

LCB File No. R243-03

**PROPOSED REGULATION OF THE BOARD
OF MEDICAL EXAMINERS**

**NOTICE OF WORKSHOPS TO SOLICIT COMMENTS ON
PROPOSED REGULATIONS
OF THE NEVADA STATE BOARD OF MEDICAL EXAMINERS
AND
NOTICE OF INTENT TO ACT UPON
PROPOSED REGULATIONS
OF THE NEVADA STATE BOARD OF MEDICAL EXAMINERS**

The Nevada State Board of Medical Examiners is proposing the adoption, amendment, and repeal of regulations pertaining to Chapter 630 of the Nevada Administrative Code. Two (2) Workshops have been set for the purpose of soliciting comments from interested persons on the adoption of the regulations.

The first workshop will be conducted, on Thursday, January 29, 2004, at the Sawyer State Office Building, 555 E. Washington Avenue, Room #4700, Las Vegas, Nevada, at the hour of 10:00 o'clock a.m., or as soon thereafter as it may be conducted on that date.

The second workshop will be conducted, on Friday, January 30, 2004, at the Offices of the Board at 1105 Terminal Way, Suite 301, Reno, Nevada, at the hour of 10:00 o'clock a.m., or as soon thereafter as it may be conducted on that date.

The purpose of the workshops is to receive comments from all interested persons regarding the adoption, amendment, or repeal of regulations pertaining to Chapter 630 of the Nevada Administrative Code.

After the workshops are conducted, and all interested persons have had the opportunity to appear and make comments on the proposed regulations;

The Nevada State Board of Medical Examiners will hold a public hearing at 9:30 a.m. on Friday, March 12, 2004, or as soon thereafter as it may be heard on that date at the offices of the Board at 1105 Terminal Way, Suite 301, Reno, Nevada.

The purpose of the hearing is to receive comments from all interested persons regarding the adoption, amendment, or repeal of the Regulations set out hereinafter pertaining to Chapter 630 of the Nevada Administrative Code.

The following information is provided pursuant to the requirements of NRS 233B.060:

The proposed amendments are necessary to allow the Board to require additional training, certification, peer review, or testing for the biennial registration period commencing July 1, 2007, and for the biennial registration periods commencing July 1, 2017 and July 1, 2027, respectively, for renewal of a license to practice medicine in the state of Nevada. This requirement is in addition to the forty (40) hours of Category 1 Continuing Medical Education required of licensees during the biennial period.

The Nevada State Board of Medical Examiners is charged by statute with determining the initial and continuing proficiency of Doctors of Medicine (M.D.). The purpose of this proposed regulation is to protect the public by establishing some requirement that physicians who have already been licensed and are authorized to practice medicine in the state of Nevada provide the Nevada State Board of Medical Examiners with some demonstration of their proficiency to continue the practice of medicine in the state of Nevada. Nevada is one of the first states to consider such requirements for its licensed physicians.

The proposed changes to Chapter 630 of the Nevada Administrative Code are set out hereinafter.

The adoption, amendment, and repeal of these regulations will create no adverse economic effect on the public but may require expenditure of funds by physicians in order to qualify for biennial re-registration.

The Nevada State Board of Medical Examiners will not have additional costs incurred to administer the regulations adopted in these sections.

The proposed adoption, amendment, or repeal of these regulations do not overlap or duplicate any regulations of other state or local agencies, nor do they overlap or duplicate a federal regulation, nor are they required pursuant to federal law.

The proposed adoption, amendment, or repeal of these regulations do not establish any new fee(s).

Persons wishing to comment on the proposed adoption, amendment, or repeal of these regulations 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, 1105 Terminal Way, Suite 301, P. O. Box 7238, Reno, Nevada 89510. Written submissions must be received by the Board on or before five (5) days prior to the date set for the hearing. If no person 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.

A copy of this notice and the proposed adoption, amendment, or repeal of these regulations will be on file at the State Library, 100 Stewart Street, Carson City, Nevada, for inspection by members of the public during business hours. Additional copies of the notice and the regulations to be adopted, amended, or repealed will be available at the offices of the Nevada State Board of Medical Examiners, 1105 Terminal Way, Suite 301, Reno, Nevada, and in all counties in which an office of the Board is not maintained, at the main public library, for inspection and copying by members of the public during business hours. This notice and the text of the proposed regulations are also available in the State of Nevada Register of Administrative Regulations which is prepared and

published monthly by the Legislative Counsel Bureau pursuant to NRS 233B.0653 and on the Internet at <http://www.leg.state.nv.us>. Copies will also be mailed to members of the public upon request. A reasonable fee may be charged for copies if it is deemed necessary.

