

**ADOPTED REGULATION OF THE
STATE BOARD OF OSTEOPATHIC MEDICINE**

LCB File No. R192-07

Effective December 17, 2008

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

AUTHORITY: §§1-6 and 14-28, NRS 633.291; §§7 and 8, NRS 633.291, 633.433 and 633.434; §9, NRS 633.291 and 633.434; §§10 and 11, NRS 633.291, 633.434, 633.466 and 633.469; §12, NRS 633.291, 633.434 and 633.511; §13, NRS 633.291, 633.434 and 633.651.

A REGULATION relating to osteopathic medicine; providing requirements for licensing and license renewal as a physician assistant; requiring a physician assistant to have a written collaborating agreement with an osteopathic physician before providing medical services; limiting the scope of medical services provided by a physician assistant; requiring a supervising physician to be responsible for certain activities by a physician assistant; providing for the imposition of disciplinary action against a physician assistant; and providing other matters properly relating thereto.

Section 1. Chapter 633 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 13, inclusive, of this regulation.

Sec. 2. *“Executive Director” means the Executive Director of the Board appointed pursuant to NRS 633.271.*

Sec. 3. *“Osteopathic physician” has the meaning ascribed to it in NRS 633.091.*

Sec. 4. *“Physician assistant” has the meaning ascribed to it in NRS 633.107.*

Sec. 5. *“Supervising osteopathic physician” has the meaning ascribed to it in NRS 633.123.*

Sec. 6. *“Supervising physician” means:*

1. A supervising osteopathic physician; or

2. A physician licensed to practice medicine in this State pursuant to chapter 630 of NRS who supervises a physician assistant pursuant to NRS 633.466.

Sec. 7. 1. To qualify for a license as a physician assistant pursuant to NRS 633.433, a person must:

(a) Be able to communicate adequately orally and in writing in the English language;

(b) Be of good moral character and reputation;

(c) Except as otherwise provides in subsection 2, have attended and completed an educational program for physician assistants accredited by:

(1) The Accreditation Review Commission on Education for the Physician Assistant; or

(2) If the program was completed before January 1, 2001, the Committee on Allied Health Education and Accreditation or the Commission on Accreditation of Allied Health Education Programs;

(d) Have been certified by the National Commission on Certification of Physician Assistants;

(e) Submit to the Board an application for a license as a physician assistant on a form provided by the Board; and

(f) If the person has not practiced as a physician assistant for 12 months or more before applying for licensure in this State, at the order of the Board, supply evidence of clinical competence as a physician assistant which is satisfactory to the Board.

2. An applicant who was certified by the National Commission on Certification of Physician Assistants before January 1, 1986, is exempt from the requirements of paragraph (c) of subsection 1.

Sec. 8. 1. An application for a license as a physician assistant must include, without limitation:

(a) The date and place of birth of the applicant;

(b) The gender of the applicant;

(c) The education of the applicant, including, without limitation, any high school and postsecondary institution attended, the length of time in attendance and whether the applicant is a graduate of those schools and institutions;

(d) The training and experience of the applicant as a physician assistant;

(e) Whether the applicant has ever:

(1) Applied for a license or certificate as a physician assistant in another state and, if so, specification of which state, when the application was made and the results of the application;

(2) Had a license or certificate as a physician assistant revoked, modified, limited or suspended;

(3) Been investigated for misconduct as a physician assistant;

(4) Had any disciplinary action or proceeding instituted against him by a licensing body in any jurisdiction;

(5) Been convicted of a felony or an offense involving moral turpitude; or

(6) Been investigated for, charged with or convicted of the use or illegal sale or dispensing of a controlled substance; and

(f) The places of residence of the applicant since the date of his graduation from high school or his receipt of a high school general equivalency diploma.

2. An application for a license as a physician assistant must be:

(a) Signed by the applicant;

(b) Sworn to before a notary public or other officer authorized to administer oaths; and

(c) Accompanied by:

(1) A physician assistant information profile prepared by the Federation Credentials Verification Service of the Federation of State Medical Boards;

(2) An affidavit affirming that:

(I) The applicant is the person named in the application and accompanying material;
and

(II) To the best knowledge or belief of the applicant, the application and all accompanying material is complete, correct and consistent, and was obtained without fraud, misrepresentation or mistake; and

(3) The nonrefundable application and initial license fee prescribed in NRS 633.501.

3. If it appears to the Board that:

(a) Any information submitted is false or inconsistent; or

(b) The application is not made in proper form or other deficiencies appear in it,

↳ the application will be rejected.

