

Amendment No. 144

Assembly Amendment to Assembly Bill No. 41 (BDR 54-631)

Proposed by: Assembly Committee on Commerce and Labor**Amends:** Summary: Yes Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes

Adoption of this amendment will MAINTAIN the 2/3s majority vote requirement for final passage of A.B. 41 (§§ 2, 4, 5).

ASSEMBLY ACTION		Initial and Date		SENATE ACTION		Initial and Date	
Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>
Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>
Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) *green bold italic underlining* is new language proposed in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill that is proposed to be retained in this amendment; and (6) **green bold** is newly added transitory language.

WBD/TMC



Date: 4/9/2007

A.B. No. 41—Revises provisions governing licenses to practice podiatry.
(BDR 54-631)



ASSEMBLY BILL NO. 41—COMMITTEE ON COMMERCE AND LABOR

(ON BEHALF OF THE STATE BOARD OF PODIATRY)

PREFILED JANUARY 26, 2007

Referred to Committee on Commerce and Labor

SUMMARY—~~[Revises provisions governing licenses to practice]~~ **Makes various changes concerning podiatry.** (BDR 54-631)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: Yes.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~[omitted material]~~ is material to be omitted.

AN ACT relating to podiatry; revising provisions relating to requirements for licenses to practice podiatry; authorizing the State Board of Podiatry to adopt regulations increasing the maximum application and examination fees for such licenses; eliminating certain obsolete provisions concerning examinations for licensure; **providing that the insured under certain policies of health insurance is entitled under certain circumstances to reimbursement for the treatment of an illness by a podiatrist licensed by the Board;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Sections 2 and 5 of this bill revise the examination requirement to obtain a license to practice podiatry to provide that a person must have passed that examination within the 5 years immediately preceding the date of his application for a license to practice podiatry or a temporary license to practice podiatry. **Sections 2, 4 and 5** of this bill authorize the State Board of Podiatry to increase the fees required to be paid to apply for a license to practice podiatry or a limited or temporary license to practice podiatry. **Sections 1, 3, 6 and 11** of this bill eliminate certain obsolete provisions concerning examinations for licensure.

Sections 7-10 of this bill provide that if a policy of health insurance, policy of group health insurance, contract for hospital or medical services, or evidence of coverage under a health care plan provides coverage for the treatment of an illness which is within the scope of practice of a qualified podiatrist, the insured is entitled to reimbursement for treatments by a podiatrist who is licensed by the Board.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 635.020 is hereby amended to read as follows:

635.020 1. The State Board of Podiatry, consisting of five members appointed by the Governor, is hereby created.

2. The Governor shall appoint:

(a) Three members who are licensed podiatric physicians in the State of Nevada.

(b) One member who represents the interests of persons or agencies that regularly provide health care to patients who are indigent, uninsured or unable to afford health care. This member may be licensed under the provisions of this chapter.

(c) One member who is a representative of the general public. This member must not be:

(1) A licensed podiatric physician in the State of Nevada; or

(2) The spouse or the parent or child, by blood, marriage or adoption, of a licensed podiatric physician in the State of Nevada.

3. The members of the Board are entitled to receive:

(a) A salary of not more than \$80 per day, as fixed by the Board, while engaged in the business of the Board; and

(b) A per diem allowance and travel expenses at a rate fixed by the Board, while engaged in the business of the Board. The rate must not exceed the rate provided for state officers and employees generally.

4. While engaged in the business of the Board, each employee of the Board is entitled to receive a per diem allowance and travel expenses at a rate fixed by the Board. The rate must not exceed the rate provided for state officers and employees generally.

~~5. If a member is not licensed under the provisions of this chapter, the member shall not participate in preparing, conducting or grading any examination required by the Board.~~

Sec. 2. NRS 635.050 is hereby amended to read as follows:

635.050 1. Any person ~~desiring~~ *wishing* to practice podiatry in this State must ~~furnish~~ *, before beginning to practice, procure from* the Board ~~with satisfactory proof that he:~~ *a license to practice podiatry.*

2. A license to practice podiatry may be issued by the Board to any person who:

(a) Is of good moral character.

