

SENATE BILL NO. 362—COMMITTEE ON COMMERCE AND LABOR
(ON BEHALF OF THE LEGISLATIVE COMMITTEE ON HEALTH CARE)

MARCH 23, 2009

Referred to Committee on Commerce and Labor

SUMMARY—Clarifies and revises provisions related to the suspension or revocation of professional licenses by health care professional licensing boards. (BDR 54-217)

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

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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 professions; clarifying the application of general provisions authorizing summary license suspensions by the Board of Medical Examiners, Board of Homeopathic Medical Examiners and State Board of Osteopathic Medicine; providing for certain health care professional licensing boards to suspend or revoke the professional license of the owner of a health care facility responsible for creating a public health threat; requiring certain health care professional licensing boards to retain every complaint filed with the board for a certain period of time; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law allows any agency that grants licenses to summarily suspend a license if the agency finds that public health, safety or welfare imperatively require emergency action. (NRS 233B.127) **Sections 3, 6 and 13** of this bill clarify that this general provision applies to the Board of Medical Examiners, the Board of Homeopathic Medical Examiners and the State Board of Osteopathic Medicine.

Existing law provides that medical facilities which engage in conduct inimical to the public health, morals, welfare and safety of the people of the State of Nevada may have their license to operate as a medical facility suspended or revoked. (NRS 449.160) **Sections 1, 4, 7, 10, 11, 14, 17, 18, 20, 22, 24, 26, 28, 30, 32, 34, 36, 38, 40, 42 and 44** of this bill authorize various boards which license health care professionals to suspend or revoke the licenses of persons who own or are



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otherwise responsible for the operation of medical facilities that are investigated or disciplined pursuant to that provision.

Sections 2, 5, 8, 9, 12, 15, 16, 19, 21, 23, 25, 27, 29, 31, 33, 35, 37, 39, 41, 43 and 45 of this bill require various boards which license health care professionals to retain all complaints, whether acted upon or not, for 10 years.

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

Section 1. NRS 630.306 is hereby amended to read as follows:

630.306 The following acts, among others, constitute grounds for initiating disciplinary action or denying licensure:

1. Inability to practice medicine with reasonable skill and safety because of illness, a mental or physical condition or the use of alcohol, drugs, narcotics or any other substance.

2. Engaging in any conduct:

(a) Which is intended to deceive;

(b) Which the Board has determined is a violation of the standards of practice established by regulation of the Board; or

(c) Which is in violation of a regulation adopted by the State Board of Pharmacy.

3. Administering, dispensing or prescribing any controlled substance, or any dangerous drug as defined in chapter 454 of NRS, to or for himself or to others except as authorized by law.

4. Performing, assisting or advising the injection of any substance containing liquid silicone into the human body, except for the use of silicone oil to repair a retinal detachment.

5. Practicing or offering to practice beyond the scope permitted by law or performing services which the licensee knows or has reason to know that he is not competent to perform.

6. Performing, without first obtaining the informed consent of the patient or his family, any procedure or prescribing any therapy which by the current standards of the practice of medicine is experimental.

7. Continual failure to exercise the skill or diligence or use the methods ordinarily exercised under the same circumstances by physicians in good standing practicing in the same specialty or field.

8. Making or filing a report which the licensee or applicant knows to be false or failing to file a record or report as required by law or regulation.

9. Failing to comply with the requirements of NRS 630.254.

10. Habitual intoxication from alcohol or dependency on controlled substances.

11. Failure by a licensee or applicant to report in writing, within 30 days, any disciplinary action taken against him by another



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1 state, the Federal Government or a foreign country, including,
2 without limitation, the revocation, suspension or surrender of his
3 license to practice medicine in another jurisdiction.

4 12. Failure to be found competent to practice medicine as a
5 result of an examination to determine medical competency pursuant
6 to NRS 630.318.

7 *13. Operation of a medical facility at any time during which:*

8 *(a) The license of the facility is suspended or revoked; or*

9 *(b) An act or omission occurs which results in the suspension*
10 *or revocation of the license pursuant to NRS 449.160.*

11 *↪ This subsection applies to an owner or other principal*
12 *responsible for the operation of the facility.*

13 **Sec. 2.** NRS 630.307 is hereby amended to read as follows:

14 630.307 1. Any person, medical school or medical facility
15 that becomes aware that a person practicing medicine or respiratory
16 care in this State has, is or is about to become engaged in conduct
17 which constitutes grounds for initiating disciplinary action shall file
18 a written complaint with the Board within 30 days after becoming
19 aware of the conduct.

20 2. Any hospital, clinic or other medical facility licensed in this
21 State, or medical society, shall report to the Board any change in a
22 physician's privileges to practice medicine while the physician is
23 under investigation and the outcome of any disciplinary action taken
24 by that facility or society against the physician concerning the care
25 of a patient or the competency of the physician within 30 days after
26 the change in privileges is made or disciplinary action is taken. The
27 Board shall report any failure to comply with this subsection by a
28 hospital, clinic or other medical facility licensed in this State to the
29 Health Division of the Department of Health and Human Services.
30 If, after a hearing, the Health Division determines that any such
31 facility or society failed to comply with the requirements of this
32 subsection, the Division may impose an administrative fine of not
33 more than \$10,000 against the facility or society for each such
34 failure to report. If the administrative fine is not paid when due, the
35 fine must be recovered in a civil action brought by the Attorney
36 General on behalf of the Division.

