

LCB File No. R192-07

**PROPOSED REGULATION OF THE
STATE BOARD OF OSTEOPATHIC MEDICINE**

PHYSICIAN ASSISTANT

~~[— (NAC 633.290) **Application to employ assistant.** (NRS 633.291, 633.441) An application to employ an osteopathic physician's assistant must, in addition to meeting the requirements of NRS 633.441:~~

~~—1. Contain evidence showing that the proposed assistant meets the qualifications set forth in NAC 633.295.~~

~~—2. Contain evidence establishing the professional background and specialty of the applying physician; and~~

~~—3. Include a certificate signed under oath by the applying physician that the assistant, if permitted, will be employed to perform professional services only on direct orders of the employing physician in the city, town or county in which the employing physician resides or in a geographical location that is approved in writing by the Board.]~~

~~[— **NAC 633.292 Procedure following receipt of application.** (NRS 633.291, 633.451)~~

~~—1. After completing an application to employ an osteopathic physician's assistant pursuant to NAC 633.290, the employing osteopathic physician and the proposed assistant shall appear before the Board at its next regularly scheduled meeting for examination.~~

~~—2. The Board will examine the proposed assistant to determine whether the proposed assistant meets the minimum qualifications to provide assistance to the employing physician in his practice.~~

~~—3. The format of the examination may include, without limitation, written questions, oral questions, a practical examination or any combination of these methods that the Board determines to be appropriate.]~~

~~[— **NAC 633.295 Required qualifications for approval of application.** (NRS 633.291, 633.451) To qualify as an osteopathic physician's assistant pursuant to NRS 633.451, a person must:~~

~~—1. Possess the level of skill and knowledge required to assist the employing physician for whom he will be employed;~~

~~—2. Possess good moral character and a good reputation;~~

~~—3. Communicate in the English language orally and in writing with the level of skill necessary to carry out his duties as an assistant;~~

~~—4. Have graduated from high school or have received an equivalent degree;~~

~~—5. Have satisfactorily completed a program of training approved by the Board; and~~

~~—6. Except as otherwise provided in NAC 633.297, be certified by the National Commission on Certification of Physician Assistants.]~~

~~[— **NAC 633.297 Employment of assistant not yet certified.** (NRS 633.291, 633.441, 633.451)~~

~~—1. An osteopathic physician may submit an application to employ a person as an osteopathic physician's assistant who is not certified by the National Commission on Certification of Physician Assistants as required pursuant to subsection 6 of NAC 633.295 if:~~

~~—(a) The proposed assistant is scheduled to take the next examination for certification given by the Commission; and~~

~~—(b) The proposed assistant satisfies all other qualifications for becoming an assistant.~~

~~—2. After an application has been submitted to the Board pursuant to subsection 1 and the proposed assistant has successfully completed the examination administered by the Board pursuant to NAC 633.292, the Board may issue a temporary letter of permission to the employing physician and a temporary certificate to the proposed assistant. The temporary letter of permission and certificate become invalid if the assistant fails to:~~

~~—(a) Take the next examination for certification administered by the Commission; or~~

~~—(b) Become certified within the time specified on the temporary certificate.]~~

~~[— NAC 633.300 Board to issue letter of permission; denial. (NRS 633.291, 633.451)~~

~~—1. The permission of the Board to a licensed osteopathic physician to employ a named person as an osteopathic physician's assistant in his practice will be in the form of a letter of permission which will be dated and signed by the President and Secretary-Treasurer of the Board only upon the unanimous vote of the members of the Board at a regular meeting.~~

~~—2. A letter of permission is not effective unless it:~~

~~—(a) Names the osteopathic physician's assistant permitted to perform services;~~

~~—(b) Names the osteopathic physician for whom the services may be performed;~~

~~—(c) States the city, town or county in which the assistant may perform services;~~

~~—(d) Describes the specific professional services which the assistant may perform;~~

~~—(e) Lists the specific type and amount of any controlled substance, poison, dangerous drug or device which the assistant may possess, administer, dispense or prescribe in or out of the presence of the employing physician; and~~

