

LCB File No. R167-99

**PROPOSED REGULATION OF THE
BOARD OF MEDICAL EXAMINERS**

**NOTICE OF WORKSHOPS TO SOLICIT COMMENTS ON PROPOSED
REGULATIONS OF THE BOARD OF MEDICAL EXAMINERS**

The Nevada State Board of Medical Examiners is proposing the adoption, amendment, and repeal of regulations pertaining to Chapter 630 of the Nevada Administrative Code. Two (2) Workshops have been set for the purpose of soliciting comments from interested persons on the adoption, amendment, and repeal of the regulations.

The first workshop will be conducted, Thursday, October 21, 1999, at the hour of 2:00 o'clock p.m., or as soon thereafter as it may be conducted on that date, at the Sawyer State Office Building, 555 E. Washington Avenue, Room #4412E, Las Vegas, Nevada.

The second workshop will be conducted, Friday, October 22, 1999, at the hour of 10:00 o'clock a.m., or as soon thereafter as it may be conducted on that date, at the offices of the Board at 1105 Terminal Way, Suite 301, Reno, Nevada.

The purpose of the workshops is to receive comments from all interested persons regarding the adoption, amendment, or repeal of regulations pertaining to Chapter 630 of the Nevada Administrative Code.

The following information is provided pursuant to the requirements of NRS 233B.060:

The proposed amendment to NAC 630.080 is necessary to reflect the Nevada State Board of Medical Examiners' and the Federation of State Medical Boards of the United States, Inc., numbers of times and time periods within which an applicant must pass all three steps of the United States Medical Licensing Examination.

The proposed amendment to NAC 630.465 is necessary define a period of time from the filing of a formal complaint until the time when a pre-hearing conference may be conducted.

PROPOSED REGULATION OF THE BOARD OF MEDICAL EXAMINERS

NOTICE OF HEARING AND NOTICE OF INTENT TO ACT UPON PROPOSED REGULATIONS OF THE BOARD OF MEDICAL EXAMINERS

The Nevada State Board of Medical Examiners will hold a public hearing at 10:00 o'clock a.m., on Saturday, December 4, 1999, or as soon thereafter as it may be heard on that date, at the Holiday Inn - Emerald Springs, 325 E. Flamingo Road, Las Vegas, Nevada 89109.

The purpose of the hearing is to receive comments from all interested persons regarding the adoption, amendment, or repeal of regulations pertaining to Chapter 630 of the Nevada Administrative Code.

The following information is provided pursuant to the requirements of NRS 233B.060:

The proposed amendment to NAC 630.080 is necessary to reflect the Nevada State Board of Medical Examiners' and the Federation of State Medical Boards of the United States, Inc., numbers of times and time periods within which an applicant must pass all three steps of the United States Medical Licensing Examination.

The proposed amendment to NAC 630.465 is necessary define a period of time from the filing of a formal complaint until the time when a pre-hearing conference may be conducted.

The proposed changes to Chapter 630 of the Nevada Administrative Code, are set out hereinafter and are proposed to read as follows:

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EXPLANATION: *Matter in Italics is new*, matter in **[H]** is material to be omitted

LICENSING

630.080 Examinations.

1. For the purposes of paragraph (e) of subsection 2 of NRS 630.160, an applicant for a license to practice medicine must pass:

(a) A written examination concerning the statutes and regulations relating to the practice of medicine in this state; and

(b) The Special Purpose Examination, unless within 10 years before the date of his application for a license to practice medicine in this state, the applicant has passed:

- (1) Part III of the examination given by the National Board of Medical Examiners;
- (2) Component II of the Federation Licensing Examination;
- (3) Step III of the United States Medical Licensing Examination;
- (4) All parts of the examination to become a licentiate of the Medical Council of Canada;
- (5) The examination for primary certification by a specialty board of the American Board of Medical Specialties and received primary certification from that board; or
- (6) The Special Purpose Examination.

2. For any examination conducted by the board for a license to practice medicine, an applicant must answer correctly at least 75 percent of the questions propounded. The board will use the weighted average score of 75 as determined by the Federation of State Medical Boards of the United States, Inc. to satisfy the required score of 75 percent for passage of the Special Purpose Examination and the United States Medical Licensing Examination.

3. The board will authorize the Federation of State Medical Boards of the United States, Inc. to administer the Special Purpose Examination or the United States Medical Licensing Examination to any candidate, whether or not the candidate would qualify for licensure in Nevada.

4. An applicant for licensure is **[not]** required to complete **[any]** *one year of* postgraduate training before taking Step III of the United States Medical Licensing Examination, and is entitled to an unlimited number of attempts to pass *Step III of the United States Medical Licensing Examination* **[and an unlimited amount of time to complete]** *however* Steps I, II and III of the United States Medical Licensing Examination *must all be passed within 7 years from the date of an applicant's first sitting for Step I of the United States Medical Licensing Examination.*

5. A graduate of a foreign medical school who is an applicant for licensure in the State of Nevada must have taken and passed the examination of the Educational Commission for Foreign Medical Graduates or the Foreign Medical Graduates Examination in the Medical Sciences before taking the United States Medical Licensing Examination.

