

NEVADA STATE BOARD OF MEDICAL EXAMINERS

9600 Gateway Drive
Reno, NV 89521

Aury Nagy, M.D.
Board President



Edward O. Cousineau, J.D.
Executive Director

❖ **PUBLIC NOTICE** ❖

**NEVADA STATE BOARD OF MEDICAL EXAMINERS
REGULATION PUBLIC HEARING**

Conference Room at the Offices of the Nevada State Board of
Medical Examiners
9600 Gateway Drive, Reno, Nevada 89521

Videoconferenced to:

Conference Room at the Offices of the Nevada State Board of
Medical Examiners
325 E. Warm Springs Road, Suite 225, Las Vegas, Nevada 89119

April 14, 2023 – 10:00 a.m.

*** AGENDA ***

Please Note:

- Persons wishing to attend this public hearing may do so at either of the above-listed locations.
- Agenda items, other than those items posted with a specific time, may be taken out of sequence or may be combined for consideration by the Deputy Executive Director to accommodate persons appearing at the public hearing and/or to aid in the effectiveness of the hearing.
- Items may be pulled or removed from the Agenda at any time.
- Certain Agenda items, or portions thereof, may be conducted in closed session, in accordance with NRS 241.030.
- Public comment is scheduled under Agenda Item 2, at the beginning of the meeting, and again under Agenda Item 4, at the end of the meeting, and may also be called for at other times throughout the meeting by the Deputy Executive Director. When these Agenda items are called, members of the general public may bring matters not appearing on this Agenda to the attention of the Deputy Executive Director. The Board may discuss the matters, but may not act on the matters at this meeting. If the Board desires, the matters may be placed on a future Agenda for action. In consideration of others, who may also wish to provide public comment, please avoid repetition and limit your comments to no more than four (4) minutes.
- Prior to the commencement and conclusion of a contested case or a quasi-judicial proceeding that may affect the due process rights of an individual, the Board may refuse to consider public comment. See NRS 233B.126.

1. Call to Order and Introductions

2. Public Comment

Members of the public are invited to provide public comment. No action will be taken regarding this comment at this hearing. Public comment may be limited to four (4) minutes at the discretion of the Deputy Executive Director.

3. Public hearing on the Board's regulations pursuant to Governor Lombardo's Executive Order 2023-003 (for discussion only)

Public comment regarding the Board's Notice of Intent to Act Upon a Regulation issued on March 14, 2023, pursuant to Executive Order 2023-003 is welcomed and will be accepted. Any written comment received by 10:00 a.m. on April 14, 2023, will be read into the record.

4. Public Comment

Members of the public are invited to provide public comment. No action will be taken regarding this comment at this hearing. Public comment may be limited to four (4) minutes at the discretion of the Deputy Executive Director.

5. Adjournment (for possible action)

NOTICES POSTED AT THE FOLLOWING:

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| Nevada State Board of Medical Examiners | Reno, NV |
| Nevada State Board of Medical Examiners | Las Vegas, NV |
| Office of the Attorney General | Carson City |
| Office of the Attorney General | Las Vegas, NV |
| State Library and Archives | Carson City, NV |
| Nevada Public Notice Website | www.notice.nv.gov |
| Nevada State Board of Medical Examiners: | https://medboard.nv.gov/ |
| LCB Notice Website | https://www.leg.state.nv.us |

PLEASE NOTE:

- 1) Persons/facilities desiring copies of the Board's agenda must submit their request in writing every twelve (12) months. Check the address label for this agenda for expiration date.
- 2) With regard to any Board meeting, it is possible that an amended notice will be published adding new items to the original agenda. Amended notices will be posted in accordance with the Open Meeting Law.
- 3) Members of the public who are disabled and require special accommodations or assistance at the meeting are requested to notify the Board office in writing at 9600 Gateway Drive, Reno, NV 89521, or by calling (775) 324-9380, prior to the date of the meeting.
- 4) Anyone desiring supporting material for the meeting is invited to call Mercedes Fuentes at 775-324-9380. Supporting material for the meeting is available at the Board's office at 9600 Gateway Drive, Reno, Nevada 89521.



