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# **Cover Sheet**

## **THE NEVADA STATE BOARD OF MEDICAL EXAMINERS**

### **Legislative Declaration – NRS 630.003**

The legislature finds and declares that it is among the responsibilities of state government to ensure, as far as possible, that only competent persons practice medicine and respiratory care in this state. For this purpose, the legislature delegates to the board of medical examiners the duty of determining the initial and continuing competence of doctors of medicine, physician assistants and practitioners of respiratory care in this state. The powers conferred upon the board by this chapter must be liberally construed to carry out this purpose.

### **License as revocable privilege – NRS 630.045**

The purpose of licensing physicians, physician assistants and practitioners of respiratory care is to protect the public health and safety and the general welfare of the people of this state. Any license issued pursuant to this chapter is a revocable privilege and no holder of such a license acquires thereby any vested right.

# PUBLIC COMMUNICATION

## WEB SITE

The Nevada State Board of Medical Examiners has a Web Site, [www.medboard.nv.gov](http://www.medboard.nv.gov), which currently has information for use by the public where they can:

1. Conduct a search for a medical doctor, physician assistant, or practitioner of respiratory care.

This search will reveal the name, address, phone number, and any disciplinary action taken against the licensee. (A copy of one of these searches is enclosed herewith)

2. Receive a list of the names and positions of members of the Nevada State Board of Medical Examiners and members of the staff of the Board. (A copy of that information is enclosed herewith)

3. Get the meeting schedule of the Board and the holiday schedule observed by the staff. (A copy of that information is enclosed herewith)

4. Get press releases of the Board.

5. Receive notices of upcoming hearings of the Board.

6. Get a copy of the agenda of the Board.

7. Get newsletters of the Board.

8. Receive information on the Diversion Program of the Board.

9. When there is a problem with a Medical Doctor. This portion of the site has a lot of information on discipline, on other regulatory boards, how to get information on licensees and how to contact other state regulated health professions, and how to contact this Board. (A copy of this information is enclosed herewith).

10. Complaint form and how to file a complaint and contact the Board. (A copy of this information is enclosed herewith).

11. How to apply for licensure in this state as a physician, what law applies for licensure, and the name, telephone number and extension of all licensing specialists of the Board and the alphabetical letter of physicians they work with on licensure. (A copy of this information is enclosed herewith).

12. Information on the United States Licensing Examination (USMLE). (A copy of this information is enclosed herewith).

### **PUBLIC SERVICE ANNOUNCEMENTS**

In January of 1998, the Board began a public service announcement project which included production of television and radio spots to be aired in the state of Nevada on the Nevada State Board of Medical Examiners, how individuals could contact the Board to check on their physician or how they could go about filing a complaint with the Board.

Since January of 1998, the Board has continually aired the television and radio spots at a total cost, to date, for air time and production costs of:

**\$243,831.56**

### **TOLL FREE TELEPHONE NUMBER**

In the year 1999, the Board developed a toll free number where any citizen located at any location in the state of Nevada could call the Board toll free. That toll free number is published on the Boards Web Site, is included in the public service announcements, and is distributed to the general public when telephone calls are received at the offices of the Board concerning licensees.

That toll free number, from anywhere in the state of Nevada is:

**1-888-890-8210**

### **NEWS RELEASES AND NEWSLETTERS**

Referred to earlier, and can be accessed on the Board's Web Site:

**[www.medboard.nv.gov](http://www.medboard.nv.gov)**

## **LAW TO LICENSEES**

Every licensee of the Nevada State Board of Medical Examiners, during the calendar year 2002, received a complete copy of Chapter 630 of the Nevada Revised Statutes, Chapter 629 of the Nevada Revised Statutes, and Chapter 630 of the Nevada Administrative Code. These were mailed to all licensees of the Board at an approximate expense for printing and mailing of:

**\$20,000.00**

## **TELEPHONE ANSWERING SERVICE**

The Board has one (1) full time employee whose primary duty is to answer the telephone at the office. This employee does not answer telephone calls for other employees, such as licensing specialists, or investigators, but is available for the purpose of answering telephone calls from the general public who have questions concerning licensees, or any other person(s) who may have a question and does not have any certain individual to contact.

