

# State Board of Osteopathic Medicine

## Nevada Revised Statutes (NRS) Chapter 633

**Board members** (NRS 633.181 and 633.191)—The Board consists of seven members, appointed by the Governor, as follows:

- Five members must be licensed under Chapter 633 (“Osteopathic Medicine”) and actively engaged in the practice of osteopathic medicine for at least five years prior to appointment;
- One member must be a Nevada resident who represents the interests of persons or agencies that provide health care to indigent, uninsured, or low-income patients; and
- One member must be a Nevada resident who is not licensed to practice any healing arts, is not a relative of such a licensed person, or is not actively engaged in the administration of certain facilities pursuant to statute.

The Governor may replace any member who fails to attend meetings or to the business of the Board.

**Powers and duties of the Board**—The Board:

- Shall notify the Division of Public and Behavioral Health of the Department of Health and Human Services of certain sentinel events;
- Shall submit a biennial report to the Governor and Legislature concerning disciplinary actions, certain malpractice information, surgeries, and sentinel events;
- Shall adopt regulations necessary to carry out duties;
- May investigate any matter related to an application and require proof of qualifications;
- Shall conduct examinations and issue licenses;
- May discipline licensees;
- Shall conduct investigations after receiving certain reports concerning malpractice; and
- May delegate its authority to hearing officers or panels.

### **Operations of the Board—The Board:**

- Shall elect from its members its officers;
- May appoint an Executive Director; maintain offices; and employ attorneys, hearing officers, investigators, consultants, and support staff; and
- Shall keep records of its proceedings, including licensing and disciplinary actions, and shall cooperate, when feasible, with any other licensing board or other agency conducting an investigation.

### **Background**

#### **Legislation:**

- 1925—Assembly Bill 162 (Chapter 118, *Statutes of Nevada*)—Established the regulation of osteopathy; and created the State Board of Osteopathy consisting of three members appointed by the Governor;
- 1961—Senate Bill 216 (Chapter 227, *Statutes of Nevada*)—Authorized the Board to employ investigators and legal counsel; and revised numerous provisions relating to the examination, licensing, and practice of osteopathy;
- 1977—S.B. 139 (Chapter 473, *Statutes of Nevada*)—Renamed the Board as the State Board of Osteopathic Medicine; increased the members of the Board from three to five; and revised numerous provisions including providing for disciplinary actions and penalties; and
- 2003—S.B. 310 (Chapter 213, *Statutes of Nevada*)—Increased the Board to seven members by adding an additional licensed osteopath and a member to represent the interests of indigent, uninsured, and low-income patients.

**Legislative history**—The following legislative history has been compiled and is available on the website of the Research Library:

- 1977—[S.B. 139](#)—Sponsored by the Senate Committee on Commerce and Labor.

In addition, the bill pages for the following legislation are available on the Legislature's website:

- 2003—[S.B. 310](#)—Sponsored by Senate Maggie Carlton;

- 2017—[A.B. 328](#) (Chapter 424, *Statutes of Nevada*)—Sponsored by Assemblyman Keith Pickard, Assemblywoman Irene Bustamante Adams, Assemblywoman Shannon Bilbray-Axelrod, et al., and included provisions affecting the State Board of Osteopathic Medicine.

**Reports to the Legislature**—A biennial report to the Governor and the Legislature is required pursuant to NRS 633.286. The report is to include disciplinary actions taken by the Board, certain malpractice information as provided, and information relating to the number and types of surgeries and the occurrence of sentinel events arising from such surgeries. In 2011, the contents of the report were revised to delete provisions requiring the compilation of the number and type of remediation agreements approved by the Board (S.B. 273 [Chapter 243, *Statutes of Nevada*]).

- NRS 622.100 requires a report to the Director of the Legislative Counsel Bureau (LCB) including information relating to licensing and disciplinary actions. The State Board of Osteopathic Medicine has ten license types. (Senate Bill 69 [Chapter 518, *Statutes of Nevada 2017*] revised the reporting provisions.)

**Records held by the LCB:**

- *Biennial Report of Disciplinary Actions Taken Against Physicians for Malpractice or Negligence*, Nevada State Board of Osteopathic Medicine (series); and
- *Information and Background on Assembly Bill 290*, Nevada State Board of Osteopathic Medicine, 2001.

**Current contact**—Sandy Reed, Executive Director

**Website**—<http://bom.nv.gov>

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## STATE BOARD OF OSTEOPATHIC MEDICINE

### ADMINISTRATIVE REGULATIONS.

State Board of Osteopathic Medicine, [NAC 633.100-633.130](#)

**NRS 633.181 Number and appointment of members.** The State Board of Osteopathic Medicine consists of seven members appointed by the Governor.

(Added to NRS by [1977, 942](#); A [2003, 1192](#))

### **NRS 633.191 Qualifications of members.**

1. Five members of the Board must:

- (a) Be licensed under this chapter;
- (b) Be actually engaged in the practice of osteopathic medicine in this State; and
- (c) Have been so engaged in this State for a period of more than 5 years preceding their appointment.

2. One member of the Board must be a resident of the State of Nevada and must represent the interests of persons or agencies that regularly provide health care to patients who are indigent, uninsured or unable to afford health care. This member must not be licensed under the provisions of this chapter.

3. The remaining member of the Board must be a resident of the State of Nevada who is:

- (a) Not licensed in any state to practice any healing art;
- (b) Not the spouse or the parent or child, by blood, marriage or adoption, of a person licensed in any state to practice any healing art; and
- (c) Not actively engaged in the administration of any medical facility or facility for the dependent as defined in [chapter 449](#) of NRS.

(Added to NRS by [1977, 942](#); A [1985, 1767](#); [2003, 1192](#))

### NRS CROSS REFERENCES.

Residency requirements, qualifications of representatives of general public, [NRS 232A.020, 622.205](#)

### REVISER'S NOTE.

Ch. 213, Stats. 2003, which expanded the membership of the State Board of Osteopathic Medicine from five to seven members and which amended this section to revise the qualifications of certain members of the Board, contains the following provisions not included in NRS:

“Sec. 46. As soon as practicable after October 1, 2003, the Governor shall appoint to the State Board of Osteopathic Medicine pursuant to:

- 1. Subsection 2 of [NRS 633.191](#), one member whose term expires on September 30, 2006.
- 2. Subsection 1 of [NRS 633.191](#), one member whose term expires on September 30, 2007.