37 3. The clerk of every court shall report to the Board any
38 finding, judgment or other determination of the court that a
39 physician, physician assistant or practitioner of respiratory care:

40 (a) Is mentally ill;

41 (b) Is mentally incompetent;

42 (c) Has been convicted of a felony or any law governing
43 controlled substances or dangerous drugs;

44 (d) Is guilty of abuse or fraud under any state or federal program
45 providing medical assistance; or



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(e) Is liable for damages for malpractice or negligence,
→ within 45 days after such a finding, judgment or determination is made.

4. On or before January 15 of each year, the clerk of each court shall submit to the Office of Court Administrator created pursuant to NRS 1.320 a written report compiling the information that the clerk reported during the previous year to the Board regarding physicians pursuant to paragraph (e) of subsection 3.

5. The Board shall retain all complaints filed with the Board pursuant to this section for at least 10 years, including, without limitation, any complaints not acted upon.

Sec. 3. NRS 630.329 is hereby amended to read as follows:

630.329 If the Board issues an order suspending the license of a physician, physician assistant or practitioner of respiratory care pending proceedings for disciplinary action, ***including, without limitation, a summary suspension pursuant to NRS 233B.127,*** the court shall not stay that order.

Sec. 4. NRS 630A.370 is hereby amended to read as follows:

630A.370 The following acts, among others, constitute grounds for initiating disciplinary action or denying the issuance of a license:

1. Inability to practice homeopathic medicine with reasonable skill and safety because of an illness, a mental or physical condition or the use of alcohol, drugs, narcotics or any other addictive substance.

2. Engaging in any:

(a) Professional conduct which is intended to deceive or which the Board by regulation has determined is unethical.

(b) Medical practice harmful to the public or any conduct detrimental to the public health, safety or morals which does not constitute gross or repeated malpractice or professional incompetence.

3. Administering, dispensing or prescribing any controlled substance, except as authorized by law.

4. Performing, assisting or advising an unlawful abortion or in the injection of any liquid substance into the human body to cause an abortion.

5. Practicing or offering to practice beyond the scope permitted by law, or performing services which the homeopathic physician knows or has reason to know he is not competent to perform.

6. Performing any procedure without first obtaining the informed consent of the patient or his family or prescribing any therapy which by the current standards of the practice of homeopathic medicine is experimental.



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7. Continued failure to exercise the skill or diligence or use the methods ordinarily exercised under the same circumstances by physicians in good standing who practice homeopathy and electrodiagnosis.

8. Operation of a medical facility, as defined in NRS 449.0151, at any time during which:

(a) *The license of the facility is suspended or revoked; or*

(b) *An act or omission occurs which results in the suspension or revocation of the license pursuant to NRS 449.160.*

↪ This subsection applies to an owner or other principal responsible for the operation of the facility.

Sec. 5. NRS 630A.390 is hereby amended to read as follows:

630A.390 1. Any person who becomes aware that a person practicing medicine in this State has, is or is about to become engaged in conduct which constitutes grounds for initiating disciplinary action may file a written complaint with the Board.

2. Any medical society or medical facility or facility for the dependent licensed in this State shall report to the Board the initiation and outcome of any disciplinary action against any homeopathic physician concerning the care of a patient or the competency of the physician.

3. The clerk of every court shall report to the Board any finding, judgment or other determination of the court that a homeopathic physician:

(a) Is mentally ill;

(b) Is mentally incompetent;

(c) Has been convicted of a felony or any law relating to controlled substances or dangerous drugs;

(d) Is guilty of abuse or fraud under any state or federal program providing medical assistance; or

(e) Is liable for damages for malpractice or negligence.

4. The Board shall retain all complaints filed with the Board pursuant to this section for at least 10 years, including, without limitation, any complaints not acted upon.

Sec. 6. NRS 630A.450 is hereby amended to read as follows:

630A.450 Notwithstanding the provisions of chapter 622A of NRS, if the Board issues an order summarily suspending the license of a homeopathic physician pending proceedings for disciplinary action, ***including, without limitation, a summary suspension pursuant to NRS 233B.127,*** the court shall not stay that order.

Sec. 7. NRS 631.3475 is hereby amended to read as follows:

631.3475 The following acts, among others, constitute unprofessional conduct:

1. Malpractice;

2. Professional incompetence;



3. Suspension or revocation of his license to practice dentistry, the imposition of a fine or other disciplinary action by any agency of another state authorized to regulate the practice of dentistry in that state;

4. More than one act by the dentist or dental hygienist constituting substandard care in the practice of dentistry or dental hygiene;

5. Administering, dispensing or prescribing any controlled substance or any dangerous drug as defined in chapter 454 of NRS, if it is not required to treat the dentist's patient;

6. Chronic or persistent inebriety or addiction to a controlled substance, to such an extent as to render him unsafe or unreliable as a practitioner, or such gross immorality as tends to bring reproach upon the dental profession;

7. Conviction of a felony or misdemeanor involving moral turpitude or which relates to the practice of dentistry in this State, or conviction of any criminal violation of this chapter; ~~for~~

8. Conviction of violating any of the provisions of NRS 616D.200, 616D.220, 616D.240 or 616D.300 to 616D.440, inclusive ~~or~~; or

9. Operation of a medical facility, as defined in NRS 449.0151, at any time during which:

(a) The license of the facility is suspended or revoked; or

(b) An act or omission occurs which results in the suspension or revocation of the license pursuant to NRS 449.160.