Sec. 9. 1. *The license of a physician assistant is valid for 1 year and may be renewed annually.*

2. An application to renew a license of a physician assistant must be submitted to the Board not less than 30 days before the expiration of the license. The application must be accompanied by the nonrefundable annual license renewal fee for a physician assistant prescribed in NRS 633.501.

3. A license of a physician assistant will not be renewed unless the physician assistant provides to the Board satisfactory proof of:

(a) Current certification by the National Commission on Certification of Physician Assistants; and

(b) Completion by the physician assistant of at least 20 hours of continuing medical education as defined by the American Academy of Physician Assistants.

4. A physician assistant shall notify the Board within 10 days after receipt of notification that his certification by the National Commission on Certification of Physician Assistants was withdrawn.

5. An expired license of a physician assistant will not be renewed unless:

(a) The requirements for renewal prescribed in this section are met; and

(b) The Executive Director approves the renewal.

Sec. 10. 1. *Except as otherwise provided in this section, a physician assistant must enter into a written collaborating agreement with a supervising physician before the physician assistant may perform medical services under the supervision of that supervising physician.*

Such an agreement must:

(a) Describe the location, times and manner in which the physician assistant will assist the supervising physician;

(b) Specify the medical services that the physician assistant is authorized to perform;

(c) Be signed by the physician assistant and the supervising physician; and

(d) Be notarized.

2. A physician assistant may perform only those medical services specified in the written collaborating agreement.

3. A physician assistant who has entered into a written collaborating agreement with a supervising physician shall:

(a) Submit a copy of the agreement to the Board within 10 days after entering into the written collaborating agreement.

(b) Notify the Board in writing within 10 days after the termination of the written collaborating agreement.

4. Except as otherwise provided in this subsection, a physician assistant may not perform medical services under the supervision of more than three supervising physicians. A physician assistant employed by a medical facility may not perform medical services at the medical facility under the supervision of more than one supervising physician. As used in this subsection, “medical facility” has the meaning ascribed to it NRS 449.0151.

5. A physician assistant may perform medical services under a temporary written collaborating agreement that is valid for not more than 30 days if the agreement is approved by the Board.

6. A supervising physician may not supervise more than a total of three physician assistants and advanced practitioners of nursing at one time. As used in this subsection, “advanced practitioner of nursing” has the meaning ascribed to it in NRS 453.023.

7. A physician assistant who has been subject to disciplinary action pursuant to this chapter or chapter 633 of NRS may only be supervised by a supervising physician who has been approved by the Board to supervise that physician assistant.

Sec. 11. 1. *A supervising physician is responsible for all of the activities related to the performance of medical services conducted by the physician assistant whom he supervises, including, without limitation:*

(a) Obtaining the medical histories of patients;

(b) Performing physical examinations;

- (c) Ordering and performing diagnostic and therapeutic procedures;*
- (d) Implementing a treatment plan outlined by a supervising physician;*
- (e) Monitoring the effectiveness of therapeutic interventions;*
- (f) Assisting at surgery;*
- (g) Offering counseling and education to meet the needs of patients;*
- (h) Making appropriate referrals; and*
- (i) Pronouncing death, excluding the diagnosis of the cause of death.*

2. The supervising physician shall ensure that:

- (a) The physician assistant is clearly identified to the patients as a physician assistant;*
- (b) The physician assistant performs only those medical services which are specified in the*

written collaborating agreement between the supervising physician and the physician assistant; and

(c) The physician assistant strictly complies with:

(1) The provisions of the registration certificate issued to the physician assistant by the State Board of Pharmacy pursuant to NRS 639.1373; and

(2) The regulations of the State Board of Pharmacy regarding controlled substances, poisons, dangerous drugs or devices.

3. A supervising physician:

(a) Except as otherwise provided in NRS 633.469, shall provide supervision in person at least once each month to the physician assistant.

(b) Must be available for consultation at all times during which the physician assistant is performing medical services.

(c) Shall review and initial at least 10 percent of the charts of the patients of the physician assistant at least four times each year.

(d) Shall develop and carry out a program to ensure the quality of care provided by the physician assistant, which must include, without limitation:

(1) An assessment of the medical competency of the physician assistant;

(2) A review and initialing of selected charts;

(3) An assessment of a representative sample of the referrals or consultations made by the physician assistant with other health professionals as required by the condition of the patient;

(4) Direct observation of the ability of the physician assistant to take medical histories from and perform examinations of patients representative of those cared for by the physician assistant; and

(5) Maintenance by the supervising physician of accurate records and documentation regarding the program for each physician assistant supervised.

