

**INFORMATIONAL STATEMENT FOR REGULATION PROPOSED BY
THE NEVADA STATE BOARD OF OSTEOPATHIC MEDICINE
(LCB No. R069-16)**

The following statement is submitted for the proposed amendment and additions to NAC chapter 633.

1. A clear and concise explanation of the need for the adopted regulation.

The need and purpose of the proposed regulation is to provide guidance and rules regarding the prescribing of opioids for the treatment of pain to assure the best possible care of Nevada's pain patients while minimizing the potential abuse or misuse of prescription opioids. The effect and need for each of the various sections of the regulation is set out in the following table:

Sec.	NAC Provision	Effect	Need
1-5	New Language	Defines various terms that will be used throughout the regulation	Defining terms used throughout a regulation promote clarity
6	New Language	Defines as requisites that a prescription for an opioid must be for a legitimate medical purpose and that information supporting each such prescription must be made and maintained in the patient's medical record	Establishing basic requisites for opioid prescriptions that have long been part of the practices of osteopathic physicians promotes clarity and ease of application
7	New Language	Establishes certain guidelines for the prescribing of opioids for acute pain and defines four terms used in the section	To bring the prescribing of opioids for acute pain in line with the developing national trend and consensus and to minimize the misuse or abuse of goods
8	New Language	Sets out a series of conditions that must be satisfied by an osteopathic physician or physician assistant before a prescription may be issued for acute or intractable pain	To bring the prescribing of opioids for chronic or intractable pain in line with the developing national trend and consensus and to minimize the misuse or abuse of prescription opioids
9	New Language	Sets out recordkeeping and patient	To bring the prescribing of opioids for chronic or intractable pain in line with the developing national trend and consensus and to minimize the misuse or abuse of prescription opioids
10	633.005	Includes the new definitions contained in sections 1-5 within existing regulations	Necessary language to assure new language works with existing regulations
11	633.350	Includes violation of sections 1-9 as a potential cause for disciplinary action	Necessary language to assure new language works with existing regulations

2. A description of how public comment was solicited, a summary of public response, and an explanation how other interested persons may obtain a copy of the summary.

The Board discussed and crafted the language that ultimately became R069-16 at its regular meetings on March 8, 2016 and April 12, 2016. At each such meeting, the Executive Director for the Nevada Osteopathic Medical Association was in attendance. At all such meetings, those in attendance were invited to participate and comment on the regulation language, and several spoke as to various aspects of the drafts at issue. Based upon the discussions, the Board made some changes to the proposed language.

On June 14, 2016, the Board held a workshop regarding the language that became R069-16. Attending and participating in the workshop were some of the Board's licensees and other physicians.

On December 13, 2016, the Board held a regulation hearing regarding R069-16 at its office in Henderson, Nevada. Copies of the Notice of Hearing and the proposed text of R069-16 were e-mailed to all of the Board's licensees for whom the Board had e-mail addresses and mailed to all people who have sought such public documents pursuant to the Nevada Open Meeting Law. The Board sent the Notice of Hearing and proposed text of R069-16 to a total of 1,453 people. At the hearing, five osteopathic physicians submitted written testimony to the Board (all in support of the regulation) and six osteopathic physicians and one person who is not a licensee testified at the hearing (three opposed and four

in support or neutral). Of the six osteopathic physicians who testified, one represented the Nevada State Medical Association and one represented the Nevada Osteopathic Medicine Association, and both of these physicians indicated that their respective associations wanted the Board to delay passage of the regulation. While discussion regarding the specifics of the language of R069-16 and its potential effects occurred, no specific changes were sought by any of the people who testified, so the regulation was passed unanimously without amendment.

A summary of the public comment, as required by NRS 233B.066(1)(b), may be obtained by contacting Barbara Longo, Executive Director, by e-mail addressed to blongo@bom.nv.gov, by phone at (702) 732-2147, or by regular mail addressed to Barbara Longo, Executive Director, 2275 Corporate Circle, Suite 210, Henderson, Nevada 89074.

