11 And we are also in Reno here and we do not have  
12 any members, any public members present. Oh, I saw someone  
13 walk in in Vegas.

14 DON ANDREAS: Let me see and make sure it is not  
15 someone.

16 MS. BRADLEY: I guess just to put on the record,  
17 we did have a person here in Reno who did show up, and then  
18 when he found out it was only about this regulation  
19 regarding physician assistants he did leave, but we will  
20 wait a second and see if that person in Las Vegas wants to  
21 join us.

22 DON ANDREAS: It's not for this.

23 MS. BRADLEY: Okay. So it looks like that's not a  
24 public person for this. So, again, it's the time and place  
25 to talk about this regulation, so I'm going to go ahead and

1 call the meeting to order. I'm Sarah Bradley, Deputy  
2 Executive Director of the Nevada State Board of Medical  
3 Examiners.

4 Part of our agenda is to allow for public comment  
5 on any topic; however, we don't have any public here, so I  
6 will move on to item number 3, which is presentation and  
7 discussion of the proposed regulation.

8 So the proposed regulation is LCB File No.  
9 R180-20. We are proposing to amend NAC 630.280, Section 1,  
10 and the amendment is to change the number of months in that  
11 subsection from 12 to 24. So it reads currently, "If the  
12 applicant has not practiced as a physician assistant for  
13 12 months or more before applying for licensure in this  
14 State," and then if they have not, that's when an  
15 examination would be required.

16 Our change that we are proposing is to change that  
17 to 24 months, so, "If the applicant has not practiced as a  
18 physician assistant for 24 months or more before applying  
19 for licensure," and then that's when the exam would be  
20 required. The reason for the change is to make the  
21 requirements for a physician assistant consistent with those  
22 for physicians.

23 NRS 630.257 provides that a physician who has not  
24 practiced for more than 24 months has to take an exam to  
25 test medical competency, and so our intent is just to make

1 the requirements the same for physician assistants and  
2 increase that time to 24 months or more just to be  
3 consistent. So that's the regulation that we have before us  
4 today.

5 Item number 4 on the agenda is a question and  
6 answer period. Obviously, I don't have anyone here asking  
7 questions, so I will move on to item number 5. Again, this  
8 is another public comment period on any topic. We do not  
9 have members of the public here. So, oh, excuse me, 5 is  
10 actually public comment on the regulation, I apologize. We  
11 don't have anyone here, so I will move on to number 6.

12 Number 6 is public comment on any topic and,  
13 again, we don't have any members of the public in Las Vegas  
14 or in Reno.

15 So we will go to item number 7, which is  
16 adjournment. It's 10:08 by my watch, oh, no, 10:09, and we  
17 will adjourn this meeting. Thank you everyone for coming.

18 (Whereupon the proceedings concluded at 10:09 a.m.)

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2 STATE OF NEVADA )  
3 WASHOE COUNTY ) ss.

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5 I, CORRIE L. WOLDEN, an Official Reporter of the State  
6 of Nevada, in and for Washoe County, DO HEREBY CERTIFY;

7 That I am not a relative, employee or independent  
8 contractor of counsel to any of the parties; or a relative,  
9 employee or independent contractor of the parties involved  
10 in the proceeding, or a person financially interested in the  
11 proceeding;

12 That I was present for the Nevada State Board of  
13 Medical Examiners Regulation Workshop on February 2, 2022,  
14 and took verbatim stenotype notes of the proceedings had  
15 upon the matter captioned within, and thereafter transcribed  
16 them into typewriting as herein appears;

17 That the foregoing transcript, consisting of pages 1  
18 through 5, is a full, true and correct transcription of my  
19 stenotype notes of said proceedings.

