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**BOARD OF MEDICAL EXAMINERS**  
**PROPOSED AMENDMENT TO S.B. 250**

1. Delete Section 47, page 22, in its entirety.

Explanation: There is no need to mandate moving of the principal office of the Board to Las Vegas no later than July 1, 2007. The Board is committed to open an office Las Vegas and to staff it appropriately.

2. Delete Section 178, page 89, in its entirety.

Explanation: In December, 2002, the Board voted to reduce physician's biennial licensing fees from \$600 to \$400. This reduction coupled with the increased staffing requirements of A.B. 1 of the Special Session, together with the commitment to open a Las Vegas office and to provide teleconferencing of meetings between Reno and Las Vegas, have increased the Board's operating budget. Based upon projected revenues and expenses over the biennium, the Board's \$3.3 million reserve will be reduced to \$780,000 at the end of the biennium. The Board's outside auditors have recommended a minimum \$1 million reserve. Consequently, any other financial mandates imposed upon the Board will reduce the reserve to far below the recommended amount. This creates yet another study by the Insurance Commissioner to be funded at an amount to exceed \$402,000 by the Board. According to Commissioner Molasky-Arman, a similar study was conducted in 1995. Apparently nothing was done with this study but be put on the shelf. Commissioner Molasky-Arman has advised that she does not have sufficient staff to conduct this study so that the entire study will have to be contracted out to a third party.

3. Delete Section 41, page 19, in its entirety.

Explanation: This requires a performance audit of the Board, to be paid for by the Board. The Board estimates the cost will be approximately \$100,000. Other than anecdotal evidence from several disgruntled physicians, there is no compelling reason to have such a performance audit conducted.

4. Delete Section 37, page 18, in its entirety.

Explanation: This increases the burden of proof by which the Board may revoke a physician's license from the present standard of a preponderance of the evidence to clear and convincing evidence. It also requires a majority of the entire Board to take such action. Since there are nine members of the Board, five would have to vote to revoke a license. Because only six members of the Board participate in disciplinary proceedings, including revocation (the other three serve on the Investigation Committee), this requirement would increase by one the number necessary to impose that sanction.

5. Delete Section 44, page 21, in its entirety.

Explanation: This provision restates the clear and convincing evidence burden for revocation of a physician's license.

6. Delete Section 58, page 30, in its entirety.

Explanation: This Section also restates the clear and convincing evidence burden for revocation of a physician's license.

7. Delete Section 52, subsection 4, page 26, in its entirety.

Explanation: This requires that for disciplinary proceedings, if malpractice of a physician is alleged, that malpractice must be established by clear and convincing evidence rather than a preponderance of the evidence.

8. Delete Section 49, page 23, in its entirety.

Explanation: S.B. 332 has amended NRS 630.160 and would be in conflict with this Section. The Board believes that the amendment in S.B. 332 accomplishes what is being sought in Section 49.

9. Delete Section 50, subsection 4, pages 24 and 25, in its entirety.

Explanation: This subsection would take away the Board's ability to review a physician who has a special volunteer license every two years. This subsection would essentially put a volunteer physician outside the continuing purview of the Board.