

LCB File No. R080-06

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

**NOTICE OF WORKSHOPS
TO SOLICIT COMMENTS ON A PROPOSED REGULATION
AND
NOTICE OF HEARING
FOR ADOPTION OF A REGULATION OF THE
NEVADA STATE BOARD OF MEDICAL EXAMINERS**

Workshop Notice: The Nevada State Board of Medical Examiners, 1105 Terminal Way, Suite 301, Reno, Nevada 89502, is proposing the amendment of regulations pertaining to Chapter 630 of the Nevada Administrative Code. Two (2) Workshops have been set for the purpose of soliciting comments from interested persons on the adoption of the amendment to the regulation.

The first workshop will be conducted **Wednesday, May 3, 2006, at the hour of 10:00 o'clock a.m.**, or as soon thereafter as it may be conducted on that date, at the Grant Sawyer State Office Building, 555 E. Washington Avenue, Room #4412E, Las Vegas, Nevada.

The second workshop will be conducted **Thursday, May 4, 2006, at the hour of 1:00 o'clock p.m.**, or as soon thereafter as it may be conducted on that date, at the offices of the Board at 1105 Terminal Way, Suite 301, Reno, Nevada.

Action – Proposed amendment of NAC Regulations

Amendment to NAC 630.380 to add grounds for denial of licensure to physician assistant applicant.

Public Hearing Notice: The Nevada State Board of Medical Examiners will hold a **public hearing at 10:00 o'clock a.m., on Thursday, May 11, 2006**, or as soon thereafter as it may be heard on that date, at the offices of the Board at 1105 Terminal Way, Suite 301, Reno, Nevada. The purpose of the hearing is to receive comments from all interested persons regarding the amendment of Nevada Administrative Code Section 630.380. If no interested person, who is directly affected by the proposed action, appears to request time to make an oral presentation, the Board may proceed immediately to act upon any written submissions.

The proposed change to Chapter 630 of the Nevada Administrative Code is set out hereinafter.

- The proposed amendments is necessary to insure the competency of physician assistants licensed by the Board.

- The proposed amendment will not have a direct economic effect on the business of the practice of medicine or any other business or on the public.
- Enforcement of the proposed amendment will not result in an increased cost to the Nevada State Board of Medical Examiners.
- To the Board's knowledge, the proposed amendment does not overlap or duplicate the regulations of other State or local governmental agencies or any federal regulations.
- The proposed amendment does not establish any new fees or increases to existing fees.
- The proposed amendment does not affect small businesses in any way.

Persons wishing to comment on the proposed action may appear at the scheduled public hearing or may address their comments, data, views or arguments, in written form, to the Nevada State Board of Medical Examiners, 1105 Terminal Way, Suite 301, P.O. Box 7238, Reno, Nevada 89510-7238. **Written submissions must be received by the Board on or before five (5) days prior to the date set for the public hearing.**

A copy of this notice and the regulations to be amended will be on file at the State Library, 100 N. Stewart Street, Carson City, Nevada, for inspection by members of the public during business hours. Additional copies of the notice and the regulations to be amended will be available at the offices of the Nevada State Board of Medical Examiners, 1105 Terminal Way, Suite 301, Reno, Nevada, and in all counties in which an office of the Board is not maintained, at the main public library, for inspection and copying by members of the public during business hours. This notice and the text of the regulations to be amended are also available 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 <http://www.leg.state.nv.us>. Copies will also be mailed to members of the public upon request. A reasonable fee may be charged for copies if it is deemed necessary.

Upon adoption of any regulation, the agency, if requested to do so by an interested person, either before adoption or within 30 days thereafter, will issue a concise statement of the principal reasons for and against its adoption, and incorporate therein its reason for overruling the consideration urged against adoption.

This notice of hearing has been posted at the following locations:

Washoe County Courthouse – Reno, Nevada
 Reno City Hall – Reno, Nevada
 Elko County Courthouse – Elko, Nevada
 White Pine County Courthouse – Ely, Nevada
 Clark County Health Department – Las Vegas, Nevada

Carson City Office of the State Attorney General
Las Vegas Office of the State Attorney General
Reno Office of the Nevada State Board of Medical Examiners
Carson City Public Library – Carson City, Nevada
Churchill County Public Library – Fallon, Nevada
Las Vegas Public Library – Las Vegas, Nevada
Douglas County Public Library – Minden, Nevada
Elko County Public Library – Elko, Nevada
Goldfield Public Library – Goldfield, Nevada
Eureka Branch Public Library – Eureka, Nevada
Humboldt County Public Library – Winnemucca, Nevada
Lincoln County Public Library – Pioche, Nevada
Lyon County Public Library – Yerington, Nevada
Mineral County Public Library – Hawthorne, Nevada
Tonopah Public Library – Tonopah, Nevada
Pershing County Public Library – Lovelock, Nevada
Storey County Public Library – Virginia City, Nevada
Washoe County Public Library – Reno, Nevada
White Pine County Public Library – Ely, Nevada
Battle Mountain Branch Public Library – Battle Mountain, Nevada

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

AUTHORITY: NRS 630.130, 630.275

NAC 630.380 is hereby added to read as follows:

630.380 Disciplinary action *and denial of licensure*: Grounds; institution; exception. (NRS 630.130, 630.275)

1. *The following acts, among others, constitute grounds for initiating disciplinary action or denying licensure, where a physician assistant:*
 - (a) Has willfully and intentionally made a false or fraudulent statement or submitted a forged or false document in applying for a license;
 - (b) Has held himself out as or permitted another to represent him to be a licensed physician;
 - (c) Has performed medical services otherwise than at the direction or under the supervision of the supervising physician of the physician assistant;
 - (d) Has performed medical services which have not been approved by his supervising physician;
 - (e) Is guilty of gross or repeated malpractice in the performance of medical services for acts committed before October 1, 1997;
 - (f) Is guilty of malpractice in the performance of medical services for acts committed on or after October 1, 1997;
 - (g) Is guilty of disobedience of any order of the Board or an investigative committee of the Board, provision in the regulations of the State Board of Health or the State Board of Pharmacy or provision of this chapter;
 - (h) Is guilty of administering, dispensing or possessing any controlled substance otherwise than in the course of legitimate medical services or as authorized by law and his supervising physician;
 - (i) Has been convicted of a violation of any federal or state law regulating the prescribing, possession, distribution or use of a controlled substance;
 - (j) Is not competent to provide medical services;
 - (k) Failed to notify the Board of loss of certification by the National Commission on Certification of Physician Assistants;
 - (l) Is guilty of violating a provision of NAC 630.230;
 - (m) Is guilty of violating a provision of NRS 630.301 to 630.3065, inclusive; or
 - (n) Is guilty of violating a provision of subsection 2 or 3 of NAC 630.340.
2. To institute disciplinary action against a physician assistant, a written complaint, specifying the charges, must be filed with the Board by the investigative committee of the Board.

3. A physician assistant is not subject to disciplinary action solely for prescribing or administering to a patient under his care a controlled substance which is listed in schedule II, III, IV or V by the State Board of Pharmacy pursuant to NRS 453.146.