

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

**LCB File No. R001-14**

Effective June 26, 2015

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

AUTHORITY: §§1 and 2, NRS 630.130 and 630.275.

A REGULATION relating to physicians; revising provisions relating to the adoption of a model policy for the treatment of pain; revising provisions relating to prohibited professional conduct; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest**

Existing regulations provide that the Board of Medical Examiners has adopted by reference the *Model Guidelines for the Use of Controlled Substances for the Treatment of Pain*. (NAC 630.187) **Section 1** of this regulation revises this provision to instead provide that the Board adopts by reference the July 2013 edition of the *Model Policy on the Use of Opioid Analgesics in the Treatment of Chronic Pain*.

Existing regulations prohibit a person who is licensed as a physician or physician assistant from writing prescriptions to treat pain in a manner that deviates from the *Model Guidelines for the Use of Controlled Substances for the Treatment of Pain*. (NAC 630.230) **Section 2** of this regulation revises this provision to instead prohibit a person who is licensed as a physician or physician assistant from writing prescriptions to treat pain in a manner that deviates from the *Model Policy on the Use of Opioid Analgesics in the Treatment of Chronic Pain*.

**Section 1.** NAC 630.187 is hereby amended to read as follows:

630.187 1. The Board hereby adopts by reference the ~~Model Guidelines for the Use of Controlled Substances for the Treatment of Pain, May 1998,~~ Model Policy on the Use of Opioid Analgesics in the Treatment of Chronic Pain, July 2013, published by the Federation of State Medical Boards of the United States, Inc., ~~titled the Model Policy for the Use of Controlled Substances for the Treatment of Pain for revisions published after April 2003,~~ and any

subsequent revision of the publication that has been approved by the Board for use in this State. Each revision of the publication shall be deemed approved by the Board unless it disapproves of the revision within 60 days after the date of publication of the revision.

2. The most recent publication of the ~~Model Policy for the Use of Controlled Substances for the Treatment of Pain~~ Model Policy on the Use of Opioid Analgesics in the Treatment of Chronic Pain that has been approved by the Board will be available for inspection at the office of the Board of Medical Examiners, 1105 Terminal Way, Suite 301, Reno, Nevada 89502, or may be obtained, free of charge, from the Federation of State Medical Boards of the United States, Inc., ~~Federation Place,~~ 400 Fuller Wiser Road, ~~Suite 300,~~ Euless, Texas ~~76039-3855,~~ 76039, or from the Federation of State Medical Boards of the United States, Inc., at the Internet address <http://www.fsmb.org>. The Board shall:

- (a) Review each revision of the publication to ensure its suitability for this State; and
- (b) File a copy of each revision of the publication it approves with the Secretary of State and the State Library and Archives Administrator.

**Sec. 2.** NAC 630.230 is hereby amended to read as follows:

630.230 1. A person who is licensed as a physician or physician assistant shall not:

- (a) Falsify records of health care;
- (b) Falsify the medical records of a hospital so as to indicate his or her presence at a time when he or she was not in attendance or falsify those records to indicate that procedures were performed by him or her which were in fact not performed by him or her;
- (c) Render professional services to a patient while the physician or physician assistant is under the influence of alcohol or any controlled substance or is in any impaired mental or physical condition;

- (d) Acquire any controlled substances from any pharmacy or other source by misrepresentation, fraud, deception or subterfuge;
- (e) Prescribe anabolic steroids for any person to increase muscle mass for competitive or athletic purposes;
- (f) Make an unreasonable additional charge for tests in a laboratory, radiological services or other services for testing which are ordered by the physician or physician assistant and performed outside his or her own office;
- (g) Allow any person to act as a medical assistant in the treatment of a patient of the physician or physician assistant, unless the medical assistant has sufficient training to provide the assistance;
- (h) Fail to provide adequate supervision of a medical assistant who is employed or supervised by the physician or physician assistant, including, without limitation, supervision provided in the manner described in NAC 630.810 or 630.820;
- (i) If the person is a physician, fail to provide adequate supervision of a physician assistant or an advanced ~~practitioner of nursing;~~ *practice registered nurse*;
- (j) Fail to honor the advance directive of a patient without informing the patient or the surrogate or guardian of the patient, and without documenting in the patient's records the reasons for failing to honor the advance directive of the patient contained therein; or
- (k) Engage in the practice of writing prescriptions for controlled substances to treat ~~acute pain or~~ chronic pain in a manner that deviates from the policies set forth in the ~~Model Policy for the Use of Controlled Substances for the Treatment of Pain~~ *Model Policy on the Use of Opioid Analgesics in the Treatment of Chronic Pain* adopted by reference in NAC 630.187.
2. As used in this section ~~†~~