Nevada State Board of Medical Examiners

NOTICE OF INTENT TO ACT UPON REGULATION

Notice of Hearing for the Review and Possible Amendment of Regulations of the
Nevada State Board of Medical Examiners

The Nevada State Board of Medical Examiners (Board) will hold a public hearing at 10 a.m., on Friday, April 14, 2023, at the Board's Reno office located at 9600 Gateway Drive, Reno, Nevada 89521, with video-conferencing to the Board's Las Vegas office located at 325 E. Warm Springs Road, Suite 225, Las Vegas, Nevada 89119.

The purpose of the hearing is to comply with Nevada Governor Lombardo's Executive Order 2023-003, specifically to (1) vet recommended changes to the Board's regulations, as shown below, (2) solicit input as to the merits of those changes, and (3) identify other regulatory changes stakeholder feel are worthy of consideration.

The Board has reviewed its regulations pursuant to Executive Order 2023-003, and suggests that the licensure of perfusionists may not be necessary and suggests that the following regulations regarding perfusionists be repealed:

NAC 630.700, NAC 630.710, NAC 630.720, NAC 630.730, NAC 630.740, NAC 630.750, NAC 630.760, NAC 630.770, NAC 630.780, and NAC 630.790. The full text of these regulations to possibly be repealed has been provided in Attachment 1.

A copy of this Notice will be available at the offices of the Board at 9600 Gateway Drive, Reno, Nevada 89521 and 325 E. Warm Springs Road, Suite 225, Las Vegas, Nevada 89119, for inspection and copying by members of the public during business hours and on the Board's website, <https://medboard.nv.gov/>. Copies of this Notice will also be mailed to members of the public at no charge upon request.

Persons wishing to comment upon the regulations identified for possible repeal or any other regulations of the Nevada State Board of Medical Examiners may appear at the scheduled public hearing or may address their comments, data, views, or arguments, in written form, to the Nevada State Board of Medical Examiners, 9600 Gateway Drive, Reno, Nevada 89521. Written submissions must be received by the Nevada State Board of Medical Examiners on or before 10 a.m. on Friday, April 14, 2023. If no person who is directly affected by the proposed action appears to request time to make an oral presentation, the Nevada State Board of Medical Examiners may proceed immediately to act upon any written submissions.

This Notice has been posted at the following locations:

Nevada State Board of Medical Examiners - Reno, NV

Nevada State Board of Medical Examiners - Las Vegas, NV

Office of the Attorney General - Carson City, NV

Office of the Attorney General - Las Vegas, NV

State Library and Archives – Carson City, NV

Nevada State Board of Medical Examiners Website: <https://medboard.nv.gov/>

Nevada Public Notice Website: <https://medboard.nv.gov/>

LCB Notice Website: <https://www.leg.state.nv.us>

Attachment 1

PERFUSIONISTS

NAC 630.700 Application for license. ([NRS 630.130](#), [630.269](#), [630.2691](#))

1. An application for licensure as a perfusionist must be made on a form provided by the Board. The application must set forth:

- (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, each high school and postsecondary institution attended by the applicant, the dates of attendance and whether the applicant is a graduate of those schools and institutions;
- (d) If the applicant has ever applied for a license or certificate to practice perfusion in another state or jurisdiction, the date and disposition of the application;
- (e) The training and experience of the applicant in the practice of perfusion;
- (f) If the applicant has ever been investigated for misconduct in the practice of perfusion, had a license or certificate to practice perfusion revoked, modified, limited or suspended or had any disciplinary action or proceeding instituted against the applicant by a licensing body in another state or jurisdiction, the dates, circumstances and disposition of each such occurrence;
- (g) If the applicant has ever been convicted of a felony or any offense involving moral turpitude, the dates, circumstances and disposition of each such occurrence;
- (h) If the applicant has ever been investigated for, charged with or convicted of the use or illegal sale or dispensing of a controlled substance, the dates, circumstances and disposition of each such occurrence; and
- (i) Each place of residence of the applicant after the date of graduation of the applicant from high school or the receipt by the applicant of a high school general equivalency diploma, whichever occurred most recently.