4. A patient cared for by a physician assistant for a recurring illness that is not a chronic illness must be examined by the supervising physician of the physician assistant if the patient does not show improvement within a reasonable period of time.

Sec. 12. 1. *A physician assistant is subject to disciplinary action by the Board if, after notice and hearing in accordance with this chapter, the Board finds that the physician assistant:*

(a) Represented himself, or allowed another person to represent the physician assistant, as an osteopathic physician;

(b) Performed medical services other than at the direction of or under the supervision of the supervising physician;

(c) Performed medical services other than those approved by the supervising physician;

(d) Disobeyed any order of the Board or an investigative committee of the Board, or any provisions of this chapter or of any regulations adopted by the Board, the State Board of Health or the State Board of Pharmacy;

(e) Failed to notify the Board of the loss of certification by the National Commission on Certification of Physician Assistants; or

(f) Violated any provision of this chapter or chapter 633 of NRS.

2. A physician assistant is not subject to disciplinary action solely for prescribing or administering to a patient under his care a controlled substance that is listed in schedule II, III, IV or V by the State Board of Pharmacy pursuant to NRS 453.146 if the controlled substance is lawfully prescribed or administered for the treatment of intractable pain in accordance with accepted standards for the practice of osteopathic medicine.

3. To initiate disciplinary action against a physician assistant, a written complaint specifying the charges must be filed with the Board.

4. Before the Board takes disciplinary action against a physician assistant, the Board will give to the physician assistant and to his supervising physician a written notice specifying the charges made against the physician assistant and stating that the charges will be heard at the time and place indicated in the notice. The notice must be served on the physician assistant and the supervising physician at least 20 days before the date fixed for the hearing. The Board may provide to the physician assistant a copy of the complaint and the name of the person who filed the complaint.

Sec. 13. *If the Board finds, by a preponderance of the evidence, and after notice and hearing in accordance with this chapter, that:*

1. The charges in the complaint against a physician assistant are true, the Board will issue and serve on the physician assistant its written findings and any order of sanctions. The following sanctions may be imposed by order:

(a) Placement on probation for a specified period on any of the conditions specified in the order.

(b) Administration of a public reprimand.

(c) Limitation of the medical services that a physician assistant is authorized to perform.

(d) Suspension of a license, for a specified period or until further order of the Board.

(e) Revocation of a license.

(f) A requirement that a physician assistant participate in a program to correct alcohol or drug abuse or any other impairment.

(g) A requirement that there be additional and specified supervision of the medical services performed by a physician assistant.

(h) A requirement that a physician assistant perform community service without compensation.

(i) A requirement that a physician assistant take a physical or mental examination or an examination testing medical competence.

(j) A requirement that a physician assistant fulfill certain training or educational requirements, or both, as specified by the Board.

2. No violation has occurred, the Board will issue a written order dismissing the charges and notify the physician assistant that the charges have been dismissed.

Sec. 14. NAC 633.005 is hereby amended to read as follows:

633.005 As used in this chapter, unless the context otherwise requires, the words and terms defined in NAC ~~[633.011]~~ **633.020** to 633.050, inclusive, *and sections 2 to 6, inclusive, of this regulation* have the meanings ascribed to them in those sections.

Sec. 15. NAC 633.250 is hereby amended to read as follows:

633.250 1. Each ~~[licensee]~~ **osteopathic physician** applying for renewal of his license shall furnish the Board proof that he has attended during the preceding year at least 35 hours of continuing education courses or programs approved by the Board, at least 10 hours of which are category 1A courses.

2. As used in this section, “category 1A course” means a course of continuing medical education that is offered by a sponsor accredited to offer such a course by the American Osteopathic Association or the Accreditation Council for Continuing Medical Education.

Sec. 16. NAC 633.255 is hereby amended to read as follows:

633.255 A license that the Board has suspended will be revoked pursuant to NRS 633.481 if:

1. The license expires during the period of suspension; and
2. The ~~[licensee]~~ **osteopathic physician** fails to renew the license as set forth in NRS 633.471.

Sec. 17. NAC 633.270 is hereby amended to read as follows:

- 633.270 1. The Executive Director ~~[of the Board]~~ or his designee:
- (a) Shall review the application and accompanying materials submitted by an applicant to determine if there may be grounds for rejecting the application or grounds for denying the issuance of a license to the applicant; and

(b) May request the applicant to submit such additional evidence of the mental, physical, medical or other qualifications of the applicant as the Executive Director or his designee believes the Board may require.

2. Upon the completion of the review of an application by the Executive Director or his designee, the Executive Director shall:

(a) Schedule a hearing on the application at a meeting of the Board.

