

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

LCB File No. R002-14

Effective June 26, 2015

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

AUTHORITY: §§1-4, NRS 630.130.

A REGULATION relating to practices before the Board of Medical Examiners; revising the deadline for filing a petition for a declaratory order or advisory opinion with the Board; revising the deadline by which the Board must receive certain requests to consider or take action upon a matter; and providing other matters properly relating thereto.

Legislative Counsel’s Digest

Existing regulations require the original and 12 copies of a petition for a declaratory order or advisory opinion by the Board of Medical Examiners to be filed with the Board not less than 10 days before the next regularly scheduled meeting of the Board. (NAC 630.450) **Section 3** of this regulation requires the filing to be made not less than 31 days before the meeting.

Existing regulations provide that a request for the Board to consider or take action upon certain matters must be received by the Board at least 15 business days before the date of the meeting. (NAC 630.455) **Section 4** of this regulation provides that such a request must be received at least 31 days before the date of the meeting.

Section 1. NAC 630.430 is hereby amended to read as follows:

630.430 ~~The~~ A petition *described in NAC 630.420* must be filed with the Board. The original and 12 copies of the petition must be filed, together with the original and 12 copies of the proposed regulation.

Sec. 2. NAC 630.440 is hereby amended to read as follows:

630.440 1. Any petition *described in NAC 630.420* filed more than 30 days before the next regularly scheduled meeting of the Board will be considered by the Board at that meeting.

Any petition filed 30 days or less before the next regularly scheduled meeting of the Board will be considered at the first regular meeting scheduled more than 30 days after the petition is filed.

2. The Board will, within 30 days after consideration of a petition, deny the petition in writing stating the reasons for the denial or initiate proceedings under NRS 233B.060 for adoption of the proposed regulation.

Sec. 3. NAC 630.450 is hereby amended to read as follows:

630.450 1. A petition for a declaratory order or advisory opinion may be filed only by a holder of or applicant for a license.

2. The original and 12 copies of the petition must be filed with the Board not less than ~~10~~ **31** days before its next regularly scheduled meeting. The petition must be submitted to the Board at that meeting. Within 30 days thereafter, the Board will issue its declaratory order or advisory opinion.

Sec. 4. NAC 630.455 is hereby amended to read as follows:

630.455 ~~Except as otherwise provided in NAC 630.440 and 630.450, a~~ **A** request for the Board to consider or take action upon a matter at a meeting *other than a petition described in NAC 630.420 or 630.450* must be received by the Board at least ~~15 business~~ **31** days before the date of the meeting.

**REGULATION ADOPTED BY THE
NEVADA STATE BOARD OF MEDICAL EXAMINERS
LCB File No. R002-14**

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 | Reno, Nevada |
| Carson City Library | Carson City, Nevada |
| Clark County District Library | Las Vegas, Nevada |
| Churchill County Library | Fallon, Nevada |
| Douglas County Library | Minden, Nevada |
| Elko County Library | Elko, Nevada |
| Esmeralda County Library | Goldfield, Nevada |
| Humboldt County Library | Winnemucca, Nevada |
| Lander County Library | White Pine, Nevada |
| Lincoln County Library | Pioche, Nevada |
| Lyon County Library | Yerington, Nevada |
| Mineral County Library | Hawthorne, Nevada |
| Tonopah Library | Tonopah, Nevada |
| Pershing County Library | Lovelock, Nevada |
| Storey County Library | Virginia City, Nevada |

**White Pine County Library
Washoe County Library**

**Ely, Nevada
Reno, 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 effectuated in order to bring into alignment the minimum timeframes for submitting petitions to amend currently existing regulations, requests for declaratory orders and requests for matters to be placed upon the Board meeting agenda.

Summary of the public response:

The public response was supportive of the proposed changes to currently existing regulation. Regulation R002-14 was adopted without change due to the fact that there was no reason to change. The Board did not receive any comments during the public hearing or any comments from the public in general that would support any changes.

**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:

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

-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-002-14.

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.

