

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

**LCB File No. R040-13**

Effective March 28, 2014

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

AUTHORITY: §1, NRS 633.291, 633.433 and 633.434; §2, NRS 633.291 and 633.501.

A REGULATION relating to osteopathic medicine; revising the application requirements for a license as a physician assistant; reducing certain licensing fees; and providing other matters properly relating thereto.

**Section 1.** NAC 633.283 is hereby amended to read as follows:

633.283 1. An application for a license as a physician assistant must include, without limitation:

- (a) The date and place of birth of the applicant;
- (b) The gender of the applicant;
- (c) The education of the applicant, including, without limitation, any high school and postsecondary institution attended, the length of time in attendance and whether the applicant is a graduate of those schools and institutions;
- (d) The training and experience of the applicant as a physician assistant;
- (e) Whether the applicant has ever:
  - (1) Applied for a license or certificate as a physician assistant in another state and, if so, specification of which state, when the application was made and the results of the application;
  - (2) Had a license or certificate as a physician assistant revoked, modified, limited or suspended;

- (3) Been investigated for misconduct as a physician assistant;
- (4) Had any disciplinary action or proceeding instituted against him or her by a licensing body in any jurisdiction;
- (5) Been convicted of a felony or an offense involving moral turpitude; or
- (6) Been investigated for, charged with or convicted of the use or illegal sale or dispensing of a controlled substance; and
- (f) The places of residence of the applicant since the date of his or her graduation from high school or his or her receipt of a high school general equivalency diploma.

2. An application for a license as a physician assistant must be:

- (a) Signed by the applicant;
- (b) Sworn to before a notary public or other officer authorized to administer oaths; and
- (c) Accompanied by:
  - (1) ~~[A physician assistant information profile prepared by the Federation Credentials Verification Service of the Federation of State Medical Boards;]~~ *An official transcript from any postsecondary educational institution or any educational program for physician assistants, as described in paragraph (c) of subsection 1 of NAC 633.281, attended by the applicant;*
  - (2) *A notarized copy of the applicant's passport, a certified copy of the applicant's birth certificate, naturalization papers or such other documentation regarding United States citizenship that is satisfactory to the Board or a copy of documentation evidencing the lawful entitlement of the applicant to remain and work in the United States that is satisfactory to the Board;*
  - (3) *Proof of certification by the National Commission on Certification of Physician Assistants;*

(4) An affidavit affirming that:

(I) The applicant is the person named in the application and accompanying material;

and

(II) To the best knowledge or belief of the applicant, the application and all accompanying material is complete, correct and consistent, and was obtained without fraud, misrepresentation or mistake; and

~~(3)~~ (5) The nonrefundable application and initial license fee prescribed in NAC 633.335.

3. If it appears to the Board that:

(a) Any information submitted is false or inconsistent; or

(b) The application is not made in proper form or other deficiencies appear in it,

↳ the application will be rejected.

**Sec. 2.** NAC 633.335 is hereby amended to read as follows:

633.335 1. Except as otherwise provided in subsection 3, the Board will charge and collect the following fees:

Application and initial license fee for an osteopathic physician .....	\$600
Annual license renewal fee for an osteopathic physician.....	<del>500</del> 450
Temporary license fee .....	200
Special or authorized facility license fee.....	200
Special or authorized facility license renewal fee.....	200
Reexamination fee.....	200
Late payment fee for a person whose license is currently on active status .....	300
Application and initial license fee for a physician assistant.....	400

Annual license renewal fee for a physician assistant .....	<del>400</del> 250
Inactive license fee .....	200
Late payment fee for a person whose license is currently on inactive status .....	150

2. The Board will charge and collect a fee for fingerprints submitted to the Board pursuant to NRS 633.309 that is equal to the total amount of the fees charged by any local agencies of law enforcement, the Central Repository for Nevada Records of Criminal History and the Federal Bureau of Investigation for the handling of the fingerprints of an applicant and issuance of the reports of criminal histories.

3. The Board will reduce by one-half the appropriate application and initial license fee prescribed in subsection 1 for an applicant who applies for an initial license as an osteopathic physician or a physician assistant that will expire less than 6 months after the date of issuance of the license.

**LEGISLATIVE REVIEW OF ADOPTED REGULATIONS--NRS 233B.066**  
**Informational Statement**  
**LCB File No. R040-13**

**1. A clear and concise explanation of the need for the adopted regulation.**

The proposed changes to NAC 633.283 will lessen the burden upon applicants to become physician assistants by requiring that they provide transcripts for their schooling and proof of NCCPA certification rather than obtaining a FCVS profile prepared by the FSMB, which FCVS profile has proven to be costly and time-consuming for applicants to obtain. The proposed changes to NAC 633.335 will reduce renewal fees by \$50.00 (from \$500.00 to \$450.00) for osteopathic physicians per year and by \$150.00 for physician assistants (from \$400.00 to \$250.00) per year.