20 DATED: At Reno, Nevada, this 9th day of February,  
21 2022.

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CORRIE L. WOLDEN  
CSR #194, RPR, CP

1 HEALTH INFORMATION PRIVACY & SECURITY: CAUTIONARY NOTICE  
2 Litigation Services is committed to compliance with applicable federal  
3 and state laws and regulations ("Privacy Laws") governing the  
4 protection and security of patient health information. Notice is  
5 hereby given to all parties that transcripts of depositions and legal  
6 proceedings, and transcript exhibits, may contain patient health  
7 information that is protected from unauthorized access, use and  
8 disclosure by Privacy Laws. Litigation Services requires that access,  
9 maintenance, use, and disclosure (including but not limited to  
10 electronic database maintenance and access, storage, distribution/  
11 dissemination and communication) of transcripts/exhibits containing  
12 patient information be performed in compliance with Privacy Laws.  
13 No transcript or exhibit containing protected patient health  
14 information may be further disclosed except as permitted by Privacy  
15 Laws. Litigation Services expects that all parties, parties'  
16 attorneys, and their HIPAA Business Associates and Subcontractors will  
17 make every reasonable effort to protect and secure patient health  
18 information, and to comply with applicable Privacy Law mandates,  
19 including but not limited to restrictions on access, storage, use, and  
20 disclosure (sharing) of transcripts and transcript exhibits, and  
21 applying "minimum necessary" standards where appropriate. It is  
22 recommended that your office review its policies regarding sharing of  
23 transcripts and exhibits - including access, storage, use, and  
24 disclosure - for compliance with Privacy Laws.  
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# TRANSCRIPT OF PUBLIC HEARING

**In the Matter Of:**

**Nevada State Board of Medical Examiners**

**REGULATION PUBLIC HEARING**

*February 16, 2022*

*Job Number: 840073*

NEVADA STATE BOARD OF MEDICAL EXAMINERS

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TRANSCRIPT OF PROCEEDING

REGULATION PUBLIC HEARING

WEDNESDAY, FEBRUARY 16TH, 2022

Reno, Nevada

REPORTED BY:

ERIN T. FERRETTO, CCR #281  
JOB NO. 840073

A P P E A R A N C E S

FOR NEVADA STATE BOARD OF MEDICAL EXAMINERS:

SARAH BRADLEY  
Deputy Executive Director  
Nevada State Board of Medical Examiners  
325 E. Warm Springs Road, Suite 225  
Las Vegas, Nevada 89119

MEMBERS OF THE PUBLIC:

ASHLEY COLE, PA  
Nevada Association of Physician Assistants

1 -o0o-

2 RENO, NEVADA, WEDNESDAY, FEBRUARY 16TH, 2022, 1:00 P.M.

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7 MS. BRADLEY: It is 1 o'clock on Wednesday,  
8 February 16, 2022, and we are here to do a public hearing  
9 on a regulation that the Board is proposing, and it is  
10 R180-20, that's the LCB file number. And so the purpose  
11 of this meeting really is to receive public comment on  
12 that regulation.

13 But I will go ahead and call the meeting to order  
14 at 1 o'clock. My name is Sarah Bradley. I'm the Deputy  
15 Executive Director for the Board.

16 So the first thing that we'll do is call for just  
17 general public comment, which is item No. 2 on our  
18 agenda. I don't know if you have any general comment you  
19 want to make?

20 MS. COLE: Just general, yes.

21 MS. BRADLEY: General, okay.

22 There we go. We got you on there. Go ahead and  
23 give us your comment.

24 MS. COLE: I'm Ashley Cole, PA. I am President



1 Elect of the Nevada Academy of Physician Assistants. We  
2 just wanted to be present since it is concerning our  
3 practice. And we wanted to say thank you to the Board  
4 for visiting this issue and we actually wanted to voice  
5 that we are also in approval of this as well.

6 THE COURT: Perfect. All right. Thank you.

7 Anything else you want to tell us? Because you  
8 can talk about anything you want in this public comment  
9 period.

10 MS. COLE: Awesome. So we just wanted to be here  
11 and be present and let you guys see a face, because we  
12 want to be involved. And, you know, you are one of the  
13 boards in Nevada that takes care of our licensure and we  
14 love that you presented this to look again at we how we  
15 practice and how we could continue to support the health  
16 care in Nevada. So we're just happy that we can be here  
17 and do that today.