In addition to this one (1) full time employee, another employee also answer all spill over calls after a certain number of rings from the primary telephone answering person.

Both of these individuals are also available to answer licensing application questions concerning initial qualifications for licensure in the state of Nevada. These two (2) individuals are available to answer those questions in addition to the licensing specialists who handle individual physician applicants.

## **COMPLAINT ANSWERING SERVICE**

One (1) individual at the Board is specifically designated to take all calls that are made to the Board inquiring on how to file a complaint with the Board on a licensee. This individual takes all the necessary information from the caller, answers any questions the caller may have, on some occasions can help the caller solve the problem without further action by the staff, Board or caller. As an example, an individual may be having a problem communicating with a licensee on attempting to get medical records. The law of the state of Nevada is clear that a licensee must maintain medical records for certain periods of time and that all physicians have a right to copies of their medical records – for a statutory fee. The Board designated person, in many instances, can solve this problem by a simple call to the licensee's office, informing the licensee of the law of the state of Nevada, and the complaining person is satisfied with the result, and the problem is solved in an expeditious manner.

Further, this individual will mail to the complaining person, a copy of the complaint form and an informational brochure published by the Board. (A copy of the complaint form and informational brochure is enclosed herewith).

## **LICENSING OVERVIEW**

The Board employs four (4) licensing specialists, who, as referenced earlier, are assigned names by alphabetical designation. These individuals process all license applications for licensure as physicians, physician assistants, and respiratory therapists in the state of Nevada.

In addition to the four (4) licensing specialists, another employee is available to answer general questions concerning qualifications for licensure in the state of Nevada.

Many applicants for licensure, physicians particularly, are not qualified by recent specialty certification or re-certification, or other examination and may have to take a special purpose examination prior to qualification for licensure in the state of Nevada. Additionally, because of the 36 months of progressive post-graduate education required in this state, many physician applicants do not qualify for licensure here. When it is determined after discussion with physicians who inquire about licensure in this state that they do not qualify, they are told so orally, and not sent an application for licensure in this state.

If there is an initial determination that the applicant may qualify by way of education, etc., an application form is sent to the applicant. Once the application is received back in the office of the Board, the process begins with the licensing specialists requesting and receiving original source documentation concerning the applicant's education, experience, and record of disciplinary or civil causes of action for malpractice.

Many licenses are issued administratively, but if any applicant has a history of malpractice, or there are questions which may result in denial or approval of the application, the applicant is required to appear at a meeting of the Board of Medical Examiners to be questioned by the Board members who make the final decision on granting or denial of licensure in the state of Nevada.

## **DISCIPLINARY PROCESS**

### **At the outset:**

As has already been stated, one (1) employee of the Board is designated as the contact person for all individuals who call the Board to inquire about the process for filing a complaint against a physician. That employee will explain the

process to the individual, send that person a form to be filled out and send a brochure explaining the complaint process to the individual. (A copy of that form and the brochure are enclosed herewith).

Once a complaint is received by the Board, or information is given to the Board from one or more sources – MDSP, Courts, Licensees, Medical Facilities, National Practitioner's Data Bank, Controlled Substance Abuse Task Force, to name a few – a review of the complaint is conducted and a determination is made as to whether or not the Board has jurisdiction to investigate the complaint.

A review of the medical practice act is made and if the information received would fall within any of the enumerated grounds for disciplinary action by the Board – taking the information at face value as being accurate and factual – and there is a possibility that the licensee may have violated the provisions of the Medical Practice Act, an investigation is conducted.