**2. Description of how public comment was solicited, a summary of public response, and an explanation of how other interested persons may obtain a copy of the summary.**

The Board has conducted a public workshop on August 13, 2013 and a public hearing on February 11, 2014 at which comment was solicited and received from the public. At the February 11, 2014 public hearing, five members of the public attended and presented comments to the Board. All of the public's comments were in favor of the regulation. Drafts of the regulation language were also discussed at the April 9, 2013 Board meeting. At the August 13, 2013 workshop, comments were received from the statewide association that represents Nevada's osteopathic physicians. The Board maintains a mailing and mass e-mailing list for all people who have indicated a desire to obtain the Board's public materials, and all people concerned with the Board's regulations have been provided with copies of the various drafts as they became publicly available.

All meeting, public workshop, and public hearing minutes are available on the Board website and may be directly downloaded. Minutes may also be obtained by requesting them via phone, fax, email or mail.

**3. The number of persons who:**

**(a) Attended each hearing: 15**

**(b) Testified at each hearing: 5**

**(c) Submitted written comments:** All written comments were in favor of the proposed regulations.

**4. For each person identified in paragraphs (b) and (c) of number 3 above, the following information if provided to the agency conducting the hearing:**

**(a) Name;**

**(b) Telephone number;**

**(c) Business address;**

**(d) Business telephone number;**

**(e) Electronic mail address; and**

**(f) Name of entity or organization represented.**

1. Bryan Gresh; 702-645-5959; 5205 Sandy Cactus, Ste 200, LV 89149; bryan@greshgroup.com; Board lobbyist

2. Denise Selleck; 702-434-7112; 405 Max Court, Suite K, Henderson 89011; nvoma@earthlink.net; NV Osteopathic Medical Association
3. Gary Manley, PA-C; 702-363-4000; 5970 S. Rainbow, Ste 100, LV 89118; gmanley@roseman.edu; newly licensed PA-C
4. Vicki Chan-Padgett, PA-C; 702-777-1765; 874 American Pacific Dr, Henderson 89014; Padgett@tun.touro.edu; PA Advisory Committee for this Board & Director & Associate Professor School of Physician Assistant Studies for Touro University
5. James Somers, PA-C; 702-349-8399; PO Box 93381, LV 89193; NV Academy of Physician Assistants

**5. A description of how comment was solicited from affected businesses, a summary of their response and an explanation of how other interested persons may obtain a copy of the summary.**

As previously stated, the Board held one workshop and one public hearing at its regular meetings. All meeting, public workshop, and public hearing minutes are available on the Board website and may be directly downloaded. Minutes may also be obtained by requesting them via phone, fax, email or mail.

**6. If the regulation was adopted without changing any part of the proposed regulation, a summary of the reasons for adopting the regulation without change.**

Five members of the public were present at the public hearing and had no objections. The Board members were satisfied with adopting the regulation without any changes.

**7. The estimated economic effect of the regulation on the business which it is to regulate and on the public. These must be stated separately, and in each case must include:**

**(a) Both adverse and beneficial effects;**

Because the regulation reduced the annual renewal fees for osteopathic physicians and physician assistants and because the regulation removes a condition for the initial licensure of physician assistants that had proven expensive and time-consuming, the effects would only be beneficial.

**(b) Both direct and indirect effects.**

The direct and indirect effects are the same, namely that all of the Board's active licensees will have their annual renewal fees reduced and all new physician assistants will have a less expensive and quicker process for licensure.

**8. The estimated cost to the agency for enforcement of the proposed regulation:**

There will be an annual reduction to the fees collected by the Board of approximately \$50,000 per year. There will be no other additional cost to the agency to enforce the proposed regulation.

**9. A description of any regulations of other State or governmental agencies which the regulation overlaps or duplicates and a statement explaining why the duplication or overlap is necessary. If the regulation overlaps or duplicates a federal regulation, the name of the regulating federal agency.**

The proposed regulation does not overlap or duplicate any State, federal, or other governmental regulation.

**10. If the regulation includes provisions that are more stringent than a federal regulation that regulates the same activity, a summary of such provisions.**

The proposed regulation is not more stringent than any federal regulation that regulates the same activity.

**11. If the regulation provides a new fee or increases an existing fee, the total annual amount the agency expects to collect and the manner in which the money will be used.**

The proposed regulation does not impose any new or increased fee.