

Chapter 630 of NAC

ADOPTED TEMPORARY REGULATION OF THE
NEVADA STATE BOARD OF MEDICAL EXAMINERS

LCB File No. T016-06

Filed with the Secretary of State on May 11, 2007

Explanation – Matter in *italics* is new; matter in brackets ~~[omitted material]~~ is material to be omitted.

AUTHORITY: NRS 630.130

NAC 630.____ is hereby added to read as follows:

NAC 630.____ Physicians with conceded eminence. (NRS. 630.130, 630.160, 630.263, 630.1605)

The Board may issue a special restricted license to an applicant who is a foreign medical doctor by virtue of the applicant's conceded eminence and authority in the applicant's specialty, in certain circumstances, where:

- (a) *“Conceded eminence and authority in the applicant's specialty,” as used in this section, means recognized prominence, preeminence and leadership in a specialty or subspecialty of medicine, as demonstrated by academic training, as well as teaching, specialty certificate, professional awards and honors, and authorship of published scholarly articles and papers, or comparable equivalents.*
- (b) *“Center of international renown,” as used in this section, means a tax-exempt facility that is recognized internationally as a cutting edge research and traditional treatment center for one or more serious mental or physical human health-related conditions, or those approved by the Governor, and the University of Nevada Medical School.*
- (c) *The applicant for a conceded eminence license shows that he/she meets the requirements set forth in NRS 630.160, or NRS 630.1605, or the academic equivalent of those requirements.*
- (d) *The applicant must be recommended to the Board, in writing, by the dean, president or director of a tax exempt research center of international renown in Nevada or the University of Nevada Medical School, that intends to hire the applicant, and the proposed appointment to the staff of the Center or the University of Nevada Medical School, must be detailed as to position*

description, duties, length of appointment, etc., and any other information that would be helpful to the Board in making its licensing decision.

- (e) The primary emphasis of the applicant's anticipated position must be on medical research in association with a recognized research facility, or the University of Nevada Medical School.*
- (f) The applicant is expected to receive an appointment to the institution or program making the recommendation under section (c), above.*
- (g) The applicant has not failed an international or national licensing examination that would prevent licensure in this state.*
- (h) The applicant has passed a Nevada medical jurisprudence examination as required by Board rule.*
- (i) The applicant is of good professional character and is not subject to denial of a license under any other jurisdiction's laws or regulations for misconduct or disciplinary reasons, and whose license has not been denied, nor has he been disciplined, by another jurisdiction.*
- (j) The applicant has been licensed to practice medicine, and is currently so licensed in good standing, either nationally or internationally, and he is not under investigation by any licensing board.*
- (k) The applicant has satisfactorily completed identifiable and substantial training in the applicant's specialty area of medicine. "Identifiable" means that the scope, content, and durations of the training may be verified by Board staff. "Substantial" means at least three years in a residency-training program, or the academic equivalent, and at least two years in a fellowship-training program, or the academic equivalent.*
- (l) The applicant has received at least one professional award for excellence in his or her specialty or subspecialty by a statewide, national or international professional organization with a membership of at least 500.*
- (m) The applicant has held at least one academic or research appointment at a university, medical center or a research center.*
- (n) The applicant has been the author or co-author of at least five articles or papers, dealing with subjects related to his or her specialty or subspecialty, that have been printed in recognized professional periodicals that are:*
 - (1) sponsored by a statewide, national or international professional organization; and*
 - (2) require peer review of the articles published.*

- (o) The holder of a conceded eminence license shall be limited to the practice of only a specialty of medicine for which the license holder is board certified, or its academic equivalent. The license holder is further limited to practice within the setting of the institution or program that recommended the license holder under section (c) of this section, and the primary thrust of such practice will be research with clinical application related to research.*
- (p) The applicant must appear personally before the Board upon application for licensure, accompanied by his sponsor, who is the individual who recommended his or her licensure to the Board.*

**NOTICE OF ADOPTION OF TEMPORARY REGULATION
LCB File No. T016-06**

The Nevada State Board of Medical Examiners adopted temporary regulations assigned LCB File No. T016-06 which pertain to chapter 630 of the Nevada Administrative Code on December 2, 2006.

INFORMATIONAL STATEMENT

Pursuant to the provisions of NRS 233B.066, the following informational statement is submitted:

**DESCRIPTION OF HOW PUBLIC COMMENT WAS SOLICITED
SUMMARY OF THE PUBLIC RESPONSE
EXPLANATION HOW OTHER INTERESTED PERSONS MAY OBTAIN
A COPY OF THE SUMMARY**

How public comment was solicited:

The Nevada State Board of Medical Examiners published a Notice of Workshops to solicit comments on proposed changes to the regulation. The workshops were to be conducted in Reno, on Tuesday, October 31, 2006, at the hour of 10:00 o'clock a.m., at the offices of the Board of Medical Examiners located at 1105 Terminal Way, Suite 310, Reno, Nevada, and on Wednesday, November 1, 2006, at the hour of 10:00 o'clock a.m., at the Grant Sawyer State Office Building, 555 E. Washington Avenue, Las Vegas, Nevada. The Nevada State Board of Medical Examiners published, concurrent with the Notice of Workshops, Notice of a Public Hearing to receive comments from all interested persons regarding the proposed changes to the regulation, and that the public hearing was to be held at 11:00 o'clock a.m., on Thursday, November 2, 2006, at the offices of the Board of Medical Examiners located at 1105 Terminal Way, Suite 310, Reno, Nevada.

