

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

**LCB File No. R100-17**

October 19, 2017

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

AUTHORITY: §§1-3, section 15 of Assembly Bill No. 474, chapter 605, Statutes of Nevada 2017, at page 4410, NRS 630.3062, as amended by section 18 of Assembly Bill No. 474, chapter 605, Statutes of Nevada 2017, at page 4411, and NRS 630.352; §4, section 15 of Assembly Bill No. 474, chapter 605, Statutes of Nevada 2017, at page 4410.

A REGULATION relating to prescriptions for controlled substances; establishing the disciplinary action to be imposed upon a licensee for the issuance of a fraudulent, illegal, unauthorized or otherwise inappropriate prescription for a controlled substance listed in schedule II, III or IV; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Existing law requires the Board of Medical Examiners to: (1) impose appropriate disciplinary action against a licensee if the Board determines that the licensee issued a fraudulent, illegal, unauthorized or otherwise inappropriate prescription for a controlled substance listed in schedule II, III or IV; and (2) adopt regulations providing for disciplinary action against a licensee for inappropriately prescribing a controlled substance listed in schedule II, III or IV or for violating certain other provisions of law relating to the prescribing of such a controlled substance or related regulations adopted by the State Board of Pharmacy. (Section 15 of Assembly Bill No. 474, chapter 605, Statutes of Nevada 2017, at page 4410) Existing law also establishes the disciplinary actions that the Board of Medical Examiners can impose against a licensee who prescribed, administered or dispensed a controlled substance listed in schedule II, III or IV fraudulently, illegally, without authority or otherwise inappropriately, including: (1) administering a written public reprimand to the licensee; (2) suspending or revoking the license of the licensee; and (3) imposing a fine of not more than \$5,000 for each violation committed. (NRS 630.3062, as amended by section 18 of Assembly Bill No. 474, chapter 605, Statutes of Nevada 2017, at page 4411, NRS 630.352)

**Sections 1-3** of this regulation establish the disciplinary action to be imposed upon a licensee who issues a fraudulent, illegal, unauthorized or otherwise inappropriate prescription for a controlled substance listed in schedule II, III or IV depending on the number of times the licensee has previously committed such a violation. **Section 4** of this regulation establishes the dates on which the provisions of **sections 1-3** become effective.

**Section 1.** Chapter 630 of NAC is hereby amended by adding thereto a new section to read as follows:

*1. In accordance with section 15 of Assembly Bill No. 474, chapter 605, Statutes of Nevada 2017, at page 4410, if the Board determines that a licensee issued a fraudulent, illegal, unauthorized or otherwise inappropriate prescription for a controlled substance listed in schedule II, III or IV, the Board will impose the following disciplinary action:*

*(a) For a first violation, the Board will require the licensee to complete at least 2 hours of continuing education concerning prescribing controlled substances listed in schedules II, III and IV.*

*(b) For a second violation, the Board will require the licensee to:*

*(1) Complete at least 2 hours of continuing education concerning prescribing controlled substances listed in schedules II, III and IV, addiction and pain management; and*

*(2) Pay a fine of not less than \$500.*

*(c) For a third violation, the Board will:*

*(1) Require the licensee to:*

*(I) Complete at least 4 hours of continuing education concerning prescribing controlled substances listed in schedules II, III and IV, addiction and pain management; and*

*(II) Pay a fine of not less than \$1,000; and*

*(2) Administer a written public reprimand.*

*(d) For a fourth violation, the Board will:*

*(1) Require the licensee to:*

*(I) Complete at least 8 hours of continuing education concerning prescribing controlled substances listed in schedules II, III and IV, addiction and pain management; and*

*(II) Pay a fine of not less than \$2,500;*

*(2) Administer a written public reprimand; and*

*(3) Suspend the license of the licensee for a period of 30 days.*

*(e) For a fifth violation, for the purpose of protecting the public from imminent harm, the Board will revoke the license of the licensee until further order of the Board.*

*2. Any continuing education required pursuant to this section:*

*(a) Must be completed:*

*(1) If the continuing education is required pursuant to paragraph (a), (b) or (c) of subsection 1, not later than 6 months after the Board orders the licensee to complete the continuing education; and*

*(2) If the continuing education is required pursuant to paragraph (d) of subsection 1, not later than 3 months after the Board orders the licensee to complete the continuing education; and*

*(b) Is in addition to any continuing education required for the renewal of a license.*

*3. Any fine imposed pursuant to this section must be paid not later than 30 days after the Board orders the licensee to pay the fine.*

*4. This section must not be construed to prevent the Board or any investigative committee of the Board from taking any other action that is authorized by law or regulation.*

**Sec. 2.** Section 1 of this regulation is hereby amended to read as follows:

1. In accordance with section 15 of Assembly Bill No. 474, chapter 605, Statutes of Nevada 2017, at page 4410, if the Board determines that a licensee issued a fraudulent, illegal, unauthorized or otherwise inappropriate prescription for a controlled substance listed in schedule II, III or IV, the Board will impose the following disciplinary action:

NEW  
SECOND  
PARALLEL  
SECTION

(a) For a first violation, ~~the Board will require the licensee to complete at least 2 hours of continuing education concerning prescribing controlled substances listed in schedules II, III and IV.~~

~~(b) For a second violation,~~ the Board will require the licensee to:

(1) Complete at least 2 hours of continuing education concerning prescribing controlled substances listed in schedules II, III and IV, addiction and pain management; and

(2) Pay a fine of not less than \$500.

