

**PROPOSED REGULATION OF THE
STATE BOARD OF OSTEOPATHIC MEDICINE**

LCB File No. R190-12

**NOTICE OF PUBLIC HEARING FOR THE ADOPTION OF PERMANENT
REGULATIONS FOR THE NEVADA STATE BOARD OF OSTEOPATHIC
MEDICINE**

The Nevada State Board of Osteopathic Medicine (“Board”) will hold a public hearing on February 11, 2014 commencing at 6:00 p.m. at its office located at 901 American Pacific Dr., Suite 180, Henderson, Nevada 89014. The Board will receive testimony from all interested persons and take action on/adopt the following proposed amendments, additions, and deletions to the Nevada Administrative Code pertaining to the practice of Osteopathic medicine. If no person who is directly affected by the proposed action appears to request time to make an oral presentation, the Board may proceed to act upon any written submissions:

1. The Need for and Purpose of the Proposed Permanent Regulation.

The need and purpose of the proposed permanent regulation is to implement and establish, pursuant to NRS 633.522, regulations governing the use and practices of medical assistants in osteopathic medicine.

Terms or Substance of the Proposed Permanent Regulations or Description of the Subjects and Issues Involved.

The proposed permanent regulation addresses the training, tasks allowed, and supervision of medical assistants by their employing osteopathic physicians. The text of the proposed regulation may be inspected and copied at the office of the Nevada State Board of Osteopathic Medicine, 901 American Pacific, Suite 180 in Henderson, Nevada. Text of the proposed regulation may also be inspected online at <http://bom.nv.gov>.

2. Estimated Economic Effect of the Proposed Permanent Regulations on the Business, which it is to Regulate and the Public, and how such was determined.

A. Adverse and Beneficial Effects.

The proposed permanent regulation will have no reasonably foreseeable or anticipated adverse economic effects to businesses or to the general public. The proposed permanent regulation is anticipated to have the beneficial effect of defining those tasks and the supervision required for medical assistants employed by osteopathic physicians. Additionally, because the proposed regulation is substantively similar to regulations already in place for medical doctors, a positive effect will be worked for Nevada’s osteopathic physicians because they will be able to employ and utilize medical assistants on an equal footing with medical doctors.

B. Immediate and Long-Term Effects.

The effects of the proposed regulation are intended to be and will be both immediate and long-term.

C. Method Utilized to Determine Effect.

The Board solicited feedback from the public at a publicly noticed and publicly held workshop on November 13, 2012. The Board also provided copies of the proposed regulations to all of its licensees via direct mailing or e-mailing that was sent on December 11, 2013. No adverse comments or concerns were expressed at the workshop or as a result of the direct communication with the licensees.

3. Estimated Cost to Agency for Enforcement of Proposed Permanent Regulations.

The proposed permanent regulations present no significant foreseeable or anticipated cost or decrease in costs for enforcement.

4. Regulations of Other State or Local Governmental Agencies which the Proposed Permanent Regulations Overlap or Duplicate and the Necessity Therefore.

The proposed permanent regulations do not appear to overlap or duplicate regulations of other state or local governmental agencies.

5. Establishment of New Fee or Existing Fee Increase.

The proposed regulation does not establish new fees or increase existing fees.

Determination Not to Prepare Small Business Impact Statement Regarding the Regulation

Pursuant to NRS 233B.0608(1), the Nevada Board of Osteopathic Medicine is required to make a determination whether its proposed regulations will: (a) impose a direct and significant economic burden upon small business, and (b) directly restrict the formation, operation, or expansion of small business. NRS 233B.0382 defines a small business to be any business that employs 150 or fewer employees. The staff for the Nevada State Board of Osteopathic Medicine has considered the two factors in NRS 233B.0608(1) and has determined that the Board is not required to make a Small Business Impact Statement pursuant to NRS 233B.0609 based upon the following:

1. The Board was statutorily directed in NRS 633.522 to create regulations regarding the training, tasks allowed, and supervision of medical assistants employed by osteopathic physicians.

2. That prior to and at the workshop related to the regulation the Board received no comments from effected osteopathic physicians related to any additional costs that might be occasioned by the regulation.

3. The proposed regulations are intended to effectuate the Legislative intent contained in 633.522, and will not and are intended not to have any negative impact upon small businesses. The proposed regulations are and will have positive effects on small businesses that will be subject to the proposed regulations.

THEREFORE, the staff of the Nevada State Board of Osteopathic Medicine makes the following findings:

1. The proposed regulation will not impose a direct and significant economic burden upon small business and will not directly restrict the formation, operation, or expansion of small business.

2. As a result of finding #1, the Nevada State Board of Osteopathic Medicine will not issue a Small Business Impact Statement regarding the regulation pursuant to NRS 233B. 0608.

Persons wishing to comment on the proposed action of the Nevada State Board of Osteopathic Medicine may appear at the above scheduled public hearing or may address their comments, data, views, or arguments, in written form, to the Nevada State Board of Osteopathic Medicine, at 901 American Pacific Drive, Unit 180, Henderson, Nevada 89014. Written submissions must be received at least two weeks prior to the above scheduled public hearing.

A copy of this notice and the proposed permanent regulations to be adopted and amended will be on file at the Nevada State Library, 100 Stewart Street, Carson City, Nevada, for inspection by members of the public during business hours. Additional copies of the notice and the proposed permanent regulations to be adopted and amended will be available at the Nevada State Board of Osteopathic Medicine, 901 American Pacific Drive, Unit 180, Henderson, Nevada 89014; and in all counties in which an office is not maintained, at the main public library, for inspection and copying by members of the public during business hours. The text of the proposed permanent regulations will include the entire text of any section of the Nevada Administrative Code, which is proposed for amendment or repeal. Copies will be mailed to members of the public upon request. A reasonable fee may be charged for copies if deemed necessary.

Under NRS 233B.064(2), when adopting any regulation, the Agency, if requested to do so by an interested person, either prior to adoption or within 30 days thereafter, shall issue a concise statement of the principal reasons for and against its adoption and incorporation, and its reason for overruling the consideration urged against its adoption.

Members of the public who are disabled and require accommodations or assistance at the meeting are requested to notify the Nevada State Board of Osteopathic Medicine in writing or by calling 702-732-2147 no later than five working days prior to the meeting.

Notice has been posted at the following locations: The Nevada State Board of Osteopathic Medicine, 901 American Pacific Drive, Unit 180, Henderson, Nevada 89014. Notice was mailed to each County Public Library for posting.

Notice has been FAXED for posting at the following locations: Grant Sawyer Office Building, Suite 1300, Las Vegas, Nevada; Legislative Building, Capitol Complex, Carson City, Nevada; and the Nevada State Library, 100 Stewart Street, Carson City, Nevada.