(b) Is a citizen of the United States or is lawfully entitled to remain and work in the United States.

(c) Has received the degree of D.P.M., Doctor of Podiatric Medicine, from an accredited school of podiatry.

(d) Has completed a residency approved by the Board.

(e) Has passed the examination given by the National Board of Podiatric Medical Examiners ~~within the 5 years immediately preceding the date of his application for a license to practice podiatry.~~

(f) Has not committed any act described in subsection 2 of NRS 635.130. For the purposes of this paragraph, an affidavit signed by the applicant stating that he has not committed any act described in subsection 2 of NRS 635.130 constitutes satisfactory proof.

~~[2.]~~ 3. An applicant ~~[is entitled to be examined by]~~ *for a license to practice podiatry must submit to* the Board or a committee thereof pursuant to such regulations as the Board may adopt ~~[if he:~~

~~—(a) Pays] :~~

(a) If the applicant has satisfied the examination requirement set forth in paragraph (e) of subsection 2, the fee for an application for a license of not more than ~~[\$600;~~

~~—(b) Pays] \$900;~~

(b) If the applicant has not satisfied the examination requirement set forth in paragraph (e) of subsection 2, the fee for ~~[the]~~ *an application and an* examination for a license of not more than ~~[\$200;~~

~~—(c) Submits proof] \$1,500;~~

(c) Proof satisfactory to the Board ~~[as required by subsection 1; and~~

~~—(d) Submits all] that the requirements of subsection 2 have been met; and~~

(d) All other information required *by the Board* to complete an application for a license.

➤ The Board shall, by regulation, establish the fees required to be paid pursuant to this subsection.

~~[3.]~~ 4. The Board may reject an application if it appears that the applicant's credentials are fraudulent or the applicant has practiced podiatry without a license or committed any act described in subsection 2 of NRS 635.130.

~~[4.]~~ 5. The Board may require such further documentation or proof of qualification as it may deem proper.

~~[5.]~~ 6. The provisions of this section do not apply to a person who applies for ~~[a] :~~

(a) A limited license to practice podiatry pursuant to NRS 635.075 ~~[]~~ ; or

(b) A temporary license to practice podiatry pursuant to NRS 635.082.

Sec. 3. NRS 635.070 is hereby amended to read as follows:

635.070 Without unnecessary delay , ~~[after the examination,]~~ the Board shall act ~~[on the examination.]~~ *upon an application for a license submitted pursuant to this chapter.* If an applicant is found qualified, he must be issued a license to practice podiatry, or as a podiatry hygienist, as the case may be.

Sec. 4. NRS 635.075 is hereby amended to read as follows:

635.075 1. The Board shall issue a limited license to practice podiatry pursuant to this section to each applicant who complies with the provisions of this section.

2. An applicant for a limited license to practice podiatry must submit to the Board:

(a) An application on a form provided by the Board;

(b) A fee in the amount of the fee for an application for a license required pursuant to paragraph (a) of subsection ~~[2.]~~ 3 of NRS 635.050; and

(c) Satisfactory proof that he:

(1) Is of good moral character;

(2) Is a citizen of the United States or is lawfully entitled to remain and work in the United States;

(3) For not less than 25 years:

(I) Was licensed to practice podiatry in one or more states or the District of Columbia and practiced podiatry during the period each such license was in effect; and

(II) Remained licensed in good standing at all times during the period he was licensed to practice podiatry; and

(4) Has not committed any act described in subsection 2 of NRS 635.130.

For the purposes of this subparagraph, an affidavit signed by the applicant stating

1 that he has not committed any act described in subsection 2 of NRS 635.130
2 constitutes satisfactory proof.

3 3. An applicant for a limited license is not required to be licensed to practice
4 podiatry in another state or the District of Columbia when he submits the
5 application for a limited license to the Board.