Sec. 47. 1. The amendatory provisions of this act do not abrogate or affect the current term of office of any member of a board or commission who is serving in that term on October 1, 2003.

\* \* \*

### **NRS 633.201 Terms and replacement of members.**

1. After the initial terms, members serve terms of 4 years, except when appointed to fill unexpired terms.

2. If a member fails to attend meetings of the Board or to the business of the Board, as determined necessary in its discretion, the Board shall notify the Governor, and the Governor shall appoint a person qualified under this chapter to replace the member for the remainder of the unexpired term.

(Added to NRS by [1977, 943](#); A [1981, 70](#))

### NRS CROSS REFERENCES.

Vacancies, [NRS 232A.020](#)

**NRS 633.211 Oaths of office.** Before entering upon the duties of his or her office, each member of the Board

shall take:

1. The constitutional oath of office; and
  2. An oath that the member is legally qualified to serve on the Board.
- (Added to NRS by [1977, 943](#))

**NRS CROSS REFERENCES.**

Text of oath, [Const. Art. 15 § 2](#)

**NRS 633.213 Acknowledgment of statutory ethical standards.**

1. Each member of the Board shall comply with the provisions of [NRS 281A.500](#).
  2. Each member of the Board shall provide a copy of the acknowledgment filed pursuant to [NRS 281A.500](#) to the Executive Director of the Board, and the Executive Director shall retain an acknowledgment provided pursuant to this section for 6 years after the date on which the acknowledgment was provided to the Executive Director.
- (Added to NRS by [2009, 1017](#))

**NRS 633.221 Officers.** The Board shall elect from its members a President, a Vice President and a Secretary-Treasurer, who shall hold their respective offices at the pleasure of the Board.

(Added to NRS by [1977, 943](#); A [2011, 1035](#))

**NRS 633.231 Meetings; quorum.**

1. The Board shall meet at least twice annually and may meet at other times on the call of the President or a majority of its members.
  2. A majority of the Board constitutes a quorum to transact all business.
- (Added to NRS by [1977, 943](#))

**NRS CROSS REFERENCES.**

Meetings of public agencies, [NRS ch. 241, 622.320](#)

**NRS 633.241 Salary of members; per diem allowance and travel expenses of members and employees.**

1. Each member of the Board is entitled to receive:
    - (a) A salary of not more than \$150 per day, as fixed by the Board, while engaged in its business; and
    - (b) A per diem allowance and travel expenses at a rate fixed by the Board, while engaged in the business of the Board. The rate must not exceed the rate provided for state officers and employees generally.
  2. While engaged in the business of the Board, each employee of the Board is entitled to receive a per diem allowance and travel expenses at a rate fixed by the Board. The rate must not exceed the rate provided for state officers and employees generally.
- (Added to NRS by [1977, 943](#); A [1981, 1992](#); [1983, 957](#); [1985, 444](#); [1989, 1698](#); [2007, 2947](#))

**NRS 633.251 Fiscal year.** The Board shall operate on the basis of a fiscal year commencing on July 1 and terminating on June 30.

(Added to NRS by [1977, 943](#))

**NRS 633.261 Payment of Board's expenses from fees; deposit of money received by Board.**

1. All reasonable expenses incurred by the Board in carrying out the provisions of this chapter shall be paid from the fees which it receives, and no part of the salaries or expenses of the Board may be paid out of the General Fund of the State Treasury.
2. All money received by the Board shall be deposited in banks, credit unions or savings and loan associations

in this State and shall be paid out on its order for its expenses.

(Added to NRS by [1977, 943](#); A [1999, 1533](#))

**NRS 633.271 Executive Director; offices; employees.** The Board may:

1. Appoint an Executive Director who is entitled to such compensation as is determined by the Board.
2. Maintain offices in as many localities in the State as it finds necessary to carry out the provisions of this chapter.
3. Employ attorneys, hearing officers, investigators and other professional consultants and clerical personnel necessary to the discharge of its duties.

(Added to NRS by [1977, 943](#); A [2001, 491](#); [2005, 261](#))

**NRS CROSS REFERENCES.**

Contracts for services to be in writing and approved, [NRS 284.013](#)

Employment of immediate relatives, conditions and limitations, [NRS 622.210-622.230](#)

**NRS 633.281 Oaths; subpoenas.**

1. For the purposes of this chapter:
  - (a) The Secretary of the Board, or in the Secretary's absence any member of the Board, or a hearing officer may administer oaths.
  - (b) The Secretary or President of the Board or a hearing officer or panel may issue subpoenas to compel the attendance of witnesses and the production of books and papers.
2. If any witness refuses to attend or testify or produce any books and papers as required by the subpoena, the Secretary or President of the Board may report to the district court by petition, setting forth that:
  - (a) Due notice has been given of the time and place of attendance of the witness or the production of the books and papers;
  - (b) The witness has been subpoenaed by the Board pursuant to this section; and
  - (c) The witness has failed or refused to attend or produce the books and papers required by the subpoena before the Board which is named in the subpoena, or has refused to answer questions propounded to him or her, and asking for an order of the court compelling the witness to comply with the subpoena.
3. Upon such petition, the court shall enter an order directing the witness to appear before the court at a time and place to be fixed by the court in its order, the time to be not more than 10 days after the date of the order, and then and there show cause why the witness has not complied with the subpoena. A certified copy of the order must be served upon the witness.
4. If it appears to the court that the subpoena was regularly issued by the Board, hearing officer or panel, the court shall enter an order that the witness appear before the Board, hearing officer or panel at the time and place fixed in the order and testify or produce the required books or papers, and upon failure to obey the order, the witness must be dealt with as for contempt of court.

(Added to NRS by [1977, 944](#); A [2005, 261](#))

**NRS 633.283 Board required to notify Division of Public and Behavioral Health of Department of Health and Human Services upon identification of certain sentinel events; confidentiality of information.**

1. The Board shall immediately notify the Division of Public and Behavioral Health of the Department of Health and Human Services if the Board identifies a sentinel event which is required to be reported by a medical facility pursuant to [NRS 439.835](#).
2. Except as otherwise provided in [NRS 239.0115](#), any information provided to the Division of Public and Behavioral Health pursuant to this section relating to the identification of a sentinel event is confidential, not subject to subpoena or discovery and not subject to inspection by the general public.