18 THE COURT: Perfect. Well, thanks for being here.

19 I'm going to go ahead and move on to item No. 3,  
20 which is the public hearing on LCB 180-20. So this is  
21 the time where we will accept public comment regarding  
22 LCB File No. 180-20. Any written comment should have  
23 been received by 1:00 p.m. today, and I did not receive  
24 any so I do not have any written comment to read into the

1 record.

2 For the record, I did get a question about the  
3 regulation from I believe it was the Washoe County  
4 Medical Society, and that was just some questions about  
5 basically, I guess, why we're doing this reg. And I  
6 explained that it was to make the law consistent with how  
7 physicians are treated when they're out of practice for a  
8 time period.

9 So currently in the NRS it says if a physician is  
10 out of practice for 24 months or more, that's when they  
11 would have to take an examination to prove competency,  
12 and so that's the intent of this regulation. NAC 630.280  
13 is to make the requirement the same, that if a physician  
14 assistant is out of practice for 24 months, that also --  
15 that same requirement would apply. So we're just  
16 extending the time to be consistent with how physicians  
17 are treated.

18 So that was the only comment I received. Like I  
19 said, it was really just a question. I did respond to  
20 that. I have not heard back.

21 I know we have the public here. Do you have  
22 anything else you want to say?

23 MS. COLE: I do have one question with what the  
24 competency examination looks like. I know that there was

1 a previous examination that had been changed to the  
2 licensure, that was at least five years ago, and so we  
3 were just not sure what that competency examination would  
4 be, if there's a standard examination or just asking us  
5 to retake the certification exam within NVCPA.

6 THE COURT: I think it's that. I'm not  
7 100 percent certain. I can check if you want. Did you  
8 sign in with your email address?

9 MS. COLE: I did.

10 THE COURT: I can email you the answer. I will  
11 have to check with our Chief of Licensing. I do believe,  
12 though, that is what it is, the NVCPA examination.

13 MS. COLE: To us, yeah.

14 THE COURT: That's what I believe it is, because  
15 it's the same examination to test medical competency as  
16 given to applicants for initial licensure, so -- but I  
17 can definitely double check that and send you an email on  
18 that.

19 Okay. Well, I don't think we have any other  
20 comment then, so I'll move on to our final public comment  
21 period. Again, it's just public comment on anything.  
22 Looking at you as our only our public member here.

23 MS. COLE: No other comment.

24 THE COURT: Thank you. So we will go ahead and

1 adjourn at 1:05 p.m. So thank you.

2 We'll be off the record, Madam Court Reporter.

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1 STATE OF NEVADA )  
 ) ss.  
2 COUNTY OF WASHOE )

3

4 I, ERIN T. FERRETTO, an Official Reporter  
5 of the State of Nevada, in and for the County of Washoe,  
6 DO HEREBY CERTIFY:

7 That I was present for the above-entitled  
8 hearing on WEDNESDAY, FEBRUARY 16TH, 2022, and took  
9 verbatim stenotype notes of the proceedings had upon the  
10 matter captioned within, and thereafter transcribed them  
11 into typewriting as herein appears;

12 That the foregoing transcript is a full,  
13 true and correct transcription of my stenotype notes of  
14 said proceedings.

15 That I am not related to or employed by any  
16 parties or attorneys herein, nor financially interested  
17 in the outcome of these proceedings.

18

19 DATED: This 22nd of February, 2022.

20

21

22

  
ERIN T. FERRETTO, CCR #281

23

24

1 HEALTH INFORMATION PRIVACY & SECURITY: CAUTIONARY NOTICE

2 Litigation Services is committed to compliance with applicable federal

3 and state laws and regulations ("Privacy Laws") governing the

4 protection and security of patient health information. Notice is

5 hereby given to all parties that transcripts of depositions and legal

6 proceedings, and transcript exhibits, may contain patient health

7 information that is protected from unauthorized access, use and

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11 dissemination and communication) of transcripts/exhibits containing

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15 Laws. Litigation Services expects that all parties, parties'

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17 make every reasonable effort to protect and secure patient health

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20 disclosure (sharing) of transcripts and transcript exhibits, and

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22 recommended that your office review its policies regarding sharing of

23 transcripts and exhibits - including access, storage, use, and

24 disclosure - for compliance with Privacy Laws.

