

NEVADA STATE BOARD OF MEDICAL EXAMINERS

9600 Gateway Drive

Reno, NV 89521

Nick M. Spirtos, M.D., F.A.C.O.G.
Board President

Edward O. Cousineau, J.D.
Executive Director



Informational Statement LCB File No. R069-23

The following statement is submitted for adopted amendments to Nevada Administrative Code (NAC) Chapter 630.

1. A Clear and Concise Explanation of the Need for the Adopted Regulation.

The proposed regulation is necessary to implement AB270 from the 2023 Legislative Session with regard to the licensing of anesthesiologist assistants in the State of Nevada. The proposed regulation adds requirements for anesthesiologist assistants with regard to licensure applications and disciplinary matters to NAC Chapter 630 and sets out documentation and other requirements that are necessary for public safety. The proposed regulation adds anesthesiologist assistants to relevant existing NAC Chapter 630 provisions.

2. A 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 solicited comment from any potentially impacted businesses by reaching out to various business chambers and associations. Copies of the Board's proposed regulation draft was sent to the following organizations on Thursday, September 28, 2023:

- Las Vegas Metro Chamber of Commerce
- Las Vegas Latin Chamber of Commerce
- Las Vegas Asian Chamber of Commerce
- Better Business Bureau of Southern Nevada, Inc.
- Better Business Bureau of Northern Nevada, Inc.
- Reno/Sparks Chamber of Commerce
- City of Winnemucca
- Elko Great Basin College
- Pahrump Rural Nevada Development Corp.
- Ely Rural Nevada Development Corp.
- Churchill County Economic Development Authority
- Nevada State Medical Association
- Clark County Medical Society

Copies of the Board's regulation draft and workshop notice were sent by U.S. mail and emailed to persons who were known to have an interest in the subject of medical regulation, as well as any persons who had specifically requested such notice. These documents were also made available on the website of the Nevada State Board of Medical Examiners, available at

http://medboard.nv.gov/About/Proposed_Regulations/, and the website of the Legislative Counsel Bureau, available at <https://www.leg.state.nv.us/App/Notice/A/>.

Copies of the Board's Notice of Intent to Act Upon a Regulation, the proposed regulation draft, and the Board's preliminary Small Business Impact Statement were sent by U.S. mail and emailed to persons who were known to have an interest in the subject of medical regulation, as well as any persons who had specifically requested such notice. These documents were also made available on the website of the Nevada State Board of Medical Examiners, available at http://medboard.nv.gov/About/Proposed_Regulations/, and the website of the Legislative Counsel Bureau, available at <https://www.leg.state.nv.us/App/Notice/A/>.

In the Notice of Intent to Act Upon a Regulation, the public was notified that a copy of the proposed regulation was on file at the Nevada State Library, 100 N. Stewart St., Carson City, Nevada; available at the offices of the Board located at 9600 Gateway Drive, Reno, Nevada and 325 E. Warm Springs Road, Suite 225, Las Vegas, Nevada; 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 <https://www.leg.state.nv.us/register/>, as well as posted at the following locations:

State Library, Archives and Public Records - Carson City, NV

Nevada State Board of Medical Examiners - Reno, NV

Nevada State Board of Medical Examiners - Las Vegas, NV

Nevada State Board of Medical Examiners Website - <https://medboard.nv.gov/>

No public comment was received at the regulation workshop or public hearing indicating that the Board's proposed regulation would have a direct and significant economic burden upon a small business or directly restrict the formation, operation, or expansion of a small business. At the initial regulation workshop held on October 18, 2023, stakeholders attended and provided suggestions and edits to the regulation draft which were incorporated into the regulation draft that was reviewed and discussed at the regulation workshop held on November 2, 2023. No written public comment was received prior to the regulation workshop, public hearing, or adoption hearing indicating that the Board's proposed regulation would have a direct and significant economic burden upon a small business or directly restrict the formation, operation, or expansion of a small business.

