

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

LCB File No. R134-14

Effective June 26, 2015

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

AUTHORITY: §1, NRS 630.130, 630.160 and 630.180.

A REGULATION relating to medical licensing; expanding the scope of an exception from the requirement of competency testing for certain applicants for a license to practice medicine; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law requires the Board of Medical Examiners to establish by regulation standards for the licensure of medical professionals. (NRS 630.130) Existing regulations require an applicant for a license to practice medicine to pass an examination to test the applicant’s competency, but provide an exception for applicants: (1) who have passed certain national or other examinations during the immediately preceding 10 years; or (2) who are certified by a specialty board of the American Board of Medical Specialties, agree to maintain that certification and have actively practiced clinical medicine for the past 5 years in any state in which the applicant is licensed. (NAC 630.080) This regulation makes this exception applicable to an applicant who has actively practiced clinical medicine for the past 5 years in another country.

Section 1. NAC 630.080 is hereby amended to read as follows:

630.080 1. For the purposes of paragraph (e) of subsection 2 of NRS 630.160, an applicant for a license to practice medicine must pass:

(a) A written examination concerning the statutes and regulations relating to the practice of medicine in this State; and

(b) Except as otherwise provided in subsection 2, an examination, designated by the Board, to test the competency of the applicant to practice medicine, including, without limitation:

(1) The Special Purpose Examination;

- (2) An examination testing competence to practice medicine conducted by physicians; or
- (3) Any other examination designed to test the competence of the applicant to practice medicine.

2. The Board will deem an applicant to have satisfied the requirements of paragraph (b) of subsection 1 if:

(a) Within 10 years before the date of an application for a license to practice medicine in this State, the applicant has passed:

- (1) Part III of the examination given by the National Board of Medical Examiners;
- (2) Component II of the Federation Licensing Examination;
- (3) Step 3 of the United States Medical Licensing Examination;
- (4) All parts of the examination to become a licentiate of the Medical Council of Canada;
- (5) The examination for primary certification or recertification by a specialty board of the American Board of Medical Specialties and received primary certification from that board; or
- (6) The Special Purpose Examination; or

(b) The applicant is currently certified and was certified prior to recertification or maintenance of certification requirements by a specialty board of the American Board of Medical Specialties, agrees to maintain that certification throughout any period of licensure in this State and has actively practiced clinical medicine for the past 5 years in any state *or country* in which the applicant is licensed **H** *or officially authorized to practice.*

3. For the purposes of subparagraph (3) of paragraph (c) of subsection 2 of NRS 630.160:

(a) An applicant for a license to practice medicine must pass Step 1, Step 2 and Step 3 of the United States Medical Licensing Examination in not more than a total of nine attempts and must pass Step 3 in not more than a total of three attempts; and

(b) An applicant:

(1) Who holds a degree of doctor of medicine must pass all steps of the examination within 7 years after the date on which the applicant first passes any step of the examination; or

(2) Who holds a degree of doctor of medicine and a degree of doctor of philosophy must pass all steps of the examination within 10 years after the date on which the applicant first passes any step of the examination.

4. For any examination conducted by the Board for a license to practice medicine, an applicant must answer correctly at least 75 percent of the questions propounded. The Board will use the weighted average score of 75, as determined by the Federation of State Medical Boards of the United States, Inc., to satisfy the required score of 75 percent for passage of the Special Purpose Examination and the United States Medical Licensing Examination.

5. The Board will authorize the Federation of State Medical Boards of the United States, Inc., to administer the Special Purpose Examination or the United States Medical Licensing Examination on behalf of the Board.

6. An applicant for a license to practice medicine and a person who holds a license to practice medicine must pay the reasonable costs of any examination required for licensure and any examination ordered pursuant to NRS 630.318.

LEGISLATIVE REVIEW OF ADOPTED REGULATIONS--NRS 233B.066
Informational Statement
LCB File No. R134-13

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

The need for this Regulation is to implement the film tax credit provisions contained in NRS 360.759 which were enacted in the 2013 legislative session. It provides guidelines for the Department to obtain information from the Governor's Office of Economic Development and to provide guidance to a taxpayer in claiming the film tax credit and filing returns.

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 Department of Taxation, as staff to the Nevada Tax Commission, solicited comment from the public by sending notice of workshops and hearings by electronic or regular mail as follows:

<u>Date of Notice</u>	<u>Workshop/ Hearing</u>	<u>Date of Workshop</u>	<u>Number Notified</u>
02/06/2014	Workshop	02/24/2014	322
03/25/2014	Adoption Hearing	05/05/2014	322

The mailing list included the interested parties list maintained by the Department. Notices were also posted at the Nevada State Library; various Department of Taxation locations throughout the state; and at the Main Public Libraries in counties where an office of the Department of Taxation is not located. Comments were also solicited by direct email to other interested parties list maintained by the Department.

See response to #5 for a summary of the public responses to the Regulation

A copy of the audio taped comments or the record of proceedings may be obtained by calling the Nevada Department of Taxation at (775) 684-2030 or by writing to the Department of Taxation, 1550 East College Parkway, Carson City, Nevada 89706, or by e-mailing the Department at mblanks@tax.state.nv.us.

3. The number of persons who:

- (a) **Attended each hearing:** 3 people attended the workshop; 77 people attended the adoption hearing.
- (b) **Testified at each hearing:** No one testified at the workshop or at the adoption hearing.
- (c) **Submitted written comments:** No written comments were received.

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:**

No one testified at the workshop or at the adoption hearing. No written comments were received

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.**

See response to #2 for description of how comments were solicited from affected business and an explanation on how interested persons may obtain a copy of the summary.

Summary of workshop discussion

There was no discussion as no one testified at either the workshop or the adoption hearing.

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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.**

The Regulation was adopted as drafted as there was no public input.

7. **The estimated economic effect of the regulation on the business which it is to regulate and on the public.**

(a) Estimated economic effect on the businesses which they are to regulate.

The proposed permanent regulations present no reasonably foreseeable or anticipated adverse economic effects to Film industry. The benefits of these regulations are that the industry along with the Department will be provided guidance in claiming and filing returns related to the film tax credit.

(b) Estimated economic effect on the public which they are to regulate.

The proposed permanent regulations present no reasonably foreseeable or anticipated adverse economic effects to public.

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

The proposed permanent regulations present no significant foreseeable or anticipated cost or decrease in costs for enforcement other than the costs to implement the statutory provisions of the excise tax.

- 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 regulations do not overlap or duplicate any regulation of other state or local governmental entities.

- 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 Department is not aware of any similar federal regulations of the same activity in which the state regulations are more stringent.

- 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 regulations do not include new or increases in existing fees.