~~—(a) “Acute pain” has the meaning ascribed to it in section 3 of the Model Policy for the Use of Controlled Substances for the Treatment of Pain adopted by reference in NAC 630.187.~~

~~—(b) “Chronic”, “chronic pain” has the meaning ascribed to it in section ~~3~~ III of the ~~Model Policy for the Use of Controlled Substances for the Treatment of Pain~~ Model Policy on the Use of Opioid Analgesics in the Treatment of Chronic Pain adopted by reference in NAC 630.187.~~

**REGULATION ADOPTED BY THE  
NEVADA STATE BOARD OF MEDICAL EXAMINERS  
LCB File No. R001-14**

**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 (Board) published a Notice of Intent to Act Upon Regulation to solicit comments on proposed changes to the regulation. The hearing was to be conducted in Reno on Thursday, July 17, 2014, at the hour of 10:00 o'clock a.m., at the Board office located at 1105 Terminal Way, Suite 301, Reno, Nevada, and videoconferenced to the Las Vegas Board office located at 6010 S. Rainbow Blvd., Bldg. A., Suite 1, Las Vegas, Nevada.

In the notice 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  
Carson City Library  
Clark County District Library  
Churchill County Library  
Douglas County Library  
Elko County Library  
Esmeralda County Library  
Humboldt County Library  
Lander County Library  
Lincoln County Library  
Lyon County Library  
Mineral County Library  
Tonopah Library  
Pershing County Library  
Storey County Library  
White Pine County Library**

**Reno, Nevada  
Carson City, Nevada  
Las Vegas, Nevada  
Fallon, Nevada  
Minden, Nevada  
Elko, Nevada  
Goldfield, Nevada  
Winnemucca, Nevada  
White Pine, Nevada  
Pioche, Nevada  
Yerington, Nevada  
Hawthorne, Nevada  
Tonopah, Nevada  
Lovelock, Nevada  
Virginia City, Nevada  
Ely, Nevada**

Attached hereto and made parts hereof, are copies of certifications of posting from many of the above named.

**A clear and concise statement of the need for the regulation:**

The regulatory change to existing regulation was necessary to update the proper title of the Model Policy on the Use of Opioid Analgesics in the Treatment of Chronic Pain. From public comment it was also agreed by the Board that reference to “acute pain” in current regulation was dated and not consistent with current medical practice; therefore, language referencing acute pain was removed.

**Summary of the public response:**

The public response was supportive of the initial proposed changes to currently existing regulation, and was supplemented with a request to remove “acute pain” language from current regulation language as, “the short-term and limited treatment of acute pain must be left to the discretion of the evaluating and treating physician, and clearly does not fall within the same purview as the myriad of issues which must be considered and addressed in the treatment of chronic pain.”

**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.

Any member of the public may visit the offices of the Board and may review any or the entire transcript referred to above. Also, any member of the public may request copies of the transcript of all the public comment by contacting the court reporter and requesting a copy.

The court reporter may be contacted at:

Sunshine Litigation Services  
Reno, Nevada  
(775) 323-3411

**Persons who attended the workshop and hearing:**

1. Stacy Woodbury, Executive Director, Nevada State Medical Association  
3660 Baker Lane  
Reno, NV 89509  
(775) 825-6788  
stacy@nsmadocs.org

2. Lauren Rozyla, KLAS - TV  
3228 Channel 8 Drive  
Las Vegas, NV 89109  
(702) 792-8888  
lrozyla@8newsnow.com

**Persons who testified at the workshop or public hearing:**

-Stacy Woodbury, Executive Director, Nevada State Medical Association

**The number of persons who submitted written statements:**

Two, both from the Nevada State Medical Association.

**ESTIMATED ECONOMIC EFFECT OF THE REGULATION ON THE  
BUSINESS WHICH THE BOARD REGULATES AND ON THE PUBLIC**

The Nevada State Board of Medical Examiners solicited any potential impacted businesses by reaching out to various business chambers and associations. Correspondence was sent to the following organizations:

- Las Vegas Metro Chamber of Commerce
- Better Business Bureau of Southern Nevada, Inc.
- Reno/Sparks Chamber of Commerce
- City of Winnemucca
- Elko Great Basin College
- Better Business Bureau of Northern Nevada, Inc.

The Board did not receive any communication back from these organizations relative to any potential economic impact regarding regulation R-001-14.

**The economic effect of the regulation on the medical profession:**

There will be no economic effect to the medical profession by adoption of this regulation.

**The economic effect of the regulation 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.**

**THE REGULATION WAS ADOPTED IN ENCLOSED FORM.**



