

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

LCB File No. R093-11

Effective March 9, 2012

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

AUTHORITY: §§1 and 2, NRS 633.291 and 633.481, as amended by section 12 of Senate Bill No. 273, chapter 243, Statutes of Nevada 2011, at page 1039; §3, NRS 633.291; §4, NRS 633.291 and 633.501, as amended by section 14 of Senate Bill No. 273, chapter 243, Statutes of Nevada 2011, at page 1040.

A REGULATION relating to osteopathic medicine; prescribing regulations for the public reporting of certain expired licenses; revising provisions relating to the change of status of certain licenses; revising the fee charged for certain initial licenses; and providing other matters properly relating thereto.

Section 1. Chapter 633 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this regulation.

Sec. 2. 1. *The Board will report publicly each license that expires pursuant to subsection 1 of NRS 633.481, as amended by section 12 of Senate Bill No. 273, chapter 243, Statutes of Nevada 2011, at page 1039, using the following designation: “Expired: Non-Payment.”*

2. If the Board restores an expired license pursuant to subsection 3 of NRS 633.481, as amended by section 12 of Senate Bill No. 273, chapter 243, Statutes of Nevada 2011, at page 1039, the Board will report publicly the updated status of the license, including, without limitation, reporting the status of “Good Standing” if the license was in good standing immediately preceding its expiration pursuant to subsection 1 of NRS 633.481.

Sec. 3. 1. *A licensee with an inactive license may apply to have the license made active by submitting an application to the Board on a form provided by the Board.*

2. The Executive Director of the Board or his or her designee shall review the application for completeness and may request that the applicant submit such additional evidence of the mental, physical, medical or other qualifications of the applicant as the Executive Director or his or her designee believes the Board may require.

3. Upon completion of the review of the application, the Executive Director shall:

(a) Place the application on an agenda at a regular meeting of the Board.

(b) Send written notice that the application will be reviewed by the Board to the applicant at least 21 business days before the meeting. The notice must conform to subsection 2 of NRS 233B.121, be given by certified mail, postage prepaid, and be addressed to the last address furnished by the applicant. If the Executive Director has reason to believe that there are grounds for denying the application, the notice must include a short and plain statement that specifies each such ground.

4. The applicant bears the burden of proving to the Board that making his or her license active is in the best interest of the public health and safety and the general welfare of the people of this State.

Sec. 4. Section 9 of LCB File No. R154-09 is hereby amended to read as follows:

Sec. 9. 1. ~~[The]~~ *Except as otherwise provided in subsection 3, the* Board will charge and collect the following fees:

Application and initial license fee for an osteopathic physician\$600

| | |
|--|-----|
| Annual license renewal fee for an osteopathic physician..... | 500 |
| Temporary license fee | 200 |
| Special or authorized facility license fee..... | 200 |
| Special or authorized facility license renewal fee | 200 |
| Reexamination fee | 200 |
| Late payment fee for a person whose license is currently on active status | 300 |
| Application and initial license fee for a physician assistant..... | 400 |
| Annual license renewal fee for a physician assistant | 400 |
| Inactive license fee | 200 |
| Late payment fee for a person whose license is currently on inactive status..... | 150 |

2. The Board will charge and collect a fee for fingerprints submitted to the Board pursuant to NRS 633.309 that is equal to the total amount of the fees charged by any local agencies of law enforcement, the Central Repository for Nevada Records of Criminal History and the Federal Bureau of Investigation for the handling of the fingerprints of an applicant and issuance of the reports of criminal histories.

3. The Board will reduce by one-half the appropriate application and initial license fee prescribed in subsection 1 for an applicant who applies for an initial license as an osteopathic physician or a physician assistant that will expire less than 6 months after the date of issuance of the license.

**LEGISLATIVE REVIEW OF ADOPTED REGULATIONS AS REQUIRED BY
NRS 233B.066
Informational Statement
LCB File No. R093-11**

1. Description of how public comment was solicited, a summary of public response, and an explanation how other interested persons may obtain a copy of the summary.

The Board has conducted a public workshop on December 13, 2011 and a public hearing on February 14, 2012 at which comment was solicited and received from the public. At the February 14, 2012 public hearing, two members of the public were present, but they offered no comments during the discussion. Drafts of the regulation language were also discussed at the September 13, 2011 and October 11, 2011 Board meetings. At the December 13, 2011 workshop, comments were received from the statewide association that represents Nevada's osteopathic physicians. The Board maintains a mailing and mass e-mailing list for all people who have indicated a desire to obtain the Board's public materials, and all people concerned with the Board's regulations have been provided with copies of the various drafts as they became publicly available. All meeting, public workshop, and public hearing minutes are available on the Board website and may be directly downloaded. Minutes may also be obtained by requesting them via phone, fax, email or mail.

2. The number of persons who:

(a) Attended each hearing: 8

(b) Testified at each hearing: 0

(c) Submitted written comments: #. All written comments were in favor of the proposed regulations.

3. A description of how comment was solicited from affected businesses, a summary of their response, and an explanation how other interested persons may obtain a copy of the summary.

As previously stated, the Board held one workshop and one public hearing at its regular meetings. All meeting, public workshop, and public hearing minutes are available on the Board website and may be directly downloaded. Minutes may also be obtained by requesting them via phone, fax, email or mail.

4. If the regulation was adopted without changing any part of the proposed regulation, a summary of the reasons for adopting the regulation without change. Two members of the public were present at the public hearing and had no objections. The Board members were satisfied with adopting the regulation without any changes.

5. The estimated economic effect of the regulation on the business which it is to regulate and on the public.

(a) Estimated economic effect on the businesses which they are to regulate.

(b) Estimated economic effect on the public which they are to regulate.

Osteopathic medicine is practiced almost exclusively in businesses that qualify as small businesses under NRS 2338.0608; therefore, any regulation considered by the Board will have an effect upon small businesses. Throughout the review of the present regulations, no testimony or

information, either written or oral, has been presented that would indicate that the proposed regulations would have an adverse effect on osteopathic physicians. The proposed regulation is intended to lessen the licensing renewal fee by half for certain osteopathic physicians

6. The estimated cost to the agency for enforcement of the proposed regulation:

There will be no additional cost to the agency to enforce the proposed regulation.

7. A description of any regulations of other State or governmental agencies which the regulation overlaps or duplicates and a statement explaining why the duplication or overlap is necessary.

Not applicable.

8. If the regulation overlaps or duplicates a federal regulation, the name of the regulating federal agency.

Not applicable.

9. If the regulation includes provisions that are more stringent than a federal regulation that regulates the same activity, a summary of such provisions.

Not applicable.

10. If the regulation provides a new fee or increases an existing fee, the total annual amount the agency expects to collect and the manner in which the money will be used.

Not applicable.