

**ADOPTED REGULATION OF THE
BOARD OF MEDICAL EXAMINERS**

LCB File No. R176-08

Effective February 11, 2009

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

AUTHORITY: §1, NRS 630.130 and 630.279.

A REGULATION relating to practitioners of respiratory care; revising the qualifications of an applicant for licensure as a practitioner of respiratory care who has not been actively practicing respiratory care for certain periods of time; and providing other matters properly relating thereto.

Section 1. NAC 630.500 is hereby amended to read as follows:

630.500 An applicant for licensure as a practitioner of respiratory care must have the following qualifications:

1. If he has not practiced as a practitioner of respiratory care for 12 months or more ~~[before applying]~~ *immediately preceding his application* for licensure in this State, he must, *except as otherwise provided in subsections 2 and 3*, at the order of the Board, take and pass ~~[an]~~ *any* examination that the Board deems appropriate to test the professional competency of the practitioner.

2. *If he has not practiced as a practitioner of respiratory care for 12 months or more but less than 5 years immediately preceding his application for licensure in this State, he may provide proof that he has successfully completed 10 units of continuing education for each year or portion thereof he has not practiced respiratory care. If he provides proof of successfully completing at least 10 units of continuing education for each year or portion*

thereof he has not practiced respiratory care, he is exempt from the examination required pursuant to subsection 1.

3. If he has not practiced as a practitioner of respiratory care for 5 years or more immediately preceding his application for licensure in this State, he must retake and pass the examination required to be certified as a practitioner of respiratory care administered by the National Board for Respiratory Care or its successor organization.

4. Be able to communicate adequately orally and in writing in the English language.

~~{3.}~~ 5. Be of good moral character and reputation.

~~{4.}~~ 6. Be in compliance with the provisions of NRS 630.277.

NOTICE OF ADOPTION OF PROPOSED REGULATION
LCB File No. R176-08

The Board of Medical Examiners adopted regulations assigned LCB File No. R176-08 which pertain to chapter 630 of the Nevada Administrative Code.

INFORMATIONAL STATEMENT

DESCRIPTION OF HOW PUBLIC COMMENT WAS SOLICITED
SUMMARY OF THE PUBLIC RESPONSE
EXPLANATION HOW OTHER INTERESTED PERSONS MAY OBTAIN
A COPY OF THE SUMMARY

How public comment was solicited:

The Nevada State Board of Medical Examiners published a Notice of Workshops to solicit comments on proposed changes to the regulation. The workshops were to be conducted on Wednesday, August 13, 2008, at the hour of 10:00 a.m., at the offices of the Nevada State Board of Medical Examiners, 1105 Terminal Way, Ste. 301, Reno, Nevada and on Friday, August 15, 2008, at the hour of 9:00am, at Grant Sawyer State Office Building, 555 E. Washington Avenue, Las Vegas, Nevada. The Nevada State Board of Medical Examiners published, concurrent with the Notice of Workshops, Notice of a Public Hearing to receive comments from all interested persons regarding the proposed changes to the regulation, and that the public hearing was to be held at 10:00 a.m., on Tuesday, September 16, 2008, at the offices of the Board of Medical Examiners located at 1105 Terminal Way, Suite 301, Reno, Nevada.

In the notices the public was notified that a copy of the proposed regulation was on file at the State Library, 100 Stewart St., Carson City, Nevada; available at the offices of the Board at 1105 Terminal Way, Suite 301, Reno, Nevada; in all counties in the state of Nevada in which the Board does not maintain an office; at the main public library; 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 <http://www.leg.state.nv.us>, as well as posted at the following locations:

Washoe County Courthouse – Reno, Nevada
Reno City Hall – Reno, Nevada
Elko County Courthouse – Elko, Nevada
White Pine County Courthouse – Ely, Nevada
Clark County Health Department – Las Vegas, Nevada
Carson City Office of the State Attorney General
Las Vegas Office of the State Attorney General
Reno Office of the Nevada State Board of Medical Examiners
Carson City Public Library – Carson City, Nevada
Churchill County Public Library – Fallon, Nevada
Las Vegas Public Library – Las Vegas, Nevada