In the notices the public was notified that a copy of the proposed regulation was on file at the State Library, 100 Stewart St., Carson City, Nevada; available at the offices of the Board at 1105 Terminal Way, Suite 301, Reno, Nevada; in all counties in the state of Nevada in which the Board does not maintain an office; at the main public library; 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>, as well as 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

Attached hereto, and made a part hereof, are copies of certifications of posting from many of the above named.

Summary of the public response:

Public response tendered to the Nevada State Board of Medical Examiners at the aforementioned workshops and hearings was by Mr. Larry Matheis, Executive Director of the Nevada State Medical Association, at the Las Vegas workshop. Mr. Matheis indicated he and his constituents had no objection to the proposed regulation, and by Ms. Jeanette Belz who had several questions regarding the regulatory adoption process.

No other public response was received.

How other interested persons may obtain a copy of the public response to the regulations:

On file with the Board at the offices of the Board at 1105 Terminal Way, Suite 301, Reno, Nevada, is a complete transcript of the hearing conducted on the regulation change, and documentation of the public comment offered at the workshops.

Any member of the public may visit the offices of the Board and may review any or all of transcript referred to above. Also, any member of the public may request copies of the entire transcript of all the public by contacting the court reporter and requesting the preparation of a transcript.

The court reporter may be contacted at:

Bonanza Reporting
1111 Forest Street
Reno, Nevada 89509
(775) 786-7655

Persons who attended the workshop and hearing:

At the Workshop, Wednesday, November 1, 2006, at the Grant Sawyer State Office Building, 555 E. Washington Avenue, Las Vegas, Nevada: Larry Matheis, Executive Director of the Nevada State Medical Association, appeared. Mr. Matheis indicated he and his constituents had no objection to the proposed regulation. No other public response was received.

At the Workshop, Tuesday, October 31, 2006, at the offices of the Board of Medical Examiners located at 1105 Terminal Way, Suite 310, Reno, Nevada: No public response was received.

Persons who testified at the public hearing:

The Public Hearing was held on Thursday, November 2, 2006, at the offices of the Board of Medical Examiners, 1105 Terminal Way, Suite 301, Reno, Nevada: Jeanette Belz, Lobbying Representative, appeared. Ms. Belz inquiries revolved around the regulatory adoption process and who would be subject to the proposed regulation if adopted.

No other public attendance or comment was offered.

The number of persons who submitted written statements:

No written comment was received by the Nevada State Board of Medical Examiners.

**HOW COMMENT WAS SOLICITED FROM AFFECTED BUSINESSES,
A SUMMARY OF THEIR RESPONSE, AND
HOW INTERESTED PERSONS MAY OBTAIN A COPY OF THE SUMMARY**

The comments, conclusions, and information set out above and all information contained thereunder applies to this portion of the informational statement as well.

THE REGULATION WAS ADOPTED IN ITS ORIGINALLY PROPOSED FORM.

The proposed regulation was adopted in the enclosed form.

THE ESTIMATED ECONOMIC EFFECT OF THE REGULATION ON THE BUSINESS WHICH THE BOARD REGULATES AND ON THE PUBLIC

The economic effect of the regulations on the medical profession:

There will be no economic effect to the medical profession by adoption of this regulation.

The economic effect of the regulations on the general public:

There will be no economic effect to the general public by adoption of this regulation.

THE ESTIMATED COST TO THE NEVADA STATE BOARD OF MEDICAL EXAMINERS TO ENFORCE THE PROPOSED REGULATION

The Nevada State Board of Medical Examiners estimates that there will be no additional cost to itself to enforce the proposed regulation.

THE REGULATION OF THE NEVADA STATE BOARD OF MEDICAL EXAMINERS DOES NOT OVERLAP OR DUPLICATE ANY REGULATIONS OF ANY OTHER STATE OR GOVERNMENTAL AGENCIES, INCLUDING THE FEDERAL GOVERNMENT.

THE REGULATION OF THE NEVADA STATE BOARD OF MEDICAL EXAMINERS DOES NOT INCLUDE PROVISIONS WHICH ARE MORE STRINGENT THAN A FEDERAL REGULATION WHICH REGULATES THE SAME ACTIVITY.

THE NEW REGULATION DOES NOT PROVIDE OR INVOLVE A NEW FEE.