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(Added to NRS by [2009, 3071](#))

**NRS 633.286 Biennial report to Governor and Legislature.**

1. On or before February 15 of each odd-numbered year, the Board shall submit to the Governor and to the Director of the Legislative Counsel Bureau for transmittal to the next regular session of the Legislature a written report compiling:

(a) Disciplinary action taken by the Board during the previous biennium against osteopathic physicians and physician assistants for malpractice or negligence;

(b) Information reported to the Board during the previous biennium pursuant to [NRS 633.526](#), [633.527](#), subsections 3 and 6 of [NRS 633.533](#) and [NRS 690B.250](#) and [690B.260](#); and

(c) Information reported to the Board during the previous biennium pursuant to [NRS 633.524](#), including, without limitation, the number and types of surgeries performed by each holder of a license to practice osteopathic medicine and the occurrence of sentinel events arising from such surgeries, if any.

2. The report must include only aggregate information for statistical purposes and exclude any identifying information related to a particular person.

(Added to NRS by [2002 Special Session, 22](#); A [2003, 3442](#); [2005, 2516](#); [2007, 1835](#); [2009, 2981](#); [2011, 1035, 2864](#))

**NRS 633.291 Regulations: Generally.** The Board shall adopt and enforce regulations necessary to enable it to carry out its duties under this chapter, including but not limited to regulations which establish the principles of medical ethics to be used as the basis for determining whether conduct which does not constitute malpractice is unethical.

(Added to NRS by [1977, 944](#))

**NRS 633.293 Regulations governing supervision of medical assistants.** The Board may adopt regulations governing the supervision of a medical assistant, including, without limitation, regulations which prescribe limitations on the possession and administration of a dangerous drug by a medical assistant.

(Added to NRS by [2011, 2613](#))—(Substituted in revision for NRS 633.522)

**NRS 633.301 Records; confidentiality of certain records; exceptions.**

1. The Board shall keep a record of its proceedings relating to licensing and disciplinary actions. Except as otherwise provided in this section, the record must be open to public inspection at all reasonable times and contain the name, known place of business and residence, and the date and number of the license of every osteopathic physician and every physician assistant licensed under this chapter.

2. Except as otherwise provided in this section and [NRS 239.0115](#), a complaint filed with the Board, all documents and other information filed with the complaint and all documents and other information compiled as a result of an investigation conducted to determine whether to initiate disciplinary action against a person are confidential, unless the person submits a written statement to the Board requesting that such documents and information be made public records.

3. The charging documents filed with the Board to initiate disciplinary action pursuant to [chapter 622A](#) of NRS and all other documents and information considered by the Board when determining whether to impose discipline are public records.

4. The Board shall, to the extent feasible, communicate or cooperate with or provide any documents or other information to any other licensing board or any other agency that is investigating a person, including, without limitation, a law enforcement agency.

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(Added to NRS by [1977, 944](#); A [2003, 3442](#); [2005, 765](#); [2007, 1835](#), [2136](#); [2013, 2224](#))

**NRS CROSS REFERENCES.**

Administrative procedure, contested cases, [NRS ch. 622A](#)



Follow these instructions when filling out the form:

1. Download the form to your personal computer.
2. Complete the downloaded form using Adobe Reader.
3. Save the completed form to your personal computer.
4. Then send the saved form and any additional documents in PDF format to [cstonefield@lcb.state.nv.us](mailto:cstonefield@lcb.state.nv.us)

Submit by Email

**Information Concerning Board or Commission  
Subject to Review by the  
Sunset Subcommittee of the Legislative Commission**

as required by *Nevada Revised Statutes 232B.230*



**Board or commission name:**

State of Nevada Board of Osteopathic Medicine

**Members' names with  
expiration date of term, and  
indicate the number of  
vacancies:**

Ronald Hedger, D.O., President - Term Expires June 2020; Paul Mausling, D.O., Vice President - Term Expires September 2019; Nicole Cavenagh, Ph.D., Secretary/Treasurer, Public Member - Term Expires September 2019; Ricardo Almaguer, D.O. - Term Expires June 2018; Deane Milne, D.O. - Term Expires June 2020; Samir Pancholi, D.O. - Term Expires June 2021; Swadeep Nigam, Public Member - Term Expires June 2021.

**Physical address:**

2275 Corporate Circle Suite 210, Henderson Nevada 89074

**Mailing address:**

Nevada State Board of Osteopathic Medicine  
2275 Corporate Circle Suite 210, Henderson Nevada 89074

**Web site address (if any):**

[www.nsbom.org](http://www.nsbom.org)

**Web site developer** (if not EITS,  
please indicate if EITS approved  
the web site):

Keith Spresser- K3 Systems, Inc. (702) 498-1781  
Email: [keith@k3systems.com](mailto:keith@k3systems.com)

**Executive director's name and  
contact information:**

Sandra Reed, Executive Director  
Nevada State Board of Osteopathic Medicine  
2275 Corporate Circle Suite 210, Henderson Nevada 89074  
(702) 732- 2147

**Staff members' names including  
titles and status as full-time or  
part-time** (attach additional pages  
as necessary):

Nikki Montano, Administrative Assistant-full time; Tammy Sine, Licensing  
Specialist/Bookkeeper- full time; James Atchazo, Investigator- full time.

**Days and hours of operation:**

Monday-Friday; 8.00 a.m. to 5.00 p.m.

**Created by what authority:**

The Board was originally created in 1925 by the Nevada State Legislature for the  
protection safeguarding of the public. under AB162 and Chapter 118, where it defined

**Authority to adopt regulations  
(NRS) and citation to  
regulations (NAC), if applicable:**

NRS 633.291. Pursuant to this authority, the Board has created regulations codified as NAC  
Chapter 633.

