

**APPROVED REGULATION OF THE
BOARD OF MEDICAL EXAMINERS**

LCB File No. R145-18

Effective June 26, 2019

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

AUTHORITY: §1, NRS 630.130, 630.275 and 630.323.

A REGULATION relating to controlled substances; providing that the Board of Medical Examiners will impose disciplinary action for certain violations relating to prescribing controlled substances; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law requires the Board of Medical Examiners to adopt regulations providing for disciplinary action against a licensee for inappropriately prescribing a controlled substance listed in schedule II, III or IV or violating certain provisions of law and regulations concerning the prescription of such controlled substances. Existing law also requires the Board to impose disciplinary action if the Board determines that a licensee has issued a fraudulent, illegal, unauthorized or inappropriate prescription for such a controlled substance. (NRS 630.323) This regulation requires any such disciplinary action to include a requirement that the licensee complete additional continuing education concerning prescribing certain controlled substances. This regulation also provides that the Board will consider the degree to which the licensee made a good faith attempt to comply with applicable provisions of law and regulations when determining: (1) whether such a violation has occurred; and (2) the disciplinary action that it will impose for such a violation.

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

1. The disciplinary action imposed by the Board upon finding that a licensee has committed a violation described in subsection 6 of NRS 630.323 must include, without limitation, a requirement that the licensee complete additional continuing education concerning prescribing controlled substances listed in schedules II, III and IV.

2. The Board will consider the degree to which a licensee made a good faith attempt to comply with applicable provisions of law and regulations, including, without limitation, the provisions of NRS 639.2391 to 639.23916, inclusive, or any regulations adopted pursuant thereto, when determining:

(a) Whether a licensee has committed a violation described in subsection 6 of NRS 630.323; and

(b) The disciplinary action to impose for the violation, when applicable.