

**ADOPTED REGULATION OF THE  
BOARD OF MEDICAL EXAMINERS**

**LCB File No. R021-15**

Effective December 30, 2015

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

AUTHORITY: §§1 and 2, NRS 630.130 and 630.275.

A REGULATION relating to standards of practice for the provision of health care; revising provisions relating to certain publications adopted by the Board of Medical Examiners by reference; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Existing law authorizes an agency to adopt by reference in a regulation material published by another authority if certain requirements are satisfied. (NRS 233B.040) Under existing regulations, the Board of Medical Examiners has adopted by reference the publication *Nutrition and Your Health: Dietary Guidelines for Americans*. (NAC 630.205) **Section 1** of this regulation provides instead that the Board adopts by reference the 7th edition of *Dietary Guidelines for Americans, 2010*, and any subsequent revision of that publication that has been approved by the Board for use in this State.

Existing regulations authorize certain physicians and physician assistants to prescribe an appetite suppressant to control the weight of a patient if certain requirements are satisfied. Those requirements include either a determination by the physician or physician assistant that the patient's obesity represents a threat to the patient's health or the fact that the patient's weight exceeds by not less than a certain percentage the upper limit of the patient's healthy weight as set forth in the publication *Nutrition and Your Health: Dietary Guidelines for Americans*. (NAC 630.205) **Section 2** of this regulation revises this provision to instead refer to the patient's healthy weight as described in the publication adopted by reference in **section 1**.

**Section 1.** NAC 630.187 is hereby amended to read as follows:

630.187 1. The Board hereby adopts by reference ~~the~~ :

(a) *The* Model Policy on the Use of Opioid Analgesics in the Treatment of Chronic Pain,

July 2013, published by the Federation of State Medical Boards of the United States, Inc. ~~†~~ ;

*and*

*(b) The Dietary Guidelines for Americans, 2010, 7th edition, published jointly by the United States Department of Health and Human Services and the Department of Agriculture pursuant to 7 U.S.C. § 5341,*

➡ and any subsequent revision of ~~{the publication}~~ *those publications* that has been approved by the Board for use in this State. Each revision of ~~{the publication}~~ *those publications* shall be deemed approved by the Board unless it disapproves of the revision within ~~{60}~~ *180* days after the date of publication of the revision.

2. The most recent publication of ~~{the}~~ :

*(a) The Model Policy on the Use of Opioid Analgesics in the Treatment of Chronic Pain that has been approved by the Board will be available for inspection at the office of the Board of Medical Examiners, 1105 Terminal Way, Suite 301, Reno, Nevada 89502, or may be obtained, free of charge, from the Federation of State Medical Boards of the United States, Inc., 400 Fuller Wiser Road, Euless, Texas 76039, or from the Federation of State Medical Boards of the United States, Inc., at the Internet address <http://www.fsmb.org>.*

*(b) The Dietary Guidelines for Americans that has been approved by the Board will be available for inspection at the office of the Board of Medical Examiners, 1105 Terminal Way, Suite 301, Reno, Nevada 89502, or may be obtained, free of charge, from the Office of Disease Prevention and Health Promotion of the United States Department of Health and Human Services at the Internet address <http://www.health.gov/dietaryguidelines>.*

3. The Board shall:

(a) Review each revision of ~~{the}~~ *a* publication *described in subsection 1* to ensure its suitability for this State; and

(b) File a copy of each revision of ~~{the}~~ a publication *described in subsection 1 that* it approves with the Secretary of State and the State Library, ~~{and}~~ Archives *and Public Records* Administrator.

**Sec. 2.** NAC 630.205 is hereby amended to read as follows:

630.205 1. A physician or physician assistant who is authorized to prescribe controlled substances may prescribe an appetite suppressant to control the weight of a patient if the appetite suppressant is prescribed for use in the treatment of exogenous obesity as part of a program of medical treatment which includes dietary restrictions, modification of behavior and exercise and:

(a) The physician or physician assistant determines that the patient's obesity represents a threat to the patient's health; or

(b) The patient's weight exceeds by not less than 20 percent the upper limit of the patient's healthy weight as ~~{set forth in Figure 3 of Nutrition and Your Health:}~~ *described in the Dietary Guidelines for Americans* ~~{, fourth edition, published jointly by the United States Department of Health and Human Services and Department of Agriculture, which the Board hereby adopts}~~ *adopted* by reference ~~{. A copy of the publication may be obtained from the Consumer Information Center, Department 378-C, Pueblo, Colorado 81009, for the cost of \$0.50.}~~ *in NAC 630.187.*

2. A physician or physician assistant shall not prescribe an appetite suppressant for more than 3 months, unless the patient:

(a) Has lost an average of not less than 2 pounds per month since he or she began taking the appetite suppressant; or

(b) Has maintained his or her weight at the level which was established by the patient's physician or a physician assistant under the supervision of his or her physician.

3. A physician or physician assistant who prescribes an appetite suppressant for more than 3 months shall maintain a record of the patient's weight at the beginning and end of each month during which the patient takes the appetite suppressant.

4. Before prescribing an appetite suppressant, a physician or physician assistant shall obtain a medical history and perform a physical examination of the patient and conduct appropriate studies to determine if there are any contraindications to the use of the appetite suppressant by the patient.

5. As used in this section, "appetite suppressant" means a drug or other substance listed in schedule IV pursuant to NAC 453.540 which is used to suppress the appetite of a natural person.

