

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 R068-23

EFFECTIVE DATE OF REGULATION:
Upon filing with the Nevada Secretary of State

1. Background:

The proposed regulation is necessary to prescribe the conditions under which the Board will deem a license to be in good standing; revise provisions concerning the issuance, renewal, denial, and expiration of certain licenses; revise requirements relating to continuing education of physicians and physician assistants; require informed consent before a physician or physician assistant provides certain care or treatment to a patient; prohibit a physician or physician assistant from requiring or asking a patient to waive certain rights; make revisions concerning compelling attendance and reimbursement of certain witnesses at a hearing of the Board; revise provisions governing the approval of a physician to supervise certain physician assistants or collaborate with certain advanced practice registered nurses under certain circumstances; revise the time by which a collaborating physician must notify the Board of the termination of the collaboration with an advanced practice registered nurse; require a collaborating physician to limit the controlled substances that certain advanced practice registered nurses may prescribe; clarify provisions prohibiting the falsification of medical records; repeal certain provisions governing a perfusionist's place of practice and governing disciplinary action against physician assistants and practitioners of respiratory care; and provide other matters properly relating thereto.

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 were sent to the following organizations on Wednesday, March 6, 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 initial regulation workshop held on April 3, 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 7, 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 State Medical Association on June 7, 2024, in support of the proposed changes that were added to R068-23 after the workshop and public hearing,

based on public comment and discussions at those meetings. Similarly, on June 7, 2024, the Nevada Academy of Physician Assistants sent a letter in support of the proposed changes that were added to R068-23. 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.

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. The proposed regulation clarifies existing law and regulations and adds regulations regarding continuing medical education as directed by the Nevada Legislature. Adding clarity to existing law and regulations should be beneficial to businesses and licensees.

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 April 3, 2024. The Board further solicited comment from affected businesses and stakeholders at its public hearing, held on May 7, 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