

**ADOPTED REGULATION OF THE  
BOARD OF MEDICAL EXAMINERS**

**LCB File No. R039-09**

Effective November 25, 2009

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

AUTHORITY: §1, NRS 630.130 and 630.275.

A REGULATION relating to physician assistants; authorizing the Board of Medical Examiners to take disciplinary action against a physician assistant under certain circumstances; and providing other matters properly relating thereto.

**Section 1.** NAC 630.380 is hereby amended to read as follows:

630.380 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 *or herself* out as or permitted another to represent ~~[him]~~ *the physician assistant* to be a licensed physician;

(c) Has performed medical services otherwise than:

(1) Pursuant to NAC 630.375; or

(2) 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]~~ *the* supervising physician ~~[ ]~~ *of the physician assistant*, unless the medical services were performed pursuant to NAC 630.375;

(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~~ *the* supervising physician ~~of~~ *of the physician assistant*;

(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 *an involuntary* loss of certification by the National Commission on Certification of Physician Assistants ~~of~~ *within 30 days after the involuntary loss of certification*;

(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~~ *the* care *of the physician assistant* a controlled substance

which is listed in schedule II, III, IV or V by the State Board of Pharmacy pursuant to NRS  
453.146.

**NOTICE OF ADOPTION OF PROPOSED REGULATION  
LCB File No. R039-09**

The Board of Medical Examiners adopted regulations assigned LCB File No. R039-09 which pertain to chapter 630 of the Nevada Administrative Code.

**INFORMATIONAL STATEMENT**

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

**DESCRIPTION OF HOW PUBLIC COMMENT WAS SOLICITED  
SUMMARY OF THE PUBLIC RESPONSE  
EXPLANATION HOW OTHER INTERESTED PERSONS MAY OBTAIN  
A COPY OF THE SUMMARY**

**How public comment was solicited:**

The Nevada State Board of Medical Examiners published a Notice of Workshop and Hearing to solicit comments on proposed changes to the regulation. The workshop was conducted in Reno on Tuesday, October 20, 2009 at the hour of 9:00 a.m., at the office of the Nevada State Board of Medical Examiners, 1105 Terminal Way, Ste. 301, Reno, Nevada. The Nevada State Board of Medical Examiners published, concurrent with the Notice of Workshop, Notice of a Public Hearing to receive comments from all interested persons regarding the proposed changes to the regulation, and that the public hearing was to be held at 11:00 a.m., on Friday, November 6, 2009, at the offices of the Board of Medical Examiners located at 1105 Terminal Way, Suite 301, Reno, Nevada.

In the notices the public was notified that a copy of the proposed regulation was on file at the State Library, 100 Stewart St., Carson City, Nevada; available at the offices of the Board at 1105 Terminal Way, Suite 301, Reno, Nevada; in all counties in the state of Nevada in which the Board does not maintain an office; at the main public library; 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>, as well as posted at the following locations:

Washoe County Courthouse – 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  
White Pine County Public Library – Ely, Nevada  
Battle Mountain Branch Public Library – Battle Mountain, Nevada

Attached hereto, and made a part hereof, are copies of certifications of posting from many of the above named.

**Summary of the public response:**

No public response was received.

**Persons who attended the workshop:**

No public attendance or comment was offered.

**Persons who testified at the public hearing:**

No public comment was offered.

**The number of persons who submitted written statements:**

No written comment was received by the Nevada State Board of Medical Examiners.

**HOW COMMENT WAS SOLICITED FROM AFFECTED BUSINESSES,  
A SUMMARY OF THEIR RESPONSE, AND  
HOW INTERESTED PERSONS MAY OBTAIN A COPY OF THE SUMMARY**

The comments, conclusions, and information set out above and all information contained thereunder applies to this portion of the informational statement as well.

**THE REGULATION WAS ADOPTED IN ITS ORIGINALLY PROPOSED FORM.**

The proposed regulation was adopted in the enclosed form.

**THE ESTIMATED ECONOMIC EFFECT OF THE REGULATION ON THE BUSINESS WHICH THE BOARD REGULATES AND ON THE PUBLIC**

**The economic effect of the regulations on the medical profession:**

There will be no economic effect to the medical profession by adoption of this regulation.

**The economic effect of the regulations on the general public:**

There will be no economic effect to the general public by adoption of this regulation.

**THE ESTIMATED COST TO THE NEVADA STATE BOARD OF MEDICAL EXAMINERS TO ENFORCE 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.

**THE REGULATION OF THE NEVADA STATE BOARD OF MEDICAL EXAMINERS DOES NOT OVERLAP OR DUPLICATE ANY REGULATIONS OF ANY OTHER STATE OR GOVERNMENTAL AGENCIES, INCLUDING THE FEDERAL GOVERNMENT.**

**THE REGULATION OF THE NEVADA STATE BOARD OF MEDICAL EXAMINERS DOES NOT INCLUDE PROVISIONS WHICH ARE MORE STRINGENT THAN A FEDERAL REGULATION WHICH REGULATES THE SAME ACTIVITY.**

**THE NEW REGULATION DOES NOT PROVIDE OR INVOLVE A NEW FEE.**