~~—(f) Sets forth any other limitation or requirement on the practice of the assistant which the Board determines to be necessary.~~

~~—3. The Board will not grant a letter of permission to an osteopathic physician if:~~

~~—(a) The proposed assistant does not pass the examination administered by the Board pursuant to NAC 633.292;~~

~~—(b) The proposed assistant does not meet the qualifications set forth in NAC 633.295;~~

~~—(c) Any credential of the proposed assistant which is provided to the Board is false;~~

~~—(d) The application submitted by the physician is incomplete, was provided to the Board in an improper format, or is otherwise insufficient; or~~

~~—(e) The Board determines that the proposed assistant has conducted himself while outside the State of Nevada in a manner which would have resulted in the denial of a letter of permission had the act occurred within this State.]~~

~~[— NAC 633.302 Issuance of certificate; renewal of certificate. (NRS 633.291, 633.451)~~

~~—1. After a letter of permission is granted pursuant to NAC 633.300 and the appropriate fees are paid, the Board will issue a certificate to the osteopathic physician's assistant named in the letter of permission.~~

~~—2. The certificate must be renewed each year on or before December 31.]~~

~~[— NAC 633.305 Change in information included in application; notification regarding termination of employment. (NRS 633.291, 633.441)~~

~~—1. An employing osteopathic physician shall notify the Board within 30 days after he becomes aware of a change in the information included in the application which he filed with the Board pursuant to NAC 633.290.~~

~~—2. When an assistant is no longer employed by the employing physician, the physician and the assistant shall submit to the Board a summary of the reasons for and circumstances of the termination of employment within 30 days after the date on which the employment was terminated.]~~

~~[— NAC 633.310 Renewal of letter of permission. (NRS 633.291, 633.441, 633.451)~~

~~—1. Each letter of permission concerning a physician's assistant expires on the third anniversary of the date appearing on the letter of permission.~~

~~—2. Renewal of permission to employ a physician's assistant must be requested in the same manner as the original permission was requested.~~

~~—3. No letter of permission will be issued to a physician who continues to employ a physician's assistant after the letter of permission to employ the assistant has expired.]~~

~~[— NAC 633.315 Amendment to letter of permission. (NRS 633.291, 633.441, 633.451)~~

~~—1. An employing osteopathic physician may propose an amendment to a letter of permission by submitting a written proposal to the Board. The Board will either make a determination and issue a letter approving or denying the proposed amendment or will request the employing osteopathic physician, the osteopathic physician's assistant, or both, to appear before the Board at its next regular meeting for a determination regarding the amendment.~~

~~—2. If a proposed amendment to the letter of permission includes changing the named employing osteopathic physician to a different osteopathic physician, the Executive Director may approve the amendment as a temporary change if no other information is changed and the proposed employing osteopathic physician submits:~~

~~—(a) A statement agreeing to the terms of the original letter of permission; and~~

~~—(b) An application pursuant to NAC 633.290 to employ the named assistant.~~

~~—3. The temporary change of an employing osteopathic physician pursuant to subsection 2 is valid until the next regular meeting of the Board at which time the Board will act on the application submitted by the new employing osteopathic physician for a letter of permission.]~~

~~[— NAC 633.320 Employment by more than one physician prohibited; exceptions. (NRS 633.291, 633.441, 633.451)~~

~~—1. An osteopathic physician's assistant may not perform services for more than one osteopathic physician at the same time, except that he may perform services for all members of a medical corporation or firm who are licensed osteopathic physicians if the letter of permission from the Board so specifies.~~

~~—2. Except as otherwise provided in NAC 633.315, upon receipt of an application for permission to employ a physician's assistant with respect to whom a letter of permission is in effect, the letter of permission which is in effect will be cancelled by the Board, unless the applying physician is the same physician, or a member of the same medical corporation or firm, as the physician, corporation or firm named in the letter of permission which is then in effect and the provisions of the letter of permission remain unchanged.]~~

~~[— NAC 633.330 Prohibited acts; revocation of letter of permission; act or omission of assistant responsibility of employing physician; disciplinary action after termination of employment. (NRS 633.291)~~