(b) Send written notice of the hearing to the applicant at least 21 days before the meeting.

The notice must conform to subsection 2 of NRS 233B.121, be given by certified mail, postage prepaid, and be addressed to the last address furnished by the applicant. If the Executive Director has reason to believe that there are grounds for denying the issuance of a license to the applicant, the notice must include a short and plain statement that specifies each such ground.

(c) Provide a copy of the notice to each member of the Board.

3. The Board will deny the issuance of a license only after:

(a) Notice to the applicant specifying the precise grounds upon which the denial is proposed;
and

(b) A hearing before the Board at which the applicant is given an opportunity to respond to each ground specified in the notice.

4. An applicant bears the burden of proving to the Board that issuing a license to him is in the best interest of the public health and safety and the general welfare of the people of this State.

5. As used in this section, “grounds for denying the issuance of a license” includes, without limitation:

(a) Any grounds authorized by a specific statute;

(b) Failure to fulfill any applicable statutory requirement;

(c) Submitting an application or accompanying material which is incomplete, incorrect or inconsistent, or which has been obtained by fraud, misrepresentation or mistake; and

(d) Engaging in any conduct that would, if committed by ~~{a licensee,}~~ *an osteopathic physician*, be grounds for initiating disciplinary action pursuant to NRS 633.511.

Sec. 18. NAC 633.340 is hereby amended to read as follows:

633.340 1. ~~{A licensee}~~ *An osteopathic physician* shall not engage in any of the following procedures or use any of the following substances in his practice:

(a) The prescribing or dispensing of oral amphetamines, except for the treatment of exogenous obesity for a period of less than 30 days;

(b) The prescribing or dispensing of any injectable amphetamine; or

(c) The prescribing or dispensing of Disodium Ethylene Diamine Tetra Acetic Acid (EDTA) or the use of Chelation Therapy, except that the substance or the procedure, or both, may be used for the treatment of proven heavy metal poisoning or any other unusual or infrequent condition which the Board finds warrants its use.

↪ The use of any procedure or substance which is prohibited by this subsection is harmful to the public, detrimental to the public health, safety and morals and constitutes unprofessional conduct.

2. The use of Human Chorionic Gonadotropin (HCG) in programs for the reduction of weight constitutes the practice of experimental medicine and must not be used in a clinical practice. HCG may be used only in a bona fide research program which is approved by the Board.

Sec. 19. NAC 633.350 is hereby amended to read as follows:

- 633.350 For the purposes of this chapter and chapter 633 of NRS, ~~[a licensee]~~ *an osteopathic physician* engages in unethical conduct if he:
1. Engages in sexual misconduct with a patient;
 2. Abandons a patient;
 3. Willfully makes and files false reports, records or claims in the ~~[licensee's]~~ *osteopathic physician's* practice;
 4. Willfully fails to file or record a medical report required by law, willfully impedes or obstructs the filing or recording of such a report, or willfully induces another person to fail to file or record such a report;
 5. Fails to generate or create medical records relating to the diagnosis, treatment and care of a patient;
 6. Prescribes a controlled substance in a manner or an amount that the Board determines is excessive;
 7. Fails to comply with the terms of an agreement with a diversion program approved by the Board;
 8. Fails to comply with an order of the Board; or
 9. Engages in any other conduct that the Board determines constitutes unfitness to practice osteopathic medicine.

Sec. 20. NAC 633.360 is hereby amended to read as follows:

633.360 1. ~~[A licensee]~~ *An osteopathic physician* shall not advertise the practice of osteopathic medicine in a manner that is:

- (a) False; or
- (b) Intended or has a tendency to:

- (1) Deceive or mislead the public; or
 - (2) Create unrealistic expectations in any particular case.
2. Proof of actual injury is not necessary to establish a violation of subsection 1.

Sec. 21. NAC 633.370 is hereby amended to read as follows:

633.370 For the purposes of this chapter and chapter 633 of NRS, if a mental or physical examination or a medical competency examination determines that ~~{a licensee}~~ :

1. *An osteopathic physician* is not competent to practice osteopathic medicine ; *or*
2. *A physician assistant is not competent to perform medical services under the supervision of a supervising physician,*

↪ with reasonable skill and safety to patients, the Board will consider that determination to constitute a rebuttable presumption of professional incompetence with regard to the ~~{licensee}~~ *osteopathic physician or physician assistant.*

Sec. 22. NAC 633.380 is hereby amended to read as follows:

633.380 1. ~~{A licensee}~~ *An osteopathic physician* shall, on or before January 31 of each year, submit to the Board, on a form to be provided by the Board, the report required pursuant to NRS 633.524.