**Information Concerning Board or Commission  
Subject to Review by the  
Sunset Subcommittee of the Legislative Commission**

List by LCB File No. and date of adoption the five regulations most recently adopted by the board or commission, with any applicable deadline for the adoption of any such regulation:

LCB # R116-17-December 13, 2017  
LCB # R069-16- December 13, 2016; ultimately withdrawn after approval, due to similar bill introduced by the Governor.  
LCB #R040-13 & LCB #R190-12 - February 11, 2014  
LCB R093-11-February 14, 2012

List any required regulations that have not been adopted, with any applicable deadline for the adoption of any such regulation. Please identify each such regulation by LCB File No., if available, or by reference to the provision of NRS or Statutes of Nevada requiring adoption of the regulation:

None.

Governing structure of the board or commission pursuant to statute:

NRS 633.181 allows for seven Board members appointed by the Governor. NRS 633.191 states that five Board members shall be licensed osteopathic physicians who have practiced for at least five years. One member must be a resident of Nevada who represents interests of those who provide healthcare to patients who are indigent,

Duties of the board or commission:

The Board's duties are to administer the provisions of the Nevada Revised Statutes (NRS) 633 and Nevada Administrative Code (NAC) chapter 633 to Osteopathic Physicians and Physician Assistants.  
-Reviewing applications to license osteopathic physicians and residents and physician assistants: NRS 633.305-633.371 / NAC 633.160 and 633.285.  
-Annual renewing of licenses for osteopathic physicians and residents and physician assistants: NRS 633.434, 633.471 / NAC 633.250  
-Licensing by reciprocity or endorsement for osteopathic physicians: NRS 633.399-400

Statement of the objectives and programs of the board or commission:

The Board's primary professional purpose is to abide by to the statute and regulations that govern the Board to ensure the highest standards of healthcare and professional conduct by the licensee for the protection of the health, safety, and welfare of the people of Nevada. Following are the Board's objectives and a demonstration of how the Board has been, presently is, and intends to meet each objective.

**Information Concerning Board or Commission  
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**Itemized list of services offered by the board or commission:**

The Board prides itself on its responsiveness to the public, its applicants, and its licensees. The Board's telephone is answered by the Board's Executive Director and staff, responding immediately to a caller's inquiries. Additional services offered by the Board include the following:

- Online and hard copy initial applications and renewal of licenses for all disciplines.
- Online access to all forms necessary to applicants, registrants and the public.
- Work with outside entities to verify if actions occurred against licensees.
- Receive and investigate complaints for all licensees on any matter.
- Prosecuting disciplinary matters as needed.

**Dates of the immediately preceding six meetings and the online location where the minutes can be found:**

February 13, 2018; January 9, 2018; December 13, 2017; November 14, 2017; October 10, 2017; and, September 12, 2017.

Minutes are located at: <http://nsbom.org/LicensingPublic/minutes.jsp>

**Statutory tax exemptions, abatements, or money set aside for the board or commission:**

Pursuant to NRS 372.325, the Board is exempt from paying Nevada sales/use tax.

Pursuant to §115 of the Internal Revenue Code, income of states and municipalities is not subject to federal income tax. According to the Internal Revenue Codes, gross income does not include: (1) income derived from any public utility or the exercise of any governmental

**Description of the manner in which the board or commission is funded, including all funding sources:**

The Nevada State Board of Osteopathic Medicine is funded by the license, renewal and administrative fees collected by the agency. The board receives no funds from the state general fund.

**Please identify any forms required by the board or commission to be used by members of the public which are not available for downloading from the web site of the board or commission:**

All of our forms are available on our web site at: [www.nsbom.org](http://www.nsbom.org) or [www.bom.nv.gov](http://www.bom.nv.gov). However, we must email electronic or hard copies of fingerprint cards to applicants, which are not on the web site.

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Does the board or commission have any recommendations for consolidation with another board or commission? If so, which one(s) could be revised to include the charge to the board or commission that is the subject of this review?

No. The Board exists to fulfill the statutes/regulations set by the Legislature. They currently remain relevant and necessary to ensure the health and well being of the general public. The loss of essential core services would have great impact, since the Board and its well-trained staff has the specific expertise and knowledge for qualification, verification, examination, licensing and enforcement of disciplinary matters pertaining to the practices of osteopathic physicians, physician residents and physician assistants. The care and oversight the Board and staff give to ensure the licensees are properly trained would lose its effectiveness/efficiency if there was consolidation of our Board with another Board.

Does the board or commission believe that its objectives and programs have been effective in accomplishing the purposes for which the board or commission was created? Please explain the response with any information the board or commission believes is relevant:

The Board believes that it meets its objectives in all respects. The board licenses new applicants efficiently, even participating in the Interstate Medical Licensure Compact, a state legislature-approved, national, physician cooperation licensing agreement among member states, to ensure qualified physicians may practice in other states through an efficient reciprocal licensing process. Qualified physicians who come to the Board through the Interstate Compact can be licensed in as few as 10 days from receipt of the application. Qualified physicians applying for license reciprocity from other states are

Any recommendations for statutory changes which are necessary for the board or commission to carry out its objectives and programs:

None.

If additional space is necessary, please attach additional pages and refer to the attachments on the form.

Please include with this form:

1. The operating budget of the board or commission.
2. A statement setting forth the income and expenses of the board or commission for at least 3 years immediately preceding the date on which the board or commission submits this form, including the balances of any fund or account maintained by or on behalf of the board or commission.
3. The most recent legislative audit or other audit of the board or commission, and any efficiency studies or constituent or staff surveys conducted in the past 3 years.
4. Any reports required to be filed with the Legislative or Executive Branch over the past 3 years. Please indicate if any reports were filed late or have not been filed.
5. A copy of the organizational chart showing the governing structure of the board or commission and its staff.
6. A copy of the most recent strategic plan of the board or commission.

For occupational and professional licensing boards and commissions, please provide the following additional information:

1. Statement of the fee charged for each license, certificate, registration, permit, or other similar authorization issued by the board or commission.
2. Statement of how frequently each license, certificate, registration, permit, or other similar authorization issued by the board or commission must be renewed and the fee charged for such renewal.
3. For each license, certificate, registration, permit, or other similar authorization issued by the board or commission, list the fee charged for an equivalent license, certificate, registration, permit, or other similar authorization in each of the following states: Arizona, California, Idaho, Oregon, and Utah.
4. For each license, certificate, registration, permit, or other similar authorization issued by the board or commission, provide a statement of how frequently an equivalent license, certificate, registration, permit, or other similar authorization must be renewed and the fee charged for such renewal in the following states: Arizona, California, Idaho, Oregon, and Utah.

