



NEVADA STATE BOARD OF MEDICAL EXAMINERS NEWSLETTER

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April 2009

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PLEASE REMIND ME

People need to be reminded more often than they need to be instructed.

Samuel Johnson

As you will soon see, the theme of this quarterly edition of the Newsletter is “reminding.” Reminding, not nagging, mind you. We know that one of the continual endeavors of medical practitioners is keeping abreast of the myriad developments and changes within the various practices, specialties, sub-specialties, and procedures. If you are like most medical practitioners, you have a pile somewhere of unread journals, magazines, and newsletters (probably now including this one). In this Newsletter you will find reminders regarding the renewal of your license, injection safety, dispensing of prescription drugs, and immunization reporting. We hope you will find that we kept our reminders brief, gentle, and relevant to your practices.

IT'S THAT TIME AGAIN!

It's Spring. It's an odd-numbered year. It must be **RENEWAL TIME** again.

This year's renewal process will run from May 1 through July 1. We will be charging a \$10 administrative processing fee for online renewals and a \$50 document processing fee for renewals by paper application. Therefore, for active physicians, the online renewal fee will total \$810, and the paper renewal fee will total \$850. For inactive physicians, the online renewal fee will total \$410, and the paper renewal fee will total \$450. For physician assistants, the online renewal fee will total \$410, and the paper renewal fee will total \$450. Online, you can pay by American Express, Mastercard, or Visa. By paper, you can pay by personal check, money order, or cashier's check (no cash please).

For physicians, you must have 40 hours of continuing medical education (CME) completed for the period of July 1, 2007 through June 30, 2009. Once again we will be randomly auditing 10% of our physician licensees. This year, those physicians who inaccurately represent that they have completed their CME when they have not will be subject to payment of an additional \$800 fee, completion of the deficit hours within a short time, and a mandatory audit the next renewal period. Words to the wise: please have your CME up to date.

There is more information regarding our online renewal process and the CME requirements on our website: www.medboard.nv.gov.

PRACTITIONER DISPENSING: THE BASICS

This Board and the Pharmacy Board received numerous questions arising from an article in the January 2009 Newsletter regarding practitioner dispensing. From the questions, it appears a few tips and reminders are in order.

- ★ NRS 639.23505 requires registration for any practitioner who dispenses prescription drugs “if he charges a patient for that substance or drug, either separately or together with charges for other professional services.” In other words, if a practitioner charges the patient for the services rendered and those services include dispensing prescription drugs, then the practitioner must be registered with the Pharmacy Board.
- ★ Dispensing practitioners are personally responsible to:
 - Offer to a patient a written prescription that the patient can take to a pharmacy before dispensing the drug
 - Order, receive, and account for all drugs
 - Secure all drugs in a locked room or cabinet to which only the practitioner has the key or combination
 - Ensure that no drug is dispensed unless the practitioner is on-site at the time of dispensing
 - Ensure that all drugs dispensed are dispensed only directly to the patient
 - Separately itemize the drug price of each drug dispensed on any bill or statement provided to the patient
 - Dispense drugs only as medically necessary according to the prevailing standard of care for practitioners practicing in the specialty claimed or practiced by the dispensing practitioner
 - Verify the correctness of all containers prepared by a dispensing technician and signify the correctness of the work of the dispensing technician by hand-initialing the label on the container
- ★ Dispensing practitioners may register one or more dispensing technicians to assist in the preparation of drugs for dispensing. Only one dispensing technician may perform dispensing activities at any given time.

THANKS FOR THE E-MAIL ADDRESSES

Many of you are receiving your edition of the Newsletter by e-mail thanks to your response to our call for e-mail addresses in the last Newsletter. With your help, we are publishing more than 5,000 fewer paper Newsletters this time. Thank you, thank you, thank you. For those of you who have not yet done so, please send your e-mail address to:

jmensbme@medboard.nv.gov

or fax it to us at:
(775) 688-2321.

- ★ The only tasks a dispensing technician is allowed to perform include:
 - Entering the room or cabinet in which the drugs are stored
 - Removing drugs from the cabinet
 - Placing drugs into a container
 - Producing and affixing appropriate labels to containers that contain or will contain a drug
 - Filling containers for later use in dispensing drugs
 - Packaging or repackaging drugs
- ★ Dispensing technicians may not perform tasks other than those just listed. Dispensing technicians may **NOT**:
 - Decide what drugs are to be dispensed. This is prescribing, and can only be done by the dispensing practitioner.
 - Administer drugs to a patient. Neither NRS 454.213 (dangerous drugs) nor NRS 453.375 (controlled substances) authorizes dispensing technicians to administer prescription drugs to a patient.
 - Dispense a drug when the dispensing practitioner is not physically on premises at the time of dispensing.

The regulations regarding dispensing practices can be found at NAC 639.742-639.745, which may be located at pharmacy.nv.gov. If you are engaged in a dispensing practice, please review the regulations which can be found at: www.bop.nv.gov.