6 4. A person who is issued a limited license pursuant to this section may
7 practice podiatry only under the direct supervision of a podiatric physician who is
8 licensed pursuant to this chapter and who does not hold a limited license issued
9 pursuant to this section.

10 5. A limited license issued pursuant to this section:

11 (a) Is effective upon issuance; and

12 (b) May be renewed in the manner prescribed in NRS 635.110.

13 6. The Board may:

14 (a) Place such restrictions and conditions upon a limited license issued
15 pursuant to this section as the Board deems appropriate; and

16 (b) Adopt regulations to carry out the provisions of this section.

17 **Sec. 5.** NRS 635.082 is hereby amended to read as follows:

18 635.082 1. A graduate of an accredited school of podiatry may, during his
19 residency, be granted a temporary license to practice podiatry under the direct
20 supervision of a podiatric physician licensed to practice in this State. A temporary
21 license must not be effective for more than 1 year and is not renewable.

22 2. ~~{An applicant for a}~~ A temporary license ~~{must furnish}~~ *to practice*
23 *podiatry may be issued by* the Board ~~{with satisfactory proof that he:}~~ *to any*
24 *person who:*

25 (a) Is a citizen of the United States or is lawfully entitled to remain and work in
26 the United States.

27 (b) Has received the degree of D.P.M. (Doctor of Podiatric Medicine) from an
28 accredited school of podiatry.

29 (c) Has passed the examination given by the National Board of ~~{Podiatric~~
30 ~~Examiners.~~

31 ~~—3. Upon payment of a fee, not exceeding \$600, which}~~ *Podiatric Medical*
32 *Examiners within the 5 years immediately preceding the date of his application*
33 *for a temporary license to practice podiatry.*

34 3. *An applicant for a temporary license to practice podiatry must submit to*
35 *the Board or a committee thereof pursuant to such regulations as the Board may*
36 *adopt:*

37 (a) *If the applicant has satisfied the examination requirement set forth in*
38 *paragraph (c) of subsection 2, the fee for an application for a temporary license*
39 *of not more than \$900;*

40 (b) *If the applicant has not satisfied the examination requirement set forth in*
41 *paragraph (c) of subsection 2, the fee for an application and an examination for*
42 *a temporary license of not more than \$1,500;*

43 (c) *Proof satisfactory to the Board that the requirements of subsection 2 have*
44 *been met; and*

45 (d) *All other information required by the Board to complete an application*
46 *for a temporary license.*

47 4. *The fees required pursuant to subsection 3* must be established by
48 regulation of the Board. ~~{, and the presentation of satisfactory proof as required by~~
49 ~~subsection 2, an applicant is entitled to be examined by the Board or a committee~~
50 ~~thereof pursuant to such regulations as the Board may adopt.~~

51 ~~—4.}~~ 5. The Board may by regulation govern the issuance and conditions of the
52 temporary license.

1 **Sec. 6.** NRS 635.093 is hereby amended to read as follows:
2 635.093 ~~[1-]~~ Any person ~~[desiring]~~ **wishing** to be licensed as a podiatry
3 hygienist in this State must ~~[furnish]~~ **:**

4 1. **Furnish** the Board with satisfactory proof that he:

5 (a) Is of good moral character.
6 (b) Is a citizen of the United States or is lawfully entitled to remain and work in
7 the United States.

8 (c) Has satisfactorily completed a course for podiatry hygienists approved by
9 the Board or has had 6 months or more of training in a podiatric physician's office
10 as approved by the Board.