3. The number of persons who:

- (a) Attended the June 14, 2016 Workshop - 11**
- (b) Testified at the June 14, 2016 Workshop - 4**

4. The number of persons who:

- (a) Attended the December 13, 2016 Hearing - 16**
- (b) Testified at the December 13, 2016 Hearing - 7**

5. The number of persons who:

- (a) Submitted written comments for the June 14, 2016 Workshop - 3**
- (b) Submitted written comments for the December 13, 2016 Hearing - 6**

6. For each person identified in subparagraph (b) and (c) above, following is the information that was provided to the Nevada State Board of Osteopathic Medicine:

Name	Phone #	Business Address	Business Phone #	E-mail	Representing	Attended
Robert Kessler, DO	None provided	None provided	None provided	None provided	Self	6/14/16
Weldon Havins, MD	None provided	None provided	None provided	None provided	Self	6/14/16
Joseph Reyes, DO	None provided	None provided	None provided	None provided	Self	6/14/16
Denise Selleck	None provided	None provided	None provided	None provided	NOMA	6/14/16
Lesley Dickson, MD	None provided	None provided	None provided	None provided	Self	6/14/16
Pejman Bady, DO	None provided	None provided	None provided	None provided	NSMA	12/13/16
Derek Meeks, DO	None provided	None provided	None provided	None provided	NOMA	12/13/16
Brian Le, DO	None provided	None provided	None provided	None provided	Self	12/13/16
Ursula Ferguson, DO	None provided	None provided	None provided	None provided	Self	12/13/16
Trey Delap	None provided	None provided	None provided	None provided	Self	12/13/16
Michael Yudez, DO	None provided	None provided	None provided	None provided	Self	12/13/16
Darren Wirtz, DO	None provided	None provided	None provided	None provided	Self	12/13/16

7. A description of how comment was solicited from affected businesses, a summary of their response, and an explanation how other interested persons may obtain a copy of the summary.

Comments were solicited by emailing the Notice of Hearing and the text of R069-16 to all 1,4543 of the Board's licensees for whom the Board had a valid e-mail address and to all persons on the Board's mailing list maintained pursuant to the Open Meeting Law. Other interested persons may obtain a copy of the comments received by contacting the Board's Executive Director.

8. If the regulation was adopted with changes to any part of the proposed regulation, a summary of the reasons for adopting the regulation with change.

The testimony received and written documents presented at the hearings were considered by the Board. Because most of the comments were in support of the language as it was written and the unsupportive comments did not address specifically any of the language of R069-l 6 and, instead, sought a delay of the Board's passage of the regulation, the language of R069-l 6 was adopted unanimously by the Board without amendment.

9. The estimated economic effect of the adopted regulation on the businesses which it is to regulate and on the public. These must be stated separately, and each case must include:

(a) Both adverse and beneficial effects.

The Board believes that the regulation will have neither adverse nor beneficial economic effects upon the practices of osteopathic medicine. Please see the Board's Small Business Impact Statement for additional details.

(b) Both immediate and long-term effects.

The Board believes that the regulation will have neither immediate nor long-term economic effects upon the practices of osteopathic medicine. Please see the Board's Small Business Impact Statement for additional details.

10. The estimated cost to the agency for enforcement of the adopted regulation.

There will be no significant cost to the Nevada State Board of Osteopathic Medicine to enforce the proposed regulation.

11. A description of any regulations of other state or government agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary. If the regulation overlaps or duplicates a federal regulation, the name of the regulating federal agency.

There are no similar regulations of other state or government agencies that the proposed regulation overlaps or duplicates.

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

This proposed regulation is not more stringent than any federal law or regulation.

13. If the regulation provides a new fee or increases an existing fee, the total annual amount the agency expects to collect and the manner in which the money will be used.

The regulation does not affect any fee.