

## Amendment No. 735

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

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

Adoption of this amendment will REMOVE the 2/3s majority vote requirement from A.B. 41.

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: 5/21/2007

A.B. No. 41—Makes various changes concerning 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—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; **revising the requirements for reinstatement of a delinquent license**; 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, 2, 6 and 11.~~  
**Section 1 of this bill requires an applicant for a license to practice podiatry in this State who has been licensed to practice podiatry in another state to provide information concerning his disciplinary history in that state. Section 1 also authorizes the Board to require such an applicant to pass an examination concerning the laws of this State relating to the practice of podiatry or to satisfy other requirements. Sections 2, 4, 7 and 13 of this bill eliminate certain obsolete provisions concerning examinations for licensure. Section 8 of this bill revises the requirements to reinstate a license that has been delinquent for more than 1 year.**

**Sections ~~7-10~~ 9-12** 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.** Chapter 635 of NRS is hereby amended by adding thereto a new section to read as follows:

1. In addition to the other requirements for licensure set forth in this chapter, an applicant for a license to practice podiatry in this State who has been licensed to practice podiatry in another state or the District of Columbia must submit:

(a) An affidavit signed by the applicant that:

(1) Identifies each jurisdiction in which he has been licensed to practice; and

(2) States whether a disciplinary proceeding has ever been instituted against him by the licensing board of that jurisdiction and, if so, the status of the proceeding; and

(b) If the applicant is currently licensed to practice podiatry in another state or the District of Columbia, a certificate from the licensing board of that jurisdiction stating that the applicant is in good standing and no disciplinary proceedings are pending against him.

2. The Board may require an applicant who has been licensed to practice podiatry in another state or the District of Columbia to:

(a) Pass an examination prescribed by the Board concerning the provisions of this chapter and any regulations adopted pursuant thereto; or

(b) Submit satisfactory proof that:

(1) He maintained an active practice in another state or the District of Columbia within the 5 years immediately preceding his application;

(2) No disciplinary proceeding has ever been instituted against him by a licensing board in any jurisdiction in which he is licensed to practice podiatry; and

(3) He has participated in a program of continuing education that is equivalent to the program of continuing education that is required pursuant to NRS 635.115 for podiatric physicians licensed in this State.

~~[Section 1.]~~ **Sec. 2.** 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.]~~ **Sec. 3.** 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] :~~

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

↪ The Board shall, by regulation, establish the ~~[fees]~~ **fee** 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}~~ provisional license to practice podiatry pursuant to  
NRS 635.082.

~~{Sec. 3}~~ Sec. 4. 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}~~ Sec. 5. 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  
that he has not committed any act described in subsection 2 of NRS 635.130  
constitutes satisfactory proof.

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

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

5. A limited license issued pursuant to this section:

- (a) Is effective upon issuance; and
- (b) May be renewed in the manner prescribed in NRS 635.110.

6. The Board may:

- (a) Place such restrictions and conditions upon a limited license issued  
pursuant to this section as the Board deems appropriate; and
- (b) Adopt regulations to carry out the provisions of this section.

~~{Sec. 5}~~ Sec. 6. NRS 635.082 is hereby amended to read as follows:

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

2. ~~[An applicant for a]~~ A ~~[temporary]~~ **provisional** license ~~[must furnish] to practice podiatry may be issued by the Board [with satisfactory proof that he:] to any person who:~~

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

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

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

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

3. An applicant for a ~~[temporary]~~ **provisional** license to practice podiatry must submit to the Board or a committee thereof pursuant to such regulations as the Board may adopt:

(a) ~~[If the applicant has satisfied the examination requirement set forth in paragraph (c) of subsection 2, the]~~ The fee for an application for a ~~[temporary]~~ **provisional** license of not more ~~[that \$900.]~~

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

~~— (c) than \$600;~~

~~(b) Proof satisfactory to the Board that the requirements of subsection 2 have been met; and~~

~~(d)] (c) All other information required by the Board to complete an application for a [temporary] provisional license.~~

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

~~4.] 5. The Board may by regulation govern the issuance and conditions of the [temporary] provisional license.~~

~~[Sec. 6.]~~ Sec. 7. NRS 635.093 is hereby amended to read as follows:

635.093 ~~[1.]~~ Any person ~~[desiring]~~ **wishing** to be licensed as a podiatry hygienist in this State must ~~[furnish]:~~

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

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

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

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

~~(a) A registered nurse; or~~

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

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

Sec. 8. **NRS 635.110 is hereby amended to read as follows:**

635.110 Except as otherwise provided in NRS 635.082:

1. A license issued under the provisions of this chapter expires on October 31 of each year. A license may be renewed before its expiration upon presentation of proof of:

(a) Completion of the hours of continuing education required pursuant to NRS 635.115;

(b) Current certification in the techniques of administering cardiopulmonary resuscitation;

(c) Submission of all information required to complete the renewal; and

(d) Payment of a renewal fee in an amount not to exceed \$600 for a podiatric physician and not to exceed \$100 for a podiatry hygienist. The Board shall, by regulation, establish the amount of each fee.

2. A license which is not renewed by October 31 of each year is delinquent. A delinquent license may be reinstated, at the discretion of the Board, ~~[upon]~~:

(a) Upon payment of the appropriate annual renewal fee and an additional ~~[annual]~~ fee for delinquency in an amount established by the Board ~~[ ]~~; and

(b) If the license is delinquent for more than 1 year, upon the holder of the delinquent license:

(1) Passing an examination prescribed by the Board concerning the provisions of this chapter and any regulations adopted pursuant thereto; or

(2) Submitting satisfactory proof that:

(I) He maintained an active practice in another state or the District of Columbia within the 5 years immediately preceding his application;

(II) No disciplinary proceeding has ever been instituted against him by a licensing board in any jurisdiction in which he is licensed to practice podiatry; and

(III) If he is a podiatric physician, he has participated in a program of continuing education that is equivalent to the program of continuing education required pursuant to NRS 635.115 for podiatric physicians licensed in this State.

~~[Sec. 7.]~~ Sec. 9. Chapter 689A of NRS is hereby amended by adding thereto a new section to read as follows:

1. *If any policy of health insurance 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. 8.]~~ Sec. 10. Chapter 689B of NRS is hereby amended by adding thereto a new section to read as follows:

1. *If any group policy of health insurance 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. 9.~~ **Sec. 11.** Chapter 695B of NRS is hereby amended by adding thereto a new section to read as follows:

*1. If any contract for hospital or medical services 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. 10.~~ **Sec. 12.** 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. 11.~~ **Sec. 13.** NRS 635.060 is hereby repealed.

~~Sec. 12.~~ **Sec. 14.** This act becomes effective on July 1, 2007.

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## TEXT OF REPEALED SECTION

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### **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.