

INFORMATIONAL STATEMENT

PROPOSED REGULATION ADOPTED BY THE NEVADA STATE BOARD OF MEDICAL EXAMINERS LCB File Number R008-17

Pursuant to the provisions of NRS 233B.066, the following informational statement is submitted:

1. A clear and concise statement of the need for the adopted regulation:

The impetus to repeal this regulation was based upon concerns raised by the Nevada State Medical Association and that the regulation could be construed to require a physician to see and weigh a patient both at the beginning and end of each month, resulting in an unnecessary burden on patients. Furthermore, it is the position of the Board that the regulation no longer reflects the standard of care. The proposed amendment of NAC 630.187 removes reference to the Dietary Guidelines, which are no longer necessary if NAC 630.205 is repealed. The amendment also updates the latest Guidelines on the Chronic Use of Opioid Analgesics.

2. A description of how public comment was solicited, a summary of public response, and an explanation of how other interested persons may obtain a copy of the summary:

On March 3, 2017, at a regularly scheduled Board Meeting, staff requested the repeal of NAC 630.205. At the March 3, 2017, Board Meeting, Weldon Havins, M.D., J.D., President of the Nevada State Medical Association, stated he supported the repeal of NAC 630.205. Although a request was sent to the Legislative Counsel Bureau for an assigned number for the proposed repeal shortly thereafter in June 2017, the approved language from the Legislative Counsel Bureau was not received until April 9, 2018. The approved language also removed reference to the Dietary Guidelines in NAC 630.187.

Because the Board was simultaneously proceeding through the regulatory adoption process to update NAC 630.187 regarding the reference to opioid prescribing guidelines, Board staff requested that both be combined into one regulatory amendment. Thus, on June 1, 2018, at a regularly scheduled Board Meeting, Board staff requested authorization to proceed with the regulatory adoption process for amending Nevada Administrative Code Chapter 630 to both repeal NAC 630.205 and to update NAC 630.187. The Board unanimously approved this request. There was no public comment at the Board Meeting relative to this proposed regulation. The regulation was assigned Legislative Counsel Bureau No. R008-17.

Comments were solicited from the public regarding the potential impact of this proposed regulation change by sending the notice to the following:

**Washoe County Courthouse
Carson City Library
Clark County District Library
Churchill County Library
Douglas County Library
Elko County Library**

**Reno, Nevada
Carson City, Nevada
Las Vegas, Nevada
Fallon, Nevada
Minden, Nevada
Elko, Nevada**

**Esmeralda County Library
Humboldt County Library
Lander County Library
Lincoln County Library
Lyon County Library
Mineral County Library
Tonopah Library
Pershing County Library**

**Goldfield, Nevada
Winnemucca, Nevada
White Pine, Nevada
Pioche, Nevada
Yerington, Nevada
Hawthorne, Nevada
Tonopah, Nevada
Lovelock, Nevada**

**Storey County Library
White Pine County Library**

**Virginia City, Nevada
Ely, Nevada**

Additionally, the Board solicited input by the public by reaching out to various business chambers and associations. Correspondence 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

On October 24, 2018, a public workshop was held in Board's Las Vegas office and by video-conference to the Reno office to gather public input on this regulation. A hearing was held on November 19, 2018 in the Board's Reno office and by video-conference to the Las Vegas office. Finally, at the Board's regularly noticed meeting on March 1, 2019, the regulation was presented for adoption by the Board. There were no public comments at that time, and the Board voted unanimously to adopt the regulation.

Summary of the public response:

Public Workshop

During the public workshop, no one spoke in support of or against the proposed regulation.

Regulation Hearing

During the regulation hearing, no one testified in support of or against the proposed regulation.

How other interested persons may obtain a copy of the public response to the regulation:

On file with the Board at the offices of the Board at 9600 Gateway Drive, Reno, Nevada, is a complete transcript of the hearing conducted on the proposed regulation and a summary of responses.

Any member of the public may visit the offices of the Board and may review any part or the entire transcript or responses referred to above. Also, any member of the public may request copies of the transcript of all the public comment by contacting the court reporter and requesting a copy.

The court reporter may be contacted at:

Litigation Services
151 Country Estates Cir. Ste 1
Reno, Nevada 89511
(775) 323-3411

3. The number of persons who:

- a. **Attended each hearing:** November 19, 2018 – 1 person
- b. **Testified at each hearing:** November 19, 2018 – 0 persons
- c. **Submitted to the agency written comments:** 0 persons

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 in Question 3, as provided to the agency:

Attended regulation hearing:

Sara Cholhagian
Ferrari P.A.
8863 W. Flamingo Road, Suite 102
Las Vegas, NV 89147-8718
702.301.1527
sara@ferraripa.com

Testified at regulation hearing:

No one testified at the regulation hearing.

Submitted to the agency written comments:

No written comments were received at 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 parties may obtain a copy of the summary.

In addition to soliciting comments from the public, as set forth in the response to Question 2 herein, the Nevada State Board of Medical Examiners solicited any potential impacted businesses by reaching out to various business chambers and associations. Correspondence 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

There was no response from any of the solicited organizations. Interested parties may obtain a copy of the summary in the same manner as set forth in the response to Question 2.

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.

The proposed regulation was not changed when adopted by the Board at the March 1, 2019 meeting, because there were no comments or testimony that would support making changes to the proposed regulation.

7. The economic effect of the adopted regulation on the businesses it is to regulate and on the public. These must be stated separately, and each case must include:

- a. Both adverse and beneficial effects**
- b. Both immediate and long-term effects**

(a) Both adverse and beneficial effects

There will be no economic effect to the medical profession or the public by adoption of this regulation. It benefits the medical profession by repealing a regulation that no longer reflected the standard of practice and updating a regulation to reflect the most recent guidelines for prescribing opioid analgesics. It will benefit the public by no longer requiring unnecessary medical visits for the prescription of appetite suppressants and by helping to ensure that the practitioners who the public sees for the treatment of pain are abiding by the most recent guidelines for prescribing opioid analgesics, thereby helping to ensure that the public receives needed medication but not indiscriminately, without the risks of opioid analgesics being taken into account.

(b) Both immediate and long-term effects

The immediate and long-term effect to both the medical profession and the public will be to no longer require a licensee to schedule patient visits that may be unnecessary in order to prescribe appetite suppressants. The revision will also require licensees to comply with the most updated guidelines regarding the prescription of opioid analgesics, which helps to prevent the

overprescription of opioid analgesics, thereby protecting the public.

8. The estimated cost to the Nevada State Board of Medical Examiners for enforcement of the proposed regulation.

The Nevada State Board of Medical Examiners estimates that there will be no additional cost to itself to enforce the proposed regulation.

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.

There are no other state or government agency regulations that the proposed regulation duplicates.

10. If the regulation includes provisions that are more stringent than a federal regulation which regulates the same activity, a summary of such provisions.

There are no federal regulations that apply.

11. If the regulation provides a new fee or increases an existing fee, the total annual amount the Board 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.