2. Failure to comply with the requirements of this section or NRS 633.524 may subject the ~~{licensee}~~ *osteopathic physician* to disciplinary action as provided by law.

Sec. 23. NAC 633.430 is hereby amended to read as follows:

633.430 1. In a hearing other than a hearing concerning a disciplinary proceeding, the President or presiding officer will call the hearing to order and proceed to take the appearances on behalf of the Board, the applicant or ~~{licensee}~~ *the osteopathic physician or physician*

assistant. The legal counsel for the Board will present the evidence for the Board first and, if the Board allows closing arguments, will present the closing arguments for the Board first.

2. In a hearing concerning a disciplinary proceeding, the Board, hearing officer or panel shall conduct the hearing in accordance with the provisions of NRS 622A.380.

3. The notice of hearing, any petition, answer, response or written stipulation, and, if the hearing concerns a disciplinary proceeding, the complaint or any other responsive pleading, becomes a part of the record without being read into the record, unless a party requests that the document be read into the record.

4. The Board, President, presiding officer, hearing officer or panel may, at any time:

(a) Question a witness;

(b) Request or allow additional evidence, including additional rebuttal or documentary evidence;

(c) Make proposed opinions, findings of fact and conclusions of law;

(d) Issue appropriate interim orders;

(e) Recess the hearing as required; and

(f) Set reasonable limits of time for the presentation of testimony.

5. If closing briefs are permitted, the Board, President, presiding officer, hearing officer or panel shall establish a time frame for the submission of the closing briefs.

Sec. 24. NAC 633.450 is hereby amended to read as follows:

633.450 1. If a complaint has been filed against ~~[a licensee]~~ *an osteopathic physician* pursuant to NRS 633.531, the Board may order the summary suspension of the license of the ~~[licensee]~~ *osteopathic physician* pending disciplinary proceedings.

2. The Board will issue such an order if it determines that:

(a) The ~~Hiensee~~ *osteopathic physician* has violated a provision of this chapter or chapter 633 of NRS;

(b) The summary suspension of the license is necessary to prevent a further violation of this chapter or chapter 633 of NRS; and

(c) The public health, safety or general welfare imperatively requires the summary suspension of the license.

3. An order summarily suspending a license:

(a) Must:

(1) Comply with the applicable provisions of NRS 233B.127; and

(2) Set forth the grounds upon which the order is issued, including a statement of facts;

(b) Is effective upon service on the ~~Hiensee~~ *osteopathic physician* of the order and complaint; and

(c) Remains in effect until the Board:

(1) Modifies or rescinds the order; or

(2) Issues its final order or decision on the underlying complaint.

4. A hearing on the complaint must be held within 60 days after the effective date of the suspension.

Sec. 25. NAC 633.460 is hereby amended to read as follows:

633.460 1. The parties to a disciplinary proceeding shall meet or confer, not later than 20 days before the hearing, and:

(a) Exchange copies of all documents that each party intends to offer as evidence in support of its case.

(b) Identify, describe or produce all tangible things, other than documents, that each party intends to offer as evidence in support of its case and, if requested, arrange for the opposing party to inspect, copy, test or sample such evidence under reasonable supervision.

(c) Exchange written lists of persons that each party intends to call as witnesses in support of its case. The list must identify each witness by name and position and, if known, business address. If no business address is available, the party intending to call the witness shall disclose the home address of the witness or make the witness available for service of process. The list must also include, for each witness, a summary of the proposed testimony and the purpose for which the witness will be called.

2. As used in this section, “parties to a disciplinary proceeding” includes:

(a) ~~[A licensee]~~ *An osteopathic physician* who has been served with a formal complaint alleging a disciplinary violation pursuant to NRS 633.541 ~~;~~ *or a physician assistant who has been served with a formal complaint alleging a disciplinary violation pursuant to section 12 of this regulation;*

(b) The attorney, if any, representing the ~~[licensee;]~~ *osteopathic physician or physician assistant;* and

(c) The legal counsel for the Board.

Sec. 26. NAC 633.470 is hereby amended to read as follows:

633.470 If the Board, after a hearing on the merits in a disciplinary proceeding, finds that the ~~[licensee]~~ *osteopathic physician* is:

1. Not guilty as charged in the formal complaint, the Board will issue a final order dismissing the charges and notify the ~~[licensee]~~ *osteopathic physician* that the charges have been dismissed.