Upon adoption of any regulation, the agency, if requested to do so by an interested person, either before adoption or within thirty (30) days thereafter, will issue a concise statement of the principal reasons for and against its adoption, and incorporate therein its reason for overruling the consideration urged against its adoption.

This notice of hearing has been posted at the following locations:

Washoe County Court House - Reno, Nevada
Reno City Hall - Reno, Nevada
Elko County Court House - Elko, Nevada
White Pine County Court House - Ely, Nevada
Clark County Health Department - Las Vegas, Nevada
Las Vegas Office of the State Attorney General
Carson City Office of the State Attorney General
Reno Office of the Nevada State Board of Medical Examiners
Carson City Public Library - Carson City, Nevada
Churchill County Public Library - Fallon, Nevada
Clark County Public Library - Las Vegas, Nevada
Douglas County Public Library - Minden, Nevada
Elko County Public Library - Elko, Nevada
Esmeralda County Public Library - Goldfield, Nevada
Eureka County Public Library - Eureka, Nevada
Humboldt County Public Library - Winnemucca, Nevada
Lander County Public Library - Battle Mountain, Nevada
Lincoln County Public Library - Pioche, Nevada
Lyon County Public Library - Yerington, Nevada
Mineral County Public Library - Hawthorne, Nevada
Nye County Public Library - Tonopah, Nevada
Pershing County Public Library - Lovelock, Nevada
Storey County Public Library - Virginia City, Nevada
White Pine County Public Library - Ely, Nevada

Further, this notice has been mailed to every physician who has a license to practice medicine in the state of Nevada.

DATED: This 29th day of December, 2003.

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**PROPOSED REGULATION OF THE BOARD
OF MEDICAL EXAMINERS**

NAC CHAPTER 630

Authority: NRS 630.003, 630.130, and 630.253

Chapter 630 of the Nevada Administrative Code is hereby amended by adding thereto a new section to read as follows:

NAC 630.____, Requirements for Biennial Registration.

1. In addition to all other requirements for biennial registration, effective at the biennial registration period commencing July 1, 2007 and for the biennial registration periods commencing July 1, 2017 and July 1, 2027, respectively, no physician licensee shall be registered to practice medicine in the state of Nevada for that biennial registration period unless at the commencement of that biennial registration period the licensee has demonstrated continuing proficiency to practice medicine by accomplishing one of the following:

a. Hold current certification and required to recertify by a member board of the American Board of Medical Specialties; or,

b. Maintain active or associate hospital privileges (or privileges to assist in surgery) at a Joint Commission on Accreditation of Healthcare Organizations (JACHO) hospital or hospital-affiliated surgical or medical center for the two years preceding the commencement of the biennial registration period; or if practicing as a pathologist, be associated with a laboratory accredited by the College of American Pathologists for the two years preceding the commencement of the biennial registration period; or if practicing as a Radiologist, be associated with a radiation facility accredited in one or more modalities by the American College of Radiology for the two years preceding the commencement of the biennial registration period; or, pass a board approved peer review of the licensee's medical practice, at the licensee's cost, for the ten year period preceding the biennial registration period, to be conducted by a physician licensee, approved by the board, who practices in the same scope of practice as the licensee being reviewed.

The peer review must include, but is not limited to, a personal interview with the licensee and a review of randomly selected patient charts of the licensee reflecting patient treatment for the preceding ten year period; or,

c. Have taken and passed during the ten year period preceding the biennial registration period one of the following examinations at the licensee's cost:

i. The Special Purpose Examination (SPEX);

ii. The United States Medical Licensing Examination (USMLE);

iii. A practice specialty module of the Special Purpose Examination (SPEX);

iv. Any other formal examination, which has been validated under "Standards for Educational and Psychological Testing," developed jointly by the American Educational Research Association, the American Psychological Association and the National Council On Measurement in Education, and approved by the Board.

2. Any licensee whose unique practice circumstances so warrant may apply to the board for an exception to the requirements of subparagraphs a, b, c and d., of paragraph 1., and may, at the board's discretion and approval, be permitted to demonstrate continuing proficiency by such other means as the board may deem comparable and appropriate.