

**PROPOSED REGULATION OF THE
NEVADA STATE BOARD OF MEDICAL EXAMINERS**

LCB FILE NO. R100-17I

**The following document is the initial draft regulation proposed
by the agency submitted on 09/20/2017**

NAC 630.xxx – New Regulation

Authority: NRS 630.130, NRS 630.xxx

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

NAC 630.xxx *Disciplinary Action for Fraudulent, Illegal, Unauthorized or Inappropriately Prescribed Controlled Substance.* *If the Board determines that a physician or physician assistant issued a fraudulent, illegal, unauthorized or otherwise inappropriately prescribed a controlled substance as defined in NRS chapter 639, the physician or physician assistant shall be subject to disciplinary action as follows:*

1. From January 1, 2018 through December 31, 2018, for a first offense, at a minimum, the Board shall require the licensee to complete two hours of continuing medical education regarding fraudulent, illegal, unauthorized or inappropriately prescribed controlled substances. The continuing medical education shall be completed within six months of the order mandating this training. This required medical education shall not count towards the regular continuing education requirement for renewal of license. This section expires by limitation on December 31, 2018, and section 2 of this regulation becomes the minimum discipline to be imposed for a first offense.

2. From January 1, 2018 through December 31, 2018, after a second offense, at a minimum, the Board shall require the licensee to complete two hours of continuing medical education regarding prescribing controlled substances, addiction and/or pain management, and a fine of not less than \$500.00. The continuing medical education shall be completed within six months of the order mandating this training. This required medical education shall not count towards the regular continuing education requirement for renewal of license. Additionally, the licensee shall be required to pay the fine within thirty days of the order. From January 1, 2019 through December 31, 2019, this section becomes the minimum discipline to be imposed for a first offense. This section expires by limitation on December 31, 2019.

3. From January 1, 2018 through December 31, 2018, after a third offense, at a minimum, the Board shall require the licensee to complete four hours of continuing medical education regarding prescribing controlled substances, addiction and/or pain management, a fine of not less than \$1,000.00, and a written public reprimand. The continuing medical education shall be completed within six months of the order mandating this training. This required medical education shall not count towards the regular continuing education requirement for renewal of license. Additionally, the licensee shall be required to pay the fine within thirty days of the order. From

January 1, 2019 through December 31, 2019, this section becomes the minimum discipline to be imposed for a second offense. From January 1, 2020, this section becomes the minimum discipline to be imposed for a first offense.

4. From January 1, 2018 through December 31, 2018, after a fourth offense, at a minimum, the Board shall require the licensee to complete eight hours of continuing medical education regarding prescribing controlled substances, addiction and/or pain management, suspend the licensee's license for a period of thirty days, order the licensee to pay a fine of not less than \$2,500.00, and administer a written public reprimand. The continuing medical education shall be completed within three months of the order mandating this training. This required medical education shall not count towards the regular continuing education requirement for renewal of license. Additionally, the licensee shall be required to pay the fine within thirty days of the order. From January 1, 2019 through December 31, 2019, this section becomes the minimum discipline to be imposed for a third offense. From January 1, 2020, this section becomes the minimum discipline to be imposed for a second offense.

5. From January 1, 2018 through December 31, 2018, after a fifth offense, the Board shall revoke the license of the licensee in order to protect the public from imminent harm, until further order of the Board.

6. From January 1, 2019 through December 31, 2019, after a fourth offense, the Board shall revoke the license of the licensee in order to protect the public from imminent harm, until further order of the Board.

7. From January 1, 2020, after a third offense, the Board shall revoke the license of the licensee in order to protect the public from imminent harm, until further order of the Board.

8. Nothing herein prevents the Board from summarily suspending the license of a licensee pursuant to NRS 630.326.

9. Nothing herein prevents the Board or any investigative committee of the Board from issuing a letter of warning, a letter of concern or a nonpunitive admonishment as set forth in NRS 630.299.