2. An applicant must submit to the Board:

(a) Proof that the applicant is a citizen of the United States or that the applicant is lawfully entitled to remain and work in the United States.

(b) Proof of completion of a perfusion education program that satisfies the requirements of [NRS 630.2691](#). For the purpose of that section, the following perfusion education programs shall be deemed approved by the Board:

(1) Any perfusion education program completed by the applicant on or before June 1, 1994, which was approved by the Committee on Allied Health Education and Accreditation of the American Medical Association;

(2) Any perfusion education program completed by the applicant after June 1, 1994, which was accredited by the Accreditation Committee-Perfusion Education and approved by the Commission on Accreditation of Allied Health Education Programs of the American Medical Association, or its successor; or

(3) Any other perfusion education program completed by the applicant, the educational standards of which the Board determines are at least as stringent as those established by the Accreditation Committee-Perfusion Education and approved by the Commission on Accreditation of Allied Health Education Programs of the American Medical Association, or its successor.

(c) Except as otherwise provided in [NRS 630.2693](#), proof of passage of the certification examination given by the American Board of Cardiovascular Perfusion or its successor, as required by [NRS 630.2692](#).

(d) Such further evidence and other documents or proof of qualifications as are required by the Board.

3. Each application must be signed by the applicant and sworn to before a notary public or other officer authorized to administer oaths.

4. The application must be accompanied by the applicable fee.

5. An applicant shall pay the reasonable costs of any examination required for licensure.

(Added to NAC by Bd. of Medical Exam'rs by R079-10, eff. 12-16-2010; A by R093-12, 2-20-2013; R036-13, 2-26-2014)

NAC 630.710 Grounds for rejection of application. ([NRS 630.130](#), [630.269](#)) The Board may reject an application for licensure as a perfusionist if the Board determines that:

1. The applicant is not qualified or is not of good moral character or reputation;

2. Any credential submitted by the applicant is false; or

3. The application is not made in proper form or is otherwise deficient.

(Added to NAC by Bd. of Medical Exam'rs by R079-10, eff. 12-16-2010)

NAC 630.720 Contents of license. ([NRS 630.130](#), [630.269](#)) A license to practice perfusion issued by the Board must contain:

1. The name of the perfusionist;

2. The duration of the license, as determined pursuant to [NRS 630.2695](#); and

3. Any limitation or requirement applicable to the license that is prescribed by the Board.

(Added to NAC by Bd. of Medical Exam'rs by R079-10, eff. 12-16-2010)

NAC 630.730 Primary location of practice. ([NRS 630.130](#), [630.269](#)) Before providing perfusion services, a perfusionist must notify the Board, on a form prescribed by the Board, of the name and location of the primary location of practice of the perfusionist. The form must be signed by the perfusionist.

(Added to NAC by Bd. of Medical Exam'rs by R079-10, eff. 12-16-2010)

NAC 630.740 Renewal of license; continuing education; notice of renewal. ([NRS 630.130](#), [630.269](#))

1. The license of a perfusionist may be renewed biennially. Except as otherwise provided in subsection 2, each person licensed as a perfusionist shall, at the time of the renewal of his or her license, provide satisfactory proof to the Board that he or she has completed during the biennial licensing period at least 30 hours of continuing education units that have been approved for credit by the American Board of Cardiovascular Perfusion. The continuing education units must be completed in the various categories of continuing education recognized by the American Board of Cardiovascular Perfusion, as follows:

(a) At least 15 hours, not less than 2 hours of which must be related to medical ethics, must be completed in Category I approved continuing education, which may include, without limitation, such activities as:

(1) Attendance at an international, national, regional or state meeting relating to perfusion.

(2) Publication of a book, chapter or article relating to perfusion.

(3) Presenting or addressing at an international, national, regional or state meeting relating to perfusion.

(4) Completion of a self-directed continuing education course relating to perfusion.

(b) Not more than 15 hours may be completed in Category II or Category III approved continuing education, which may include, without limitation, such activities as:

(1) Attendance at an international, national, regional, state or local meeting relating to perfusion that has not been approved for Category I credit.