The Board received an email from the Reno/Sparks Chamber of Commerce on October 4, 2023 regarding R069-23 which indicated that the Chamber had no issue with the regulation.

The Board received multiple letters of support from the Nevada Academy of Anesthesiologist Assistants throughout the regulation process. These letters are dated September 14, 2023 after receipt and review of the initial regulation draft, October 17, 2023 just prior to the October 18, 2023 workshop, and February 29, 2024 after the public hearing and just prior to the Board's adoption hearing on the proposed regulation.

The Board received a letter from the Nevada Association of Nurse Anesthetists (NVANA) on February 14, 2024 indicating that the NVANA objects to the inclusion of certified nurse anesthetists (CRNAs) as an optional participant in the training of anesthesiologist assistant students as contained in

section 16 of the proposed regulation. CRNAs are also included in section 2 of the proposed regulation (containing just a CRNA definition) and section 31 which addresses the possibility of a transfer of care between anesthesiologist assistants and CRNAs who may be working together to provide anesthesia services to patients in the hospital setting and requires that the supervising anesthesiologist ensure that this transfer of care is clearly documented in the patient's medical records. CRNAs are included in section 31 of the proposed regulation only for reference and not substance. This letter does not constitute a concern that the Board's proposed regulation would have a direct and significant economic burden upon a small business or directly restrict the formation, operation, or expansion of a small business. Instead, this letter contains an objection to the Board's inclusion of CRNAs with all other anesthesia providers who may be working in the hospital setting. The Board received a second letter from NVANA on February 15, 2024 containing the same concerns.

A summary of the public comment received regarding LCB File No. R069-23 is available upon request by contacting Deputy Executive Director Bradley at bradleys@medboard.nv.gov or by telephone at 775-324-9365.

3. The Number Persons Who:

(a) Attended Each Hearing:

October 18, 2023 (Regulation Workshop): 6;
November 2, 2023 (Regulation Workshop): 2;
February 20, 2024 (Public Hearing): 7.

(b) Testified at Each Hearing:

October 18, 2023 (Regulation Workshop): 4;
November 2, 2023 (Regulation Workshop): 2;
February 20, 2024 (Public Hearing): 3.

(c) Submitted to the Agency Written Comments:

On October 4, 2023, the Reno/Sparks Chamber of Commerce sent an email indicating that the Chamber had no concerns with the proposed regulations contained in LCB File No. R069-23.

The Board received multiple letters of support from the Nevada Academy of Anesthesiologist Assistants throughout the regulation process. These letters are dated September 14, 2023 after receipt and review of the initial regulation draft, October 17, 2023 just prior to the October 18, 2023 workshop, and February 29, 2024 after the public hearing and just prior to the Board's adoption hearing on the proposed regulation.

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section 31 of the proposed regulation only for reference and not substance. This letter does not constitute a concern that the Board's proposed regulation would have a direct and significant economic burden upon a small business or directly restrict the formation, operation, or expansion of a small business. Instead, this letter contains an objection to the Board's inclusion of CRNAs with all other anesthesia providers who may be working in the hospital setting. The Board received a second letter from NVANA on February 15, 2024 containing the same concerns.

4. A List of Names and Contact Information, Including Telephone Number, Business Address, Business Telephone Number, Electronic Mail Address, and Name of Entity or Organization Represented, for Each Person Identified Above In #3, As Provided to The Agency.

Attendees at the October 18, 2023 Public Workshop in Reno:

Susan Fisher
Telephone: 775-742-7080
Address: 100 Liberty Avenue, 10th Floor, Reno, NV
Business Telephone: 775-788-2000
Email: sfisher@mcdonaldcarano.com
Representing: Nevada State Society of Anesthesiologists

Asked questions regarding licensing process and whether applications could be mailed to the Board office.

Amanda Brazeau
Telephone: Not Provided
Address: Not Provided
Business Telephone: 775-781-9516
Email: amanda@rowelawnv.com
Representing: Nevada Academy of Anesthesiologist Assistants (NVAAA)

No testimony was provided.