↪ This subsection applies to an owner or other principal responsible for the operation of the facility.

Sec. 8. NRS 631.360 is hereby amended to read as follows:

631.360 1. The Board may, upon its own motion, and shall, upon the verified complaint in writing of any person setting forth facts which, if proven, would constitute grounds for refusal, suspension or revocation of a license or certificate under this chapter, investigate the actions of any person holding a certificate.

2. The Board shall, before refusing to issue, or before suspending or revoking any certificate, at least 10 days before the date set for the hearing, notify in writing the applicant or the holder of the certificate of any charges made. The notice may be served by delivery of it personally to the accused person or by mailing it by registered or certified mail to the place of business last specified by the accused person, as registered with the Board.

3. At the time and place fixed in the notice, the Board shall proceed to hear the charges. If the Board receives a report pursuant to subsection 5 of NRS 228.420, a hearing must be held within 30 days after receiving the report.



4. The Board may compel the attendance of witnesses or the production of documents or objects by subpoena. The Board may adopt regulations that set forth a procedure pursuant to which the Executive Director may issue subpoenas on behalf of the Board. Any person who is subpoenaed pursuant to this subsection may request the Board to modify the terms of the subpoena or grant additional time for compliance.

5. The Board may obtain a search warrant from a magistrate upon a showing that the warrant is needed for an investigation or hearing being conducted by the Board and that reasonable cause exists to issue the warrant.

6. If the Board is not sitting at the time and place fixed in the notice, or at the time and place to which the hearing has been continued, the Board shall continue the hearing for a period not to exceed 30 days.

7. The Board shall retain all complaints received by the Board pursuant to this section for at least 10 years, including, without limitation, any complaints not acted upon.

Sec. 9. NRS 632.310 is hereby amended to read as follows:

632.310 1. The Board may, upon its own motion, and shall, upon the verified complaint in writing of any person, if the complaint alone or together with evidence, documentary or otherwise, presented in connection therewith, is sufficient to require an investigation, investigate the actions of any licensee or holder of a certificate or any person who assumes to act as a licensee or holder of a certificate within the State of Nevada.

2. The Executive Director may, upon receipt of information from a governmental agency, conduct an investigation to determine whether the information is sufficient to require an investigation for referral to the Board for its consideration.

3. If a written verified complaint filed with the Board does not include the complete name of the licensee or nursing assistant against whom the complaint is filed, and the Board is unable to identify the licensee or nursing assistant, the Board shall request that the employer of the licensee or nursing assistant provide to the Board the complete name of the licensee or nursing assistant. The employer shall provide the name to the Board within 3 business days after the request is made.

4. The employer of a licensee or nursing assistant shall provide to the Board, upon its request, the record of the work assignments of any licensee or nursing assistant whose actions are under investigation by the Board.

5. The Board shall retain all complaints received by the Board pursuant to this section for at least 10 years, including, without limitation, any complaints not acted upon.



Sec. 10. NRS 632.320 is hereby amended to read as follows:

1. 632.320 **1.** The Board may deny, revoke or suspend any license or certificate applied for or issued pursuant to this chapter, or take other disciplinary action against a licensee or holder of a certificate, upon determining that he:

~~1-1~~ **(a)** Is guilty of fraud or deceit in procuring or attempting to procure a license or certificate pursuant to this chapter.

~~1-2~~ **(b)** Is guilty of any offense:

~~1-3~~ **(1)** Involving moral turpitude; or

~~1-4~~ **(2)** Related to the qualifications, functions or duties of a licensee or holder of a certificate,

↳ in which case the record of conviction is conclusive evidence thereof.

~~1-5~~ **(c)** Has been convicted of violating any of the provisions of NRS 616D.200, 616D.220, 616D.240 or 616D.300 to 616D.440, inclusive.

~~1-6~~ **(d)** Is unfit or incompetent by reason of gross negligence or recklessness in carrying out usual nursing functions.

~~1-7~~ **(e)** Uses any controlled substance, dangerous drug as defined in chapter 454 of NRS, or intoxicating liquor to an extent or in a manner which is dangerous or injurious to any other person or which impairs his ability to conduct the practice authorized by his license or certificate.

~~1-8~~ **(f)** Is a person with mental incompetence.

~~1-9~~ **(g)** Is guilty of unprofessional conduct, which includes, but is not limited to, the following:

~~1-10~~ **(1)** Conviction of practicing medicine without a license in violation of chapter 630 of NRS, in which case the record of conviction is conclusive evidence thereof.

~~1-11~~ **(2)** Impersonating any applicant or acting as proxy for an applicant in any examination required pursuant to this chapter for the issuance of a license or certificate.

~~1-12~~ **(3)** Impersonating another licensed practitioner or holder of a certificate.

~~1-13~~ **(4)** Permitting or allowing another person to use his license or certificate to practice as a licensed practical nurse, registered nurse or nursing assistant.

~~1-14~~ **(5)** Repeated malpractice, which may be evidenced by claims of malpractice settled against him.

~~1-15~~ **(6)** Physical, verbal or psychological abuse of a patient.

~~1-16~~ **(7)** Conviction for the use or unlawful possession of a controlled substance or dangerous drug as defined in chapter 454 of NRS.