11 2. ~~[Upon payment of a fee, not exceeding \$100, which must be established by~~
12 ~~regulation of the Board, presenting satisfactory proof as required by subsection 1~~
13 ~~and submitting]~~ **Submit** all information required to complete an application for a
14 license. ~~[an applicant, not exempted under subsection 3, must be examined by the~~
15 ~~Board or a committee thereof under such regulations as the Board may adopt.~~

16 ~~3. The Board may, without examination, admit to practice as a podiatry~~
17 ~~hygienist a person who is employed by a podiatric physician and is:~~

18 ~~(a) A registered nurse; or~~
19 ~~(b) A licensed practical nurse whom the Board or any of its members have~~
20 ~~interviewed and observed in the use of practical skills.]~~

21 3. **Pay to the Board a fee, not exceeding \$100, which must be established by**
22 **regulation of the Board.**

23 **Sec. 7.** Chapter 689A of NRS is hereby amended by adding thereto a
24 new section to read as follows:

25 1. **If any policy of health insurance provides coverage for treatment of an**
26 **illness which is within the authorized scope of practice of a qualified podiatrist,**
27 **the insured is entitled to reimbursement for treatments by a podiatrist who is**
28 **licensed pursuant to chapter 635 of NRS.**

29 2. **The terms of the policy must not limit:**

30 **(a) Coverage for treatments by a podiatrist to a number less than for**
31 **treatments by other physicians.**

32 **(b) Reimbursement for treatments by a podiatrist to an amount less than that**
33 **reimbursed for similar treatments by other physicians.**

34 **Sec. 8.** Chapter 689B of NRS is hereby amended by adding thereto a new
35 section to read as follows:

36 1. **If any group policy of health insurance provides coverage for treatment**
37 **of an illness which is within the authorized scope of practice of a qualified**
38 **podiatrist, the insured is entitled to reimbursement for treatments by a podiatrist**
39 **who is licensed pursuant to chapter 635 of NRS.**

40 2. **The terms of the policy must not limit:**

41 **(a) Coverage for treatments by a podiatrist to a number less than for**
42 **treatments by other physicians.**

43 **(b) Reimbursement for treatments by a podiatrist to an amount less than that**
44 **reimbursed for similar treatments by other physicians.**

45 **Sec. 9.** Chapter 695B of NRS is hereby amended by adding thereto a new
46 section to read as follows:

47 1. **If any contract for hospital or medical services provides coverage for**
48 **treatment of an illness which is within the authorized scope of practice of a**
49 **qualified podiatrist, the insured is entitled to reimbursement for treatments by a**
50 **podiatrist who is licensed pursuant to chapter 635 of NRS.**

51 2. **The terms of the policy must not limit:**

52 **(a) Coverage for treatments by a podiatrist to a number less than for**
53 **treatments by other physicians.**

(b) Reimbursement for treatments by a podiatrist to an amount less than that reimbursed for similar treatments by other physicians.

Sec. 10. Chapter 695C of NRS is hereby amended by adding thereto a new section to read as follows:

1. If any evidence of coverage provides coverage for treatment of an illness which is within the authorized scope of practice of a qualified podiatrist, the insured is entitled to reimbursement for treatments by a podiatrist who is licensed pursuant to chapter 635 of NRS.

2. The terms of the policy must not limit:

(a) Coverage for treatments by a podiatrist to a number less than for treatments by other physicians.

(b) Reimbursement for treatments by a podiatrist to an amount less than that reimbursed for similar treatments by other physicians.

~~[Sec. 7.]~~ *Sec. 11.* NRS 635.060 is hereby repealed.

~~[Sec. 8.]~~ *Sec. 12.* This act becomes effective on July 1, 2007.

TEXT OF REPEALED SECTION

635.060 Examination: Time; place; subjects; regulations to establish passing requirements.

1. The Board shall hold at least one examination each year to examine applicants under this chapter. The Board shall establish the time and place for the examination.

2. The Board shall provide such books, blanks and forms as may be necessary to conduct the examination.

3. The examination for licensure under this chapter must be in the English language, written, oral or clinical, as the Board may determine. The examination for podiatric physicians may include the following subjects: Anesthesia and medications, bacteriology, clinical podiatry, dermatology, diagnosis and treatment, laboratory, neurology, orthopedics, pathology, pharmacology, including pharmacodynamics and materia medica, sterilization and sterile technique, surgery, surgical anatomy, X ray, and such other subjects pertaining to the treatment of the foot and leg as the Board may determine.

4. The Board shall establish by regulation the requirements for passing the examination.