- ~~— 1. A person who holds a license to practice osteopathic medicine in this State shall not:~~
- ~~— (a) Employ an osteopathic physician's assistant without a letter of permission from the Board;~~
- ~~— (b) Misrepresent any fact in connection with an application for permission to employ a physician's assistant;~~
- ~~— (c) Authorize an osteopathic physician's assistant to work outside the geographic area described in the letter of permission, unless specifically authorized by the Board;~~
- ~~— (d) Employ an osteopathic physician's assistant after the expiration of a letter of permission from the Board;~~
- ~~— (e) Employ an osteopathic physician's assistant for any professional service not specified in the letter of permission respecting him; or~~
- ~~— (f) Employ an osteopathic physician's assistant after the Board or a court of competent jurisdiction issues an order suspending, revoking or limiting a license in a manner which prohibits employment of an osteopathic physician's assistant.~~
- ~~— 2. The Board will consider the question of the revocation of any letter of permission to employ an osteopathic physician's assistant at the time it considers the revocation, suspension or limitation of the license of any osteopathic physician without the necessity of a separate notice to the physician or the assistant, and at the same hearing.~~
- ~~— 3. The act or omission of any osteopathic physician's assistant shall be deemed for the purpose of this chapter, unless contrary intent appears herein, the act or omission of the employing osteopathic physician.~~
- ~~— 4. An osteopathic physician's assistant may be subject to disciplinary action after his employment as an assistant has been terminated for any complaint filed against him related to an act or omission during his employment as an osteopathic assistant.]~~

Section 1. Qualifications of applicants. *Except as otherwise provided in this chapter;*

- 1. If he has not practiced as a physician assistant for 12 months or more before applying for licensure in this State, he must supply evidence of clinical competence which is satisfactory to the Board.*
- 2. Be able to adequately communicate orally and in writing in the English language.*
- 3. Be of good moral character and reputation.*
- 4. Has successfully completed an educational program for physician assistants accredited by the Accreditation Review Commission on Education for the Physician Assistant or, prior to 2001, by either the Committee on Allied Health Education and Accreditation, the Commission on Accreditation of Allied Health Education Programs;*
- 5. Has passed the Physician Assistant National Certifying Examination administered by the National Commission on Certification of Physician Assistants; an applicant who does not meet the educational requirement above, but who passed the Physician Assistant National Certifying Examination administered by the National Commission on Certification of Physician Assistants prior to 1986.*

Section 2. Application for license.

- 1. An application for licensure as a physician assistant must be made on a form supplied by the Board. The application must state:*

- a. *The date and place of the applicant's birth and his sex;*
 - b. *The applicant's education, including, without limitation, high schools and postsecondary institutions attended, the length of time in attendance at each and whether he is a graduate of those schools and institutions;*
 - c. *Whether the applicant has ever applied for a license or certificate as a physician assistant in another state and, if so, when and where and the results of his application;*
 - d. *The applicant's training and experience as a physician assistant;*
 - e. *Whether the applicant has ever been investigated for misconduct as a physician assistant or had a license or certificate as a physician assistant revoked, modified, limited or suspended or whether any disciplinary action or proceedings have ever been instituted against him by a licensing body in any jurisdiction;*
 - f. *Whether the applicant has ever been convicted of a felony or an offense involving moral turpitude;*
 - g. *Whether the applicant has ever been investigated for, charged with or convicted of the use or illegal sale or dispensing of controlled substances; and*
 - h. *All places of residence from either high school graduation or the date of receipt of a G.E.D.*
2. *Each application must be signed by the applicant and notarized by;*
- a. *a notary public if application completed within the United States; or*
 - a. *any other officer authorized to administer oaths, if not in the United States but must have prior approval by the Executive Director of the Board.*
3. *Each application must be accompanied by:*
- a. *A physician assistants information profile prepared by the Federation Credentials Verification Service of the Federation of State Medical Boards of the United States; and*
 - b. *An affidavit affirming that:*
 - 1) *The applicant is the person named in the application and accompanying material; and*
 - 2) *To the best knowledge or belief of the applicant, the application and all accompanying material is complete, correct and consistent, and was obtained without fraud, misrepresentation or mistake.*
4. *No application will be accepted unless it is accompanied by the appropriate fee prescribed in NRS 633.501. All fees are nonrefundable.*
5. *If it appears that any information submitted is false or inconsistent, the application is not made in proper form or any other deficiencies appear in it the application may be rejected.*

