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NEVADA STATE
BOARD OF OSTEOPATHIC MEDICINE
2275 Corporate Circle, Suite 210
Henderson, NV 89074
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Sandra Reed, MPA
Executive Director

NOTICE OF INTENT TO ACT UPON A PROPOSED REGULATION R011-19

NOTICE OF HEARING FOR THE ADOPTION OF A PERMANENT REGULATION OF THE NEVADA
STATE BOARD OF OSTEOPATHIC MEDICINE

NOTICE IS HEREBY GIVEN that the Nevada State Board of Osteopathic Medicine will hold a
Public Hearing at 5:30 p.m., on September 10, 2019 at:

Nevada State Board of Osteopathic Medicine
2275 Corporate Circle Suite 210
Henderson, Nevada 89074

The purpose of the hearing is to receive comments from all interested persons regarding the adoption of a regulation pertaining to Chapter 633 of the Nevada Administrative Code, LCB File No. R011-19. The following information is provided pursuant to the requirements of NRS 233B.0603:

1. The need for and the purpose of the proposed regulation.

The need and purpose of the proposed regulation is to revise (reduce) several of the licensing fees currently charged by the Board, along with removing inapplicable out-of-date language.

2. Either the terms or substance of the proposed regulation or a description of the subjects and issues involved.

See text of R011-19 (attached hereto) for specific amendment language.

3. If the proposed regulation becomes a permanent regulation, a statement explaining how to obtain the approved or revised text of the proposed regulation prepared by the Legislative Counsel pursuant to NRS 233B.063.

A copy of the proposed regulation may be obtained at:

*Nevada State Board of Osteopathic Medicine
2275 Corporate Circle, Suite 210
Henderson, Nevada 89074
Telephone: (702) 732-2147
Facsimile: (702) 732-2079
E-mail: sreed@bom.nv.gov*

4. A statement of the estimated economic effect of the regulation on the business which it is to regulate and on the public. These must be stated separately and in each case must include:

- (a) Both adverse and beneficial effects.

There are no anticipated adverse economic effects on the practices of osteopathic physicians or the public. The reduced licensing fees will benefit the practices of licensees.

- (b) Both immediate and long term effects.

There are no anticipated immediate or long-term economic effects on the practices of osteopathic medicine or the public.

5. A statement identifying the methods used by the Nevada State Board of Osteopathic Medicine in determining the impact on a small business prepared pursuant to subsection 3 of NRS 233B.0608:

On August 13, 2019, the Board will hold a workshop at its regular meeting regarding the draft language that ultimately became R011-19. As of the date of this Notice of Hearing, the Board has received no written comments indicating that the proposed regulation would have any impact, adverse or positive, on small business.

6. The estimated cost to the agency for enforcement of the proposed regulation.

The fees collected are anticipated to be reduced by about \$200,000 annually. However, this should not have a significant impact to the Nevada State Board of Osteopathic Medicine for enforcement of the proposed regulation.

7. A description of any regulations of other state or local 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 notice must include the name of the regulating federal agency.

There are no similar regulations of other state or government agencies that the proposed regulations overlap or duplicate.

8. If the regulation is required pursuant to federal law, a citation and description of the federal law.

This proposed regulation is not required by federal law.

9. If the regulation includes provisions which are more stringent than a federal regulation that regulates the same activity, a summary of such provisions.

This proposed regulation does not include any provision that is more stringent than a federal regulation that regulates the same activity.

10. The time when, the place where and the manner in which interested persons may present their views regarding the proposed regulation.

Persons wishing to comment upon the proposed action of the Nevada State Board of Osteopathic Medicine may appear and make oral comment at the scheduled public hearing, or may address their comments, data, views or arguments, in written form, to the Nevada State Board of Osteopathic Medicine, Attention: Sandra Reed, Executive Director, at 2275 Corporate Circle, Suite 210, Henderson, Nevada 89074, Facsimile: (702) 732-2079, E-mail: sreed@bom.nv.gov. Written submissions must be received by Nevada State Board of Osteopathic Medicine on or before September 3, 2019. Any person who is directly affected by the proposed action appears to request time to make an oral presentation, the Nevada State Board of Osteopathic Medicine may proceed immediately to act upon any written submission.