6. An applicant for a license to practice medicine and a person who holds a license to

practice medicine shall pay the reasonable costs of any examination required for licensure and any examination ordered pursuant to NRS 630.318.

NAC 630.465 Hearings: Prehearing conference (NRS 630.130, 630.275)

1. At least 30 days before a hearing, *and no sooner than 30 days after service of the complaint*, unless a different time is agreed to by the parties, the presiding member of the board or panel of members of the board or the hearing officer shall conduct a prehearing conference with the parties and their attorneys. All documents presented at the prehearing conference are not evidence, are not part of the record and may not be filed with the board.

2. Each party shall provide to every other party a copy of the list of proposed witnesses and their qualifications and a summary of the testimony of each proposed witness. A witness whose name does not appear on the list of proposed witnesses may not testify at the hearing unless good cause is shown.

3. All evidence, except rebuttal evidence, which is not provided to each party at the prehearing conference may not be introduced or admitted at the hearing unless good cause is shown.

4. Each party shall submit to the presiding member of the board or panel or to the hearing officer conducting the conference each issue which has been resolved by negotiation or stipulation and an estimate, to the nearest hour, of the time required for presentation of its oral argument.

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INFORMATIONAL STATEMENT

The adoption, amendment, and repeal of these regulations will create no adverse or beneficial economic effect on the public or upon physicians and physician's assistants regulated.

There are no immediate or long-term economic effects of the adoption, amendment, and repeal of these regulations anticipated with respect to the public, physicians, or physician's assistants.

The Nevada State Board of Medical Examiners will have no additional costs incurred to administer the regulations adopted, amended or repealed. Enforcement of the regulations can be accomplished through present resources at no additional cost to the Board. In the event any unknown or unanticipated cost does occur, the cost would be assumed by the Nevada State Board of Medical Examiners from its fees charged physicians and physician's assistants, as the Board receives no appropriated funds from the state of Nevada.

The proposed adoption, amendment, or repeal of these regulations do not overlap or duplicate any regulations of other state or local agencies, nor do they overlap or duplicate a federal regulation, nor are they required pursuant to federal law.

The proposed adoption, amendment, or repeal of these regulations do not establish a new fee.

Persons wishing to comment on the proposed adoption, amendment, or repeal of these regulations may appear at the scheduled public hearing or may address their comments, data, views or arguments, in written form, to the Nevada State Board of Medical Examiners, 1105 Terminal Way, Suite 301, P.O. Box 7238, Reno, Nevada 89510. Written submissions must be received by the Board on or before five (5) days prior to the date set for the hearing. If no person directly affected by the proposed action appears to request time to make an oral presentation, the Nevada State Board of Medical Examiners may proceed immediately to act upon any written submissions.

A copy of this notice and the proposed adoption, amendment, or repeal of these regulations will be on file at the State Library, 100 Stewart Street, Carson City, Nevada, for inspection by members of the public during business hours. Additional copies of the notice and the regulations to be adopted, amended, or repealed will be available at the offices of the Nevada State Board of Medical Examiners, 1105 Terminal Way, Suite 301, Reno, Nevada, and in all counties in which an office of the Board is not maintained, at the main public library, for inspection and copying by members of the public during business hours. This notice and the text of the proposed regulations are also available 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>. Copies will also be mailed to members of the public upon request. A reasonable fee may be charged for copies if it is deemed necessary.

Upon adoption of any regulation, the agency, if requested to do so by an interested person, either before adoption or within 30 days thereafter, will issue a concise statement of the principal reasons for and against its adoption, and incorporate therein its reason for overruling the consideration urged against its adoption.

This notice of hearing has been posted at the following locations:

Washoe County Court House - Reno, Nevada
Reno City Hall - Reno, Nevada
Elko County Court House - Elko, Nevada
White Pine County Court House - Ely, Nevada
Clark County Health Department - Las Vegas, Nevada
Las Vegas Office of the State Attorney General
Carson City 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
Clark County Public Library - Las Vegas, Nevada
Douglas County Public Library - Minden, Nevada
Elko County Public Library - Elko, Nevada
Esmeralda County Public Library - Goldfield, Nevada
Eureka County Public Library - Eureka, Nevada
Humboldt County Public Library - Winnemucca, Nevada
Lander County Public Library - Battle Mountain, Nevada
Lincoln County Public Library - Pioche, Nevada
Lyon County Public Library - Yerington, Nevada
Mineral County Public Library - Hawthorne, Nevada
Nye County Public Library - Tonopah, Nevada
Pershing County Public Library - Lovelock, Nevada
Storey County Public Library - Virginia City, Nevada
White Pine County Public Library - Ely, Nevada

DATED: This 22nd day of September, 1999.

NEVADA STATE BOARD OF MEDICAL EXAMINERS

Arne D. Rosencrantz /s/
ARNE D. ROSENCRANTZ,
President