

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

LCB File No. R152-07

Effective January 30, 2008

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

AUTHORITY: §1, NRS 630.130 and 630.30665.

A REGULATION relating to medicine; setting forth certain grounds for the imposition of an administrative penalty by the Board of Medical Examiners against the holder of a license to practice medicine; requiring the Board to comply with certain requirements before imposing such a penalty; 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. The failure of a holder of a license to practice medicine to submit to the Board a report required pursuant to NRS 630.30665:

(a) In a timely manner; or

(b) In an accurate or complete manner if the holder of the license knowingly misstates or misrepresents:

(1) The number or types of surgeries required to be reported pursuant to that section or NAC 630.235; or

(2) The occurrence or outcome of any reportable sentinel events pursuant to those sections,

↪constitutes grounds for imposing an administrative penalty against the holder of the license.

2. An administrative penalty imposed pursuant to this section may include the imposition of an administrative fine of not less than \$100 or more than \$1,000 and recovery by the Board of all costs incurred by the Board because of the violation.

3. Repeated violations of this section are subject to an administrative fine in the amount of \$1,000 in addition to recovery by the Board of all costs incurred by the Board because of the violations.

4. Before imposing any administrative penalty pursuant to this section, the Board will:

(a) Consider the totality of the circumstances surrounding the matter;

(b) Consider all evidence before it relating to the matter, including, without limitation, any intentional, volitional or purposeful conduct engaged in by the holder of the license; and

(c) Determine by a preponderance of the evidence that the applicable provisions of this section or NRS 630.30665 were violated.

5. The provisions of this section do not prohibit the Board from initiating disciplinary action for a violation of any other provision of this chapter or chapter 630 of NRS.

**NOTICE OF ADOPTION OF PROPOSED REGULATION
LCB File No. R152-07**

The Board of Medical Examiners adopted regulations assigned LCB File No. R152-07 which pertain to chapter 630 of the Nevada Administrative Code.

INFORMATIONAL STATEMENT

**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 Las Vegas on Tuesday, November 13, 2007 at the hour of 1:00 p.m., at the Nevada State Board of Dental Examiners, 6010 S. Rainbow Blvd., Bldg. A, Suite 1, and on Tuesday, November 20, 2007 at the hour of 10:00 a.m., at the office of the Nevada State Board of Medical Examiners, 1105 Terminal Way, Ste. 301, Reno, 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 10:00 a.m., on Tuesday, November 27, 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:

Two public members were present and responses were 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, Tuesday, November 13, 2007, at the offices of the Board of Dental Examiners located at 6010 S. Rainbow Blvd., Bldg. A, Suite 1, Las Vegas, Nevada.

Lawrence Matheis, Executive Director of the Nevada State Medical Association, and Weldon Havins, M.D., J.D., President, Executive Director and Special Counsel of the Clark County Medical Society also appeared.

No other public attendance or comment was offered.

At the Workshop, Tuesday, November 20, 2007, at the offices of the Board of Medical Examiners located at 1105 Terminal Way, Suite 310, Reno, Nevada:

No public attendance or comment was offered.

Persons who testified at the public hearing:

The Public Hearing was held on Tuesday November 27, 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.