(2) Attendance at a manufacturer-specific or company-sponsored educational activity that was not equally accessible to all perfusionists.

(3) Attendance at a medically-related international, national, regional, state or local meeting that has not been approved for Category I credit.

(4) Attendance at advanced cardiac life-support training that has not been approved for Category I credit.

(5) Individual education and other self-study activities that have not been approved for Category I credit.

2. If the perfusionist was licensed only during the second year of a biennial licensing period, he or she must attain and prove upon his or her renewal application the completion during the biennial licensing period of at least 16 hours of continuing education units that have been approved for credit by the American Board of Cardiovascular Perfusion, as follows:

(a) At least 8 hours, not less than 2 hours of which must be related to medical ethics, must be completed in Category I approved continuing education activities; and

(b) Not more than 8 hours must be completed in Category II and Category III approved continuing education activities.

3. The notice of renewal that the Board is required to send to a licensed perfusionist pursuant to [NRS 630.2695](#) will be sent to the last known address of the perfusionist on record with the Board.

4. The Board may issue not more than 15 hours of continuing education units during a biennial licensing period to a licensed perfusionist if the perfusionist performs a medical review for the Board. The hours issued by the Board:

(a) May be credited against the hours required for a biennial licensing period pursuant to subsection 1 or 2; and

(b) Must be equal to the actual time involved in performing the medical review, not to exceed 15 hours.

(Added to NAC by Bd. of Medical Exam'rs by R079-10, eff. 12-16-2010; A by R035-13, 2-26-2014)

NAC 630.750 Fee for reinstatement of expired license. ([NRS 630.130](#), [630.269](#)) The fee for the reinstatement of an expired license pursuant to [NRS 630.2695](#) is an amount equal to twice the current amount of the fee for the biennial renewal of the license.

(Added to NAC by Bd. of Medical Exam'rs by R079-10, eff. 12-16-2010)

NAC 630.760 Performance of authorized services; identification; misrepresentation. ([NRS 630.130](#), [630.269](#))

1. The services that a perfusionist may be authorized to perform under the order and supervision of a physician must be commensurate with the education, training, experience and level of competence of the perfusionist.

2. A perfusionist shall at all times while on duty wear a placard, plate or insigne which identifies himself or herself as a perfusionist.

3. A perfusionist shall not represent himself or herself in any manner that would tend to mislead a patient or the general public.

(Added to NAC by Bd. of Medical Exam'rs by R079-10, eff. 12-16-2010)

NAC 630.770 Grounds for discipline or denial of licensure. ([NRS 630.130](#), [630.269](#))

1. A perfusionist is subject to discipline pursuant to [chapter 630](#) of NRS or denial of licensure by the Board if, after notice and hearing, the Board finds that the perfusionist:

(a) Willfully and intentionally made a false or fraudulent statement or submitted a forged or false document in applying for or renewing a license.

(b) Performed perfusion services other than as permitted by law.

(c) Committed malpractice in the performance of perfusion services, which may be evidenced by claims settled against the perfusionist.

(d) Disobeyed any order of the Board or an investigative committee of the Board or violated any provision of this chapter or [chapter 630](#) of NRS.

(e) Is not competent to provide perfusion services.

(f) Lost his or her certification by the American Board of Cardiovascular Perfusion or its successor organization.

(g) Failed to notify the Board of loss of certification by the American Board of Cardiovascular Perfusion or its successor organization within 30 days after the loss of certification.

(h) Falsified or altered records of health care.

(i) Rendered perfusion services to a patient while under the influence of alcohol or any controlled substance or in any impaired mental or physical condition.

(j) Practiced perfusion after his or her license as a perfusionist had expired or been revoked or suspended.

(k) Has been convicted of a felony, any offense involving moral turpitude or any offense relating to the practice of perfusion or the ability to practice perfusion.

(l) Has had a license to practice perfusion revoked, suspended, modified or limited by another state or jurisdiction or has surrendered such a license or discontinued the practice of perfusion while under investigation by any licensing authority, a medical facility, a branch of the Armed Forces of the United States, an insurance company, an agency of the Federal Government or any employer.

