

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

LCB File No. R124-10

Effective December 16, 2010

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

AUTHORITY: §§1 and 2, NRS 630.279.

A REGULATION relating to practitioners of respiratory care; revising the date on which the holder of a license to practice respiratory care must submit the fee for biennial registration; and providing other matters properly relating thereto.

Section 1. NAC 630.525 is hereby amended to read as follows:

630.525 1. ~~[All licenses to practice respiratory care issued with an effective date between January 1, 2002, and February 29, 2003:~~
~~—(a) Are effective until March 1, 2004; and~~
~~—(b) Must be renewed before the expiration of business on February 29, 2004.~~
~~—2.]~~ On or before ~~[March]~~ *July* 1 of each ~~[alternate]~~ *odd-numbered* year after March 1, ~~[2004,]~~ *2010*, each holder of a license to practice respiratory care shall pay the applicable fee for biennial registration to the Secretary-Treasurer of the Board.

~~[3.]~~ *2.* A practitioner of respiratory care who has been licensed by the Board but is not currently licensed, has surrendered his license or has failed to renew his license may be disciplined by the Board, if the Board deems necessary, upon hearing a complaint for disciplinary action against him.

~~[4.]~~ *3.* If the Board determines that the conduct of a practitioner of respiratory care when he was on inactive status in another jurisdiction would have resulted in the denial of an application

for licensure in this State, the Board will, if appropriate, refuse to license the practitioner of respiratory care.

Sec. 2. NAC 630.530 is hereby amended to read as follows:

630.530 1. The license of a practitioner of respiratory care may be renewed biennially upon dates set by the Board. The license will not be renewed unless the practitioner of respiratory care provides satisfactory proof:

(a) Of current certification by the National Board for Respiratory Care or its successor organization; and

(b) That he has completed the number of contact hours of continuing professional education required by subsections 2 and 3.

2. To renew a license for the practice of respiratory care, a licensee shall complete the number of contact hours of continuing education required by subsection 3, of which:

(a) Sixty percent must be from an approved educational source directly related to the practice of respiratory care. Two hours of this 60 percent must be in medical ethics.

(b) Forty percent must be in any program approved by the American Association for Respiratory Care for Continuing Respiratory Care Education or any program of another organization approved by the Board.

3. The following contact hours for continuing education are required for a licensee to renew a license for the practice of respiratory care:

(a) If licensed during the first 6 months of the biennial period of registration, 20 hours.

(b) If licensed during the second 6 months of the biennial period of registration, 15 hours.

(c) If licensed during the third 6 months of the biennial period of registration, 10 hours.

(d) If licensed during the fourth 6 months of the biennial period of registration, 5 hours.

4. A practitioner of respiratory care shall notify the Board within 10 days if his certification by the National Board for Respiratory Care or its successor organization is withdrawn.

5. To allow for the renewal of a license to practice respiratory care by each person to whom a license was issued or renewed in the preceding renewal period, the Board will make such reasonable attempts as are practicable to:

(a) Mail a renewal notice at least 60 days before the expiration of a license to practice respiratory care; and

(b) Send a renewal application to a licensee at the last known address of the licensee on record with the Board.

6. If a licensee fails to pay the fee for biennial registration ~~[after it becomes due]~~ *required by NAC 630.525 on or before July 1 of each odd-numbered year*, or fails to submit proof that the licensee completed the number of contact hours of continuing education required by subsection 2 and 3, his license to practice respiratory therapy in this State is automatically suspended. Within 2 years after the date his license is suspended, the holder may be reinstated to practice respiratory care if he:

(a) Pays twice the amount of the current fee for biennial registration to the Secretary-Treasurer of the Board;

(b) Submits proof that he or she completed the number of contact hours of continuing education required by subsections 2 and 3; and

(c) Is found to be in good standing and qualified pursuant to the provisions of NRS 630.277 and chapter 630 of NAC.

**REGULATION ADOPTED BY THE
NEVADA STATE BOARD OF MEDICAL EXAMINERS
LCB File No. R124-10**

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 Intent to Act Upon Regulation to solicit comments on proposed changes to the regulation. The hearing was to be conducted in Reno on Wednesday, November 3, 2010, at the hour of 11:30 o'clock a.m., at the Nevada State Board of Medical Examiners, located at 1105 Terminal Way, Suite 301, Reno, Nevada, and videoconferenced to the Nevada State Board of Dental Examiners located at 6010 S. Rainbow Blvd., Bldg. A., Suite 1, Las Vegas, Nevada.

In the notice 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
Carson City Library	Carson City, Nevada
Clark County District Library	Las Vegas, Nevada
Churchill County Library	Fallon, Nevada
Douglas County Library	Minden, Nevada
Elko County Library	Elko, Nevada
Esmeralda County Library	Goldfield, Nevada
Humboldt County Library	Winnemucca, Nevada
Lander County Library	White Pine, Nevada
Lincoln County Library	Pioche, Nevada
Lyon County Library	Yerington, Nevada
Mineral County Library	Hawthorne, Nevada
Tonopah Library	Tonopah, Nevada
Pershing County Library	Lovelock, Nevada
Storey County Library	Virginia City, Nevada

**White Pine County Library
Washoe County Library**

**Ely, Nevada
Reno, 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 oral or written comment was offered.

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

On file with the Board at the offices of the Board at 1105 Terminal Way, Suite 301, Reno, Nevada, is a complete transcript of the hearing conducted on the regulation change.

Any member of the public may visit the offices of the Board and may review any or the entire transcript 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:

Bonanza Reporting
1111 Forest Street
Reno, Nevada 89509
(775) 786-7655

Persons who attended the workshop and hearing:

No public attendance or comment was offered.

Persons who testified at the public hearing:

No public attendance or 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 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 regulation on the medical profession:

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

The economic effect of the regulation 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.