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**WRITTEN COMMENTS  
RECEIVED**

**No written comments were received.**

# AGENDA ITEMS 10(b) THROUGH 10(k)

**NAC 630.080 Examinations. (NRS 630.130, 630.160, 630.180, 630.318)**

1. For the purposes of paragraph ~~(e)~~ (d) of subsection 2 of NRS 630.160, an applicant for a license to practice medicine must pass:

(a) A written examination concerning the statutes and regulations relating to the practice of medicine in this State; and

(b) Except as otherwise provided in subsection 2, an examination, designated by the Board, to test the competency of the applicant to practice medicine, including, without limitation:

(1) The Special Purpose Examination;

(2) An examination testing competence to practice medicine conducted by physicians; or

(3) Any other examination designed to test the competence of the applicant to practice medicine.

2. The Board will deem an applicant to have satisfied the requirements of paragraph (b) of subsection 1 if:

(a) Within 10 years before the date of an application for a license to practice medicine in this State, the applicant has passed:

(1) Part III of the examination given by the National Board of Medical Examiners;

(2) Component II of the Federation Licensing Examination;

(3) Step 3 of the United States Medical Licensing Examination;

(4) All parts of the examination to become a licentiate of the Medical Council of Canada;

(5) The examination for primary certification or recertification by a specialty board of the American Board of Medical Specialties and received primary certification from that board; or

(6) The Special Purpose Examination; or

(b) The applicant is currently certified and was certified prior to recertification or maintenance of certification requirements by a specialty board of the American Board of Medical Specialties, agrees to maintain that certification throughout any period of licensure in this State and has actively practiced clinical medicine for the past 5 years in any state or country in which the applicant is licensed or officially authorized to practice.

3. For the purposes of subparagraph (3) of paragraph ~~(e)~~ (b) of subsection 2 of NRS 630.160:

(a) An applicant for a license to practice medicine must pass Step 1, Step 2 and Step 3 of the United States Medical Licensing Examination in not more than a total of nine attempts and must pass Step 3 in not more than a total of three attempts; and

(b) An applicant:

(1) Who holds a degree of doctor of medicine must pass all steps of the examination within 7 years after the date on which the applicant first passes any step of the examination; or

(2) Who holds a degree of doctor of medicine and a degree of doctor of philosophy must pass all steps of the examination within 10 years after the date on which the applicant first passes any step of the examination.

4. For any examination conducted by the Board for a license to practice medicine, an applicant must answer correctly at least 75 percent of the questions propounded. The Board will use the weighted average score of 75, as determined by the Federation of State Medical Boards of the United States, Inc., to satisfy the required score of 75 percent for passage of the Special Purpose Examination and the United States Medical Licensing Examination.

5. The Board will authorize the Federation of State Medical Boards of the United States, Inc., to administer the Special Purpose Examination or the United States Medical Licensing Examination on behalf of the Board.

6. An applicant for a license to practice medicine and a person who holds a license to practice medicine must pay the reasonable costs of any examination required for licensure and any examination ordered pursuant to NRS 630.318.

\* \* \*

**NAC 630.190 Prohibited advertising. ([NRS 630.130](#), [630.304](#))**

1. A licensee shall not advertise in such a manner that the advertising:

(a) Claims that a manifestly incurable disease can be permanently cured;

(b) Includes any false claim of a licensee's medical skill, or the efficacy or value of his or her medicine or treatment;

(c) Claims or implies professional superiority of the performance of any professional service in a manner superior to that of other practitioners;

(d) Guarantees any professional service or the results of any course of treatment or surgical procedure, or the performance of any operation painlessly;

(e) Includes any statement which is known to be false, or through the exercise of reasonable care should be known to be false, deceptive, misleading or harmful, in order to induce any person to purchase, utilize or acquire any professional services or to enter into any obligation or transaction relating thereto;

(f) Includes any extravagant claim, aggrandizement of abilities or self-laudatory statement calculated to attract patients, and which has a tendency to mislead the public or produce unrealistic expectations in particular cases; or

(g) Is false, deceptive or misleading in regard to the price, cost, charge, fee or terms of credit or services performed or to be performed.

