

**LCB File No. T021-03**

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

**NOTICE OF WORKSHOPS TO SOLICIT COMMENTS ON  
PROPOSED TEMPORARY REGULATIONS  
OF THE NEVADA STATE BOARD OF MEDICAL EXAMINERS  
AND  
NOTICE OF INTENT TO ACT UPON  
PROPOSED TEMPORARY 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, Tuesday, April 29, 2003, at the hour of 10:00 o'clock a.m., or as soon thereafter as it may be conducted on that date, at the offices of the Board at 1105 Terminal Way, Suite 301, Reno, Nevada.

The second workshop will be conducted, Wednesday, April 30, 2003, at the hour of 11:00 o'clock a.m., or as soon thereafter as it may be conducted on that date, at the Sawyer State Office Building, 555 E. Washington Avenue, Room #4412E, Las Vegas, Nevada.

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 4:30 p.m. on Friday, May 30, 2003, 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 on a biennial basis prior to renewal of a license to practice medicine in the state of Nevada. This requirement is in addition to the forty (40) hours of Category I, 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 competency 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 competency 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.

Member boards of the American Board of Medical Specialties through initial certification and recertification, measure the competency of the physicians who are specialists certified by that Board.

Hospitals accredited by the Joint Commission on Accreditation of Healthcare Organizations (JACHO) are required to credential physicians who practice at that hospital, and such credentialing procedures measure the competence of that physician to practice within the area of practice in which the hospital has credentialed him.

A board-approved peer review of a physician's practice is a review conducted by other physicians selected and approved by the Nevada State Board of Medical Examiners. Such a peer review is designed to identify any issues in a physician's practice that bear on the physician's competency to safely practice medicine in Nevada.

The Federation of State Medical Boards of the United States, Inc., administers the Special Purpose Examination (SPEX). This examination tests a physician's basic medical knowledge and is designed to identify to the Nevada State Board of Medical Examiners physicians who lack the necessary basic medical knowledge and competency to practice safely.

Again, the purpose of all the methods to periodically demonstrate competency to practice medicine in Nevada on Nevada patients set forth in this proposed regulation is to protect Nevadans from the practice of medicine by licensed physicians who may not be competent to do so. A very comprehensive evaluation of competency procedure is already in place to evaluate new physicians coming to practice medicine in Nevada for the first time.

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 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

DATED: This \_\_\_\_ day of March, 2003.

NEVADA STATE BOARD OF MEDICAL EXAMINERS

---

CHERYL A. HUG-ENGLISH, M.D., President

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

**NAC CHAPTER 630**

**AUTHORITY:** NRS 630.003, 630.130, and 630.253

**Section 1.** 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*

*In addition to all other requirements for biennial registration - including the requirement for Continuing Medical Education – effective at the biennial registration period commencing July 1, 2005, and for each biennial registration period thereafter, no physician licensee shall be registered to practice medicine in the state of Nevada for a biennial registration period unless at the commencement of such biennial registration period the licensee has demonstrated continuing competency to practice medicine by accomplishing one of the following:*

- 1. Holding current certification or re-certification by a member board of the American Board of Medical Specialties; or*
- 2. If certified by a member board of the American Board of Medical Specialties and not required to re-certify by the rules of such board to remain certified, have maintained active or associate hospital privileges at a Joint Commission on Accreditation of Healthcare Organizations (JACHO)-certified hospital or hospital affiliated surgical/medical center for the two years preceding the commencement of the biennial registration period; or*
- 3. If not certified by a member board of the American Board of Medical Specialties, maintained active or associate hospital privileges at two (2) JACHO-certified hospitals or hospital-affiliated surgical/medical centers for the two years preceding the commencement of the biennial registration period; or*
- 4. Pass a Board approved peer review of the licensee’s practice at the licensee’s cost during the ten (10) years preceding the biennial registration period; or*
- 5. Within the ten (10) years preceding the commencement of the biennial registration period have taken and passed the Special Purpose Examination (SPEX) and/or one of its specialty modules of the Federation of State Medical Boards of the United States, Inc., with a minimum score of seventy-five percent (75%) or passed such other formal examination at the licensee’s cost as may be approved at the board’s discretion.*