

LCB File No. R054-05

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

(This proposed regulation was previously adopted as T026-05)

(Replaces previous draft posted June 14, 2005)

**NOTICE OF WORKSHOP
TO SOLICIT COMMENTS ON PROPOSED REGULATIONS AND**

**NOTICE OF HEARING
FOR THE AMENDMENT OF REGULATIONS OF THE
NEVADA STATE BOARD OF MEDICAL EXAMINERS**

Workshop Notice: The Nevada State Board of Medical Examiners, 1105 Terminal Way, Suite 301, Reno, Nevada 89502, is proposing the amendment of regulations pertaining to Chapter 630 of the Nevada Administrative Code. A workshop and public hearing have been set for the purpose of soliciting comments from interested persons on the adoption of the amendments of the regulations.

The workshop will be conducted **Wednesday, August 10, 2005, at the hour of 10:00 o'clock a.m.**, or as soon thereafter as it may be conducted on that date, at the Grant Sawyer State Office Building, 555 E. Washington Avenue, Room #4412E, Las Vegas, Nevada.

Action – Proposed amendment of NAC Regulation 630.080

1. Time and attempt limit to successfully complete the USMLE

Public Hearing Notice: The Nevada State Board of Medical Examiners will hold a **public hearing at 10:00 o'clock a.m., on Monday, August 29, 2005**, 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 amendment of Nevada Administrative Code Sections 630.560(1) and NAC 630.050(4). If no interested person, who is directly affected by the proposed action, appears to request time to make an oral presentation, the Board may proceed immediately to act upon any written submissions.

The proposed amendments are necessary to insure the competency of physicians, physician assistants and practitioners of respiratory care licensed by the Board.

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

- The proposed amendments are needed to ensure the competency of physicians, physician assistants and practitioners of respiratory care licensed to practice medicine and respiratory therapy in the State.
- The proposed amendments will not have a direct economic effect on the business of the practice of medicine or respiratory therapy or any other business or on the public.
- Enforcement of the proposed amendments will not result in an increased cost to the Nevada State Board of Medical Examiners.
- To the Board's knowledge, the proposed amendments do not overlap or duplicate the regulations of other State or local governmental agencies.
- The proposed amendments do not establish any new fees or increases to existing fees.
- The proposed amendments do not affect small businesses in any way.

Persons wishing to comment on the proposed action 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 89510-7238. **Written submissions must be received by the Board on or before five (5) days prior to the date set for the public hearing.**

A copy of this notice and the regulations to be amended will be on file at the State Library, 100 N. 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 amended 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 regulations to be amended 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 adoption.

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

Washoe County Courthouse – Reno, Nevada
Reno City Hall – Reno, Nevada
Elko County Courthouse – Elko, Nevada
White Pine County Courthouse – Ely, Nevada
Clark County Health Department – Las Vegas, Nevada
Carson City Office of the State Attorney General
Las Vegas 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
Las Vegas Public Library – Las Vegas, Nevada
Douglas County Public Library – Minden, Nevada
Elko County Public Library – Elko, Nevada
Goldfield Public Library – Goldfield, Nevada
Eureka Branch Public Library – Eureka, Nevada
Humboldt County Public Library – Winnemucca, Nevada
Lincoln County Public Library – Pioche, Nevada
Lyon County Public Library – Yerington, Nevada
Mineral County Public Library – Hawthorne, Nevada
Tonopah Public Library – Tonopah, Nevada
Pershing County Public Library – Lovelock, Nevada
Storey County Public Library – Virginia City, Nevada
Washoe County Public Library – Reno, Nevada
White Pine County Public Library – Ely, Nevada
Battle Mountain Branch Public Library – Battle Mountain, Nevada

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

AUTHORITY: NRS 630.003, 630.130, 630.275, and 233B.040

Section 1. NAC 630.080 is hereby amended to read as follows:

NAC 630.080 Examinations. (NRS 630.130, 630.160, 630.180, 630.318)

1. For the purposes of paragraph (e) of subsection 2 of NRS 630.160, an applicant for a license to practice medicine must pass:

(a) A written examination concerning the statutes and regulations relating to the practice of medicine in this State; and

(b) Except as otherwise provided in subsection 2, an examination, designated by the Board, to test the competency of the applicant to practice medicine, including, without limitation:

(1) The Special Purpose Examination;

(2) An examination testing competence to practice medicine conducted by physicians; or

(3) Any other examination designed to test the competence of the applicant to practice medicine.

2. The Board will deem an applicant to have satisfied the requirements of paragraph (b) of subsection 1 if, within 10 years before the date of an application for a license to practice medicine in this State, the applicant has passed:

(a) Part III of the examination given by the National Board of Medical Examiners;

(b) Component II of the Federation Licensing Examination;

(c) Step III of the United States Medical Licensing Examination;

(d) All parts of the examination to become a licentiate of the Medical Council of Canada;

(e) The examination for primary certification or recertification by a specialty board of the American Board of Medical Specialties and received primary certification from that board; or

(f) The Special Purpose Examination.

3. For any examination conducted by the Board for a license to practice medicine, an applicant must answer correctly at least 75 percent of the questions propounded. The Board will use the weighted average score of 75, as determined by the Federation of State Medical Boards of the United States, Inc., to satisfy the required score of 75 percent for passage of the Special Purpose Examination and the United States Medical Licensing Examination.

4. The Board will authorize the Federation of State Medical Boards of the United States, Inc., to administer the Special Purpose Examination or the United States Medical Licensing Examination on behalf of the Board.

5. For the purposes of subparagraph (3) of paragraph (c) of subsection 2 of NRS 630.160, a person must pass Steps I, II and III of the United States Medical Licensing Examination within 7 years after the date on which the person first took any step of the United States Medical Licensing Examination, and a person is limited to a combined maximum of 9 attempts to pass Steps I, II and III of the United States Medical Licensing Examination. For those persons who are M.D. / Ph.D. candidates, the person must pass Steps I, II and III of the United States Medical Licensing Examination within 10 years after the date on which the person first took any step of the United States Medical Licensing Examination, and a person is

limited to a combined maximum of 9 attempts to pass Steps I, II and III of the United States Medical Licensing Examination.

6. An applicant for a license to practice medicine and a person who holds a license to practice medicine shall pay the reasonable costs of any examination required for licensure and any examination ordered pursuant to NRS 630.318.