2. It is sufficient for disciplinary purposes that any statement or other advertising described in paragraph (e), (f) or (g) of subsection 1 has a tendency to:

(a) Deceive, mislead or harm the public because of its false, deceptive, misleading or harmful character; or

(b) Produce unrealistic expectations in particular cases, even though no member of the public is actually deceived, misled or harmed, or no unrealistic expectations are actually produced by the statement or other advertising.

**3. A physician may advertise that he or she is board-certified if the physician is certified by a public or private board, including a multidisciplinary board, and the certifying board is:**

**a. A member of the American Board of Medical Specialties;**

**b. The Royal College of Physicians and Surgeons of Canada; or**

**c. The College of Family Physicians of Canada.**

**Advertising in a manner that violates this subsection is prohibited.**

[Bd. of Medical Exam'rs, § 630.190, eff. 12-20-79] — (NAC A 6-23-86; R138-11, 9-14-2012)

\* \* \*

**NAC 630.230 Prohibited professional conduct. ([NRS 630.130](#), [630.275](#))**

1. A person who is licensed as a physician or physician assistant shall not:

(a) Falsify records of health care;

(b) Falsify the medical records of a hospital so as to indicate his or her presence at a time when he or she was not in attendance or falsify those records to indicate that procedures were performed by him or her which were in fact not performed by him or her;

(c) Render professional services to a patient while the physician or physician assistant is under the influence of alcohol or any controlled substance or is in any impaired mental or physical condition;

(d) Acquire any controlled substances from any pharmacy or other source by misrepresentation, fraud, deception or subterfuge;

(e) Prescribe anabolic steroids for any person to increase muscle mass for competitive or athletic purposes;

(f) Make an unreasonable additional charge for tests in a laboratory, radiological services or other services for testing which are ordered by the physician or physician assistant and performed outside his or her own office;

(g) Allow any person to act as a medical assistant in the treatment of a patient of the physician or physician assistant, unless the medical assistant has sufficient training to provide the assistance;

(h) Fail to provide adequate supervision of a medical assistant who is employed or supervised by the physician or physician assistant, including, without limitation, supervision provided in the manner described in [NAC 630.810](#) or [630.820](#);

(i) If the person is a physician, fail to provide adequate supervision of a physician assistant **or adequate collaboration with** an advanced practice registered nurse;

(j) Fail to honor the advance directive of a patient without informing the patient or the surrogate or guardian of the patient, and without documenting in the patient's records the reasons for failing to honor the advance directive of the patient contained therein;

(k) Engage in the practice of writing prescriptions for controlled substances to treat acute pain or chronic pain in a manner that deviates from the policies set forth in the *Guidelines for the Chronic Use of Opioid Analgesics* adopted by reference in [NAC 630.187](#); or

(l) Administer or use, or allow any person under his or her supervision, direction or control to administer or use, a single-use medical device:

(1) For more than one procedure;

(2) For more than one patient; or

(3) In a manner inconsistent with the manufacturer's instructions or directions included on or with the single-use medical device.

2. As used in this section:

(a) "Chronic pain" has the meaning ascribed to it in section 3 of the *Guidelines for the Chronic Use of Opioid Analgesics* adopted by reference in [NAC 630.187](#).

(b) "Single-dose vial" means a vial, including, without limitation, a sealed sterile vial, which may be accessed by insertion of a needle and which, according to the manufacturer's instructions:

(1) Contains only one dose of a medication; and

(2) May be used for only one patient.

(c) "Single-use medical device" means a medical device that is intended for one use or on a single patient during a single procedure and includes, without limitation, a blade, clip, catheter, implant, insufflator, lancet, needle, sleeve, syringe and single-dose vial.

[Bd. of Medical Exam'rs, § 630.230, eff. 12-20-79] — (NAC A 6-23-86; 9-19-90; 1-13-94; 7-18-96; R007-99, 9-27-99; R089-00, 7-19-2000; R108-01, 11-29-2001; R052-10, 10-15-2010; R059-11, 5-30-2012; R094-12, 2-20-2013; R001-14 & R057-14, 6-26-2015; R008-17, 8-21-2019)

\* \* \*

**NAC 630.770 Grounds for discipline or denial of licensure.** (NRS 630.130, 630.269)

1. A perfusionist is subject to discipline pursuant to chapter 630 of NRS or denial of licensure by the Board if, after notice and hearing, the Board finds that the perfusionist:

(a) Willfully and intentionally made a false or fraudulent statement or submitted a forged or false document in applying for or renewing a license.