Copies of the notice and the regulations to be adopted or amended will be available at the Nevada State Board of Osteopathic Medicine, 2275 Corporate Circle, Suite 210, Henderson, Nevada. A copy of this notice and the regulation to be adopted or amended has been submitted for posting for inspection by members of the public during business hours at the Nevada State Library and Archives, 100 Stewart Street, Carson City, Nevada. Copies of this notice and the proposed regulation will be mailed to members of the public upon request.

This notice and the text of the proposed regulation has been submitted to 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>. This information is also available at the Nevada State Board of Osteopathic Medicine' website at <http://bom.nv.gov>.

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 deposited at the following locations:

Nevada State Library and Archives - 100 North Stewart Street, Carson City, Nevada 89701
Nevada State Board of Osteopathic Medicine - 2275 Corporate Circle, Suite 210, Henderson, Nevada 89074
Carson City Library - 900 N. Roop Street, Carson City, Nevada 89701
Churchill County Library - 553 S. Maine Street, Fallon, Nevada 89406
Clark County Library - 1401 E. Flamingo Road, Las Vegas, Nevada 89119
Douglas County Public Library - 1625 Library Lane, Minden, Nevada 89423
Elko County Library - 720 Court Street, Elko, Nevada 89801
Esmeralda County Library - 10 Montezuma Way, Silverpeak, Nevada 89047
Eureka Branch Library - 210 S. Monroe, Eureka, Nevada 89316
Humboldt County Library - 85 E. 5th Street, Winnemucca, Nevada 89445
Lincoln County Library - 63 Main Street, Pioche, Nevada 89043
Lyon County Central Library - 20 Nevin Way, Yerington, Nevada 89447
Mineral County Library - 110 1st Street, Hawthorne, Nevada 89415
Pershing County Library - 1125 Central Avenue, Lovelock, Nevada 89419 **Storey County Library** - 95 South R Street, Virginia City, Nevada 89440
Tonopah Library - 167 S. Central street, Tonopah, Nevada 89049
Washoe County Library - 301 S. Center Street, Reno, Nevada 89505
White Pine County Library - 950 Campton Street, Ely, Nevada 89301

A copy of this notice of intent to act upon a regulation has been e-mailed to all licensees of the Nevada State Board of Osteopathic Medicine for whom the Board has permission to contact via listserv, and to all persons who have requested in writing that they be placed upon a mailing list, which is maintained by the Nevada State Board of Osteopathic Medicine for this purpose.

**PROPOSED REGULATION OF THE
BOARD OF OSTEOPATHIC MEDICINE**

LCB File No. R011-19

June 14, 2019

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

AUTHORITY: §§1-5, NRS 633.291 and 633.501.

A REGULATION relating to the reduction of various fees to be charged by the Board.

Section 1. Chapter 633 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 5, inclusive, of this regulation.

Sec. 2. NAC 633.160 is hereby amended to read as follows:

1. Each applicant for a license to practice osteopathic medicine must apply on forms prepared and furnished by the Board.

2. On or after January 1, 2003, each application must be accompanied by:

(a) A physician information profile prepared by the Federation Credentials Verification Service of the Federation of State Medical Boards of the United States *or the equivalent documents and information provided by the applicant*; and

(b) An affidavit affirming that:

(1) The applicant is the person named in the application and accompanying material; and

(2) To the best knowledge or belief of the applicant, the application and all accompanying material is complete, correct and consistent, and was obtained without fraud, misrepresentation or mistake.

3. No application will be accepted unless it is accompanied by the appropriate fee prescribed in NAC 633.335. All fees are nonrefundable.

4. An application for a license to practice osteopathic medicine shall not be deemed complete until all supporting documents and information required to complete the application have been provided by the applicant to or otherwise obtained by the Board.

