

BOARD OF REGENTS
BRIEFING PAPER

1. AGENDA ITEM TITLE: MOU Between Medical Schools Regarding Responsibilities under the Nevada Revised Statutes

MEETING DATE: December 1-2, 2016

2. BACKGROUND & POLICY CONTEXT OF ISSUE:

The Schools of Medicine of the University of Nevada, Las Vegas and of the University of Nevada, Reno were directed by the Chair of the Board of Regents to address the details of the transition of graduate medical education in southern Nevada from the University of Nevada, Reno School of Medicine to the University of Nevada, Las Vegas School of Medicine. The two schools signed a letter of intent on the topic on August 5, 2016 and the contract based on the letter of intent was approved at the September 8-9, 2016, Board meeting. The letter of intent and the contract addressed, among other points, the need to propose language to submit to the Nevada Legislature regarding the meaning of “University of Nevada School of Medicine” in the Nevada Revised Statutes (NRS). Through the contract, the medical schools agreed to enter into a Memorandum of Understanding (“MOU”) regarding responsibilities under the various NRS that reference “University of Nevada School of Medicine.” The two medical schools have reached agreement; the MOU memorializes that agreement. (Exhibit 1).

In general, the MOU provides that “University of Nevada School of Medicine” when used in the NRS and the Nevada Administrative Code (NAC) shall mean “all programs, institutions or schools organized within NSHE that grant a Medical Doctor degree.” (Exhibit 1). The MOU provides that the medical schools may, through mutual agreement, seek additions or amendments to the NAC to clarify or define the application of a certain statute to one medical school or the other, but only with the approval of the deans of both medical schools. The MOU also provides that the two schools will seek certain changes in the NAC to clarify the instances in which one school or the other shall be responsible for providing or overseeing specific services.

3. SPECIFIC ACTIONS BEING RECOMMENDED OR REQUESTED:

UNR President Marc Johnson and UNLV President Len Jessup request approval of the Memorandum of Understanding developed by UNR Med and UNLV SOM regarding the meaning of “University of Nevada School of Medicine” and responsibilities under the various NRS that reference “University of Nevada School of Medicine.”

4. IMPETUS (WHY NOW?):

The Contract Regarding the Transition of Medical Education in Southern Nevada required the two medical schools to reach agreement on the NRS issues by September 30, 2016. The MOU will serve as the basis for certain NSHE legislative requests and NSHE requests for changes in the NAC.

5. BULLET POINTS TO SUPPORT REQUEST/RECOMMENDATION:

- An MOU is required by the Contract for the Transition of Medical Education in Southern Nevada.
- The medical schools have reached agreement on the NRS and NAC issues.
- The terms of the MOU will assist NSHE in developing corresponding legislative requests.
- The NSHE requests will be of great assistance to the Nevada Legislature in updating the NRS in light of the fact that there are now two medical schools in Nevada.

6. POTENTIAL ARGUMENTS AGAINST THE REQUEST/RECOMMENDATION:

- The Nevada Legislature should make changes in the NRS regarding the medical schools without any input from the medical schools.

7. ALTERNATIVE(S) TO WHAT IS BEING REQUESTED/RECOMMENDED:

-Ignore the Contract for the Transition of Medical Education in Southern Nevada and the ambiguities in the NRS created as the result of the opening of a second medical school and leave the sorting out for the Nevada Legislature.

8. COMPLIANCE WITH BOARD POLICY:

- Consistent With Current Board Policy: Title #_____ Chapter #_____ Section #_____
 - Amends Current Board Policy: Title #_____ Chapter #_____ Section #_____
 - Amends Current Procedures & Guidelines Manual: Chapter #_____ Section #_____
- XOther: Consistent with the Contract for the Transition of Medical Education in Southern Nevada
- Fiscal Impact: Yes_____ No__X__
Explain:_____

EXHIBIT 1

MEMORANDUM OF UNDERSTANDING

This Memorandum of Understanding (“MOU”) is made and entered into effective October 1, 2016 (“Effective Date”), by the University of Nevada, Reno School of Medicine (“UNR Med”) and the University of Nevada, Las Vegas School of Medicine (“UNLV School of Medicine”), each of which are all schools or offices that are part of the Board of Regents of the Nevada System of Higher Education (“NSHE”). This MOU is entered into pursuant to Section 16 of the “Contract Regarding the Transition of Medical Education in Southern Nevada” to which UNLV School of Medicine and UNR Med are parties.

I. Language to Submit to the Nevada Legislature

UNR Med and UNLV SOM agree that the following language should be submitted to the Nevada Legislature at the 2017 regular session to define “University of Nevada School of Medicine”:

NRS 0.070 “University of Nevada School of Medicine” defined

1. Subject to subsection 2, when used in the Nevada Revised Statutes or Nevada Administrative Code the term “University of Nevada School of Medicine” shall mean all programs, institutions or schools organized within NSHE that grant a Medical Doctor degree.

2. The definition of “University of Nevada School of Medicine” in subsection 1 shall apply only to the use of that term in the NRS and NAC and shall not amend or alter any contract, grant, pledge, or other legal right or obligation.