(b) Performed perfusion services other than as permitted by law.

(c) Committed malpractice in the performance of perfusion services, which may be evidenced by claims settled against the perfusionist.



(d) Disobeyed any order of the Board or an investigative committee of the Board or violated any provision of this chapter or chapter 630 of NRS.

(e) Is not competent to provide perfusion services.

(f) Lost his or her certification by the American Board of Cardiovascular Perfusion or its successor organization.

(g) Failed to notify the Board of loss of certification by the American Board of Cardiovascular Perfusion or its successor organization within 30 days after the loss of certification.

(h) Falsified or altered records of health care.

(i) Rendered perfusion services to a patient while under the influence of alcohol or any controlled substance or in any impaired mental or physical condition.

(j) Practiced perfusion after his or her license as a perfusionist had expired or been revoked or suspended.

(k) Has been convicted of a felony, any offense involving moral turpitude or any offense relating to the practice of perfusion or the ability to practice perfusion.

(l) Has had a license to practice perfusion revoked, suspended, modified or limited by another state or jurisdiction or has surrendered such a license or discontinued the practice of perfusion while under investigation by any licensing authority, a medical facility, a branch of the Armed Forces of the United States, an insurance company, an agency of the Federal Government or any employer.

(m) Engaged in any sexual activity with a patient who was being treated by the perfusionist.

(n) Engaged in disruptive behavior with physicians, hospital personnel, patients, members of the family of a patient or any other person if the behavior interferes with the care of a patient or has an adverse impact on the quality of care rendered to a patient.

(o) Engaged in conduct which brings the profession of perfusion into disrepute, including, without limitation, conduct that violates *the Code of Ethics set forth in New Provision 4*. ~~[any of the following ethical guidelines:~~

~~—— (1) A perfusionist shall at all times hold the well-being of his or her patients paramount and shall not act in such a way as to bring the interests of the perfusionist into conflict with the interests of his or her patients.~~

~~—— (2) A perfusionist shall not engage in conduct that violates the trust of a patient and exploits the relationship between the perfusionist and the patient for financial or other personal gain.~~

~~—— (3) A perfusionist shall not delegate licensed responsibilities to a person who is not qualified to perform those responsibilities.]~~

(p) Engaged in sexual contact with a surrogate of a patient or with any person related to a patient, including, without limitation, a spouse, parent or legal guardian of a patient, that exploits the relationship between the perfusionist and the patient in a sexual manner.

(q) Made or filed a report that the perfusionist knew to be false, failed to file a record or report as required by law or willfully obstructed or induced another person to obstruct any such filing.

(r) Failed to report to the Board any person that the perfusionist knew, or had reason to know, was in violation of any provision of this chapter or chapter 630 of NRS relating to the practice of perfusion.

(s) Has been convicted of a violation of any federal or state law regulating the prescription, possession, distribution or use of a controlled substance.

(t) Held himself or herself out or permitted another person to represent the perfusionist as a licensed physician.

(u) Violated any provision that would subject a person to discipline pursuant to NRS 630.301 to 630.3065, inclusive, or NAC 630.230.

2. A person who has been licensed as a perfusionist by the Board but is not currently licensed, has surrendered his or her license or has failed to renew his or her license may be disciplined by the Board upon hearing a complaint for disciplinary action against the person.

