

LCB File No. R004-07

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

(This proposed regulation was previously adopted as T016-06)

**NOTICE OF WORKSHOPS
TO SOLICIT COMMENTS ON A PROPOSED REGULATION
AND
NOTICE OF HEARING
FOR ADOPTION OF A REGULATION 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. Two (2) Workshops have been set for the purpose of soliciting comments from interested persons on the adoption of the amendment to the regulation.

The first workshop will be conducted **Tuesday, July 31, 2007, 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, August 1, 2007, 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 #4411, Las Vegas, Nevada.

Action – Proposed amendment to NAC Regulations

Amendment to NAC 630.____, Issuance of 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.

Public Hearing Notice: The Nevada State Board of Medical Examiners will hold a **public hearing at 10:00 o'clock a.m., on Thursday, August 2, 2007**, 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 Section 630.____. 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 amendment is necessary to clarify existing Board of Medical Examiners policy.

The proposed change to Chapter 630 of the Nevada Administrative Code is set out hereinafter.

- The proposed amendment is necessary to clarify existing Board of Medical Examiners policy.
- The proposed amendment will not have a direct economic effect on the business of the practice of medicine or any other business or on the public.
- Enforcement of the proposed amendment will not result in an increased cost to the Nevada State Board of Medical Examiners.
- To the Board's knowledge, the proposed amendment does not overlap or duplicate the regulations of other state or local governmental agencies or any federal regulations.
- The proposed amendment does not establish any new fees or increases to existing fees.
- The proposed amendment does 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 regulation 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 regulation 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 regulation 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

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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.*