# STATE OF NEVADA



## BOARD OF OSTEOPATHIC MEDICINE

### REPORT PREPARED FOR THE SUNSET SUBCOMMITTEE OF THE LEGISLATIVE COMMISSION

## 2017-2018 INTERIM

STATE OF NEVADA



BOARD OF OSTEOPATHIC MEDICINE  
2275 CORPORATE CIRCLE SUITE 210  
HENDERSON, NEVADA 89074  
TELEPHONE: (702) 732-2147/FAX: (702) 732-2079  
SREED@BOM.NV.GOV

**March 7, 2018**

**Dear Members of the Sunset Subcommittee of the Legislative Commission:**

**The Nevada State Board of Osteopathic Medicine is pleased to submit this Report as a supplement to the form requested by the Sunset Subcommittee of the Legislative Commission. The Board's hope and intent with this Report is to demonstrate the effectiveness of the Board and its staff in carrying out its responsibilities consistent with statutes, regulations, positive administrative practice, and the public's interest.**

**Our Board members and I look forward to working closely with the committee and its staff during the review process.**

**Respectfully submitted,**

**Sandra Reed  
Executive Director**

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### SUPPLEMENTAL DOCUMENTATION

Tab 1. The Operating Budget of the Board for 2017-2018

Tab 2. Income and Expenses for fiscal year-end 2017, 2016, and 2015

Tab 3. Audit FY-2017

Tab 4. Legislative Reports

Tab 5. Organization Chart

## I. The Nevada State Board of Osteopathic Medicine

The Nevada State Board of Osteopathic Medicine was established under the provisions of NRS 633. The board is comprised of nine members, appointed by the governor for four-year terms. Each member may only serve two four-year terms. There are five licensed osteopathic physicians, and two public members, one of which should work in the mental health field. The board's mission is to protect and safeguard the public by licensing and disciplining well-educated and competent Doctors of Osteopathy and Physician Assistants. The board is responsible for the licensing, regulation and enforcement of the occupations of osteopathic physicians and physician assistants licensed to practice in the state of Nevada. The board reviews and approves applications for osteopathic physicians and residents and physician assistants.

## II. Present Board Members

The present members of the Board are listed in the following table:

Member Name	Term	Status
Ronald Hedger, D.O.	Term Expires June 2020	President, Osteopathic Physician
Paul Mausling, D.O.	Term Expires September 2019	Vice-President, Osteopathic Physician
Nicole Cavenagh, Ph.D.	Term Expires September 2019	Secretary/Treasurer, Neuropsychologist, Public Member
Ricardo Almaguer, D.O.	Term Expires June 2018	Osteopathic Physician
Samir Pancholi, D.O.	Term Expires June 2021	Osteopathic Physician
Swadeep Nigam	Term Expires June 2021	Public Member

## III - IV. The Board's Physical and Mailing Address

Nevada State Board of Osteopathic Medicine  
2275 Corporate Circle Suite 210  
Henderson, NV 89074

## V-VI. The Board's Website and Web Developer

The Board's website is: [www.nsbom.org](http://www.nsbom.org) or [www.bom.nv.gov](http://www.bom.nv.gov). The website first became available to licensees and the public in 2000. It was originally constructed and maintained by the Department of Informational Technology (DOIT, now EITS). In 2007, the Board improved the functionality of the website using an outside developer, K3 Systems. Contact information for K3 Systems is: Keith Spresser, Owner, K3 Systems, Inc. / Email - [Keith@k3systems.com](mailto:Keith@k3systems.com) / Telephone - (702) 498-1781.



## VII. The Board's Executive Director

The Board employs a full-time Executive Director, Ms. Sandra Reed, who has served the Board as its Executive Director for over one year. Her contact information is:

Sandra Reed, Executive Director  
Nevada State Board of Osteopathic Medicine  
2275 Corporate Circle Suite 210  
Henderson, Nevada 89074  
Telephone: (702) 732-2147 Facsimile: (702) 7322079  
E-mail: [sreed@bom.nv.gov](mailto:sreed@bom.nv.gov)

## VIII. The Board's Staff

Position	Name	Status	Telephone	E-Mail address web-site:
Executive Director	Sandra Reed	Full -time	(702) 732-2147	<a href="mailto:sreed@bom.nv.gov">sreed@bom.nv.gov</a>
Administrative Assistant	Nikki Montano	Full -time	(702) 732-2147	<a href="mailto:nmontano@bom.nv.gov">nmontano@bom.nv.gov</a>
Licensing Specialist/Bookkeeper	Tammy Sine	Full -time	(702) 732-2147	<a href="mailto:tsine@bom.nv.gov">tsine@bom.nv.gov</a>
Investigator	James Atchazo	Full -time	(702) 732-2147	<a href="mailto:jatchazo@bom.nv.gov">jatchazo@bom.nv.gov</a>

## IX. Created by What Authority

The Board was created in 1925 by the Nevada State Legislature under AB162 and Chapter 118, where it defined osteopathy and created the Board for the protection of the public. The statute was substantively revised and amended NRS 633 in 1977 to modernize the practice act, and the statute has been subject to additional occasional amendments and updates. The Board currently enforces NRS and NAC chapters 633. The Board approves the licensee applications and oversees the standards of conduct for osteopathic physicians and physician assistants. The Board also takes disciplinary action against physicians and physician assistants who have violated the statutes or regulations. The Board also approves the annual renewal of licenses.

## X. Authority to Adopt Regulations and Citation to Regulations

The following provisions authorize the Board to create regulations: NRS 633.291, NRS 633.293, NRS 633.315, NRS 633.419, NRS 633.434, NRS 633.466, NRS 633.473, and NRs 633.524. All regulations promulgated by the Board can be found in NAC chapter 633.

## XI. Five Most Recently Adopted Regulations

LCB # R116-17-December 13, 2017

LCB # R069-16- December 13, 2016; approved, but later withdrawn, due to similar bill by the Governor.

## **XII. Any Required Regulations That Have Not Been Adopted**

None.

