

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

**LCB File No. R021-15**

July 16, 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 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.