

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

LCB File No. R024-15

Effective December 30, 2015

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

AUTHORITY: §§1 and 2, NRS 630.130 and 630.279.

A REGULATION relating to practitioners of respiratory care; revising the date by which a holder of a license to practice respiratory care is required to pay the fee for biennial registration; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Board of Medical Examiners to adopt regulations regarding the licensure of practitioners of respiratory care, including, without limitation, the duration, renewal and termination of licenses of practitioners of respiratory care. (NRS 630.279)

Existing regulations require each holder of a license to practice respiratory care to pay the fee for biennial registration to the Secretary-Treasurer of the Board on or before July 1 of each odd-numbered year. (NAC 630.525) **Section 1** of this regulation: (1) changes that date to June 30 of each odd-numbered year; and (2) provides an exception if the required date for payment of the fee falls on a Saturday, Sunday or legal holiday. In such a case, the holder of a license to practice respiratory care is required to pay the fee on or before the next business day after June 30.

Section 1. NAC 630.525 is hereby amended to read as follows:

630.525 1. ~~{On or before July 1 of each odd-numbered year after March 1, 2010, each}~~

Each holder of a license to practice respiratory care ~~{shall}~~ *must, on or before June 30 or, if June 30 is a Saturday, Sunday or legal holiday, the next business day after June 30, of each odd-numbered year,* pay the applicable fee for biennial registration to the Secretary-Treasurer of the Board.

2. A practitioner of respiratory care who has been licensed 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, if the Board deems necessary, upon hearing a complaint for disciplinary action against him or her.

3. If the Board determines that the conduct of a practitioner of respiratory care when he or she was on inactive status in another jurisdiction would have resulted in the denial of an application for licensure in this State, the Board will, if appropriate, refuse to license the practitioner of respiratory care.

Sec. 2. NAC 630.530 is hereby amended to read as follows:

630.530 1. The license of a practitioner of respiratory care may be renewed biennially upon dates set by the Board. The license will not be renewed unless the practitioner of respiratory care provides satisfactory proof:

(a) Of current certification by the National Board for Respiratory Care or its successor organization; and

(b) That he or she has completed the number of contact hours of continuing professional education required by subsections 2 and 3.

2. To renew a license for the practice of respiratory care, a licensee must complete the number of contact hours of continuing education required by subsection 3, of which:

(a) Sixty percent must be from an approved educational source directly related to the practice of respiratory care. Two hours of this 60 percent must be in medical ethics.

(b) Forty percent must be in any program approved by the American Association for Respiratory Care for Continuing Respiratory Care Education or any program of another organization approved by the Board.

3. The following contact hours for continuing education are required for a licensee to renew a license for the practice of respiratory care:

- (a) If licensed during the first 6 months of the biennial period of registration, 20 hours.
- (b) If licensed during the second 6 months of the biennial period of registration, 15 hours.
- (c) If licensed during the third 6 months of the biennial period of registration, 10 hours.
- (d) If licensed during the fourth 6 months of the biennial period of registration, 5 hours.

4. A practitioner of respiratory care shall notify the Board within 10 days if his or her certification by the National Board for Respiratory Care or its successor organization is withdrawn.

5. To allow for the renewal of a license to practice respiratory care by each person to whom a license was issued or renewed in the preceding renewal period, the Board will make such reasonable attempts as are practicable to:

- (a) Mail a renewal notice at least 60 days before the expiration of a license to practice respiratory care; and
- (b) Send a renewal application to a licensee at the last known address of the licensee on record with the Board.

6. If a licensee fails to pay the fee for biennial registration *on or before the date* required by NAC 630.525 ~~{on or before July 1 of each odd-numbered year,}~~ or fails to submit proof that the licensee completed the number of contact hours of continuing education required by subsections 2 and 3, his or her license to practice respiratory therapy in this State expires. Within 2 years after the date on which the license expires, the holder may be reinstated to practice respiratory care if he or she:

- (a) Pays twice the amount of the current fee for biennial registration to the Secretary-Treasurer of the Board;

(b) Submits proof that he or she completed the number of contact hours of continuing education required by subsections 2 and 3; and

(c) Is found to be in good standing and qualified pursuant to the provisions of this chapter and NRS 630.277.

7. The Board may issue not more than 10 contact hours of continuing education during a biennial licensing period to a licensee if the licensee performs a medical review for the Board.

The hours issued by the Board:

(a) May be credited against the hours required for a biennial licensing period pursuant to subsections 2 and 3; and

(b) Must be equal to the actual time involved in performing the medical review, not to exceed 10 hours.

**REGULATION ADOPTED BY THE
NEVADA STATE BOARD OF MEDICAL EXAMINERS
LCB File No. R024-15**

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:

With the passage of Assembly Bill 227 in the 2015 Nevada legislative session, the licensing cycle for Physicians and Physician Assistants has been changed to expire on June 30th on each odd numbered year. The regulation change is needed to bring the licensing cycle for Respiratory Care Practitioners into the same time periods as the other three license types regulated by the Board.

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-024-15.

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.