## **XIII. Governing Structure of the Board**

NRS 633.181 allows for seven Board members appointed by the Governor. NRS 633.191 states that five Board members shall be licensed osteopathic physicians who have practiced for at least five years. One member must be a resident of Nevada who represents interests of those who provide healthcare to patients who are indigent, uninsured, or unable to afford health care; and one member must be a public member who is not licensed to practice in healing arts.

The Board meets monthly (except for July) in Henderson, Nevada. Members who live in Northern Nevada attend telephonically. The Board will hold special meetings as needed, usually to vote on legislative related matters.

## **XIV. Duties of the Board**

NRS 633 and NAC Chapter 633 allow various duties for the Board to perform, which include:

The Board's duties are to administer the provisions of the Nevada Revised Statutes (NRS) 633 and Nevada Administrative Code (NAC) chapter 633 to Osteopathic Physicians and Physician Assistants.

- **Reviewing applications to license osteopathic physicians and residents and physician assistants:** NRS 633.305-633.371 / NAC 633.160 and 633.285.
- **Annual renewing of licenses for osteopathic physicians and residents and physician assistants:** NRS 633.434, 633.471 / NAC 633.250
- **Licensing by reciprocity or endorsement for osteopathic physicians:** NRS 633.399-400 (Osteopathic Physicians) and NRS 633.4335-4336 (Physician Assistants).
- **Investigating complaints;** NRS 633.524-541 and NRS 633.731
- **Conducting disciplinary proceedings;** NRS 633.621-633.681 / NAC 633.287 and NAC 633.400-490
- **Investigating and prosecuting unprofessional activity;** NRS 633.542 and NRS 633.711-741
- **Setting and enforcing practice standards;** NRS 633.291 and NRS 633.731 / NAC 633.340-370
- **Administration and public information;** NRS 633.181-301 / NAC 633.100-130

## XV. Statement of the Objectives and Programs of the Board

The Board's primary professional purpose is to abide by the statute and regulations that govern the Board to ensure the highest standards of healthcare and professional conduct by the licensee for the protection of the health, safety, and welfare of the people of Nevada. Following are the Board's objectives and a demonstration of how the Board has been, presently is, and intends to meet each objective.

### LICENSING

**STATEMENT OF OBJECTIVE: Licensing osteopathic physicians, osteopathic residents and physician assistants. The Board's primary objective is to license all qualified applicants promptly and courteously.**

The Board licenses osteopathic physicians, osteopathic residents and physician assistants after determining that they have attained the necessary education and have passed the requisite national examinations. For qualified applicants who do not have derogatory information in their background, the Board usually issues an initial license to both osteopathic physicians and physician assistants within 45 days from receipt of the application. Special Licenses are typically issued in less than 30 days, as there is a difference in required documentation.

Deserving of particular note is the Board's participation in the Interstate Medical Licensure Compact. The Board was one of the founding boards. Through this process, which is now in effect, reciprocity licenses for osteopathic physicians through the Interstate Medical Licensure Compact are issued within 10 days of receipt.

Since 2015, the Board's licensee counts show slow but steady growth. The present number of licensed active osteopathic physicians is 1145 and 160 physician assistants to date, totaling 1305—a difference of 134 since 2015 (+11%). The total current number of licensees (active and inactive) is 1616. In 2015, the total was 1372; indicating growth of 244 licenses (+18%). The following table documents the changes in licensure since 2015:

Year	Osteopathic Physicians	Osteopathic Residents	Physician Assistants	Inactive Licenses- DO & PA Combined	Interstate Medical Licensure Compact Osteopathic Physicians
2018	1145	207	160	93	11
2017	1172	205	146	78	5
2016	1074	167	117	79	N/A
2015	1006	165	115	86	N/A

Pursuant to NRS 633.471 and NAC 633.250, osteopathic physicians must show proof of obtaining 35 hours of continuing education credits obtained in the previous calendar year. Ten hours must be 1A courses which are approved by the American Osteopathic Association. According to NRS 633.471, at least one third of licensees must be audited and submit hard copy proof of continuing education credits earned to ensure compliance with the requirements for continuing education.

Pursuant to NAC 633.285, physician assistants must show proof of obtaining 20 hours of continuing education credits obtained in the previous calendar year and that they have retained their certification from the National Commission on Certification of Physician Assistants. When it is discovered that a licensee has not completed all of the requisite continuing education, the Board will issue a fine based on the lack of deficient continuing medical education credits.

## ISSUING SPECIAL LICENSES

**STATEMENT OF OBJECTIVE: The Board issues Special Licenses for residents who engage in the practice of osteopathic medicine. The residents are under strict supervision by a licensed osteopathic physician before issued a full license by the Board.**

The applicant must be a graduate of an accredited school of osteopathic medicine and pay to the Board, the Special License fee of \$200.00. This license does not entitle the licensee to engage in the private practice of osteopathic medicine. The Special License must be renewed annually.

Per NRS 633.311(d)(3), a resident in Nevada may apply for full licensure after completing two years of residency, and may take a third year of residency with the stipulation of proof of completion within 120 days ending the third year. Currently, the Board has 207 osteopathic physician residents.

## DISCIPLINARY PROCESS

**STATEMENT OF OBJECTIVE: The Board wants to ensure that the public experience a user-friendly and clear process to file complaints. Plus, the Board ensures a thorough and timely investigation process for each complaint that meets the requirements of the statute/regulations. The Board ensures confidentiality of complainants and publicly posts certain complaints when applicable.**

A complaint against one of the Board's licensees is initiated through the receipt of a complaint completed on an electronic form on the web site for which the Administrative Assistant checks the website daily for new complaints. A complaint form also may be printed from the web site and completed manually, and then can be sent to the Board via fax or U.S. mail. The Board investigates every complaint. All complaints are first reviewed by the Board's Executive Director, and are then forwarded to the staff Investigator, who obtains the information needed from the complainant and respondent. The complaint is then assigned to an Investigative Board Member (IBM), who reviews the complaint to oversee all future direction and proceedings related to the complaint. At times, with complex complaints, the board's counsel will assist with the investigation and complaints- particularly, if prosecution may be warranted. The IBM will determine the outcome of each complaint.

