



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 2:30 p.m., on Wednesday, May 29, 2024, at the Board's Reno office located at 9600 Gateway Drive, Reno, Nevada 89521, with video-conferencing to the Board's Las Vegas office located at 325 E. Warm Springs Road, Suite 225, Las Vegas, Nevada 89119. 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.

- R033-24** This regulation relating to health care; requiring an applicant for a license to practice medicine or a physician who wishes to practice in a new medical specialty area to designate to the Board of Medical Examiners each medical specialty he or she practices; prohibiting the issuance of certain licenses by endorsement under certain circumstances; deeming a physician to be the supervising physician of a certified registered nurse anesthetist under certain circumstances; providing that the Board will notify applicants for certain licenses of deficiencies in their application; authorizing such an applicant to appeal the denial of his or her application; prohibiting certain providers of health care from engaging in certain activity; revising the procedure for the submission and consideration of certain petitions or requests; abolishing locum tenens licensure for physician assistants; abolishing certain advisory committees; and providing other matters properly relating thereto.

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 regulation is necessary to update NAC Chapter 630 to clarify and update existing provisions to comport with changes to NRS Chapter 630. More specifically the regulation draft requires physicians to designate medical specialties to the Board and keep their practice within that specialty, as well as ensuring that any physician assistants that they supervise practice in that same scope of practice. This regulation draft also clarifies that applicants for licensure by endorsement must have a clean disciplinary history, clarifies that applicants for licensure as a practitioner of respiratory care, a perfusionist, or an anesthesiologist assistant may appeal the denial of their license application to the Board, that the Board will notify applicants for licensure as a practitioner of respiratory care, a perfusionist, or an anesthesiologist assistant of deficiencies in their licensing applications, adds that physicians, physician assistants, anesthesiologist assistants, practitioners of respiratory care and perfusionists may not engage in sexual impropriety toward a

patient, updates the process for submission of petitions and requests to the Board for consideration at a Board meeting and repeals five regulations that are no longer needed.

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 is 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 regulation 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 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/register/>. Copies of this Notice and the proposed regulation 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 regulation will have an adverse economic effect on the business of the practice of medicine, respiratory care, or perfusion, nor will it have an economic effect on the public. The proposed regulation clarifies existing law in order to provide more information to licensees and to better protect the public.

b. Both immediate and long-term effects:

The Board does not believe that the proposed regulation will have an immediate or long-term economic negative effect on the business of the practice of medicine, respiratory care, or perfusion, nor will it have an economic effect on the public. The proposed regulation clarifies existing law in order to provide more information to licensees and to better protect the public.

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

The Board sent letters regarding the proposed regulation 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.

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

There is no cost to the Board in enforcing the proposed regulations.

7. 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, this 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.

8. 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.

9. 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.

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

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 2:30 p.m., on Wednesday, May 29, 2024. 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.

11. 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.

12. Statement Pursuant to NRS 233B.064(2):

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.

13. 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.

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.

This notice of hearing has been posted at the following locations:

State Library, Archives and Public Records - Carson City, NV

Nevada State Board of Medical Examiners - Reno, NV

Nevada State Board of Medical Examiners - Las Vegas, NV

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