2. Guilty as charged in the formal complaint, the Board may:

(a) Before agreeing on a punishment, consider all relevant factors, including, without limitation:

- (1) The danger to the health or safety of the public from the violation;
- (2) The economic benefit received by the **[licensee] osteopathic physician** from the violation;
- (3) Any mitigation or aggravation by the **[licensee] osteopathic physician** of the effects of the violation;
- (4) The extent to which the **[licensee] osteopathic physician** demonstrates his good faith;
- (5) Any previous history of violations by the **[licensee]; osteopathic physician;**
- (6) Whether the **[licensee] osteopathic physician** knew or, as a competent osteopathic physician, should have known that the action complained of violated a law, a regulation or a condition on his license;
- (7) Whether the **[licensee] osteopathic physician** has initiated remedial measures to prevent similar violations;
- (8) The magnitude of penalties imposed on other **[licensees] osteopathic physicians** for similar violations;
- (9) The proportionality of the penalty in relation to the misconduct; and
- (10) If the **[licensee] osteopathic physician** offered evidence of mitigating factors, all such evidence.

(b) Agree on punishment that may, in addition to any sanction authorized pursuant to subsection 1 of NRS 633.651, require the **[licensee] osteopathic physician** to:

(1) Participate in a program, approved by the Board, to correct alcohol or drug dependence or any other impairment;

(2) Practice only under supervision approved by the Board and paid for by the ~~licensee;~~ *osteopathic physician;*

(3) Perform public service approved by the Board without compensation;

(4) Submit to a physical or mental examination or a medical competency examination for the purposes of determining his fitness to practice osteopathic medicine with reasonable skill and safety to patients;

(5) Fulfill certain training or educational requirements approved by the Board; and

(6) Pay all costs incurred by the Board relating to his disciplinary proceedings.

(c) Issue and serve on the ~~licensee~~ *osteopathic physician* its final order.

Sec. 27. NAC 633.480 is hereby amended to read as follows:

633.480 1. A decision or order in a disciplinary proceeding adverse to ~~a licensee~~ *an osteopathic physician or physician assistant* must:

(a) Be in writing;

(b) Except as otherwise provided in subsection 5 of NRS 233B.121, include findings of fact and conclusions of law; and

(c) Specifically set forth the punishment imposed on the ~~licensee~~ *osteopathic physician or physician assistant*.

2. Except as otherwise provided in NRS 633.671, an order of the Board is effective upon being served on the ~~licensee~~ *osteopathic physician or physician assistant*.

Sec. 28. NAC 633.011, 633.040, 633.290, 633.292, 633.295, 633.297, 633.300, 633.302, 633.305, 633.310, 633.315, 633.320 and 633.330 are hereby repealed.

TEXT OF REPEALED SECTIONS

633.011 “Applicant” defined. (NRS 633.291) “Applicant” means a person who applies for a license to practice osteopathic medicine pursuant to chapter 633 of NRS.

633.040 “Licensee” defined. (NRS 633.291) “Licensee” means a person licensed to practice osteopathic medicine pursuant to chapter 633 of NRS.

633.290 Application to employ assistant. (NRS 633.291, 633.441) An application to employ an osteopathic physician’s assistant must, in addition to meeting the requirements of NRS 633.441:

1. Contain evidence showing that the proposed assistant meets the qualifications set forth in NAC 633.295.
2. Contain evidence establishing the professional background and specialty of the applying physician; and
3. Include a certificate signed under oath by the applying physician that the assistant, if permitted, will be employed to perform professional services only on direct orders of the employing physician in the city, town or county in which the employing physician resides or in a geographical location that is approved in writing by the Board.

633.292 Procedure following receipt of application. (NRS 633.291, 633.451)

1. After completing an application to employ an osteopathic physician's assistant pursuant to NAC 633.290, the employing osteopathic physician and the proposed assistant shall appear before the Board at its next regularly scheduled meeting for examination.

2. The Board will examine the proposed assistant to determine whether the proposed assistant meets the minimum qualifications to provide assistance to the employing physician in his practice.

3. The format of the examination may include, without limitation, written questions, oral questions, a practical examination or any combination of these methods that the Board determines to be appropriate.

633.295 Required qualifications for approval of application. (NRS 633.291, 633.451)

To qualify as an osteopathic physician's assistant pursuant to NRS 633.451, a person must:

1. Possess the level of skill and knowledge required to assist the employing physician for whom he will be employed;
2. Possess good moral character and a good reputation;
3. Communicate in the English language orally and in writing with the level of skill necessary to carry out his duties as an assistant;
4. Have graduated from high school or have received an equivalent degree;
5. Have satisfactorily completed a program of training approved by the Board; and
6. Except as otherwise provided in NAC 633.297, be certified by the National Commission on Certification of Physician Assistants.