Douglas County Public Library – Minden, Nevada
Elko County Public Library – Elko, Nevada
Goldfield Public Library – Goldfield, Nevada
Eureka Branch Public Library – Eureka, Nevada
Humboldt County Public Library – Winnemucca, Nevada
Lincoln County Public Library – Pioche, Nevada
Lyon County Public Library – Yerington, Nevada
Mineral County Public Library – Hawthorne, Nevada
Tonopah Public Library – Tonopah, Nevada
Pershing County Public Library – Lovelock, Nevada
Storey County Public Library – Virginia City, Nevada
Washoe County Public Library – Reno, Nevada
White Pine County Public Library – Ely, Nevada
Battle Mountain Branch Public Library – Battle Mountain, Nevada

Attached hereto, and made a part hereof, are copies of certifications of posting from many of the above named.

Summary of the public response:

No public response was received.

**How other interested persons may obtain a copy of
the public response to the regulations:**

On file with the Board at the offices of the Board at 1105 Terminal Way, Suite 301, Reno, Nevada, is a complete transcript of the hearing conducted on the regulation change, and documentation of the public comment offered at the workshops.

Any member of the public may visit the offices of the Board and may review any or all of transcript referred to above. Also, any member of the public may request copies of the entire transcript of all the public by contacting the court reporter and requesting the preparation of a transcript.

The court reporter may be contacted at:

Bonanza Reporting
1111 Forest Street
Reno, Nevada 89509
(775) 786-7655

Persons who attended the workshop and hearing:

At the Workshop, Wednesday, August 13, 2008, at the offices of the Board of Medical Examiners located at 1105 Terminal Way, Suite 301, Reno, Nevada:

No public attendance or comment was offered.

At the Workshop, Friday, August 15, 2008, at the Grant Sawyer State Office Building, 555 E. Washington Avenue, Las Vegas, Nevada:

No public attendance or comment was offered.

Persons who testified at the public hearing:

The Public Hearing was held on Tuesday September 16, 2008, at the offices of the Board of Medical Examiners, 1105 Terminal Way, Suite 301, Reno, Nevada:

No public attendance or comment was offered.

The number of persons who submitted written statements:

No written comment was received by the Nevada State Board of Medical Examiners.

**HOW COMMENT WAS SOLICITED FROM AFFECTED BUSINESSES,
A SUMMARY OF THEIR RESPONSE, AND
HOW INTERESTED PERSONS MAY OBTAIN A COPY OF THE SUMMARY**

The comments, conclusions, and information set out above and all information contained thereunder applies to this portion of the informational statement as well.

THE REGULATION WAS ADOPTED IN ITS ORIGINALLY PROPOSED FORM.

The proposed regulation was adopted in the enclosed form.

**THE ESTIMATED ECONOMIC EFFECT OF THE REGULATION ON THE
BUSINESS WHICH THE BOARD REGULATES AND ON THE PUBLIC**

The economic effect of the regulations on the medical profession:

There will be no economic effect to the medical profession by adoption of this regulation.

The economic effect of the regulations on the general public:

There will be no economic effect to the general public by adoption of this regulation.

THE ESTIMATED COST TO THE NEVADA STATE BOARD OF MEDICAL EXAMINERS TO ENFORCE THE PROPOSED REGULATION

The Nevada State Board of Medical Examiners estimates that there will be no additional cost to itself to enforce the proposed regulation.

THE REGULATION OF THE NEVADA STATE BOARD OF MEDICAL EXAMINERS DOES NOT OVERLAP OR DUPLICATE ANY REGULATIONS OF ANY OTHER STATE OR GOVERNMENTAL AGENCIES, INCLUDING THE FEDERAL GOVERNMENT.

THE REGULATION OF THE NEVADA STATE BOARD OF MEDICAL EXAMINERS DOES NOT INCLUDE PROVISIONS, WHICH ARE MORE STRINGENT THAN A FEDERAL REGULATION, WHICH REGULATES THE SAME ACTIVITY.

THE NEW REGULATION DOES NOT PROVIDE OR INVOLVE A NEW FEE.