

# Nevada's Occupational Licensing Boards Status of Promulgating Regulations Specific to the Discipline of Inappropriate Prescribing

*Panel Presentation*

# Nevada State Board of Medical Examiners

Edward O. Cousineau, J.D.  
Executive Director



# Nevada State Board of Medical Examiners

## • Implementation of AB 474

- Held a workshop and hearing to update our regulations to require additional CMEs, as required by AB 474. Regulation packet is being finalized for transmittal to LCB.
- Staff received authority from the Board at the September 8, 2017 Board meeting to implement regulations for discipline to be imposed for prescribing violations, as required by AB 474 (R100-17). A workshop was held January 3, 2018. As a result of significant feedback on both the proposed regulation and concern about implementation of AB 474, the Board authorized a subcommittee on February 7, 2018. The first subcommittee meeting was held on February 15, 2018.
- Have a dedicated attorney, investigator, and staffer focusing exclusively on prescribing cases.



# Nevada State Board of Medical Examiners

- Education and Outreach

- Continued sponsorship of KnowYourPainMeds.com
- AB 474 White paper to website and e-blasted to all our licensees.
- Brochures created in both English and Spanish, which include information on KnowYourPainMeds.com, including how to obtain Naloxone (available through prescription or pharmacist).
- Multiple radio interviews with Lotus radio group explaining to the public the new requirements for prescribing CS.
- Performed outreach presentations with the Nevada State Medical Association and Clark County Medical Society, and to residents of the University of Nevada School of Medicine.
- Continuing coordination with Project ECHO and the University of Nevada School of Medicine in promoting educational clinics regarding pain management.
- Collaboration with other licensing agencies on FAQs regarding AB 474, published at <http://dpbh.nv.gov/uploadedFiles/dpbhnavgov/content/Resources/opioids/AB474FAQ.pdf>.

# Nevada State Board of Osteopathic Medicine

Sandy Reed, MPA  
Executive Director

# Status Update

## **Workshop/Hearing - CME Regulations R116-17, under AB 474:**

Workshop held on October 10, 2017; Hearing held on December 12, 2017, re: CME requirements on Opioid Prescribing, Misuse/Abuse of Controlled Substances, or Addiction. No public comments. Board approved the Regulations on December 12. The Regulations were approved by the Legislative Counsel Bureau on February 27, 2018.

**No disciplinary regulations will be written under Sec. 41 of AB 474:** AB 474 provides good guidance and authority to supplement the Board's current enforcement process for inappropriate prescribing of opioids/controlled substances, but the Board's present processes were otherwise deemed to be adequate.

## **Outreach on AB474 to Date:**

- Board web site contains: links to law, CME Regulations, white paper, PowerPoint Presentation on AB474 Webinar, articles about opioid concerns, and newsletter with AB474 info.
- Held two live informational webinars for licensees, other Boards and outside entities: one in November 2017; one in December 2017; possibly more to be held in the future.
- Webinar recordings distributed to licensees, other Boards and outside entities.
- Additional Newsletter will be forthcoming with resources and links to information on AB474.
- Send email blasts to licensees regarding CME workshops and updated resources on AB474.

Information and Resources Available and Promoted: <http://nsbom.org/LicensingPublic/app?page=main&service=page>

# Challenges-Resolutions

## **Staff is available for questions via email, telephone or in person**

- December/January received a barrage of emails/phone calls about AB474. Most inquiries were about prescribing and continuing education requirements.
- Staff responds to continuing education inquiries, but to address prescribing and other medical related inquiries, staff suggests available resources, such as the Board's webinar recordings, Prescribe365 web site, Board web site with links to resources, Nevada Medical Association, and the Clark County Medical Society.
- Making resources available for licensees and keeping them informed on new resources/ CME workshops has greatly reduced the number of phone call and email inquiries.

# Next Steps

- May host one or more free webinars on best practices for licensees, other Boards and outside entities to comply with AB474.
- Publish Newsletter with Best Practices article on AB474 and other related resources.
- Continue to communicate and work with other Boards, associations and entities to understand and promote the requirements of AB474.
- Continue to provide support and assistance to licensees to comply with AB474, and follow through with the already-established disciplinary process on an individual basis (per case) to help the licensee be compliant and successful in his/her practice (where appropriate) and to remove from practice practitioners who misuse or abuse their licenses.
- Participate as a State of Principal Licensure of the Interstate Medical Licensure Compact to encourage practitioners from other state to apply for a license in Nevada. Ensure that these licensees are aware of the requirements of AB474.

Nevada State Board of Nursing

Cathy Dinauer, MSN RN  
Executive Director

# Nevada State Board of Optometry

Caren C. Jenkins  
Esq. Executive Director

# Status Update on Optometry Regulations

- Updated Board Policies available on website.
- Proposed revision of overall optometry statutes in 2019 legislative session.
- Planned regulatory changes shortly after the 2019 legislative session.
- Until then, outreach & education:
  - ❑ In January 2018, the Board partnered with the Nevada Optometric Association to provide continuing education focused on AB474 and its application to optometrists.
  - ❑ Offered via webinar to allow rural licensees to participate. Over 30% of licensees attended, and more have accessed the training online.
  - ❑ Prescribing requirements outlined in our December 2017 newsletter, & a summary as applied to optometrists is available on our website.

# NV Optometry Board Challenges

- **78% of Nevada Optometrists have 3-day Prescribing Authority (90 MME/day)**
- **Required Patient Assessment/Evaluation - Unintended Consequences**
  - ❑ Fear prescribing when indicated, even if no alternative will suffice.
  - ❑ Perceived lack of training, competence, ability to undertake risk assessment. Licensee education needed & being developed.
  - ❑ Some threaten not to treat - Potential increase in Emergency Room visits.
- **Enforcing opioid Continuing Education (CE) compliance**
  - ❑ Board certifies licensees' competence to administer Therapeutic Pharmaceutical Agents
  - ❑ Cert provided to Pharmacy Board. Licensee may apply for DEA and CS numbers
  - ❑ Optometry Board not informed of TPA holders who are "***authorized to prescribe***"
  - ❑ Requested Pharmacy Board to share DEA and CS numbers of licensees.

**Thank You!**