If the IBM determines that a case should proceed to a formal disciplinary action, the Board's staff prepares the formal documents for filing and service upon the licensee. Most of the Board's complaints are dismissed or resolved through negotiations among the licensee, IBM, Executive Director and the Board's counsel. The serious and complex complaints that present novel issues, or cannot be resolved through negotiations, are heard at a formal disciplinary hearing with the IBM present. Formal hearings are conducted by a hearings

officer who makes findings of fact and conclusions of law which are subsequently reviewed by the entire Board prior to the imposition of discipline based thereon. All settlement agreements must be approved by the full Board at a public meeting.

The following table details the Board's complaints and disciplinary activities for the past five years:

Year	Complaints Received	Complaints Dismissed	Letter of Caution Issued	Formal* Disciplinary Complaints	Formal* Disciplinary Orders of Suspension or Revocation	Settlement Agreements
2018	16 (to date)	15	5	1	1	1
2017	119	76	33	0	0	1
2016	118	82	30	1	0	6
2015	122	86	25	1	1	4
2014	129	95	34	3	1	9

\*Public

## ADMINISTRATIVE OBJECTIVES

**STATEMENT OF OBJECTIVE:** The Board's objectives regarding its administration are: (1) to assure that all of the Board's funds are wisely and effectively collected and spent to keep the costs to the Board's licensees to a minimum; (2) to assure that the public has useful and simple access to the Board's resources and processes; and (3) to continually improve the Board's operations and functions.

**BOARD FUNDING** - The Board receives no general funds from the state. Rather, the Board operates solely upon licensing and administrative fees. The Board's fee for a new applicant licenses are as follows: osteopathic physicians - \$600.00; osteopathic residents - \$200.00; and physician assistants - \$400.00. Renewal license fees are as follows: osteopathic physicians - \$450.00; osteopathic residents - \$200.00; and physician assistants - \$250.00. The Board changed license/renewal fees several times over the years. Renewal fees for osteopathic physicians were increased from \$400 to \$500.00 in 2009; then reduced to \$450.00 in 2014. Physician Assistant license fees were \$800.00 (half paid by their supervising physicians); and reduced in 2008 to a flat \$400.00 when the new licensing regulations were implemented. Physician Assistant renewals were \$400.00 until 2015, when they were reduced to \$250.00.

The Board retains an independent auditing firm annually. None of the Board's independent audits indicated irregularities or concerns with the Board's financial management practices. The Board provides copies of these audits annually to the Department of Administration and to the Legislative Counsel Bureau. Pursuant to the request of the Committee, attached is the following: Tab 1. - Operating Budget Fiscal Years 2017-2018, 2016-2017 and 2015-2016. Tab 2. - Income/Expense Reports and Balance Sheets for the same fiscal years; Tab 3. - FY 2016-2017 Audit; Tab 4. - Legislative Reports information; and, Tab 5. - Organization Chart.

**PUBLIC ACCESSIBILITY** – The Board attempts to make its processes and resources available to the public it serves. Recent initiatives to increase or assure public access include:

- Continual Website Improvement – The Board knows that the public accesses its website regularly for information and assistance. To improve the look and feel of the website, the Board underwent a redesign of its website that was performed by a private firm in 2007.

- Newsletter Distribution – The Board distributes an informative newsletter that addresses important topics, general Board information, special announcements and new and impending legislation.
- Open Regulatory Process –The Board has always made its regulatory process transparent and open to the public. For example, this past year the Board requested public input for a new regulation requiring continuing medical education requirements for controlled substance prescribing and suicide prevention. The regulation was developed after two laws AB474 and AB105 were passed by the legislature in 2017, addressing controlled substance abuse and suicide prevention needs. In 2017, the Board posted a public notice, held a public workshop and public hearing. The Board ultimately approved the regulation, which was approved by the Legislative Commission in 2018.

## **XVI. Itemized List of Services Offered by the Board**

The Board prides itself on its responsiveness to the public, its applicants, and its licensees. The Board's telephone is answered by the Board's Executive Director and staff, responding immediately to a caller's inquiries. Additional services offered by the Board include the following:

- Online and hard copy initial applications and renewal of licenses for all disciplines.
- Online access to all forms necessary to applicants, registrants and the public.
- Work with outside entities to verify if actions occurred against licensees.
- Receive and investigate complaints for all licensees on any matter.
- Prosecuting disciplinary matters as needed.
- Board staff regularly interacts with and respond to routine questions from licensees, agencies and the public.
- Distribution of a Board newsletter to licensees and other interested parties.
- Resources available about the Board, statute, regulations and policies on the web site.

## **XVII. Dates of the Immediately Preceding Six Meetings**

- February 13, 2018
- January 9, 2018
- December 13, 2017
- November 14, 2017
- October 10, 2017
- September 12, 2017

## **XVIII. Statutory Tax Exemptions, Abatements, or Money Set Aside**

- Pursuant to NRS 372.325, the Board is exempt from paying Nevada sales/use tax.

- Pursuant to §115 of the Internal Revenue Code, income of states and municipalities is not subject to federal income tax.
- According to the Internal Revenue Codes, gross income does not include: (1) income derived from any public utility or the exercise of any governmental function and accruing to a state or any political subdivision thereof, or the District of Columbia, or (2) income accruing to the government of any possession of the United States, or any political subdivision thereof.
- Pursuant to §1001 of the Internal Revenue Code, state and local governments are exempt from Social Security, except that beginning July 2, 1991, Social Security and Medicare HI coverage is mandatory for State and local government employees who meet the following conditions:
  - They are not members of a public retirement system; and
  - They are not covered under a Section 218 agreement, unless excluded by law.

## **XIX. Funding of the Board**

The Nevada State Board of Osteopathic Medicine is funded by the license, renewal and administrative fees collected by the agency. The board receives no funds from the state general fund.

## **XX. Publicly Available or Unavailable Forms**

All of our forms are available on our web site at: [www.nsbom.org](http://www.nsbom.org) or [www.bom.nv.gov](http://www.bom.nv.gov). However, we must e-mail electronic or hard copies of fingerprint cards to applicants, which are not on the web site.

