

# NEVADA STATE BOARD OF MEDICAL EXAMINERS

9600 Gateway Drive

Reno, NV 89521

**Victor M. Muro, M.D.**  
Board President

**Edward O. Cousineau, J.D.**  
Executive Director



## **Informational Statement LCB File No. R180-20**

**The following statement is submitted for adopted amendments to Nevada Administrative Code (NAC) Chapter 630.**

### **1. A Clear and Concise Explanation of the Need for the Adopted Regulation.**

The proposed regulation is necessary to make requirements for physician and physician assistants who have not practiced for a period the same. In other words, currently, Nevada physicians are not required to take an examination to test their medical competency until they have not practiced medicine for more than 24 months. However, the Board's current regulations require physician assistants to take an examination to test their medical competency after they have not practiced medicine for more than 12 months. The proposed regulation makes this requirement the same for both license types and increases the time that a physician assistant may not practice medicine before an examination is required from 12 to 24 months.

### **2. A Description of How Public Comment Was Solicited, a Summary of Public Response, and an Explanation How Other Interested Persons May Obtain a Copy of the Summary.**

Copies of the proposed regulations, notices of workshop and notices of intent to act upon the regulation were sent by U.S. Mail and email to persons who were known to have an interest in regulations adopted by the Board, as well as any persons who had specifically requested such notice. These documents were also made available at the Board's website, [http://medboard.nv.gov/About/Proposed\\_Regulations/](http://medboard.nv.gov/About/Proposed_Regulations/), posted at [notice.nv.gov](http://notice.nv.gov) and <https://www.leg.state.nv.us/App/Notice/A/>, and posted at the following locations:

Washoe County Courthouse	Reno, Nevada
Elko County Courthouse	Elko, Nevada
NV State Board of Medical Examiners	Reno, Nevada
NV State Board of Medical Examiners	Las Vegas, Nevada
Office of the Attorney General	Las Vegas, Nevada
Office of the Attorney General	Carson City, Nevada
Storey County Commissioners Office	Virginia City, Nevada

A regulation workshop on LCB File No. R180-20 was held on February 2, 2022, at 10:00 a.m., at the Board's Reno office located at 9600 Gateway Drive, Reno, NV 89521. This regulation workshop was video conferenced to the Board's Las Vegas office located at 325 E. Warm

Springs Road, Suite 225, Las Vegas, NV 89119. One member of the public came to the Board office in Reno a few minutes prior to the start of the regulation workshop meeting and signed in on the sign-in sheet. However, when he realized that LCB File No. R180-20 did not address respiratory therapists, he left the meeting and was not present when the meeting started at 10:05 a.m. He did not provide written or public comment at the workshop.

A public hearing on LCB File No. R180-20 was held on February 16, 2022, at 1:00 p.m., at the Board's Las Vegas office located at 325 E. Warm Springs Road, Suite 225, Las Vegas, NV 89119. This public hearing was video conferenced to the Board's Reno office located at 9600 Gateway Drive, Reno, NV 89521. One member of the public, Ashley Cole, PA-C, representing the Nevada Association of Physician Assistants, attended in Las Vegas and provided public comment in support of the regulation. Ms. Cole indicated that she was glad that the Board was working on regulations regarding physician assistants, and she wanted to introduce herself as an interested party.

**3. The Number Persons Who:**

**(a) Attended Each Hearing:**

February 2, 2022 (Regulation Workshop): 1;  
February 16, 2022 (Public Hearing): 1.

**(b) Testified at Each Hearing:**

February 2, 2022 (Regulation Workshop) 0;  
February 16, 2022 (Public Hearing) 1.

**(c) Submitted to the Agency Written Comments:**

No written comments were submitted. On January 19, 2022, Deputy Executive Director Bradley received an email inquiry from Mary Ann McCauley at the Washoe County Medical Society asking (1) why the regulation was being changed, (2) was there a safety issue with recent physician assistant graduates, (3) are we following a trend in other states, and (4) if so, what's their rationale. On January 25, 2022, Deputy Executive Director Bradley responded to Ms. McCauley and explained that the reason for the regulation change was to make the requirements for physicians and physician assistants the same when applicants are applying for a license in Nevada after being out of practice for a specified time period. Deputy Executive Director Bradley explained that the regulation did not address the other issues and she had no information to share with regard to those other questions. Ms. McCauley also asked for the deadline to provide comment on the proposed regulation. Deputy Executive Director Bradley indicated that the workshop for the proposed regulation was scheduled for February 2, 2022, and that the public hearing was scheduled for February 16, 2022. Then, the proposed regulation would be on the Board's March 4, 2022, meeting agenda for possible adoption. Deputy Executive Director Bradley further indicated that because Ms. McCauley was on the Board's meeting agenda mailing list and would receive notice for all of the Board's meeting regarding this proposed regulation. No further communication was received from Ms. McCauley or the Washoe County Medical Society, and no written comment regarding the proposed regulation was received from Ms. McCauley or the Washoe County Medical Society.

**4. A List of Names and Contact Information, Including Telephone Number, Business Address, Business Telephone Number, Electronic Mail Address, and Name of Entity or Organization Represented, for Each Person Identified Above In #3, As Provided to The Agency.**

Attendee at the February 2, 2022, Regulation Workshop in Reno:

John Steinmetz  
Telephone: (702) 238-9377  
Email: steinmetzjh@yahoo.com  
Representing respiratory therapists  
(No business address provided.)

