

NEVADA STATE BOARD OF MEDICAL EXAMINERS

9600 Gateway Drive
Reno, NV 89521

Aury Nagy, M.D.
Board President

Edward O. Cousineau, J.D.
Executive Director



Informational Statement LCB File No. R177-22

The following statement is submitted for adopted amendments to Nevada Administrative Code (NAC) Chapter 630.

1. A Clear and Concise Explanation of the Need for the Adopted Regulation.

The proposed regulation is necessary to update existing regulations to be consistent with other provisions of law, to clarify existing requirements in the law, to prescribe the requirements for physicians and physician assistants when supervising nonablative esthetic medical procedures and to allow the Board to charged reduced application fees for applicants for licensure by endorsement for practitioners of respiratory care or perfusionists if those applicants are active members of, or the spouse of, an active member of, the Armed Forces of the United States, a veteran or the surviving spouse of a veteran.

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.

Copies of the proposed regulations, notices of workshop and notices of intent to act upon the regulation were sent by U.S. Mail and email to persons who were known to have an interest in regulations adopted by the Board, as well as any persons who had specifically requested such notice. These documents were also made available at the Board's website, http://medboard.nv.gov/About/Proposed_Regulations/, posted at notice.nv.gov and <https://www.leg.state.nv.us/App/Notice/A/>, and posted at the following locations:

Washoe County Courthouse	Reno, Nevada
NV State Board of Medical Examiners	Reno, Nevada
NV State Board of Medical Examiners	Las Vegas, Nevada
Office of the Attorney General	Las Vegas, Nevada
Office of the Attorney General	Carson City, Nevada
White Pine County Courthouse	Ely, Nevada
Nevada State Board of Medical Examiners Website	https://medboard.nv.gov

A regulation workshop on LCB File No. R177-22 was held on October 19, 2022, at 1:30 p.m., at the Las Vegas Office located at 325 E. Warm Springs Road, Suite 225, Las Vegas, NV 89119. This public workshop was video conferenced to the Board's Reno office located at 9600 Gateway Drive, Reno, NV 89521. No members of the public attended the regulation workshop.

Two public hearings on LCB File No. R177-22 were held on November 15, 2022 at 9:30 a.m. and January 5, 2023 at 1:30 p.m. Both hearings were video-conferenced between the Board's Las Vegas office located at 325 E. Warm Springs Road, Suite 225, Las Vegas, NV 89119 and the Board's Reno Office located at 9600 Gateway Drive, Reno, NV 89521. One member of the public attended the public hearing on January 5, 2023 for LCB File No. R177-22 and provided public comment.

A summary of the public comment received regarding LCB File No. R118-21 is available upon request by contacting Deputy Executive Director Bradley at bradleys@medboard.nv.gov or by telephone at 775-324-9365.

3. The Number Persons Who:

(a) Attended Each Hearing:

October 19, 2022 (Regulation Workshop): 0;
November 15, 2022 (Public Hearing): 0;
January 5, 2023 (Public Hearing): 1.

(b) Testified at Each Hearing:

October 19, 2022 (Regulation Workshop): 0;
November 15, 2022 (Public Hearing): 0;
January 5, 2023 (Public Hearing): 1.

(c) Submitted to the Agency Written Comments:

No written comment was received for LCB File No. R177-22.

4. A List of Names and Contact Information, Including Telephone Number, Business Address, Business Telephone Number, Electronic Mail Address, and Name of Entity or Organization Represented, for Each Person Identified Above In #3, As Provided to The Agency.

Attendees at the January 5, 2023 Public Hearing in Las Vegas:

Weldon E. Havins, M.D.
Telephone: (702) 338-5872
Address: 88 Ancient Hills Lane, Henderson, NV 89074
Business Telephone: (702) 796-6868
Email: whavins@cox.net
Representing: Self