~~1-17~~ **(h)** Has willfully or repeatedly violated the provisions of this chapter. The voluntary surrender of a license or certificate



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1 issued pursuant to this chapter is prima facie evidence that the
2 licensee or certificate holder has committed or expects to commit a
3 violation of this chapter.

4 ~~[9.]~~ (i) Is guilty of aiding or abetting any person in a violation
5 of this chapter.

6 ~~[10.]~~ (j) Has falsified an entry on a patient's medical chart
7 concerning a controlled substance.

8 ~~[11.]~~ (k) Has falsified information which was given to a
9 physician, pharmacist, podiatric physician or dentist to obtain a
10 controlled substance.

11 ~~[12.]~~ (l) Has been disciplined in another state in connection
12 with a license to practice nursing or a certificate to practice as a
13 nursing assistant or has committed an act in another state which
14 would constitute a violation of this chapter.

15 ~~[13.]~~ (m) Has engaged in conduct likely to deceive, defraud or
16 endanger a patient or the general public.

17 ~~[14.]~~ (n) Has willfully failed to comply with a regulation,
18 subpoena or order of the Board.

19 (o) *Has operated a medical facility at any time during which:*

20 (1) *The license of the facility was suspended or revoked; or*

21 (2) *An act or omission occurred which resulted in the*
22 *suspension or revocation of the license pursuant to NRS 449.160.*

23 *↳ This subsection applies to an owner or other principal*
24 *responsible for the operation of the facility.*

25 2. For the purposes of this section, a plea or verdict of guilty or
26 guilty but mentally ill or a plea of nolo contendere constitutes a
27 conviction of an offense. The Board may take disciplinary action
28 pending the appeal of a conviction.

29 **Sec. 11.** NRS 633.511 is hereby amended to read as follows:

30 633.511 The grounds for initiating disciplinary action pursuant
31 to this chapter are:

32 1. Unprofessional conduct.

33 2. Conviction of:

34 (a) A violation of any federal or state law regulating the
35 possession, distribution or use of any controlled substance or any
36 dangerous drug as defined in chapter 454 of NRS;

37 (b) A felony relating to the practice of osteopathic medicine;

38 (c) A violation of any of the provisions of NRS 616D.200,
39 616D.220, 616D.240 or 616D.300 to 616D.440, inclusive;

40 (d) Murder, voluntary manslaughter or mayhem;

41 (e) Any felony involving the use of a firearm or other deadly
42 weapon;

43 (f) Assault with intent to kill or to commit sexual assault or
44 mayhem;



(g) Sexual assault, statutory sexual seduction, incest, lewdness, indecent exposure or any other sexually related crime;

(h) Abuse or neglect of a child or contributory delinquency; or

(i) Any offense involving moral turpitude.

3. The suspension of the license to practice osteopathic medicine by any other jurisdiction.

4. Gross or repeated malpractice, which may be evidenced by claims of malpractice settled against a practitioner.

5. Professional incompetence.

6. Failure to comply with the requirements of NRS 633.527.

7. Failure to comply with the requirements of subsection 3 of NRS 633.471.

8. Operation of a medical facility, as defined in NRS 449.0151, at any time during which:

(a) The license of the facility is suspended or revoked; or

(b) An act or omission occurs which results in the suspension or revocation of the license pursuant to NRS 449.160.

↪ This subsection applies to an owner or other principal responsible for the operation of the facility.

Sec. 12. NRS 633.531 is hereby amended to read as follows:

633.531 ***1.*** The Board or any of its members, any medical review panel of a hospital or medical society which becomes aware that any one or combination of the grounds for initiating disciplinary action may exist as to a person practicing osteopathic medicine in this State shall, and any other person who is so aware may, file a written complaint specifying the relevant facts with the Board.

2. The Board shall retain all complaints filed with the Board pursuant to this section for at least 10 years, including, without limitation, any complaints not acted upon.

Sec. 13. NRS 633.591 is hereby amended to read as follows:

633.591 Notwithstanding the provisions of chapter 622A of NRS, if the Board issues an order summarily suspending the license of an osteopathic physician pending proceedings for disciplinary action, ***including, without limitation, a summary suspension pursuant to NRS 233B.127,*** the court shall not stay that order unless the Board fails to institute and determine such proceedings as promptly as the requirements for investigation of the case reasonably allow.

Sec. 14. NRS 634.140 is hereby amended to read as follows:

634.140 The grounds for initiating disciplinary action pursuant to this chapter are:

1. Unprofessional conduct.

2. Conviction of:



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(a) A violation of any federal or state law regulating the possession, distribution or use of any controlled substance or any dangerous drug as defined in chapter 454 of NRS;

(b) A felony relating to the practice of chiropractic;

(c) A violation of any of the provisions of NRS 616D.200, 616D.220, 616D.240 or 616D.300 to 616D.440, inclusive; or

(d) Any offense involving moral turpitude.

3. Suspension or revocation of the license to practice chiropractic by any other jurisdiction.

4. Gross or repeated malpractice.

5. Referring, in violation of NRS 439B.425, a patient to a health facility, medical laboratory or commercial establishment in which the licensee has a financial interest.

6. Operation of a medical facility, as defined in NRS 449.0151, at any time during which:

(a) The license of the facility is suspended or revoked; or

(b) An act or omission occurs which results in the suspension or revocation of the license pursuant to NRS 449.160.