If, however, the information received - even if true, accurate and factual – would not constitute a violation of the Medical Practice Act, there is no investigation conducted, and the source of the complaint or information is notified in writing that the Board has no jurisdiction over the matter.

The most frequent example of a complaint that does not result in an investigation is a complaint that a physician, in conducting a certain procedure, charges, what the complainant feels is a charge for the services rendered which was excessive. That type of complaint is a fee dispute matter which does not fall within the Medical Practice Act.

Another area where investigations are not routinely conducted is a complaint that a patient is having a difficult time getting medical records from a licensee. Those matters are generally handled by Board staff by making a call to the licensee's office and informing the licensee and the licensee's staff that the law of the state of Nevada is clear that a patient has an absolute right to their medical records, that they must to be provided to the patient, and that the licensee can charge a statutory amount for their reproduction. Without exception, the patient is satisfied, and there is no need for any further investigation in the matter.

#### **After an investigative is begun:**

Whatever the circumstances may be, the licensee is contacted, in writing, informed of the complaint and the allegations of the complaint, and asked to respond to the complaint.

If the matter involves care, there are medical records that exist at one or more locations, licensee's office, medical facility, etc. All medical records from whatever source are requested, in writing, by the Board. If the medical records

are not timely received from a licensee, the Board has the ability to ORDER their production from the licensee, and a violation of such an ORDER from the Board is, in and of itself, a violation of the Medical Practice Act. If some other source is reluctant, or refuses to provide information to the Board, the Board has the power of Subpoena, and a Subpoena may be issued.

Once all the information is received involving an investigation, the entire matter is reviewed by the Board's In House Medical Reviewer, a Nevada licensed M.D., who reviews the complaint and all information compiled by the investigator. If further information is needed by the Medical Reviewer, the investigator on the case is requested to compile that information. If the medical reviewer feels he needs help in fully understanding a medical issue in an area of expertise with which does not feel fully knowledgeable, a Nevada licensed M.D. is hired who practices in that particular specialty to review the case.

After the initial review, more particularly in cases where there may be a quality of care issue, or possible malpractice, the Medical Reviewer instructs the investigative staff to secure the services of a Peer Review conducted by a Nevada licensed M.D., who is geographically located in an area other than the area wherein the investigated licensee practices. For example: If a Northern Nevada licensee is under investigation, a Southern Nevada licensee will be requested to conduct the peer review. Also, the Peer Reviewer will be a person who practices medicine in the same specialty as the licensee under investigation, and/or has the same scope of practice. The Board pays for this service, as well as gives Continuing Medical Education Credits to its licensees for conducting these Peer Reviews.

Whether or not a Peer Review is received, after the investigation has been concluded by the investigative staff, and the Medical Reviewer has conducted his review of the matter, the Medical Reviewer makes a recommendation to a committee designated by the Board and consisting of members of the Board to determine if there is a reasonable basis for the complaint. This committee is composed of three (3) members of the Board, the Secretary/Treasurer of the Board being the Chairman, two (2) members who are licensed M.D.'s in the state of Nevada, and one (1) member who is not an M.D., but is a public member of the Board.

That Committee – the Investigative Committee – makes all determinations on what action, if any, is to be taken on a complaint. That committee may, close the investigation without further action, compel a licensee to appear before the committee, order a licensee to undergo a mental or physical examination or examination testing the licensee's competence to practice medicine by physicians or other examinations to assist the committee in determining the fitness of the licensee to practice medicine, or file a formal complaint against the licensee with the Board.



In making these determinations, the Investigative Committee – the three (3) members - the Investigative Staff – three (3) investigators – the Medical Reviewer, and Legal Counsel have regularly scheduled meetings where all are in attendance, the cases are discussed in detail amongst the Committee, Staff, Investigators, Medical Reviewer and Legal Counsel, and the members of the Committee decide what further action is to be taken on each case.

All Investigations conducted by the Board are handled in the same manner as set out above.