Dr. Havins testified that he was concerned that the Board was removing the regulation that required an applicant for a license to pass a written examination covering the statutes and regulations relating to the practice of medicine in this State. He stated that he understood that this could be an "impediment from a licensee's point of view, but on the other hand, there are many laws that the licensees are required to be in compliance with such as NRS and NAC 630, 639, 453, 454, 629, 629A, 432, and 439B, just offhand. So if they are unaware of these mandates, then they're much more likely to transgress and be subject to licensure discipline." Dr. Havins further stated "if you're going

to remove that, one of the suggestions were made here by physicians was perhaps they should attest that they have read and are familiar with these statutes and regulations governing the practice of medicine in Nevada, including reporting requirements which are scatter somewhat in other statutes.” Dr. Havins made a couple of other comments regarding his concern, specifically that it may be wise to take this requirement out, but for all applicants, but especially those coming from out of state, it may be helpful to have an attestation that the applicant has read and is familiar with Nevada law as it relates to the practice of medicine. Note: An attestation already exists on the Board’s application for licensure regarding some requirements of Nevada law. Additional attestations could be added to the Board’s application for licensure if/when the Board deems it appropriate at a future date.

5. 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.

Copies of the proposed regulation, notice of workshop and notice of intent to act upon the regulation were sent by U.S. mail and emailed to persons who were known to have an interest in the subject of medical regulation, as well as any persons who had specifically requested such notice. These documents were also made available on the website of the Nevada State Board of Medical Examiners, available at http://medboard.nv.gov/About/Proposed_Regulations/, the website of the Legislative Counsel Bureau, available at <https://www.leg.state.nv.us/App/Notice/A/>, the Department of Administration website, available at notice.nv.gov.

In the Notice of Intent to Act Upon Regulation, the public was notified that a copy of the proposed regulation was on file at the Nevada State Library, 100 N. Stewart St., Carson City, Nevada; available at the offices of the Board located at 9600 Gateway Drive, Reno, Nevada and 325 E. Warm Springs Road, Suite 225, Las Vegas, Nevada; 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 <https://www.leg.state.nv.us/register/>, as well as posted at the following locations:

Washoe County Courthouse	Reno, Nevada
NV State Board of Medical Examiners	Reno, Nevada
NV State Board of Medical Examiners	Las Vegas, Nevada
Office of the Attorney General	Las Vegas, Nevada
Office of the Attorney General	Carson City, Nevada
White Pine County Courthouse	Ely, Nevada
Nevada State Board of Medical Examiners Website	https://medboard.nv.gov

The Board solicited any potentially impacted businesses by reaching out to various business chambers and associations. Correspondence regarding this regulation was sent to the following organizations:

- Better Business Bureau of Northern Nevada, Inc.
- Better Business Bureau of Southern Nevada, Inc.
- Churchill County Economic Development Authority
- City of Winnemucca
- Clark County Medical Society
- Elko Great Basin College
- Ely Rural Nevada Development Corp.

- Las Vegas Asian Chamber of Commerce
- Las Vegas Latin Chamber of Commerce
- Las Vegas Metro Chamber of Commerce
- Nevada State Medical Association
- Pahrump Rural Nevada Development Corp.
- Reno/Sparks Chamber of Commerce
- Washoe County Medical Society

No public comment was received at the regulation workshop. No public comment was received at the first regulation public hearing on November 15, 2022. Public comment was received at the second regulation public hearing on January 5, 2023. This public comment did not indicate that the proposed regulation would have any effect on small businesses in Nevada.

A summary of the public comment received regarding LCB File No. R118-21 is available upon request by contacting Deputy Executive Director Bradley at bradleys@medboard.nv.gov or by telephone at 775-324-9365.

6. If the Regulation Was Adopted Without Changing Any Part of the Proposed Regulation, A Summary of the Reasons for Adopting the Regulation Without Change.

This regulation was adopted by the Board at a public meeting held on March 3, 2023. It was adopted without changes because no comments or suggested changes were received.

7. 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; and (b) Both Immediate and Long-Term Effects.

(a) Both Adverse and Beneficial Effects.

The Board does not believe that the proposed regulation will have an adverse or beneficial direct economic effect on the business of the practice of medicine, nor will it have a direct economic effect on 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 direct economic effect on the business of the practice of medicine, nor will it have a direct economic effect on the public.

8. The Estimated Cost to the Agency for Enforcement of the Adopted Regulation.

Enforcement of the proposed regulations will not result in an increased cost to the Board.

9. 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.

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.

10. If the Regulation Includes Provisions That Are More Stringent Than a Federal Regulation Which 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.

11. 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.

This regulation does not provide a new fee or increase an existing fee.