↪ This subsection applies to an owner or other principal responsible for the operation of the facility.

Sec. 15. NRS 634.160 is hereby amended to read as follows:

634.160 ***1.*** The Board or any of its members who become aware that any one or a combination of the grounds for initiating disciplinary action may exist as to a person practicing chiropractic in this State shall, and any other person who is so aware may, file a written complaint specifying the relevant facts with the Executive Director of the Board.

2. The Board shall retain all complaints filed with the Executive Director pursuant to this section for at least 10 years, including, without limitation, any complaints not acted upon.

Sec. 16. NRS 634A.085 is hereby amended to read as follows:

634A.085 ***1.*** If a written complaint regarding a licensee is filed with the Board, the Board shall review the complaint. If, from the complaint or from other records, it appears that the complaint is not frivolous, the Board shall transmit the original complaint and any facts or information obtained from the review to the Attorney General.

2. The Attorney General shall conduct an investigation of the complaint to determine whether it warrants proceedings for the modification, suspension or revocation of the license. If the Attorney General determines that further proceedings are warranted, he shall report the results of his investigation and his recommendation to the Board.



3. The Board shall promptly make a determination with respect to each complaint reported to it by the Attorney General. The Board shall:

- (a) Dismiss the complaint; or
- (b) Proceed with appropriate disciplinary action.

4. The Board shall retain all complaints received by the Board pursuant to this section for at least 10 years, including, without limitation, any complaints not acted upon.

Sec. 17. NRS 634A.170 is hereby amended to read as follows:

634A.170 The Board may refuse to issue or may suspend or revoke any license for any one or any combination of the following causes:

1. Conviction of:

- (a) A felony relating to the practice of Oriental medicine;
- (b) Any offense involving moral turpitude;
- (c) A violation of any state or federal law regulating the possession, distribution or use of any controlled substance, as shown by a certified copy of the record of the court; or
- (d) A violation of any of the provisions of NRS 616D.200, 616D.220, 616D.240 or 616D.300 to 616D.440, inclusive;

2. The obtaining of or any attempt to obtain a license or practice in the profession for money or any other thing of value, by fraudulent misrepresentations;

3. Gross or repeated malpractice, which may be evidenced by claims of malpractice settled against a practitioner;

4. Advertising by means of a knowingly false or deceptive statement;

5. Advertising, practicing or attempting to practice under a name other than one's own;

6. Habitual drunkenness or habitual addiction to the use of a controlled substance;

7. Using any false, fraudulent or forged statement or document, or engaging in any fraudulent, deceitful, dishonest or immoral practice in connection with the licensing requirements of this chapter;

8. Sustaining a physical or mental disability which renders further practice dangerous;

9. Engaging in any dishonorable, unethical or unprofessional conduct which may deceive, defraud or harm the public, or which is unbecoming a person licensed to practice under this chapter;

10. Using any false or fraudulent statement in connection with the practice of Oriental medicine or any branch thereof;

11. Violating or attempting to violate, or assisting or abetting the violation of, or conspiring to violate any provision of this chapter;



12. Being adjudicated incompetent or insane;
13. Advertising in an unethical or unprofessional manner;
14. Obtaining a fee or financial benefit for any person by the use of fraudulent diagnosis, therapy or treatment;
15. Willful disclosure of a privileged communication;
16. Failure of a licensee to designate the nature of his practice in the professional use of his name by the term doctor of Oriental medicine;

17. Willful violation of the law relating to the health, safety or welfare of the public or of the regulations adopted by the State Board of Health;

18. Administering, dispensing or prescribing any controlled substance, except for the prevention, alleviation or cure of disease or for relief from suffering; ~~and~~

19. Performing, assisting or advising in the injection of any liquid silicone substance into the human body ~~and~~; and

20. Operation of a medical facility, as defined in NRS 449.0151, at any time during which:

- (a) The license of the facility is suspended or revoked; or*
- (b) An act or omission occurs which results in the suspension or revocation of the license pursuant to NRS 449.160.*

↳ This subsection applies to an owner or other principal responsible for the operation of the facility.

Sec. 18. NRS 635.130 is hereby amended to read as follows:

635.130 1. The Board, after notice and a hearing as required by law, and upon any cause enumerated in subsection 2, may take one or more of the following disciplinary actions:

(a) Deny an application for a license or refuse to renew a license.

(b) Suspend or revoke a license.

(c) Place a licensee on probation.

(d) Impose a fine not to exceed \$5,000.

2. The Board may take disciplinary action against a licensee for any of the following causes:

(a) The making of a false statement in any affidavit required of the applicant for application, examination or licensure pursuant to the provisions of this chapter.

(b) Lending the use of the holder's name to an unlicensed person.

(c) If the holder is a podiatric physician, his permitting an unlicensed person in his employ to practice as a podiatry hygienist.

(d) Habitual indulgence in the use of alcohol or any controlled substance which impairs the intellect and judgment to such an extent as in the opinion of the Board incapacitates the holder in the performance of his professional duties.