Attendees at the October 18, 2023 Public Workshop in Las Vegas:

Daniel Rodriguez
Telephone: Not Provided
Address: 430 Highview Ridge Avenue, Las Vegas, NV 89138
Business Telephone: Not Provided
Email: danielrodriguez@nationwideperfusion.net
Representing: Perfusion

No testimony was provided.

Brittany Green
Telephone: Not Provided
Address: 7160 Rafael Rivera Way, Suite 210, Las Vegas, NV

Business Telephone: Not Provided
Email: Brittany.Green@usap.com
Representing: U.S. Anesthesia Partners

Asked questions regarding portions of the proposed regulation draft. Provided suggestions to improve the proposed regulation.

Hasnain Photowala
Telephone: Not Provided
Address: Not Provided
Business Telephone: Not Provided
Email: Hasnain.Photowala@usap.com
Representing: U.S. Anesthesia Partners

Asked questions regarding portions of the proposed regulation draft. Provided suggestions to improve the proposed regulation.

W. Bradford Isaacs, M.D.
Telephone: Not Provided
Address: Not Provided
Business Telephone: 702-878-0070
Email: Brad.Isaacs@usap.com
Representing: U.S. Anesthesia Partners

Asked questions regarding the regulation process and portions of the proposed regulation draft. Provided suggestions to improve the proposed regulation.

Attendees at the November 2, 2023 Public Workshop in Reno:

Susan Fisher
Telephone: 775-742-7080
Address: 100 Liberty Avenue, 10th Floor, Reno, NV
Business Telephone: 775-788-2000
Email: sfisher@mcdonaldcarano.com
Representing: Nevada State Society of Anesthesiologists

Thanked the Board for the work on this proposed regulation and for incorporating suggested changes from the October 18, 2023 into the current draft. Asked whether the changes added to the proposed regulation draft from the October 18, 2023 workshop would need to go back to the Board for approval.

Amanda Brazeau
Telephone: Not Provided
Address: Not Provided
Business Telephone: 775-781-9516
Email: amanda@rowelawnv.com
Representing: Nevada Academy of Anesthesiologist Assistants (NVAAA)

Thanked Board staff for the work on the regulation and for getting a draft regulation together so quickly. Asked for clarification regarding section 23 in the proposed regulation draft.

Attendees at the November 2, 2023 Public Workshop in Las Vegas:

None

Attendees at the February 20, 2024 Public Hearing in Reno:

Jerry Matsumura, M.D.
Telephone: 775-742-1718
Address: 18124 Wedge Parkway, #231, Reno, NV 89511
Business Telephone: Same as Above
Email: 1tacmed@gmail.com
Representing: Nevada State Society of Anesthesiologists

Provided testimony in response to questions raised during the public hearing regarding the proposed regulation. Provided testimony regarding the need for some of the provisions in the proposed regulation and how student anesthesia training is conducted.

Paul Young
Telephone: 775-233-0264
Address: Not Provided
Business Telephone: Not Provided
Email: paul@tomclarksolutions.com
Representing: Nevada Association of Nurse Anesthetists (NVANA)

Provided testimony regarding NVANA's concerns regarding the inclusion of CRNAs in the proposed regulation. NVANA is requesting that any reference to CRNAs be stricken from the regulation.

Amanda Brazeau
Telephone: Not Provided
Address: Not Provided
Business Telephone: 775-781-9516
Email: amanda@rowelawnv.com
Representing: Nevada Academy of Anesthesiologist Assistants (NVAAA)

No testimony was provided.

Cathy Dinauer
Telephone: Not Provided
Address: 6005 Plumas, #101, Reno, NV
Business Telephone: 775-687-7730
Email: cdinauer@nsbn.state.nv.us

Representing: Nevada Board of Nursing

No testimony was provided.

