

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

LCB File No. R059-11

October 10, 2011

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

AUTHORITY: §§1 and 2, NRS 630.130 and 630.275.

A REGULATION relating to standards for the provision of health care; updating the title of certain guidelines for pain control adopted by the Board of Medical Examiners; and providing other matters properly relating thereto.

Section 1. NAC 630.187 is hereby amended to read as follows:

630.187 1. The Board hereby adopts by reference the *Model Guidelines for the Use of Controlled Substances for the Treatment of Pain*, May 1998, published by the Federation of State Medical Boards of the United States, Inc., *titled the Model Policy for the Use of Controlled Substances for the Treatment of Pain for revisions published after April 2003*, and any subsequent revision of the publication that has been approved by the Board for use in this State. Each revision of the publication shall be deemed approved by the Board unless it disapproves of the revision within 60 days after the date of publication of the revision.

2. The most recent publication of the *Model ~~[Guidelines]~~ Policy for the Use of Controlled Substances for the Treatment of Pain* that has been approved by the Board will be available for inspection at the office of the Board of Medical Examiners, 1105 Terminal Way, Suite 301, Reno, Nevada ~~[§] 89502~~, or may be obtained, free of charge, from the Federation of State Medical Boards of the United States, Inc., Federation Place, 400 Fuller Wiser Road, Suite 300,

Eules, Texas 76039-3855, or from the Federation of State Medical Boards of the United States, Inc., at the Internet address <http://www.fsmb.org>. The Board shall:

- (a) Review each revision of the publication to ensure its suitability for this State; and
- (b) File a copy of each revision of the publication it approves with the Secretary of State and the State Library and Archives Administrator.

Sec. 2. NAC 630.230 is hereby amended to read as follows:

630.230 1. A person who is licensed as a physician or physician assistant shall not:

- (a) Falsify records of health care;
- (b) Falsify the medical records of a hospital so as to indicate his presence at a time when he was not in attendance or falsify those records to indicate that procedures were performed by him which were in fact not performed by him;
- (c) Render professional services to a patient while the physician or physician assistant is under the influence of alcohol or any controlled substance or is in any impaired mental or physical condition;
- (d) Acquire any controlled substances from any pharmacy or other source by misrepresentation, fraud, deception or subterfuge;
- (e) Prescribe anabolic steroids for any person to increase muscle mass for competitive or athletic purposes;
- (f) Make an unreasonable additional charge for tests in a laboratory, radiological services or other services for testing which are ordered by the physician or physician assistant and performed outside his own office;

(g) Allow any person to act as a medical assistant in the treatment of a patient of the physician or physician assistant, unless the medical assistant has sufficient training to provide the assistance;

(h) Fail to provide adequate supervision of a medical assistant who is employed or supervised by the physician or physician assistant;

(i) If the person is a physician, fail to provide adequate supervision of a physician assistant or an advanced practitioner of nursing;

(j) Fail to honor the advance directive of a patient without informing the patient or the surrogate or guardian of the patient, and without documenting in the patient's records the reasons for failing to honor the advance directive of the patient contained therein; or

(k) Engage in the practice of writing prescriptions for controlled substances to treat acute pain or chronic pain in a manner that deviates from the ~~[guidelines]~~ *policies* set forth in the *Model ~~[Guidelines]~~ Policy for the Use of Controlled Substances for the Treatment of Pain* adopted by reference in NAC 630.187.

2. As used in this section:

(a) "Acute pain" has the meaning ascribed to it in section 3 of the *Model ~~[Guidelines]~~ Policy for the Use of Controlled Substances for the Treatment of Pain* adopted by reference in NAC 630.187.

(b) "Chronic pain" has the meaning ascribed to it in section 3 of the *Model ~~[Guidelines]~~ Policy for the Use of Controlled Substances for the Treatment of Pain* adopted by reference in NAC 630.187.

(c) "Medical assistant" means any person who:

(1) Is employed by a physician or physician assistant;

- (2) Is under the direction and supervision of the physician or physician assistant;
- (3) Assists in the care of a patient; and
- (4) Is not required to be certified or licensed by an administrative agency to provide that assistance.