DISCIPLINARY ACTIONS

DISCIPLINE IMPOSED BY STIPULATION OR BY HEARING

BASS, Harriston L., M.D. (5314)

Las Vegas, Nevada

Summary: Dr. Bass was convicted in Clark County District Court of one count of sale of a controlled substance causing death (second degree murder), a category A felony, 49 counts of sale of a controlled substance, category C felonies, and six counts of possession of a controlled substance for the purpose of sale, category D felonies.

Charges: One count of violation of NRS 630.301(11)(a) [conviction of murder, voluntary manslaughter or mayhem]; one count of violation of NRS 630.301(11)(f) [conviction of a violation of any federal or state law regarding the possession, distribution or use of any controlled substance dangerous drug as defined in Chapter 454 of NRS].

Disposition: On February 6, 2009, the Board found Dr. Bass guilty and entered the following

discipline against him: (1) revocation of license; (2) fine of \$10,000 (\$5,000 per count); (3) reimbursement of the Board's fees and costs of investigation and prosecution.

HAMWI, Fadi, M.D. (9393)

Las Vegas, Nevada

Summary: Recordkeeping violations related to Dr. Hamwi's treatment of a patient and failure to maintain a permanent mailing address with the Board to which communications from the Board must be sent.

Charges: One count of violation of NRS 630.3062(1) [failure to maintain timely, legible, accurate and complete medical records]; one count of violation of NRS 630.306(9) for failure to comply with the requirements of NRS 630.254(1) [to maintain a permanent mailing address with the Board to which all communications from the Board to the licensee must be sent and to notify the Board of a new permanent

address within 30 days after change].

Disposition: On February 6, 2009, the Board found Dr. Hamwi guilty and entered the following discipline against him: (1) suspension of license until further order of the Board; (2) fine of \$2,000 (\$1,000 per count); (3) reimbursement of the Board's fees and costs of investigation and prosecution.

YEARSLEY, Steven, M.D. (10799)

Bismarck, North Dakota

Summary: Stayed revocation of Dr. Yearsley's medical license in Utah and surrender of his medical license in California.

Charges: Two counts of violation of NRS 630.301(3) [disciplinary action taken by another state against his medical license].

Disposition: On February 6, 2009, the Board found Dr. Yearsley guilty and entered the following discipline against him: (1) fine of \$100; (2) reimbursement of the Board's fees and costs of investigation and prosecution.

NEVADA A LEADER AT NATIONAL TRAINING ACADEMY

The Nevada State Board of Medical Examiners has long been one of the leaders of the national training academy for Certified Medical Board Investigators (CMBI) created by the Federation of State Medical Boards. The Board's Chief of Investigations, Douglas C. Cooper, is a founding member of the academy, and the Board's Deputy Chief of Investigations, Pamela Castagnola, has also been a presenter at academy trainings. Nevada has the highest percentage in the country of its investigators (50%) who have attained CMBI certification (Mr. Cooper, Ms. Castagnola, Trent Hiett, and most recently Heather Higgins). The patients of Nevada are well served by our highly trained investigators, and we are very proud to have them.

IMMUNIZATION REGISTRY UP AND RUNNING

Beginning July 1, 2009, any person who administers any recommended immunization to a child shall report information regarding the immunization to Nevada WebIZ. Information regarding what information must be provided, how to use the system, and other specifics regarding the Nevada WebIZ program can be found at: http://health.nv.gov/Immunization_WebIZ_Info.htm.

The Health Division has also made trainers available north and south:

Northern Nevada & Rurals:

Cathy Robinson/ (775) 684-3462/ crobinson@health.nv.gov

Southern Nevada:

Marie Tasker/ (702) 496-0474/ mtasker@health.nv.gov

IMPORTANT REMINDER REGARDING INJECTION SAFETY PRACTICES

The Centers for Disease Control and Prevention (CDC) has identified improper use of syringes, needles, and medication vials to have resulted in transmission of blood-borne viruses, including hepatitis C virus. One such case occurred in Las Vegas and resulted in notifications of potential exposure being sent to over 40,000 patients. The CDC has urged all health care practitioners to carefully review their infection control practices and the practices of all staff under their supervision. The CDC issued the following two guidelines:

- ★ **NEVER** administer medications from the same syringe to more than one patient, even if the needle is changed
- ★ **NEVER** enter a vial with a syringe or needle that has been used for a patient if the same medication vial might be used for another patient

For the sake of your patients, please take the time to reinforce these common sense rules with your staff who administer injections. Unbelievable as it may seem, these rules are being violated regularly all across our country and here in Nevada to the detriment of patients.

**TWO GOOD NEW
CME RESOURCES
AVAILABLE
FROM THE
FEDERATION OF
STATE MEDICAL
BOARDS**

Responsible Opioid Prescribing: A Physician's Guide

Get 7.25 AMA Category 1 Credits for reading this book and successfully completing an online test. You can order a copy of the book from the FSMB at fsmb.org for \$12.95. It is a valuable resource, a quick read, and it is quite a bargain at only \$1.79 per CME unit.

Online Prescriber Education Network (OPEN)

Get over 40 AMA Category 1 Credits through a great online resource that, through its various modules, provides unbiased information regarding prescription drugs and the practices of drug companies. Free CME and a great resource.