

FORM FOR FILING ADMINISTRATIVE REGULATIONS

SECRETARY OF STATE
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Agency:
Nevada State Board of Medical
Examiners

FOR EMERGENCY
REGULATIONS ONLY

Effective Date: _____

Expiration Date: _____

Governor's Signature

Classification: PROPOSED ADOPTED BY AGENCY EMERGENCY

Brief Description of Action: Allows the Board to deny a renewal application for physicians licensed pursuant to NRS Chapter 629A if those physicians have failed to provide all required application documents requested by the Board at initial licensure.

Authority Citation Other Than 233B: NRS 629A, Article 7, Section f

Notice Date: December 1, 2022

Hearing Date: January 4, 2023

Date of Adoption by Agency: March 3, 2023

NEVADA STATE BOARD OF MEDICAL EXAMINERS

9600 Gateway Drive
Reno, NV 89521

Aury Nagy, M.D.
Board President

Edward O. Cousineau, J.D.
Executive Director



NOTICE OF ADOPTION OF REGULATION

The Nevada State Board of Medical Examiners adopted temporary regulation assigned LCB File No. T006-22 which pertains to Chapter 630 of the Nevada Administrative Code on March 3, 2023. A copy of the regulation as adopted is attached hereto.

DATED: April 10, 2023

A handwritten signature in blue ink that reads "Sarah A. Bradley".

SARAH A. BRADLEY, J.D., MBA
Deputy Executive Director
Nevada State Board of Medical Examiners

Authority: NRS 629A, Article 7, Section f

New Provision#1: *For physicians licensed pursuant NRS 629A, information required for biennial registration pursuant NRS 630.267(1)(c) includes any outstanding application documents requested by the Board at initial licensure. Failure to provide these documents may result in the renewal application being denied.*

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Informational Statement LCB File No. T006-22

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 temporary regulation clarifies the requirements needed for renewal of a license issued pursuant to NRS Chapter 629A and aids the Nevada State Board of Medical Examiners (Board) in receiving outstanding applications documents prior to processing a licensee's renewal application.

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 temporary regulation, notice of workshop and notice 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/, posted at notice.nv.gov and <https://www.leg.state.nv.us/App/Notice/A/>, and posted at the following locations:

Washoe County Courthouse	Reno, 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
White Pine County Courthouse	Ely, Nevada
Nevada State Board of Medical Examiners Website	https://medboard.nv.gov

A regulation workshop on LCB File No. T006-22 was held on December 14, 2022, at 3:30 p.m., at the Board's Las Vegas office located at 325 E. Warm Springs Road, Suite 225, Las Vegas, NV 89119. This regulation workshop was video conferenced to the Board's Reno office located at 9600 Gateway Drive, Reno, NV 89521. One (1) member of the public attended the regulation workshop.

A public hearing on LCB File No. T006-22 was held on January 4, 2023, at 1:30 p.m., at the Board's Reno office located at 9600 Gateway Drive, Reno, NV 89521. This public hearing was video conferenced to the Board's Las Vegas office located at 325 E. Warm Springs Road, Suite 225, Las Vegas, NV 89119. No member of the public attended the regulation hearing.

3. The Number Persons Who:

(a) Attended Each Hearing:

December 14, 2022 (Regulation Workshop): 1;
January 4, 2023 (Public Hearing): 0.

(b) Testified at Each Hearing:

December 14, 2022 (Regulation Workshop): 0;
January 4, 2023 (Public Hearing): 0.

(c) Submitted to the Agency Written Comments:

No written comments were submitted.

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.

Jeanette Belz, 10580 N. McCarran Blvd., #115-222, Reno, NV 89503, 775-329-0119, jb@belz.com, representing the Nevada Psychiatric Association, attended the regulation workshop.

No individuals attended the public hearing.

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 temporary regulation, Notice of Workshop and Notice of Intent to Act Upon a 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 Board, available at 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.

In the Notice of Intent to Act Upon a 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
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
White Pine County Courthouse	Ely, Nevada
Nevada State Board of Medical Examiners Website	https://medboard.nv.gov

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:

- Better Business Bureau of Northern Nevada, Inc.
- Better Business Bureau of Southern Nevada, Inc.
- Churchill County Economic Development Authority
- City of Winnemucca
- Clark County Medical Society
- Elko Great Basin College
- Ely Rural Nevada Development Corp.
- Las Vegas Asian Chamber of Commerce
- Las Vegas Latin Chamber of Commerce
- Las Vegas Metro Chamber of Commerce
- Nevada State Medical Association
- Pahrump Rural Nevada Development Corp.
- Reno/Sparks Chamber of Commerce
- Washoe 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 temporary regulation was adopted by the Board at a public meeting held on March 3, 2023. 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 temporary 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.

(b) Both Immediate and Long-Term Effects.

The Board does not believe that the proposed temporary 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.

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

Enforcement of the proposed temporary regulation 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 temporary regulation does 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 temporary regulation does 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 temporary regulation does not provide a new fee or increase an existing fee.

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Executive Director



Small Business Impact Statement for T006-22

EFFECTIVE DATE OF REGULATION:

Upon filing with the Nevada Secretary of State

1. Background:

The proposed temporary regulation clarifies the requirements needed for renewal of a license issued pursuant to NRS Chapter 629A and aids the Nevada State Board of Medical Examiners (Board) in receiving outstanding applications documents prior to processing a licensee's renewal application.

2. Description of Solicitation:

Copies of the proposed temporary 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 Board, available at 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.

In the Notice of Intent to Act Upon Regulation, the public was notified that a copy of the proposed temporary 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
NV State Board of Medical Examiners
NV State Board of Medical Examiners
Office of the Attorney General
Office of the Attorney General

Reno, Nevada
Reno, Nevada
Las Vegas, Nevada
Las Vegas, Nevada
Carson 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:

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

3. Does the Proposed Regulation Impose a Direct and Significant Economic Burden Upon a Small Business or Directly Restrict the Formation, Operation, or Expansion of a Small Business? (NRS 233B.0608(1))

No, the proposed temporary regulation does not impose a direct and significant economic burden upon a small business or directly restrict the formation, operation or expansion of a small business.


4. How Was That Conclusion Reached?

After attempting to solicit comment from multiple individuals and entities, the Board received no public comment, either oral or written, indicating that this temporary regulation would impose a direct and significant economic burden upon a small business or directly restrict the formation, operation, or expansion of a small business. There was no evidence or information obtained by the Board that would indicate that this temporary regulation is likely to impose a direct and significant economic burden upon a small business or directly restrict the formation, operation, or expansion of a small business. In addition, a review of the text of this temporary regulation indicates that it allows the Board to deny applications for renewal to physicians who have failed to provide application documents that are required by Nevada law. In this temporary regulation, the Board is not creating a new requirement. Instead, it is creating a mechanism to ensure that those physicians who are renewing their licenses must provide required information pursuant to Nevada law before renewing their license. Most physicians

provide these documents when applying for licensure. This just ensures that the Board has a mechanism to get their attention later if/when the physician has failed to provide those documents that are already required by Nevada law.

I, Sarah A. Bradley, Deputy Executive Director of the Nevada State Board of Medical Examiners, certify that, to the best of my knowledge or belief, a concerted effort was made to determine the impact of the proposed regulation on small business, and that the information contained in the statement above is accurate. (NRS 233B.0608(3))

Dated: April 10, 2023

Signature: 
SARAH A. BRADLEY, J.D., MBA
Deputy Executive Director
Nevada State Board of Medical Examiners