633.297 Employment of assistant not yet certified. (NRS 633.291, 633.441, 633.451)

1. An osteopathic physician may submit an application to employ a person as an osteopathic physician's assistant who is not certified by the National Commission on Certification of Physician Assistants as required pursuant to subsection 6 of NAC 633.295 if:

(a) The proposed assistant is scheduled to take the next examination for certification given by the Commission; and

(b) The proposed assistant satisfies all other qualifications for becoming an assistant.

2. After an application has been submitted to the Board pursuant to subsection 1 and the proposed assistant has successfully completed the examination administered by the Board pursuant to NAC 633.292, the Board may issue a temporary letter of permission to the employing physician and a temporary certificate to the proposed assistant. The temporary letter of permission and certificate become invalid if the assistant fails to:

(a) Take the next examination for certification administered by the Commission; or

(b) Become certified within the time specified on the temporary certificate.

633.300 Board to issue letter of permission; denial. (NRS 633.291, 633.451)

1. The permission of the Board to a licensed osteopathic physician to employ a named person as an osteopathic physician's assistant in his practice will be in the form of a letter of permission which will be dated and signed by the President and Secretary-Treasurer of the Board only upon the unanimous vote of the members of the Board at a regular meeting.

2. A letter of permission is not effective unless it:

(a) Names the osteopathic physician's assistant permitted to perform services;

(b) Names the osteopathic physician for whom the services may be performed;

(c) States the city, town or county in which the assistant may perform services;

(d) Describes the specific professional services which the assistant may perform;

(e) Lists the specific type and amount of any controlled substance, poison, dangerous drug or device which the assistant may possess, administer, dispense or prescribe in or out of the presence of the employing physician; and

(f) Sets forth any other limitation or requirement on the practice of the assistant which the Board determines to be necessary.

3. The Board will not grant a letter of permission to an osteopathic physician if:

(a) The proposed assistant does not pass the examination administered by the Board pursuant to NAC 633.292;

(b) The proposed assistant does not meet the qualifications set forth in NAC 633.295;

(c) Any credential of the proposed assistant which is provided to the Board is false;

(d) The application submitted by the physician is incomplete, was provided to the Board in an improper format, or is otherwise insufficient; or

(e) The Board determines that the proposed assistant has conducted himself while outside the State of Nevada in a manner which would have resulted in the denial of a letter of permission had the act occurred within this State.

633.302 Issuance of certificate; renewal of certificate. (NRS 633.291, 633.451)

1. After a letter of permission is granted pursuant to NAC 633.300 and the appropriate fees are paid, the Board will issue a certificate to the osteopathic physician's assistant named in the letter of permission.

2. The certificate must be renewed each year on or before December 31.

633.305 Change in information included in application; notification regarding termination of employment. (NRS 633.291, 633.441)

1. An employing osteopathic physician shall notify the Board within 30 days after he becomes aware of a change in the information included in the application which he filed with the Board pursuant to NAC 633.290.

2. When an assistant is no longer employed by the employing physician, the physician and the assistant shall submit to the Board a summary of the reasons for and circumstances of the termination of employment within 30 days after the date on which the employment was terminated.

633.310 Renewal of letter of permission. (NRS 633.291, 633.441, 633.451)

1. Each letter of permission concerning a physician's assistant expires on the third anniversary of the date appearing on the letter of permission.

2. Renewal of permission to employ a physician's assistant must be requested in the same manner as the original permission was requested.

3. No letter of permission will be issued to a physician who continues to employ a physician's assistant after the letter of permission to employ the assistant has expired.

633.315 Amendment to letter of permission. (NRS 633.291, 633.441, 633.451)

1. An employing osteopathic physician may propose an amendment to a letter of permission by submitting a written proposal to the Board. The Board will either make a determination and issue a letter approving or denying the proposed amendment or will request the employing osteopathic physician, the osteopathic physician's assistant, or both, to appear before the Board at its next regular meeting for a determination regarding the amendment.

2. If a proposed amendment to the letter of permission includes changing the named employing osteopathic physician to a different osteopathic physician, the Executive Director may

approve the amendment as a temporary change if no other information is changed and the proposed employing osteopathic physician submits:

- (a) A statement agreeing to the terms of the original letter of permission; and
- (b) An application pursuant to NAC 633.290 to employ the named assistant.

3. The temporary change of an employing osteopathic physician pursuant to subsection 2 is valid until the next regular meeting of the Board at which time the Board will act on the application submitted by the new employing osteopathic physician for a letter of permission.

