

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



Small Business Impact Statement for R033-24

EFFECTIVE DATE OF REGULATION:

Upon filing with the Nevada Secretary of State

1. Background:

The proposed regulation is necessary to protect the public by requiring physicians to designate their medical specialty area to the Board and limiting their practice and that of any physician assistants to the area that they have designated, determine the supervisor of a certified nurse anesthetist in critical access hospitals to be the treating physician of the patient, require the Board to notify applicants of deficiencies in their applications, authorizes applicants to appeal the denial of their applications, prohibit licenses of the Board from engaging in sexual impropriety with their patients, update the procedure for submission and consideration of certain petitions or requests, abolish locum tenens licensure for physician assistants, and abolish the physician assistant advisory committee and practitioner of respiratory care advisory committee because they are no longer needed.

2. Description of Solicitation:

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 Wednesday, April 24, 2024:

- Better Business Bureau of Northern Nevada, Inc.
- Better Business Bureau of Southern Nevada, Inc.
- Churchill County Economic Development Authority
- City of Winnemucca
- Clark County Medical Society
- Elko Great Basin College
- Ely Rural Nevada Development Corp.
- Las Vegas Asian Chamber of Commerce
- Las Vegas Latin Chamber of Commerce
- Las Vegas Metro Chamber of Commerce
- Nevada State Medical Association
- Pahrump Rural Nevada Development Corp.
- Reno/Sparks Chamber of Commerce
- Washoe 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 regulation workshop held on May 16, 2024, 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 public hearing held on May 29, 2024. 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 a letter from the Nevada Academy of Physician Assistants on March 10, 2024 and on March 12, 2024, indicating its support of the dissolution of the physician assistant advisory committee. These letters did not indicate that the proposed regulations would have a direct and significant economic burden upon a small business or directly restrict the formation, operation, or expansion of a small business.

3. Does the Proposed Regulation Impose a Direct and Significant Economic Burden Upon a Small Business or Directly Restrict the Formation, Operation, or Expansion of a Small Business? (NRS 233B.0608(1))

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 update existing regulations to conform with changes to NRS Chapter 630 and add clarification to existing NRS/NAC Chapter 630 provisions in order to better protect the public and provide more information to applicants for licensure regarding the licensing process.

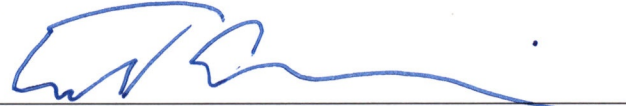
4. How Was That Conclusion Reached?

This conclusion was reached by reviewing the proposed regulation draft. The Board solicited comment from affected businesses and stakeholders at its regulation workshop, held on May 16, 2024. The Board further solicited comment from affected businesses and stakeholders at its public hearing, held on May 29, 2024, and its adoption hearing held on June 7, 2024. Through the process, the Board has shared a copy of the proposed regulation draft with multiple interested parties and stakeholders. To date, the Board has not received any public comment indicating that the proposed regulation imposes a direct and significant burden upon small businesses or directly restrict the formation, operation, or expansion of small businesses.

I, Edward O. Cousineau, J.D., Executive Director of the Nevada State Board of Medical Examiners, certify that, to the best of my knowledge or belief, a concerted effort was made to determine the impact of the proposed regulation on small business, and that the information contained in the statement above is accurate. (NRS 233B.0608(3)).

Dated: June 21, 2024

Signature: _____



EDWARD O. COUSINEAU, J.D.
Executive Director
Nevada State Board of Medical Examiners