Section 3. Written Agreement and License Status

- 1. *The license of a physician assistant is valid for 1 year; Before providing medical services, a physician assistant must have a written collaborating agreement with at least one supervising physician and is only able to perform medical services which are personally delegated and within the scope of practice of the Board-approved supervising physician.*

2. *The written collaborating agreement must describe where, when and how the physician assistant will assist the supervising physician; must be signed by both parties and must be notarized.*
3. *A physician assistant may be employed by a medical care facility but must be under the supervision, direction and written collaborating agreement of not more than one supervising physician.*
4. *The physician assistant and the supervising physician shall immediately notify the Board of the termination of the written collaboration agreement.*
5. *If a physician assistant's fee is paid up for the year but they do not have a written collaborating agreement then his license is put on an "Active-Not working" status. "Active-Not working" means the physician assistant may not perform any medical services whatsoever until such time he can provide to the Board, a written collaboration agreement with a supervising physician.*
6. *Temporary supervision may be instituted for no more than 30 working days as long as a notarized collaborating agreement is signed by both supervising physicians and approved by the Board.*
7. *For the purpose of multiple employments with different companies or physician's offices, a physician assistant shall not have more than three written collaborating agreements inclusive of both MD and DO physicians.*

Section 4. *License Renewal & requirements;*

1. *The license of a physician assistant shall be renewed annually. The application must be filed with the Board not less than 30 days before the expiration of the license. The license will not be renewed unless the physician assistant provides satisfactory proof:*
 - a. *Of current certification by the National Commission on Certification of Physician Assistants; and*
 - b. *That he has completed a minimum of 20 hours of continuing medical education as defined by the American Academy of Physician Assistants.*
2. *A physician assistant shall notify the Board within 10 days if his certification by the National Commission on Certification of Physician Assistants is withdrawn.*
3. *If a licensee fails to pay the fee for annual registration after it becomes due, his license to practice in this State is automatically suspended until;*
 - a. *Requirements for renewal are met; and*
 - b. *The Executive Director has approved the renewal.*

Section 5. *Physician Assistant scope of practice;*

1. *Physician assistants shall be considered the agents of their supervising physicians in the performance of all practice-related activities including, but not limited to the following;*
 - a. *Obtaining patient histories and performing physical examinations*
 - b. *ordering and/or performing diagnostic and therapeutic procedures;*
 - c. *implementing a treatment plan as outlined by supervising physician;*
 - d. *monitoring the effectiveness of therapeutic interventions;*
 - e. *assisting at surgery;*
 - f. *offering counseling and education to meet patient needs;*
 - g. *making appropriate referrals; and*

h. may pronounce death, but not diagnose the cause of death.

Section 6. *Supervising physician's duties. The supervising physician is responsible for all the medical activities of his physician assistant.*