- 1 (e) Conviction of a crime involving moral turpitude.
- 2 (f) Conviction of violating any of the provisions of NRS
- 3 616D.200, 616D.220, 616D.240 or 616D.300 to 616D.440,
- 4 inclusive.
- 5 (g) Conduct which in the opinion of the Board disqualifies him
- 6 to practice with safety to the public.
- 7 (h) The commission of fraud by or on behalf of the licensee
- 8 regarding his license or practice.
- 9 (i) Gross incompetency.
- 10 (j) Affliction of the licensee with any mental or physical
- 11 disorder which seriously impairs his competence as a podiatric
- 12 physician or podiatry hygienist.
- 13 (k) False representation by or on behalf of the licensee regarding
- 14 his practice.
- 15 (l) Unethical or unprofessional conduct.
- 16 (m) Willful or repeated violations of this chapter or regulations
- 17 adopted by the Board.
- 18 (n) Willful violation of the regulations adopted by the State
- 19 Board of Pharmacy.
- 20 (o) *Operation of a medical facility, as defined in NRS*
- 21 *449.0151, at any time during which:*
- 22 *(1) The license of the facility is suspended or revoked; or*
- 23 *(2) An act or omission occurs which results in the*
- 24 *suspension or revocation of the license pursuant to NRS 449.160.*
- 25 *↳ This paragraph applies to an owner or other principal*
- 26 *responsible for the operation of the facility.*
- 27 **Sec. 19.** NRS 635.158 is hereby amended to read as follows:
- 28 635.158 1. Except as otherwise provided in this section and
- 29 NRS 239.0115, a complaint filed with the Board, all documents
- 30 and other information filed with the complaint and all documents
- 31 and other information compiled as a result of an investigation
- 32 conducted to determine whether to initiate disciplinary action
- 33 against a person are confidential, unless the person submits a written
- 34 statement to the Board requesting that such documents and
- 35 information be made public records.
- 36 2. The charging documents filed with the Board to initiate
- 37 disciplinary action pursuant to chapter 622A of NRS and all
- 38 documents and information considered by the Board when
- 39 determining whether to impose discipline are public records.
- 40 3. An order that imposes discipline and the findings of fact and
- 41 conclusions of law supporting that order are public records.
- 42 4. The provisions of this section do not prohibit the Board from
- 43 communicating or cooperating with or providing any documents or
- 44 other information to any other licensing board or any other agency



1 that is investigating a person, including, without limitation, a law
2 enforcement agency.

3 ***5. The Board shall retain all complaints filed with the Board***
4 ***for at least 10 years, including, without limitation, any complaints***
5 ***not acted upon.***

6 **Sec. 20.** NRS 636.295 is hereby amended to read as follows:

7 636.295 The following acts, conduct, omissions, or mental or
8 physical conditions, or any of them, committed, engaged in,
9 omitted, or being suffered by a licensee, constitute sufficient cause
10 for disciplinary action:

11 1. Affliction of the licensee with any communicable disease
12 likely to be communicated to other persons.

13 2. Commission by the licensee of a felony relating to the
14 practice of optometry or a gross misdemeanor involving moral
15 turpitude of which he has been convicted and from which he has
16 been sentenced by a final judgment of a federal or state court in this
17 or any other state, the judgment not having been reversed or vacated
18 by a competent appellate court and the offense not having been
19 pardoned by executive authority.

20 3. Conviction of any of the provisions of NRS 616D.200,
21 616D.220, 616D.240 or 616D.300 to 616D.440, inclusive.

22 4. Commission of fraud by or on behalf of the licensee in
23 obtaining his license or a renewal thereof, or in practicing optometry
24 thereunder.

25 5. Habitual drunkenness or addiction to any controlled
26 substance.

27 6. Gross incompetency.

28 7. Affliction with any mental or physical disorder or
29 disturbance seriously impairing his competency as an optometrist.

30 8. Making false or misleading representations, by or on behalf
31 of the licensee, with respect to optometric materials or services.

32 9. Practice by the licensee, or attempting or offering so to do,
33 while he is in an intoxicated condition.

34 10. Perpetration of unethical or unprofessional conduct in the
35 practice of optometry.

36 11. Any violation of the provisions of this chapter or any
37 regulations adopted pursuant thereto.

38 ***12. Operation of a medical facility, as defined in NRS***
39 ***449.0151, at any time during which:***

40 ***(a) The license of the facility is suspended or revoked; or***

41 ***(b) An act or omission occurs which results in the suspension***
42 ***or revocation of the license pursuant to NRS 449.160.***

43 ***↪ This subsection applies to an owner or other principal***
44 ***responsible for the operation of the facility.***



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Sec. 21. NRS 636.315 is hereby amended to read as follows:

636.315 1. As soon as practicable after the filing of a complaint, the Board shall notify the licensee against whom the complaint is filed and fix a date for its review of the complaint. If the Board receives a report pursuant to subsection 5 of NRS 228.420, a hearing must be held within 30 days after receiving the report. The licensee must be allowed a reasonable amount of time to respond to the allegations of the complaint. The Executive Director shall notify the licensee of the time, date and place fixed for the Board's review of the complaint.

2. After reviewing the complaint, the Board shall dismiss the complaint or file a formal charge against the licensee. If a formal charge is filed, the Executive Director shall prepare the charge in accordance with the Board's regulations and send a copy to the licensee. The licensee must be allowed a reasonable amount of time to file a response to the charge.

3. Within a reasonable time after the Executive Director sends a copy of the charge to the licensee, the Board shall fix the time, date and place for a hearing and the Executive Director shall notify the licensee thereof.