(m) Engaged in any sexual activity with a patient who was being treated by the perfusionist.

(n) Engaged in disruptive behavior with physicians, hospital personnel, patients, members of the family of a patient or any other person if the behavior interferes with the care of a patient or has an adverse impact on the quality of care rendered to a patient.

(o) Engaged in conduct which brings the profession of perfusion into disrepute, including, without limitation, conduct that violates any of the following ethical guidelines:

(1) A perfusionist shall at all times hold the well-being of his or her patients paramount and shall not act in such a way as to bring the interests of the perfusionist into conflict with the interests of his or her patients.

(2) A perfusionist shall not engage in conduct that violates the trust of a patient and exploits the relationship between the perfusionist and the patient for financial or other personal gain.

(3) A perfusionist shall not delegate licensed responsibilities to a person who is not qualified to perform those responsibilities.

(p) Engaged in sexual contact with a surrogate of a patient or with any person related to a patient, including, without limitation, a spouse, parent or legal guardian of a patient, that exploits the relationship between the perfusionist and the patient in a sexual manner.

(q) Made or filed a report that the perfusionist knew to be false, failed to file a record or report as required by law or willfully obstructed or induced another person to obstruct any such filing.

(r) Failed to report to the Board any person that the perfusionist knew, or had reason to know, was in violation of any provision of this chapter or [chapter 630](#) of NRS relating to the practice of perfusion.

(s) Has been convicted of a violation of any federal or state law regulating the prescription, possession, distribution or use of a controlled substance.

(t) Held himself or herself out or permitted another person to represent the perfusionist as a licensed physician.

(u) Violated any provision that would subject a person to discipline pursuant to [NRS 630.301](#) to [630.3065](#), inclusive, or [NAC 630.230](#).

2. A person who has been licensed as a perfusionist by the Board but is not currently licensed, has surrendered his or her license or has failed to renew his or her license may be disciplined by the Board upon hearing a complaint for disciplinary action against the person.

(Added to NAC by Bd. of Medical Exam'rs by R079-10, eff. 12-16-2010)

NAC 630.780 Examination to determine fitness to practice. ([NRS 630.130](#), [630.269](#))

1. If the Board or any investigative committee of the Board has reason to believe that the conduct of any perfusionist has raised a reasonable question as to his or her competence to practice as a perfusionist with reasonable skill and safety to patients, the Board or investigative committee may order that the perfusionist undergo a mental or physical examination or an examination testing his or her competence to practice as a perfusionist by physicians or any other examination designated by the Board or investigative committee to assist the Board or investigative committee in determining the fitness of the perfusionist to practice perfusion.

2. Every perfusionist who applies for or is issued a license and who accepts the privilege of performing perfusion services in this State shall be deemed to have given consent to submit to an examination pursuant to subsection 1 if directed to do so in writing by the Board or investigative committee.

3. For the purpose of this section, the report of testimony or examination by the examining physicians does not constitute a privileged communication.

4. Except in extraordinary circumstances, as determined by the Board, the failure of a perfusionist to submit to an examination if directed to do so pursuant to this section constitutes an admission of the charges against the perfusionist. A default and final order may be entered without the taking of testimony or presentation of evidence.

5. A perfusionist who is subject to an examination pursuant to this section shall pay the costs of the examination.

(Added to NAC by Bd. of Medical Exam'rs by R079-10, eff. 12-16-2010)

NAC 630.790 Advisory committee. ([NRS 630.130](#), [630.269](#))

1. The Board will appoint three perfusionists to an advisory committee. To the extent practicable, each appointee must have lived in and actively and continuously practiced perfusion in this State for at least 3 years before his or her appointment.

2. The Board will give each appointee written notice of his or her appointment and term of office and a written summary of any projects pending before the advisory committee.

3. At the request of the Board, the advisory committee shall review and make recommendations to the Board concerning any matter relating to perfusionists.

(Added to NAC by Bd. of Medical Exam'rs by R079-10, eff. 12-16-2010)