

**LCB File No. R152-07**

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

**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, November 13, 2007, at the hour of 1:00 o'clock p.m.**, or as soon thereafter as it may be conducted on that date, at Nevada State Board of Dental Examiners, 6010 S. Rainbow Blvd., Building A, Suite 1, Las Vegas, NV 89118.

The second workshop will be conducted **Tuesday, November 20, 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 Nevada State Board of Medical Examiners, 1105 Terminal Way, Ste. 301, Reno, NV 89502.

**Action – Proposed amendment to NAC Regulations**

Amendment to NAC 630, to create grounds for initiating administrative sanctions against a licensee for failure to submit to the Board a report as required under NRS 630.30665.

**Public Hearing Notice:** The Nevada State Board of Medical Examiners will hold a **public hearing at 10:00 o'clock a.m., on Tuesday, November 27, 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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**PROPOSED REGULATION OF THE  
BOARD OF MEDICAL EXAMINERS**

Authority: NRS 630.130, NRS 630.30665, SB 412 of 2007 Legislative Session.

*NAC 630. \_\_\_\_*

*The following acts constitute grounds for initiating administrative sanction against a licensee:*

*Failure of a licensee to submit to the Board a report required under NRS 630.30665:*

- 1. (1) In a timely manner as required by statute, or  
(2) In an accurate or complete manner, where the licensee knowingly misstates or misrepresents the extent of the type or number of reportable events, or knowingly misstates or misrepresents the outcome of any reportable sentinel events under NRS 630.30665.*
- 2. As used in this regulation, administrative sanctions may include fines ranging from \$100.00 to \$1,000.00, and may also include the recoupment of the costs associated with investigating, administering, and prosecuting violations of this regulation. Any sanctions to be imposed shall be determined by the Board only after it considers the totality of the circumstances surrounding the matter, and after due consideration of all evidence before it, including but not be limited to, any intentional, volitional, or purposeful conduct on the part of the licensee, which has been evidenced during the formal disciplinary process. The Board must further determine, by a preponderance of the evidence, that the regulatory requirements were violated before imposing any administrative sanction under this regulation.*
- 3. Repeated or multiple violations of this section shall be subject to the most strident sanctions available under this regulation.*
- 4. This regulation does not prevent the Board from proceeding with the initiation of disciplinary action based upon any other grounds for discipline available to it under this chapter should evidence surrounding the matter support the same.*