

**ADOPTED REGULATION OF THE
BOARD OF MEDICAL EXAMINERS**

LCB File No. R005-07

Effective October 31, 2007

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

AUTHORITY: §§1-3, NRS 630.130 and 630.275.

A REGULATION relating to physician assistants; allowing a physician assistant to perform medical services in certain emergency situations without supervision from the supervising physician; and providing other matters properly relating thereto.

Section 1. Chapter 630 of NAC is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in this section, a physician assistant is considered to be and is deemed the agent of his supervising physician in the performance of all medical activities.

2. A physician assistant shall not perform medical services without supervision from his supervising physician, except in:

(a) Life-threatening emergencies, including, without limitation, at the scene of an accident; or

(b) Emergency situations, including, without limitation, man-made or natural disaster relief efforts.

3. When a physician assistant performs medical services in a situation described in subsection 2:

(a) The physician assistant is not the agent of his supervising physician and the supervising physician is not responsible or liable for any medical services provided by the physician assistant.

(b) The physician assistant shall provide whatever medical services are possible based on the need of the patient and the training, education and experience of the physician assistant.

(c) If a licensed physician is available on-scene, the physician assistant may take direction from the physician.

(d) The physician assistant shall make a reasonable effort to contact his supervising physician, as soon as possible, to advise him of the incident and the physician assistant's role in providing medical services.

Sec. 2. NAC 630.370 is hereby amended to read as follows:

630.370 1. ~~[The]~~ *Except as otherwise provided in section 1 of this regulation, the supervising physician is responsible for all the medical activities of his physician assistant* ~~[. The supervising physician]~~ *and shall ensure that:*

(a) The physician assistant is clearly identified to the patients as a physician assistant;

(b) The physician assistant performs only those medical services which have been approved by his supervising physician;

(c) The physician assistant does not represent himself in any manner which would tend to mislead the general public, the patients of the supervising physician or any other health professional; and

(d) There is strict compliance with:

(1) The provisions of the certificate of registration issued to his physician assistant by the State Board of Pharmacy pursuant to NRS 639.1373; and

(2) The regulations of the State Board of Pharmacy regarding controlled substances, poisons, dangerous drugs or devices.

2. Except as otherwise required in subsection 3 or 4, the supervising physician shall review and initial selected charts of the patients of the physician assistant. ~~He shall~~ *Unless the physician assistant is performing medical services pursuant to section 1 of this regulation, the supervising physician must* be available at all times that his physician assistant is ~~providing~~ *performing* medical services to consult with his assistant. Those consultations may be indirect, including, without limitation, by telephone.

3. At least once a month, the supervising physician shall spend part of a day at any location where the physician assistant provides medical services to act as a consultant to the physician assistant and to monitor the quality of care provided by the physician assistant.

4. ~~He~~ *Except as otherwise provided in this subsection, if* the supervising physician is unable to supervise the physician assistant as required by this section, he shall designate a qualified substitute physician, who practices medicine in the same specialty as the supervising physician, to supervise the assistant. *If the physician assistant is performing medical services pursuant to section 1 of this regulation, the supervising physician is not required to comply with this subsection.*

5. A physician who supervises a physician assistant shall develop and carry out a program to ensure the quality of care provided by a physician assistant. The program must include, without limitation:

- (a) An assessment of the medical competency of the physician assistant;
- (b) A review and initialing of selected charts;

(c) An assessment of a representative sample of the referrals or consultations made by the physician assistant with other health professionals as required by the condition of the patient;

(d) Direct observation of the ability of the physician assistant to take a medical history from and perform an examination of patients representative of those cared for by the physician assistant; and

(e) Maintenance by the supervising physician of accurate records and documentation regarding the program for each physician assistant supervised.

6. Except as otherwise provided in subsection 7, a physician may supervise a physician assistant if the physician:

(a) Holds an active license in good standing to practice medicine issued by the Board;

(b) Actually practices medicine in this State; and

(c) Has not been specifically prohibited by the Board from acting as a supervising physician.

7. If the Board ~~[, pursuant to NAC 630.410,]~~ has disciplined a physician assistant ~~[,]~~ *pursuant to NAC 630.410*, a physician shall not supervise that physician assistant unless the physician has been specifically approved by the Board to act as the supervising physician of that physician assistant.

Sec. 3. NAC 630.380 is hereby amended to read as follows:

630.380 1. A physician assistant is subject to disciplinary action by the Board if, after notice and hearing in accordance with this chapter, the Board finds that the physician assistant:

(a) Has willfully and intentionally made a false or fraudulent statement or submitted a forged or false document in applying for a license;

(b) Has held himself out as or permitted another to represent him to be a licensed physician;

(c) Has performed medical services otherwise than ~~[at]~~ :

(1) Pursuant to section 1 of this regulation; or

(2) At the direction or under the supervision of the supervising physician of the physician assistant;

(d) Has performed medical services which have not been approved by his supervising physician ~~(1)~~, *unless the medical services were performed pursuant to section 1 of this regulation;*

(e) Is guilty of gross or repeated malpractice in the performance of medical services for acts committed before October 1, 1997;

(f) Is guilty of malpractice in the performance of medical services for acts committed on or after October 1, 1997;

(g) Is guilty of disobedience of any order of the Board or an investigative committee of the Board, provision in the regulations of the State Board of Health or the State Board of Pharmacy or provision of this chapter;

(h) Is guilty of administering, dispensing or possessing any controlled substance otherwise than in the course of legitimate medical services or as authorized by law and his supervising physician;

(i) Has been convicted of a violation of any federal or state law regulating the prescribing, possession, distribution or use of a controlled substance;

(j) Is not competent to provide medical services;

(k) Failed to notify the Board of loss of certification by the National Commission on Certification of Physician Assistants;

(l) Is guilty of violating a provision of NAC 630.230;

(m) Is guilty of violating a provision of NRS 630.301 to 630.3065, inclusive; or

(n) Is guilty of violating a provision of subsection 2 or 3 of NAC 630.340.

2. To institute disciplinary action against a physician assistant, a written complaint, specifying the charges, must be filed with the Board by the investigative committee of the Board.

3. A physician assistant is not subject to disciplinary action solely for prescribing or administering to a patient under his care a controlled substance which is listed in schedule II, III, IV or V by the State Board of Pharmacy pursuant to NRS 453.146.

**NOTICE OF ADOPTION OF PROPOSED REGULATION
LCB File No. R005-07**

The State Board of Medical Examiners adopted regulations assigned LCB File No. R005-07 which pertain to chapter 630 of the Nevada Administrative Code.

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 Wednesday, July 11, 2007 at the hour of 10:30 a.m., at the offices of the Nevada State Board of Medical Examiners, 1105 Terminal Way, Ste. 301, Reno, Nevada and on Thursday, July 12, 2007, at the hour of 10:30 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 10:30 a.m., on Wednesday, July 18, 2007, at the offices of the Board of Medical Examiners located at 1105 Terminal Way, Suite 301, 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:

No 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, July 11, 2007, at the offices of the Board of Medical Examiners located at 1105 Terminal Way, Suite 301, Reno, Nevada:

No public attendance or comment was offered.

At the Workshop, Thursday, July 12, 2007, at the Grant Sawyer State Office Building, 555 E. Washington Avenue, Las Vegas, Nevada:

No public attendance or comment was offered.

Persons who testified at the public hearing:

The Public Hearing was held on Wednesday July 18, 2007, at the offices of the Board of Medical Examiners, 1105 Terminal Way, Suite 301, Reno, Nevada:

No 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.