

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

LCB File No. R189-22

May 2, 2023

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

AUTHORITY: §§ 1 and 2, NRS 630.130 and 630.275; § 3, NRS 630.130 and 630.267; § 4, NRS 630.130.

A REGULATION relating to medicine; providing for the delivery of a letter of warning, a letter of concern or a nonpunitive admonishment to each supervising physician of a physician assistant; requiring an application for certain biennial registration to be accompanied by certain documents; revising requirements concerning the submission of certain motions to the Board of Medical Examiners; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law authorizes the Board of Medical Examiners or any investigative body to issue a letter of warning, a letter of concern or a nonpunitive admonishment to a person whom the Board of Medical Examiners believes may have violated or is violating provisions of existing law governing the practice of medicine before initiating any disciplinary proceedings against the person. (NRS 630.299) If the Board issues such a letter to a physician assistant, **section 2** of this regulation provides that the Board will also deliver a copy of the letter or admonishment to each supervising physician of the physician assistant.

Existing law enters this State into the Interstate Medical Licensure Compact, which provides for the reciprocal licensure of physicians who are licensed in other member states. (NRS 629A.100) Existing law generally requires a holder of a license to practice medicine in this State to register biennially with the Board. (NRS 630.267) **Section 3** of this regulation requires a physician who holds reciprocal licensure under the Compact and who is applying for a biennial registration to include with the application any documents requested by the Board during the process of issuing the initial license.

Existing regulations require all motions in relation to a hearing before the Board to be in writing, unless the motion is made during the hearing. (NAC 630.460) Existing law prescribes the procedure for making a posthearing motion to a licensing board or other body that regulates a profession in this State. (NRS 622A.390) **Section 4** of this bill: (1) limits the regulatory requirement that motions be in writing to only apply to motions made before a hearing; and (2) requires motions made after a hearing to comply with the requirements prescribed by existing law.

Section 1. Chapter 630 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this regulation.

Sec. 2. *If the Board issues a letter of warning, a letter of concern or a nonpunitive admonishment to a physician assistant pursuant to NRS 630.299, the Board will deliver a copy of the letter or admonishment to each supervising physician of the physician assistant.*

Sec. 3. *If a physician is licensed under the Interstate Medical Licensure Compact set forth in NRS 629A.100, the information required to be submitted by the physician to complete a biennial registration pursuant to NRS 630.267 includes, without limitation, any documents requested by the Board during the process of issuing the initial license that the physician has not yet submitted. If an applicant fails to provide any such documents, the Board may refuse to issue the biennial registration.*

Sec. 4. NAC 630.460 is hereby amended to read as follows:

630.460 1. Each party shall enter his or her appearance at the beginning of a hearing or at a time designated by the presiding officer by giving the party's name and address and stating his or her position or interest to the presiding officer. The information will be entered in the record of the hearing.

2. Following the entry of an appearance by an attorney for a party, all notices, pleadings and orders to be served on that party must be served upon the attorney, and that service is valid for all purposes upon the party represented.

3. All pleadings must be verified.

4. A party may respond to a complaint by filing an answer within 20 working days after receiving the complaint. If a party fails to file an answer within the time prescribed, he or she shall be deemed to have denied generally the allegations of the complaint.

5. All motions ~~{, unless they are}~~ made ~~{during}~~ *before* a hearing ~~{}~~ must be in writing. All written motions must set forth the nature of relief sought, the grounds therefor and the points and authorities relied upon in support of the motion. A party desiring to oppose *such* a motion may serve and file a written response to the motion within 10 working days after service of the motion. The moving party may serve and file a written reply within 5 working days after service of the opposition to the motion. All motions made during a hearing must be based upon matters arising during the hearing. A decision on the motion will be rendered without oral argument unless oral argument is ordered by the Board, a panel of members of the Board or the hearing officer in which event the Board, panel or hearing officer will set a date and time for hearing.

6. The original and two copies of each pleading, motion or other paper must be filed with the Board. A copy of each pleading or motion must be made available by the party filing it to any other person whom the Board determines may be affected by the proceeding and who desires the copy.

7. Any document required to be served by a party, other than a notice of hearing, complaint, adverse decision, or order of the Board, may be served by mail, and the service shall be deemed complete when a true copy of the document, properly addressed and stamped, is deposited in the United States mail.

8. There must appear on, or be attached to, each document required to be served:

- (a) Proof of service by a certificate of an attorney or his or her employee;
- (b) Proof of personal service;
- (c) A written admission of service; or
- (d) An affidavit of mailing.

9. Any motion filed after the close of a hearing is governed by NRS 622A.390.