## **XXI. Recommendation for Consolidation**

No. The Board exists to fulfill the statutes/regulations set by the Legislature. They currently remain relevant and necessary to ensure the health and well-being of the general public. The loss of essential core services would have great impact, since the Board and its well-trained staff has the specific expertise and knowledge for qualification, verification, examination, licensing and enforcement of disciplinary matters pertaining to the practices of osteopathic physicians, physician residents and physician assistants. The care and oversight the Board and staff give to ensure the licensees are properly trained would lose its effectiveness/efficiency if there was consolidation of our Board with another Board. Any elimination or consolidation of services by this Board would cause the standards to which our licensees are held to diminish significantly, likely impacting the public protection and confidence in the occupations we oversee.

## **XII. Effectiveness of the Board in Meeting Its Objectives**

The Board believes that it meets its objectives in all respects. The board licenses new applicants efficiently, even participating in the Interstate Medical Licensure Compact, a state legislature-approved, national, physician cooperation licensing agreement among member states, to ensure qualified physicians may practice in other states through an efficient reciprocal licensing process. Qualified physicians who come to the Board through the Interstate Compact can be licensed in as few as 10 days from receipt of the application. Qualified physicians applying for license reciprocity from other states are typically licensed

within 30 days from receipt of the application. The Board may work with other agencies as needed when investigating practitioners who exhibit unprofessional conduct and/or a low standard of care. The Board is typically able to resolve most complaints without the cost and disruption of a disciplinary hearing. The Board also maintains good working relationships with Boards and other entities, in-state and out-of-state. Therefore, the Board believes that it is definitely meeting and likely exceeding objectives

### **XIII. Recommendations for Statutory Changes**

None.



## Supplemental Information

For occupational and professional licensing boards and commissions, please provide the following additional information:

### 1. Statement of the fee charged for each license issued by the board or commission.

Please see the table, below, indicating the fee type and amount.

LICENSE TYPE	TOTAL FEE	NEW LICENSE FEE	FINGERPRINT FEES	COMMENTS
<b>NEW:</b>				
Osteopathic Physician	\$670.00	\$600.00	\$70.00	\$370 if approved after 07/01 or veteran
Physician Assistant	\$470.00	\$400.00	\$70.00	\$270 if approved after 07/01 or veteran
Residents	\$200.00	\$200.00	\$0.00	
Temporary License	\$200.00	\$200.00	\$0.00	
Compact Licenses - Member	\$600.00	\$600.00	\$0.00	\$300 if approved after 07/01 or veteran
Compact License - SPL	\$300.00	\$300.00	\$0.00	
<b>RENEWALS:</b>	<b>Annual Renewals</b>		<b>RENWAL DATE</b>	
Osteopathic Physician	\$450.00	Active Military \$0	12/31	
Physician Assistant	\$250.00	Active Military \$0	12/31	
Residents	\$200.00		1 year from issue date	
Inactive	\$200.00			
Compact Licenses - Member	\$450.00		12/31	
Compact Licenses - SPL	\$450.00		12/31	
Temporary License	Non-Renewable			

### 2. Statement of how frequently each license, certificate, registration, permit, or other similar authorization issued by the board or commission must be renewed and the fee charged for such renewal.

Osteopathic physicians and physician assistants are required to renew their registration annually by December 31st of each year. Osteopathic residents with Special Licenses renew one year from the issue date. See table, above, for renewal fee information.

### 3. For each license, certificate, registration, permit, or other similar authorization issued by the board or commission, list the fee charged for an equivalent license, certificate, registration, permit, or other similar authorization in each of the following states: Arizona, California, Idaho, Oregon, and Utah.

### 4. For each license, certificate, registration, permit, or other similar authorization issued by the board or commission, provide a statement of how a registration, permit, or other similar authorization must be renewed and the fee charged for such renewal in the following states: Arizona, California, Idaho, Oregon, and Utah.

See tables below in response to 3 & 4 above.

#### ARIZONA

	D.O.	P.A. **	Locum Tenens	Resident
Initial	\$400	\$495	\$300	\$50
Renewal*	\$636	\$370	No renewal must reapply	\$50**

**\*\*AZ Osteopathic Board does not license Physician Assistants-they are licensed through the AZ Physician Assistant Board.**

**\*Renewal fees due every two years by May 1<sup>st</sup>**

**\*\*Residents renew annually by May 1<sup>st</sup>**

**No military rate or inactive licenses**

#### CALIFORNIA

	D.O.	P.A. **	Inactive
Initial	\$249	\$200	D.O. - \$437
Renewal*	\$437	\$312	D.O. - \$437

**\*\*CA Osteopathic Board does not license Physician Assistants-they are licensed through the CA Physician Assistant Board**

**CA Osteopathic Board does not license or permit locum tenens or residents**

**\*Renewal fees due every two years on licensee's birth month**

**No military rate**

#### IDAHO

	D.O.*	P.A.**	Locum Tenens	Resident	Inactive
Initial	\$500	\$200	\$100	\$10 – Student \$20 - Residents	D.O. - \$100 P.A. - \$100
Renewal*	\$250	\$100	No renewal must reapply	No renewal fee	D.O. - \$100 P.A. - \$100

**\*Annual renewal fees due June 30<sup>th</sup>.**

**\*\*P.A. may choose to renew every year or every two years**

**No military rate**

**OREGON**

	<b>D.O.*</b>	<b>P.A.*</b>	<b>Locum Tenens</b>	<b>Resident</b>	<b>Military</b>	<b>Inactive</b>
<b>Initial</b>	\$979	\$725	\$979	\$185 *	D.O. - \$929 P.A. - \$675	D.O. - \$929 P.A. - \$675
<b>Renewal*</b>	\$560	\$436	\$560	Must reapply	D.O. - \$510 P.A. - \$386	D.O. - \$510 P.A. - \$386

\*Renewal is every two years by March 31<sup>st</sup>

\*Residents must pay annually.

**UTAH**

	<b>D.O.*</b>	<b>P.A.*</b>	<b>D.O. Restricted Associate Physician</b>	<b>Inactive</b>
<b>Initial</b>	\$200	\$180	\$200	D.O. - \$50 P.A. - \$180
<b>Renewal*</b>	\$183	\$123	\$183	D.O. - \$50 P.A. - \$123

\*Renewal is every two years by May 31<sup>st</sup>

No military rate