\* \* \*

***New Provision 1: Legal Authority--NRS 630.130, 630.3065***

***A licensee shall comply with all applicable provisions of chapter 629 of NRS and regulations adopted by the State Board of Health or Division of Public and Behavioral Health pursuant thereto.***

\* \* \*

***New Provision 2: Legal Authority--NRS 630.130, 630.3065***

***A licensee shall comply with the provisions of chapter 440 of NRS and regulations adopted by the State Board of Health pursuant thereto, including but not limited to completing and signing medical certificates of death in a timely manner as set forth in NRS 440.415(4), NAC 440.160, and NAC 440.162.***

\* \* \*

***New Provision 3: Legal Authority--NRS 630.130, 630.269***

***If a perfusionist loses certification by the American Board of Cardiovascular Perfusion or its successor organization, his or her license to practice respiratory care is automatically suspended until further order of the Board.***

\* \* \*

***New Provision 4: Legal Authority--NRS 630.130, 630.269***

*In professional interactions with patients, colleagues, other health professionals, and members of the public, a perfusionist shall uphold the dignity of the profession and promote the safety and welfare of patients, including by:*

- (1) Holding the well-being of patients paramount.*
- (2) Avoiding conflicts of interest with patients. A perfusionist shall not engage in conduct that violates the trust of a patient or violated the relationship between the perfusionist and the patient for financial or other personal gain.*
- (3) Delegating responsibilities arising from the perfusionist's license only to persons qualified to perform those responsibilities and personally supervising the rendering of such delegated responsibilities.*
- (4) Maintaining the confidentiality of patients' protected health information.*

*\* \* \**

***New Provision 5: Legal Authority--NRS 630.130***

*1. Except as otherwise provided in subsection 4, a licensee shall ensure the presence of a patient attendant:*

- (a) When performing a visual or physical examination of, or a procedure involving, a patient's genitalia, rectum, or breast;*
- (b) When performing procedures involving the placement of any object or matter, including but not limited to, a finger, swab, medical equipment or medication into a patient's vagina, penis, urethra or rectum; or*
- (c) When the patient requests or the licensee desires the presence of a patient attendant.*

*2. Prior to the performance of an examination or procedure at which a patient attendant will be present, a licensee shall:*

- (a) Inform the patient attendant that:*
  - (1) The patient attendant's primary role is to protect and enhance the patient's comfort and protect the patient from inappropriate or unacceptable behavior of the licensee, including but not limited to sexual misconduct;*
  - (2) The patient attendant shall immediately report any suspected misconduct to the Board; and*
  - (3) The patient attendant's secondary role is to protect the licensee from unfounded allegations of improper behavior.*
- (b) Inform the patient:*
  - (1) Of the scope of the encounter and what it will entail;*
  - (2) That the patient attendant will be present and in what manner the patient attendant will observe the encounter.*

3. *The licensee shall be responsible for including a patient attendant's first name and last name in the medical record of the clinical encounter. Separate from the medical record, the licensee shall maintain contact information for all patient attendants present at his or her clinical encounters, including but not limited to a mailing address and telephone number.*

4. *Despite the provisions of this section, a patient attendant is not required:*

(a) *During a mammogram, unless requested by the patient.*

(b) *If patient declines the presence of a patient attendant. Such a declination shall be in writing, signed by patient, and included in the medical record of the encounter.*

(c) *If emergency care will be delayed or impeded by the provisions.*

*All deviations from the requirements of this section shall be fully documented in the medical record of the encounter.*

5. *As used in this section:*

(a) *A "patient attendant" is a third party who is present for and witness to a clinical encounter between a licensee and a patient. A patient attendant:*

(1) *Shall not be a family member of either the licensee or the patient. This shall not preclude a patient's family member from also being present at a clinical encounter.*

(2) *Shall be familiar with the scope of the clinical encounter, either through his or her education and experience or through being informed by the licensee prior to the encounter.*

(3) *If possible, shall be the gender the patient has expressed that he or she is more comfortable with being present during the clinical encounter.*

(b) *In cases of a pediatric or adolescent patient or a patient who lacks capacity to give informed consent, the parent or legal guardian of the patient shall act as the patient's representative for purposes of this section.*

\* \* \*

***New Provision 6: Legal Authority--NRS 630.130, NRS 630.275, NRS 630.2751, NRS 630.2752***

***Pursuant to NRS 630.2751(2)(d) or NRS 630.2752(2)(d), applicants for licensure as a physician assistant by endorsement must be certified by the National Commission on Certification of Physician Assistants or its successor organization at the time of application.***