4. The Board shall retain all complaints received by the Board pursuant to this section for at least 10 years, including, without limitation, any complaints not acted upon.

Sec. 22. NRS 637.150 is hereby amended to read as follows:

637.150 1. Upon proof by substantial evidence that an applicant or holder of a license:

(a) Has been adjudicated insane;

(b) Habitually uses any controlled substance or intoxicant;

(c) Has been convicted of a crime involving moral turpitude;

(d) Has been convicted of violating any of the provisions of NRS 616D.200, 616D.220, 616D.240 or 616D.300 to 616D.440, inclusive;

(e) Has advertised in any manner which would tend to deceive, defraud or mislead the public;

(f) Has presented to the Board any diploma, license or certificate that has been signed or issued unlawfully or under fraudulent representations, or obtains or has obtained a license to practice in ~~the~~ this State through fraud of any kind;

(g) Has been convicted of a violation of any federal or state law relating to a controlled substance;

(h) Has, without proper verification, dispensed a lens, frame, specially fabricated optical device or other ophthalmic device that does not satisfy the minimum standards established by the Board pursuant to NRS 637.073;

(i) Has violated any regulation of the Board;



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- 1 (j) Has violated any provision of this chapter;
- 2 (k) Is incompetent;
- 3 (l) Is guilty of unethical or unprofessional conduct as
- 4 determined by the Board;
- 5 (m) Is guilty of repeated malpractice, which may be evidenced
- 6 by claims of malpractice settled against a practitioner; ~~or~~
- 7 (n) Is guilty of a fraudulent or deceptive practice as determined
- 8 by the Board ~~or~~; or
- 9 (o) *Has operated a medical facility, as defined in NRS*
- 10 *449.0151, at any time during which:*

- 11 (1) *The license of the facility was suspended or revoked; or*
- 12 (2) *An act or omission occurred which resulted in the*
- 13 *suspension or revocation of the license pursuant to NRS 449.160,*

14 ➔ the Board may, in the case of an applicant, refuse to grant him a
15 license, or may, in the case of a holder of a license, place him on
16 probation, reprimand him publicly, require him to pay an
17 administrative fine of not more than \$10,000, suspend or revoke his
18 license, or take any combination of these disciplinary actions.

19 2. The Board shall not privately reprimand a holder of a
20 license.

21 3. An order that imposes discipline and the findings of fact and
22 conclusions of law supporting that order are public records.

23 4. *The provisions of paragraph (o) of subsection 1 apply to an*
24 *owner or other principal responsible for the operation of the*
25 *medical facility.*

26 **Sec. 23.** NRS 637.181 is hereby amended to read as follows:

27 637.181 Notwithstanding the provisions of chapter 622A of
28 NRS:

29 1. The Board shall conduct an investigation if it receives a
30 complaint that sets forth reason to believe that a person, without the
31 proper license, is engaging in an activity for which a license is
32 required pursuant to this chapter. The complaint must be:

- 33 (a) Made in writing; and
- 34 (b) Signed and verified by the person filing the complaint.

35 2. If the Board determines that a person, without the proper
36 license, is engaging in an activity for which a license is required
37 pursuant to this chapter, the Board:

38 (a) Shall issue and serve on the person an order to cease and
39 desist from engaging in the activity until such time as the person
40 obtains the proper license from the Board.

41 (b) May, after notice and opportunity for a hearing, impose upon
42 the person an administrative fine of not more than \$10,000. The
43 imposition of an administrative fine is a final decision for the
44 purposes of judicial review.



3. An administrative fine imposed pursuant to this section is in addition to any other penalty provided in this chapter.

4. The Board shall retain all complaints received by the Board pursuant to this section for at least 10 years, including, without limitation, any complaints not acted upon.

Sec. 24. NRS 637A.250 is hereby amended to read as follows:

637A.250 In a manner consistent with the provisions of chapter 622A of NRS, the Board may take disciplinary action against a licensee if the licensee:

1. Has been convicted of a felony relating to the practice of hearing aid specialists.

2. Has been convicted of violating any of the provisions of NRS 616D.200, 616D.220, 616D.240 or 616D.300 to 616D.440, inclusive.

3. Obtained the license by fraud or misrepresentation.

4. Has made any false or fraudulent statements concerning hearing aids or the business of hearing aid specialist.

5. Has been guilty of negligence, incompetence or unprofessional conduct in his practice as a hearing aid specialist. As used in this subsection, "unprofessional conduct" includes, without limitation:

(a) Conduct which is intended to deceive or which the Board by specific regulation has determined is unethical;

(b) Conduct which is harmful to the public or any conduct detrimental to the public health or safety;

(c) Conduct for which disciplinary action was taken by an agency of another state which is authorized to regulate the practice of hearing aid specialists; and

(d) Knowingly employing, directly or indirectly, any person who is not licensed to fit or dispense hearing aids or whose license to fit or dispense hearing aids has been suspended or revoked.

6. Has loaned or transferred his license to another person.

7. Willfully violated any law of this State or any provision of this chapter regulating hearing aid specialists or the operation of an office, store or other location for dispensing hearing aids.

8. Has operated a medical facility, as defined in NRS 449.0151, at any time during which:

(a) The license of the facility was suspended or revoked; or

(b) An act or omission occurred which resulted in the suspension or revocation of the license pursuant to NRS 449.160.

↪ This subsection applies to an owner or other principal responsible for the operation of the facility.