Sec. 3. NAC 633.335 is hereby amended to read as follows:

1. Except as otherwise provided in subsection 3, the Board will charge and collect the following fees:

Application and initial license fee for an osteopathic physician.....	[\$600]	\$500
Annual license renewal fee for an osteopathic physician.....	[\$450]	\$350
Temporary license fee.....		\$200
Special or authorized facility license fee.....		\$200
Special or authorized facility license renewal fee.....		\$200
Reexamination fee.....		\$200]
Late payment fee for [a person whose license is currently on active] active <i>osteopathic physicians and physician assistants</i>	[\$300]	\$200
Application and initial license fee for a physician assistant.....	[\$400]	\$300
Annual license renewal fee for a physician assistant.....	[\$250]	\$150
Inactive license fee.....		\$200
Late payment fee for [a person whose license is currently on inactive status] inactive		

osteopathic physicians and physician assistants \$150

2. The Board will charge and collect a fee for fingerprints submitted to the Board pursuant to NRS 633.309 that is equal to the total amount of the fees charged by any local agencies of law enforcement, the Central Repository for Nevada Records of Criminal History and the Federal Bureau of Investigation for the handling of the fingerprints of an applicant and issuance of the reports of criminal histories.

3. The Board will reduce by one-half the appropriate application and initial license fee prescribed in subsection 1 for an applicant who applies for an initial license as an osteopathic physician or a physician assistant that will expire less than 6 months after the date of issuance of the license.

Sec. 4. NAC 633.190, NAC 633.200, and NAC 633.210 are hereby repealed.

TEXT OF REPEALED PROVISION

NAC 633.190 Examinations: Form; notice of time and place; use of typewriters. (NRS 633.291, 633.331)

1. An examination may be written, oral, demonstrative or any combination thereof which the Board determines.
2. The Board will, at least 15 days before the date set for an examination, notify each applicant in writing of the time and place of his or her examination.
3. The Board may, upon request, give permission to applicants to use typewriters in writing examinations.

NAC 633.200 Examinations: General rules. (NRS 633.291, 633.331)

1. The questions for an examination may be prepared by the National Board of Osteopathic Examiners, a professional testing service selected by the Board, or by the Board itself, in its sole discretion.
2. Each applicant must furnish his or her own pen and ink or typewriter. The Board will furnish all other materials for the examination except texts or other reference materials.
3. Each applicant will be assigned a number before the examination.

4. The applicant must use the number assigned to him or her on all the papers used in the examination and must not use his or her name.

5. During the examination an applicant may not have on the table on which he or she is writing any paper or object other than the examination questions and tablet, a blotter, pen and ink, typewriter, eraser, watch and any testing materials supplied by the Board.

6. Immediately after correcting all written examinations or upon completion of an oral or demonstrative examination, each examiner shall forward his or her report to the Secretary-Treasurer of the Board.

7. After completing all returns of the examination, the Secretary-Treasurer will notify applicants of the results of the examination and issue licenses to successful applicants.

8. An applicant will not be licensed if he or she fails two or more subjects on the examination, even though he or she has received a passing grade on the examination as a whole.

9. Any applicant who is reexamined and receives a passing grade on all subjects except one is deemed to have passed the examination.

NAC 633.210 License without examination: Interview; oral examination; failure to appear. (NRS 633.291, 633.361)

1. The Board may require an applicant to:

(a) Appear before the Board for a personal interview at the time his or her application is considered; and

(b) Pass an oral examination.

2. If the Board requires an applicant for a license without examination to appear before the Board for a personal interview pursuant to subsection 1:

(a) The application for the license without examination is ineffective if the applicant fails to appear at the time and place scheduled for the personal interview by the Board; and

(b) The applicant must refile the application before the Board will schedule another interview.

3. The Board will reschedule a personal interview within 1 year after it receives a request for rescheduling which sets forth sufficient reasons for the applicant's prior inability to attend.