Attendee at the February 16, 2022, Regulation Hearing in Las Vegas:

Ashley Cola, PA-C  
Telephone: (318) 308-6507  
Email: amcolePAC@gmail.com  
Representing Nevada Association of Physician Assistants  
(No business address provided.)

**5. A Description of How Comment Was Solicited from Affected Businesses, A Summary of Their Response, and an Explanation How Other Interested Persons May Obtain a Copy of the Summary.**

Copies of the proposed regulation, notice of workshop and notice of intent to act upon the regulation were sent by U.S. mail and emailed to persons who were known to have an interest in the subject of medical regulation, as well as any persons who had specifically requested such notice. These documents were also made available on the website of the Nevada State Board of Medical Examiners, available at [http://medboard.nv.gov/About/Proposed\\_Regulations/](http://medboard.nv.gov/About/Proposed_Regulations/), the website of the Legislative Counsel Bureau, available at <https://www.leg.state.nv.us/App/Notice/A/>, the Department of Administration website, available at [notice.nv.gov](http://notice.nv.gov).

In the Notice of Intent to Act Upon Regulation, the public was notified that a copy of the proposed regulation was on file at the Nevada State Library, 100 N. Stewart St., Carson City, Nevada; available at the offices of the Board located at 9600 Gateway Drive, Reno, Nevada and 325 E. Warm Springs Road, Suite 225, Las Vegas, Nevada; 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 <https://www.leg.state.nv.us/register/>, as well as posted at the following locations:

Washoe County Courthouse	Reno, Nevada
Elko County Courthouse	Elko, Nevada
NV State Board of Medical Examiners	Reno, Nevada
Office of the Attorney General	Las Vegas, Nevada
Office of the Attorney General	Carson City, Nevada
Storey County Commissioners Office	Virginia City, Nevada

The Board solicited any potentially impacted businesses by reaching out to various business chambers and associations. Correspondence regarding this regulation was sent to the following organizations:

- Las Vegas Metro Chamber of Commerce
- Las Vegas Latin Chamber of Commerce
- Las Vegas Asian Chamber of Commerce
- Better Business Bureau of Southern Nevada, Inc.
- Better Business Bureau of Northern Nevada, Inc.
- Reno/Sparks Chamber of Commerce
- City of Winnemucca
- Elko Great Basin College
- Pahrump Rural Nevada Development Corp.
- Ely Rural Nevada Development Corp.
- Churchill County Economic Development Authority
- Nevada State Medical Association
- Clark County Medical Society

No public comment was received at the regulation workshop or public hearing. In addition, no written comment was received from any person or entity.

**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.**

This regulation was adopted by the Board at a public meeting held on March 4, 2022. It was adopted without changes because no comments or suggested changes were received.

**7. The Estimated Economic Effect of the Adopted Regulation on the Businesses Which It Is to Regulate and on the Public. These Must Be Stated Separately, And Each Case Must Include: (a) Both Adverse and Beneficial Effects; and (b) Both Immediate and Long-Term Effects.**

**(a) Both Adverse and Beneficial Effects.**

The Board does not believe that the proposed regulation will have an adverse or beneficial direct economic effect on the business of the practice of medicine, nor will it have a direct economic effect on the public. It is possible that, because this regulation extends the time that a physician assistant may not practice medicine before an examination testing his or her competency will be required, it may benefit the formation, operation, or expansion of a small business because some physician assistant applicants will now be able to be licensed without an examination testing their competency. However, only a small number of physician assistant applicants are likely to be affected by this regulation, and it is hard to predict this beneficial effect.

**(b) Both Immediate and Long-Term Effects.**

The Board does not believe that the proposed regulation will have an immediate or long-term direct economic effect on the business of the practice of medicine, nor will it have a direct economic effect on the public. It is possible that, because this regulation extends the time that a physician assistant may not practice medicine before an examination testing his or her competency will be required, it may benefit the formation, operation, or expansion of a small business because some physician assistant applicants will now be able to be licensed without an examination testing their competency. However, only a small number of physician assistant applicants are likely to be affected by this regulation, and it is hard to predict the immediate and long-term effects.

**8. The Estimated Cost to the Agency for Enforcement of the Adopted Regulation.**

Enforcement of the proposed regulations will not result in an increased cost to the Board.

**9. A Description of Any Regulations of Other State or Government Agencies Which the Proposed Regulation Overlaps or Duplicates and a Statement Explaining Why the Duplication or Overlapping Is Necessary. If the Regulation Overlaps or Duplicates a Federal Regulation, the Name of the Regulating Federal Agency.**

To the Board's knowledge, the proposed regulations do not overlap or duplicate the regulations of other state or local governmental agencies or any federal regulations.

**10. If the Regulation Includes Provisions That Are More Stringent Than a Federal Regulation Which Regulates the Same Activity, a Summary of Such Provisions.**

To the Board's knowledge, the proposed regulations do not regulate the same activity addressed in a federal regulation.

**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.**

This regulation does not provide a new fee or increase an existing fee.