633.320 Employment by more than one physician prohibited; exceptions. (NRS 633.291, 633.441, 633.451)

1. An osteopathic physician's assistant may not perform services for more than one osteopathic physician at the same time, except that he may perform services for all members of a medical corporation or firm who are licensed osteopathic physicians if the letter of permission from the Board so specifies.

2. Except as otherwise provided in NAC 633.315, upon receipt of an application for permission to employ a physician's assistant with respect to whom a letter of permission is in effect, the letter of permission which is in effect will be cancelled by the Board, unless the applying physician is the same physician, or a member of the same medical corporation or firm, as the physician, corporation or firm named in the letter of permission which is then in effect and the provisions of the letter of permission remain unchanged.

633.330 Prohibited acts; revocation of letter of permission; act or omission of assistant responsibility of employing physician; disciplinary action after termination of employment. (NRS 633.291)

1. A person who holds a license to practice osteopathic medicine in this State shall not:

- (a) Employ an osteopathic physician's assistant without a letter of permission from the Board;
- (b) Misrepresent any fact in connection with an application for permission to employ a physician's assistant;
- (c) Authorize an osteopathic physician's assistant to work outside the geographic area described in the letter of permission, unless specifically authorized by the Board;
- (d) Employ an osteopathic physician's assistant after the expiration of a letter of permission from the Board;
- (e) Employ an osteopathic physician's assistant for any professional service not specified in the letter of permission respecting him; or
- (f) Employ an osteopathic physician's assistant after the Board or a court of competent jurisdiction issues an order suspending, revoking or limiting a license in a manner which prohibits employment of an osteopathic physician's assistant.

2. The Board will consider the question of the revocation of any letter of permission to employ an osteopathic physician's assistant at the time it considers the revocation, suspension or limitation of the license of any osteopathic physician without the necessity of a separate notice to the physician or the assistant, and at the same hearing.

3. The act or omission of any osteopathic physician's assistant shall be deemed for the purpose of this chapter, unless contrary intent appears herein, the act or omission of the employing osteopathic physician.

4. An osteopathic physician's assistant may be subject to disciplinary action after his employment as an assistant has been terminated for any complaint filed against him related to an act or omission during his employment as an osteopathic assistant.

**NOTICE OF ADOPTION OF PROPOSED REGULATION
LCB File No. R192-07**

The State Board of Osteopathic Medicine adopted regulations assigned LCB File No. R192-07 which pertain to chapter 633 of the Nevada Administrative Code.

INFORMATIONAL STATEMENT

- 1. 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 workshop was held Aug 28, 2007. There was no public response. A copy of the summary may be obtained by contacting the Nevada State Board of Osteopathic Medicine.
- 2. The number of persons who:**
 - (a) Attended each hearing:** zero
 - (b) Testified at each hearing:** zero
 - (c) Submitted written comments:** zero
- 3. A description of how comment was solicited from businesses, a summary of their response, and an explanation how other interested persons may obtain a copy of the summary.** The workshop was properly noticed according to NRS 241 and NRS 233B. A copy of the summary may be obtained by contacting the Nevada State Board of Osteopathic Medicine.
- 4. If the regulation was adopted without changing any part of the proposed regulation, a summary of the reasons for adopting the regulation without change.**
The regulation was adopted without change. The Board found the regulation as amended by the LCB to be very satisfactory.
- 5. The estimated economic effect of the regulation on the business 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:** No effects on business or the public.
 - (b) Both immediate and long-term effects.** No immediate or long-term effects on business or the public.
- 6. The estimated cost to the agency for enforcement of the adopted regulation:**
None
- 7. A description of any regulations of other State or governmental agencies which the regulation overlaps or duplicates and a statement explaining why the duplication or overlap is necessary. If the regulation overlaps or duplicates a federal regulation, the name of the regulating federal agency.**
The regulation does not overlap any regulation of another State agency or Federal regulation, and does not duplicate any other regulation of a State agency or Federal agency.

8. **If the regulation includes provisions that are more stringent than a federal regulation that regulates the same activity, a summary of such provisions.** The regulation is not more stringent.
9. **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.** There is no change in an existing fee as a result of adopting the regulation.
10. **Is the proposed regulation likely to impose a direct and significant economic burden upon a small business or directly restrict the formation, operation or expansion of a small business? What methods did the agency use in determining the impact of the regulation on a small business?**

There is no effect on small business. The regulations are adopted pursuant to the statutory mandates in NRS 633.434, i.e., to adopt regulations for the licensing of Physician Assistants.