~~(c)~~ (b) For a ~~third~~ *second* violation, the Board will:

(1) Require the licensee to:

(I) Complete at least 4 hours of continuing education concerning prescribing controlled substances listed in schedules II, III and IV, addiction and pain management; and

(II) Pay a fine of not less than \$1,000; and

(2) Administer a written public reprimand.

~~(d)~~ (c) For a ~~fourth~~ *third* violation, the Board will:

(1) Require the licensee to:

(I) Complete at least 8 hours of continuing education concerning prescribing controlled substances listed in schedules II, III and IV, addiction and pain management; and

(II) Pay a fine of not less than \$2,500;

(2) Administer a written public reprimand; and

(3) Suspend the license of the licensee for a period of 30 days.

~~(e)~~ (d) For a ~~fifth~~ *fourth or subsequent* violation, for the purpose of protecting the public from imminent harm, the Board will revoke the license of the licensee until further order of the Board.

2. Any continuing education required pursuant to this section:

(a) Must be completed:

(1) If the continuing education is required pursuant to paragraph (a) ~~or~~ (b) ~~or (c)~~ of subsection 1, not later than 6 months after the Board orders the licensee to complete the continuing education; and

(2) If the continuing education is required pursuant to paragraph ~~(d)~~ (c) of subsection 1, not later than 3 months after the Board orders the licensee to complete the continuing education; and

(b) Is in addition to any continuing education required for the renewal of a license.

3. Any fine imposed pursuant to this section must be paid not later than 30 days after the Board orders the licensee to pay the fine.

4. This section must not be construed to prevent the Board or any investigative committee of the Board from taking any other action that is authorized by law or regulation.

NEW THIRD  
PARALLEL  
SECTION

**Sec. 3.** Section 2 of this regulation is hereby amended to read as follows:

1. In accordance with section 15 of Assembly Bill No. 474, chapter 605, Statutes of Nevada 2017, at page 4410, if the Board determines that a licensee issued a fraudulent, illegal, unauthorized or otherwise inappropriate prescription for a controlled substance listed in schedule II, III or IV, the Board will impose the following disciplinary action:

(a) For a first violation, ~~the Board will require the licensee to:~~

~~(1) Complete at least 2 hours of continuing education concerning prescribing controlled substances listed in schedules II, III and IV, addiction and pain management; and~~

~~(2) Pay a fine of not less than \$500.~~

~~(b) For a second violation,] the Board will:~~

(1) Require the licensee to:

(I) Complete at least 4 hours of continuing education concerning prescribing controlled substances listed in schedules II, III and IV, addiction and pain management; and

(II) Pay a fine of not less than \$1,000; and

(2) Administer a written public reprimand.

~~[(e)]~~ (b) For a ~~third~~ *second* violation, the Board will:

(1) Require the licensee to:

(I) Complete at least 8 hours of continuing education concerning prescribing controlled substances listed in schedules II, III and IV, addiction and pain management; and

(II) Pay a fine of not less than \$2,500;

(2) Administer a written public reprimand; and

(3) Suspend the license of the licensee for a period of 30 days.

~~[(d)]~~ (c) For a ~~fourth~~ *third* or subsequent violation, for the purpose of protecting the public from imminent harm, the Board will revoke the license of the licensee until further order of the Board.

2. Any continuing education required pursuant to this section:

(a) Must be completed:

(1) If the continuing education is required pursuant to paragraph (a) ~~[(e)]~~ of subsection 1, not later than 6 months after the Board orders the licensee to complete the continuing education; and

(2) If the continuing education is required pursuant to paragraph ~~[(e)]~~ (b) of subsection 1, not later than 3 months after the Board orders the licensee to complete the continuing education; and

(b) Is in addition to any continuing education required for the renewal of a license.

3. Any fine imposed pursuant to this section must be paid not later than 30 days after the Board orders the licensee to pay the fine.

4. This section must not be construed to prevent the Board or any investigative committee of the Board from taking any other action that is authorized by law or regulation.

**Sec. 4.** 1. This section and section 1 of this regulation become effective on January 1, 2018.

2. Section 2 of this regulation becomes effective on January 1, 2019.

3. Section 3 of this regulation becomes effective on January 1, 2020.