3. The application of a particular section of the Nevada Revised Statutes to the “University of Nevada School of Medicine” may be further clarified by regulations enacted through the process set forth in Chapter 233B of the Nevada Revised Statutes.

II. Potential Changes to Regulations

UNLV School of Medicine and UNR Med may, through mutual agreement, seek to have language in the Nevada Administrative Code added or amended to further clarify or define the application of a particular statute to UNLV School of Medicine and/or UNR Med. UNLV School of Medicine and UNR Med agree that they will not seek such amendments or additions without the approval of the Deans of both UNR Med and UNLV School of Medicine. In the event that the parties are not able to come to an agreement regarding an amendment or addition to the Nevada Administrative Code, the dispute resolution provisions in Section 23 of the Contract Regarding the Transition of Medical Education in Southern Nevada shall apply

III. Application to current provisions of the NRS

A. Provisions addressed through the addition of the definition of University of Nevada School of Medicine with no regulatory changes

UNR Med and UNLV School of Medicine agree that the following current provisions will be addressed through the addition of the definition of “University of Nevada School of Medicine” set forth in Section I of this MOU. Further, subject to Section II of this MOU, UNR Med and UNLV School of Medicine will not seek amendments or additions to the Nevada Administrative Code regarding these provisions at this time.

NRS 395.517
NRS 396.905
NRS 422.273
NRS 442.1192 through NRS 442.1198
NRS 442.137
NRS 450.430
NRS 450.440
NRS 460.139, NRS 460.140 & NRS 460.150
NAC 442.056

B. Provisions addressed through the addition of the definition of University of Nevada School of Medicine with regulatory changes

UNR Med and UNLV School of Medicine agree that the following current provisions will be addressed through the addition of the definition of “University of Nevada School of Medicine” set forth in Section I of this MOU. UNR Med and UNLV School of Medicine will jointly seek amendments or additions to the Nevada Administrative Code regarding these provisions.

NRS 396.900 through NRS 396.903 – Regulatory change will address that the Office of Rural Health will continue to be organized within UNR Med but that that UNLV School of Medicine will identify an individual to represent the UNLV School of Medicine in the Office of Rural Health.

NRS 396.906 - Regulatory change will address that the Office of Rural Health will continue to be organized within UNR Med but that that UNLV School of Medicine will identify an individual to represent UNLV School of Medicine in the Office of Rural Health.

NRS 396.908 - Regulatory change will be sought to identify representation of both institutions on the Medical Education Council of Nevada.

- NRS 439B.275 - Regulatory change will be sought to identify representation of both institutions.
- NAC 493A.710 - Regulatory change will be sought to identify representation of both institutions.
- NAC 450.762 – Regulatory change will be sought to add Lied Library in addition to Savitt Medical Library.
- NAC 630.145, NAC 639.67509 & NAC 640.095 - Regulatory change will address that the Office of Rural Health will continue to be organized within UNR Med but that UNLV School of Medicine will identify an individual to represent UNLV School of Medicine in the Office of Rural Health.

C. Provisions that will be the responsibility of UNR Med.

UNR Med and UNLV School of Medicine agree that the following current provisions will be the responsibility of UNR Med. UNR Med and UNLV School of Medicine will jointly seek amendments or additions to the Nevada Administrative Code regarding these provisions to identify the role of UNR Med in meeting the requirements of the provision.

- NRS 397.0617
- NRS 439.240 - Allowance will be made in applicable regulations for a branch laboratory at UNLV School of Medicine when laboratory resources and infrastructure are fully developed
- NRS 442.320 & NRS 442.330
- NRS 453A.600 through NRS 453A.630
- NRS 631.274
- NAC 441A.173 - Allowance will be made in applicable regulations for a branch laboratory at UNLV School of Medicine.

D. Provisions that will be the responsibility of UNLV School of Medicine

UNR Med and UNLV School of Medicine agree that the following current provisions will be the responsibility of UNLV School of Medicine. UNR Med and UNLV School of Medicine will jointly seek amendments or additions to the Nevada Administrative Code regarding these provisions to identify the role of UNLV School of Medicine in meeting the requirements of the provision.

- NRS 396.521, NRS 396.525 & NRS 396.526
- NRS 442.118
- NRS 442.390 - Allowance will be made in applicable regulations for UNR Med to also develop guidelines.

E. Provisions Regarding AHEC

NRS 396.907 - AHEC will remain established within UNR Med. UNLV School of Medicine and UNR Med will jointly partner for a federal grant to establish a new AHEC center in Southern Nevada. UNLV School of Medicine will identify a deputy director to represent UNLV School of Medicine at AHEC and the two institutions will work on the new grant together (each center gets \$100,000 and \$75,000 goes to community partner and 25% goes to office where parent AHEC resides).

Marc Johnson Date
President, University of Nevada, Reno

Len Jessup Date
President, University of Nevada, Las Vegas

Thomas L. Schwenk Date
Dean, University of Nevada School of
Medicine

Barbara Atkinson Date
Dean, University of Nevada, Las
Vegas School of Medicine