**REGULATION ADOPTED BY THE  
NEVADA STATE BOARD OF MEDICAL EXAMINERS  
LCB File No. R021-15**

**INFORMATIONAL STATEMENT**

Pursuant to the provisions of NRS 233B.066, the following informational statement is submitted:

**DESCRIPTION OF HOW PUBLIC COMMENT WAS SOLICITED  
SUMMARY OF THE PUBLIC RESPONSE  
EXPLANATION HOW OTHER INTERESTED PERSONS MAY OBTAIN  
A COPY OF THE SUMMARY**

**How public comment was solicited:**

The Nevada State Board of Medical Examiners (Board) published a Notice of Intent to Act Upon Regulation to solicit comments on proposed changes to the regulation. The hearing was to be conducted in Reno on Tuesday, October 13, 2015, at the hour of 10:00 o'clock a.m., at the Board office located at 1105 Terminal Way, Suite 301, Reno, Nevada, and videoconferenced to the Las Vegas Board office located at 6010 S. Rainbow Blvd., Bldg. A., Suite 1, Las Vegas, Nevada.

In the notice the public was notified that a copy of the proposed regulation was on file at the State Library, 100 Stewart St., Carson City, Nevada; available at the offices of the Board at 1105 Terminal Way, Suite 301, Reno, Nevada; in all counties in the state of Nevada in which the Board does not maintain an office, at the main public library; 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>, as well as posted at the following locations:

**Washoe County Courthouse  
Carson City Library  
Clark County District Library  
Churchill County Library  
Douglas County Library  
Elko County Library  
Esmeralda County Library  
Humboldt County Library  
Lander County Library  
Lincoln County Library  
Lyon County Library  
Mineral County Library  
Tonopah Library  
Pershing County Library  
Storey County Library  
White Pine County Library  
Washoe County Library**

**Reno, Nevada  
Carson City, Nevada  
Las Vegas, Nevada  
Fallon, Nevada  
Minden, Nevada  
Elko, Nevada  
Goldfield, Nevada  
Winnemucca, Nevada  
White Pine, Nevada  
Pioche, Nevada  
Yerington, Nevada  
Hawthorne, Nevada  
Tonopah, Nevada  
Lovelock, Nevada  
Virginia City, Nevada  
Ely, Nevada  
Reno, Nevada**

Attached hereto and made parts hereof, are copies of certifications of posting from many of the above named.

**A clear and concise statement of the need for the regulation:**

The amended regulation would update the language which is currently outdated. The change would update the guidelines for a patient's health weight for Physicians or Physician Assistants as distributed by the US Department of Health and Human Services. By making this change, the Board will not be required to go back every few years to ensure that the language is correct and accurate. The change also provides health care consumers and licensees direction as to where to find the most updated information.

**Summary of the public response:**

The Board did not receive any response from the public during the public workshop or hearing. Additionally, the Board did not receive anything in writing regarding this proposed regulation

**How other interested persons may obtain a copy of the public response to the regulations:**

On file with the Board at the offices of the Board at 1105 Terminal Way, Suite 301, Reno, Nevada, is a complete transcript of the hearing conducted on the regulation change.

Any member of the public may visit the offices of the Board and may review any or the entire transcript referred to above. Also, any member of the public may request copies of the transcript of all the public comment by contacting the court reporter and requesting a copy.

The court reporter may be contacted at:

Sunshine Litigation Services  
Reno, Nevada  
(775) 323-3411

**Persons who attended the workshop and/or hearing:**

1. Lea Cartwright, Nevada Psychiatric Association  
Reno, NV  
(775) 835-2570
2. Joanna Jacob, Ferrari Public Affairs  
(775) 351-8978

**Persons who testified at the workshop or public hearing:**

None

**The number of persons who submitted written statements:**

None

**ESTIMATED ECONOMIC EFFECT OF THE REGULATION ON THE  
BUSINESS WHICH THE BOARD REGULATES AND ON THE PUBLIC**

The Nevada State Board of Medical Examiners solicited any potential impacted businesses by reaching out to various business chambers and associations. Correspondence was sent to the following organizations:

- Las Vegas Metro Chamber of Commerce
- Better Business Bureau of Southern Nevada, Inc.
- Reno/Sparks Chamber of Commerce
- City of Winnemucca
- Elko Great Basin College
- Better Business Bureau of Northern Nevada, Inc.
- Pahrump Rural Nevada Development Corp.
- Ely Rural Nevada Development Corp.
- Churchill County Economic Development Authority

The Board did not receive any communication back from these organizations relative to any potential economic impact regarding regulation R-021-15.

**The economic effect of the regulation on the medical profession:**

There will be no economic effect to the medical profession by adoption of this regulation.

**The economic effect of the regulation on the general public:**

There will be no economic effect to the general public by adoption of this regulation.

**The estimated cost to the Nevada State Board of Medical Examiners to enforce the  
proposed regulation:**

The Nevada State Board of Medical Examiners estimates that there will be no additional cost to itself to enforce the proposed regulation.

**THE REGULATION OF THE NEVADA STATE BOARD OF MEDICAL EXAMINERS  
DOES NOT OVERLAP OR DUPLICATE ANY REGULATIONS OF ANY OTHER  
STATE OR GOVERNMENTAL AGENCIES, INCLUDING THE FEDERAL  
GOVERNMENT.**

**THE REGULATION OF THE NEVADA STATE BOARD OF MEDICAL EXAMINERS DOES NOT INCLUDE PROVISIONS WHICH ARE MORE STRINGENT THAN A FEDERAL REGULATION WHICH REGULATES THE SAME ACTIVITY.**

**THE NEW REGULATION DOES NOT PROVIDE OR INVOLVE A NEW FEE.**

**THE REGULATION WAS ADOPTED IN ENCLOSED FORM.**