



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

PUBLIC MEETING NOTICE FOR REGULATION HEARING

The Nevada State Board of Osteopathic Medicine will conduct a public regulation hearing on

Friday, July 26, 2024, at 10:00 a.m. located at:

The Nevada State Board of Osteopathic Medicine's Office located at
2275 Corporate Circle, Suite 210, Henderson, Nevada 89074

To join by Video/Teleconference on your computer, mobile app or room device:

https://teams.microsoft.com/l/meetup-join/19%3ameeting_M2Y2MWZjZjQtNzg5Ny00YWVklWE5NGYtZjA4MTA5MzIxZjA1%40thread.v2/0?context=%7b%22Tid%22%3a%22e4a340e6-b89e-4e68-8eaa-1544d2703980%22%2c%22Oid%22%3a%2205628d65-31b9-47d5-9114-70d3f53bf58d%22%7d

To join by Meeting ID through Microsoft Teams:

Meeting ID: 213 706 197 149

Passcode: D3ULmn

Or to join by telephone (audio only):

Audio Conference Number: +1 775-321-6111

Phone Conference ID: 205 786 102#

MINUTES

Please Note:

- Persons wishing to attend this meeting in person may do so at the above-listed location.
- Agenda items, other than those items posted with a specific time, may be taken out of sequence or may be combined for consideration by the Executive Director to accommodate persons appearing at the workshop and/or to aid in the effectiveness of the meeting.
- Items may be pulled or removed from the Agenda at any time.
- Certain Agenda items, or portions thereof, may be conducted in closed session, in accordance with NRS 241.030.
- Public comment is scheduled under Agenda Item 2, at the beginning of the meeting, and again under Agenda Item 6, at the end of the meeting, and may also be called for at other times throughout the meeting by the Executive Director. When these Agenda items are called, members of the general public may bring matters not appearing on this Agenda to the attention of the Executive Director. Such matters not appearing on this Agenda may be discussed, but may not be acted on at this meeting. If the Board desires, the matters may be placed on a future Agenda for action. In consideration of others, who may also wish to provide public comment, please avoid repetition and limit your comments to no more than four (4) minutes.
- Prior to the commencement and conclusion of a contested case or a quasi-judicial proceeding that may affect the due process rights of an individual, the Board may refuse to consider public comment. See NRS 233B.126.

1. Call to Order and Introductions

Board Staff present:

Frank DiMaggio, Executive Director

Carolyn Klein, Administrative Assistant

Richard Dreitzer, Esq., Board Counsel

Public:

Jon Rudolph, McDonald Carano

2. Public Comment

Members of the public are invited to provide public comment. No action will be taken regarding this comment at this hearing. Public comment may be limited to four (4) minutes at the discretion of the Executive Director.

No public comments were received.

3. Presentation and Discussion of Proposed Regulation R001-24

Staff of the Nevada State Board of Osteopathic Medicine (Board) will provide background on the purpose and the need for the proposed revisions/amendments to Nevada Administrative Code (NAC) Chapter 633 regarding anesthesiologist assistants, physician assistants, and osteopathic physicians.

Executive Director Frank DiMaggio stated Governor Lombardo signed Assembly Bill 270 into law in June of 2023. As a result of those statutory enactments, the Board is required to make certain regulations pertaining to Anesthesiologist Assistants. The purpose of the regulations that we are seeking to have approved and adopted in R001-24 relate to the practice of osteopathic medicine. The proposed regulations prescribe methods by which the State Board of Osteopathic Medicine may communicate with a licensee; the proposed regulations set forth requirements governing the issuance, renewal or changes of status as an Anesthesiologist Assistant. Executive Director DiMaggio stated for brevity's sake he will refer to Anesthesiologist Assistants as "AAs". The proposed regulations set forth in R001-24 contain provisions as follows: requiring an AA to provide notice to the Board of certain changes to his or her contact information; authorizing a student in a training program for AAs to engage in certain supervised activity; prescribing requirements governing the practice and supervision of an AA; setting forth grounds for disciplinary actions against an AA; establishing certain procedures for the imposition of such disciplinary action; authorizing the Board to provide copies of certain disciplinary documents relating to an AA or a Physician Assistant to a supervising osteopathic anesthesiologist or supervising osteopathic physician as applicable. The proposed regulations revise certain requirements governing the renewal of license of an osteopathic physician, provide for the automatic revocation of the license of a physician assistant under certain circumstances, establishes certain fees relating to the licensure of an AA; provides that certain activity of a physician assistant or an AA constitutes unethical conduct; provides that an AA will be presumed to be professionally incompetent under certain circumstances; makes certain procedures relating to hearings and disciplinary proceedings applicable to AAs; makes certain provisions relating to the limitation, suspension, revocation, or change of status of a license to practice osteopathic medicine applicable to a license to practice as an AA; and provides other matters properly relating thereto. Executive Director DiMaggio mentioned that the proposed regulation R001-24 is posted on our website in several different places.

4. Question & Answer Period for Proposed Regulation R001-24

Members of the public are invited to ask questions about these proposed regulations.

No public questions were received.

5. Public Comment for Proposed Regulation R001-24

Members of the public are invited to provide public comment. No action will be taken regarding this comment at this workshop. Public comment may be limited to four (4) minutes at the discretion of the Executive Director.

Executive Director DiMaggio stated that he had ten comments that he wanted to read into the record.

- 1) Section 5 of R001-24 provides for a denial of a license; our New Provision #4 provided for rejection (not denial) of a license application.
- 2) Section 9 of R001-24 leaves out payment of renewal fees which were set forth in New Provision #7.1.
- 3) Section 10 of R001-24 leaves out payment of back due renewal fees which were set forth in New Provision #19.2.
- 4) Section 11 of R001-24 left out the section of New Provision #19.6(C), which is comply with all other requirements for renewal fees.
- 5) Section 15 of R001-24 left out the section of New Provision #14.1 about the "Patient consent forms".
- 6) Section 22 of R001-24 left out the section of New Provision #14.4 about the AA's responsibility to ensure.
- 7) Section 23 of R001-24 mistakenly added the words "as shown in the medical records of the patient" to the end of New Provision #20.
- 8) I also noted that there is no corresponding provision in R001-24 to New Provision #10
- 9) Also, in the amendments noted to the NAC 633, R001-24 did not contain the definitions requested in New Provisions #15 to be set forth in the NAC definitional sections.
- 10) R001-24 did not provide for any renewal fees for AA licenses, including temporary licenses as requested in the amendment to NAC 633.335.

Executive Director DiMaggio stated that he believes in his communications with Board Counsel, Mr. Dreitzer, we were told that since AB 270 did not have a provision for renewal fees pertaining to AA licenses, such might be a reason why AA license renewal fees were left out of R001-24. Executive Director DiMaggio thought it was implied the Board had authority to add that section to the regulations. Mr. Dreitzer stated that Mr. DiMaggio's statement regarding this issue is consistent with his understanding.

6. Public Comment

Members of the public are invited to provide public comment. No action will be taken regarding this comment at this workshop. Public comment may be limited to four (4) minutes at the discretion of the Executive Director.

No public comments were received.

7. Adjournment (for possible action)

Executive Director Frank DiMaggio Adjourned the meeting.

Disclaimer: Minutes posted but not approved by the Board.