Fred Olmstead
Telephone: Not Provided
Address: 6005 Plumas, #101, Reno, NV
Business Telephone: 775-687-7728
Email: folmstead@nsbn.state.nv.us
Representing: Nevada Board of Nursing

No testimony was provided.

Attendees at the February 20, 2024 Public Hearing in Las Vegas:

Daniel Rodriguez
Telephone: Not Provided
Address: Not Provided
Business Telephone: Not Provided
Email: danielrodriguez@nationwideperfusion.net
Representing: Perfusion

No testimony was provided.

W. Bradford Isaacs, M.D.
Telephone: Not Provided
Address: Not Provided
Business Telephone: 702-878-0700
Email: brad.isaacs@usap.com
Representing: Anesthesiologists

Provided testimony in response to questions raised during the public hearing regarding the proposed regulation. Provided testimony regarding the need for some of the provisions in the proposed regulation and how student anesthesia training is conducted.

5. 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.

The Board solicited comment from any potentially impacted businesses by reaching out to various business chambers and associations. Copies of the Board's proposed regulation draft was sent to the following organizations on Thursday, September 28, 2023:

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proposed regulation would have a direct and significant economic burden upon a small business or directly restrict the formation, operation, or expansion of a small business.

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6. If the Regulation Was Adopted Without Changing Any Part of the Proposed Regulation, A Summary of the Reasons for Adopting the Regulation Without Change.

This regulation was adopted by the Board at a public meeting held on Friday, March 1, 2024. It was adopted with necessary changes that were identified after review of the proposed LCB regulation draft. These changes were reviewed and discussed with members of the public at the February 20, 2024 public regulation hearing. It was adopted with two changes to the proposed LCB regulation draft after review and discussion of the regulation at the Joint Interim Standing Committee on Health and Human Services. These changes were reviewed and discuss with members of the public at the February 20, 2024 public regulation hearing.

7. The Estimated Economic Effect of the Adopted Regulation on the Businesses Which It Is to Regulate and on the Public. These Must Be Stated Separately, And Each Case Must Include: (a) Both Adverse and Beneficial Effects; and (b) Both Immediate and Long-Term Effects.

(a) Both Adverse and Beneficial Effects.

No, the proposed regulation does not impose a direct and significant economic burden upon a small business or directly restrict the formation, operation, or expansion of a small business. These proposed regulations implement the provisions of AB270, which was passed in the 2023 Legislative Session. Licensing this new profession, anesthesiologist assistants, should benefit small businesses by allowing them to hire additional licensed personnel to help with the provision of medical care to the citizens of Nevada.

(b) Both Immediate and Long-Term Effects.

The Board believes that the proposed regulation will have immediate and long-term direct economic benefit on the business of the practice of medicine because the regulation will allow business in Nevada to hire additional licensed personnel to help with the provision of medical care to the citizens of Nevada. The Board believes that the proposed regulation will have a positive direct economic effect on the public by allowing more licensed personnel to provide them with medical care. This will provide the public with more access to medical care and potentially lower medical care costs.

8. The Estimated Cost to the Agency for Enforcement of the Adopted Regulation.

Licensing a new profession, anesthesiologist assistants, will cause increased costs for the Board. However, the Board hopes that the increased costs will be covered in time by the increased licensing fees received from the new licensees.

9. A Description of Any Regulations of Other State or Government Agencies Which the Proposed Regulation Overlaps or Duplicates and a Statement Explaining Why the Duplication or Overlapping Is Necessary. If the Regulation Overlaps or Duplicates a Federal Regulation, the Name of the Regulating Federal Agency.

To the Board's knowledge, the proposed regulations do not overlap or duplicate the regulations of other state or local governmental agencies or any federal regulations.

10. If the Regulation Includes Provisions That Are More Stringent Than a Federal Regulation Which Regulates the Same Activity, a Summary of Such Provisions.

To the Board's knowledge, the proposed regulations do not regulate the same activity addressed in a federal regulation.

11. 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.

This regulation does not provide a new fee or increase an existing fee.