- 1. The supervising physician shall ensure that:
 - a. The physician assistant is clearly identified to the patients as a physician assistant;*
 - b. The physician assistant performs only those medical services which have been approved by his supervising physician;*
 - c. There is strict compliance with:
 - i. The provisions of the certificate of registration issued to his physician assistant by the State Board of Pharmacy pursuant to NRS 639.1373; and*
 - ii. The regulations of the State Board of Pharmacy regarding controlled substances, poisons, dangerous drugs or devices.***
- 2. Except as otherwise required in subsection 3 or 4, the supervising physician shall do quarterly reviews and initial not less than 10% of selected charts of the physician assistant's patients.*
- 3. The supervising physician shall be available at all times to consult with while the physician assistant is providing medical services.*
- 4. The supervising physician is to consult with the physician assistant and monitor the quality of care provided by the physician assistant monthly. The only exception to this is in the first 30 days of the physician assistant's employment at which time the supervising physician must be with the physician assistant 100% of the time as stated in NRS 633.____.*
- 5. If the supervising physician is unable to supervise the physician assistant as required by this section, he shall designate a qualified substitute physician, which may be either an allopathic or osteopathic physician who practices medicine in the same specialty as the supervising physician, to supervise the physician assistant.*
- 6. A physician who supervises a physician assistant shall develop and carry out a program to ensure the quality of care provided by a physician assistant. The program must include, without limitation:
 - a. An assessment of the medical competency of the physician assistant;*
 - b. A review and initialing of selected charts;*
 - c. An assessment of a representative sample of the referrals or consultations made by the physician assistant with other health professionals as required by the condition of the patient;*
 - d. Direct observation of the ability of the physician assistant to take a medical history from and perform an examination of patients representative of those cared for by the physician assistant; and*
 - e. Maintenance by the supervising physician of accurate records and documentation regarding the program for each physician assistant supervised.**
- 7. If a patient is seen for a reoccurring illness, which is not to be construed as a "chronic illness", and does not show any improvement within a reasonable amount of time, they shall be seen by the supervising physician.*

8. *Except as otherwise provided in subsection 7, a supervising physician may supervise or collaborate with not more than a total of 3 physician assistants and/or advanced practitioners of nursing, if the physician:*
 - a. *Holds an active license in good standing to practice medicine issued by the Board;*
 - b. *In fact, still actively practices medicine in this State; and*
 - c. *Has not been specifically prohibited by the Board from acting as a supervising physician.*
9. *If the Board has disciplined a physician assistant, a physician shall not supervise that physician assistant unless the physician has been specifically approved by the Board to act as the supervising physician of that physician assistant.*

Section 7. *Disciplinary action: Grounds; institution; exception.*

1. *A physician assistant is subject to disciplinary action by the Board if, after notice and hearing in accordance with this chapter, the Board finds that the 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 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;*
 - f. *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;*
 - g. *Has been convicted of a violation of any federal or state law regulating the prescribing, possession, distribution or use of a controlled substance;*
 - h. *Is not competent to provide medical services;*
 - i. *Failed to notify the Board of loss of certification by the National Commission on Certification of Physician Assistants;*
2. *Is guilty of violating any provision of NAC 633.*
3. *To institute disciplinary action against a physician assistant, a written complaint, specifying the charges, must be filed with the Board.*
4. *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.*

Section 8. *Determination after notice and hearing: Sanctions or dismissal of charges. If the Board finds, by a preponderance of the evidence, after notice and hearing in accordance with this chapter, that:*

1. *The charges in the complaint against the physician assistant are true, the Board will issue and serve on the physician assistant its written findings and any order of sanctions. The following sanctions may be imposed by order:*

- a. *Placement on probation for a specified period and/or any of the conditions specified in the order.*
 - b. *Administration of a public reprimand.*
 - c. *Limitation of his practice or exclusion of one or more specified branches of medicine from his practice.*
 - d. *Suspension of his license, for a specified period or until further order of the Board.*
 - e. *Revocation of his license to practice.*
 - f. *A requirement that he participate in a program to correct substance dependence and/or abuse or any other addiction leading to impairment.*
 - g. *A requirement that there be additional and specified supervision of his practice.*
 - h. *A requirement that he perform community service without compensation.*
 - i. *A requirement that he take a physical or mental examination or an examination testing his medical competence.*
 - j. *A requirement that the physician assistant fulfill certain training or educational requirements, or both, as specified by the Board.*
 - k. *A requirement that the physician assistant pay an administrative fee not to exceed \$5,000.*
 - l. *A requirement that the physician assistant pay all administrative and legal costs incurred by the Board relating to the disciplinary proceedings.*
2. *No violation has occurred; the Board will issue a written order dismissing the charges and notify the physician assistant that the charges have been dismissed.*
 3. *The disciplinary proceedings were initiated as a result of a complaint filed against the physician assistant, the Board may provide to the physician assistant a copy of the complaint and the name of the person who filed the complaint.*