

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 for LCB File No. R033-24

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 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. 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 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.

A summary of the public comment received regarding LCB File No. R033-24 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:

May 16, 2024 (Regulation Workshop): 4;
May 29, 2024 (Public Hearing): 1.

(b) Testified at Each Hearing:

May 16, 2024 (Regulation Workshop): 1;
May 29, 2024 (Public Hearing): 0.

(c) Submitted to the Agency Written Comments:

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.

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 May 16, 2024 Public Workshop in Las Vegas:

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

Richard Obringer
Telephone: 702-499-7290
Address: Not Provided
Business Telephone: Not Provided
Email: rick@PAAssist.net
Representing: Nevada Academy of Physician Assistants

Sabrina Schnur
Telephone: 702-518-5822
Address: Procter Street, Carson City, NV
Business Telephone: Not Provided
Email: ss@belzcase.com
Representing: Nevada Psychiatric Association, NPRA, Nevada Primary Care Association

Attendees at the May 16, 2024 Public Workshop in Reno:

Brian Evans
Telephone: Not Provided
Address: Not Provided
Business Telephone: 775-636-0051
Email: brian@theperkinsco.com
Representing: The Perkins Company

Attendees at that May 29, 2024 Public Hearing in Las Vegas:

Sabrina Schnur
Telephone: 702-518-5822
Address: Not Provided
Business Telephone: Not Provided
Email: Not Provided
Representing: Belz + Case

Attendees at the May 29, 2024 Public Hearing in Reno:

None

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 Wednesday, April 24, 2024:

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Nevada State Board of Medical Examiners - Las Vegas, NV

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

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. Neither of these letters indicated 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.

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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, June 7, 2024. It was adopted with changes that were identified. These changes were reviewed and discussed with members of the public at the May 16, 2024 public workshop, the May 29, 2024 public regulation hearing, and the June 7, 2024 adoption hearing. It was adopted with the changes shown in the enclosed memorandum dated June 21, 2024.

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.

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. The proposed regulation clarifies existing law and regulations and adds regulations that are necessary to protect the public. Adding clarity to existing law and regulations should be beneficial to businesses and licensees.

(b) Both Immediate and Long-Term Effects.

The Board believes that the proposed regulation will not have immediate or long-term direct economic benefit on the business of the practice of medicine. The proposed regulation clarifies existing law and regulations and adds regulations that are necessary to protect the public. Adding clarity to existing law and regulations should be beneficial to businesses and licensees.

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

There is no additional cost to the Board to enforce the proposed regulations.

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.