Sec. 25. NRS 637A.260 is hereby amended to read as follows:

637A.260 1. The Board, any of its members or any other person who believes that a licensee or other person has violated a



1 provision of this chapter may file a complaint specifying the
2 relevant facts with the Board. The Board may amend any such
3 complaint to include additional allegations if it becomes aware of
4 any additional information concerning a further violation of the
5 provisions of this chapter.

6 2. A complaint made against any licensee charging one or more
7 of the causes for which his license may be revoked or suspended
8 must be made with such particularity as to enable the licensee to
9 prepare a defense thereto.

10 3. The complaint must be made in writing and be signed and
11 verified by the person making it.

12 4. The Board, on its own motion, may investigate the activities
13 of an applicant for or a holder of a license issued pursuant to this
14 chapter at any time.

15 ***5. The Board shall retain all complaints filed with the Board***
16 ***pursuant to this section for at least 10 years, including, without***
17 ***limitation, any complaints not acted upon.***

18 **Sec. 26.** NRS 637B.250 is hereby amended to read as follows:

19 637B.250 The grounds for initiating disciplinary action
20 pursuant to this chapter are:

21 1. Unprofessional conduct.

22 2. Conviction of:

23 (a) A violation of any federal or state law regarding the
24 possession, distribution or use of any controlled substance or any
25 dangerous drug as defined in chapter 454 of NRS;

26 (b) A felony relating to the practice of audiology or speech
27 pathology;

28 (c) A violation of any of the provisions of NRS 616D.200,
29 616D.220, 616D.240 or 616D.300 to 616D.440, inclusive; or

30 (d) Any offense involving moral turpitude.

31 3. Suspension or revocation of a license to practice audiology
32 or speech pathology by any other jurisdiction.

33 4. Gross or repeated malpractice, which may be evidenced by
34 claims of malpractice settled against a practitioner.

35 5. Professional incompetence.

36 ***6. Operation of a medical facility, as defined in NRS***
37 ***449.0151, at any time during which:***

38 (a) ***The license of the facility is suspended or revoked; or***

39 (b) ***An act or omission occurs which results in the suspension***
40 ***or revocation of the license pursuant to NRS 449.160.***

41 ***↪ This subsection applies to an owner or other principal***
42 ***responsible for the operation of the facility.***

43 **Sec. 27.** NRS 637B.260 is hereby amended to read as follows:

44 637B.260 1. A complaint may be made against any applicant
45 for a license or any licensee charging one or more of the grounds for



1 disciplinary action with such particularity as to enable the defendant
2 to prepare a defense.

3 2. The complaint must be in writing and be signed and verified
4 by the person making it.

5 **3. *The Board shall retain all complaints made pursuant to***
6 ***this section for at least 10 years, including, without limitation, any***
7 ***complaints not acted upon.***

8 **Sec. 28.** NRS 639.210 is hereby amended to read as follows:

9 639.210 The Board may suspend or revoke any certificate,
10 license, registration or permit issued pursuant to this chapter, and
11 deny the application of any person for a certificate, license,
12 registration or permit, if the holder or applicant:

13 1. Is not of good moral character;

14 2. Is guilty of habitual intemperance;

15 3. Becomes or is intoxicated or under the influence of liquor,
16 any depressant drug or a controlled substance, unless taken pursuant
17 to a lawfully issued prescription, while on duty in any establishment
18 licensed by the Board;

19 4. Is guilty of unprofessional conduct or conduct contrary to
20 the public interest;

21 5. Is addicted to the use of any controlled substance;

22 6. Has been convicted of a violation of any law or regulation of
23 the Federal Government or of this or any other state related to
24 controlled substances, dangerous drugs, drug samples, or the
25 wholesale or retail distribution of drugs;

26 7. Has been convicted of:

27 (a) A felony relating to holding a certificate, license, registration
28 or permit pursuant to this chapter;

29 (b) A felony pursuant to NRS 639.550 or 639.555; or

30 (c) Other crime involving moral turpitude, dishonesty or
31 corruption;

32 8. Has been convicted of violating any of the provisions of
33 NRS 616D.200, 616D.220, 616D.240 or 616D.300 to 616D.440,
34 inclusive;

35 9. Has willfully made to the Board or its authorized
36 representative any false statement which is material to the
37 administration or enforcement of any of the provisions of this
38 chapter;

39 10. Has obtained any certificate, certification, license or permit
40 by the filing of an application, or any record, affidavit or other
41 information in support thereof, which is false or fraudulent;

42 11. Has violated any provision of the Federal Food, Drug and
43 Cosmetic Act or any other federal law or regulation relating to
44 prescription drugs;



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12. Has violated, attempted to violate, assisted or abetted in the violation of or conspired to violate any of the provisions of this chapter or any law or regulation relating to drugs, the manufacture or distribution of drugs or the practice of pharmacy, or has knowingly permitted, allowed, condoned or failed to report a violation of any of the provisions of this chapter or any law or regulation relating to drugs, the manufacture or distribution of drugs or the practice of pharmacy committed by the holder of a certificate, license, registration or permit;

13. Has failed to renew his certificate, license or permit by failing to submit the application for renewal or pay the renewal fee therefor;

14. Has had his certificate, license or permit suspended or revoked in another state on grounds which would cause suspension or revocation of a certificate, license or permit in this State;

15. Has, as a managing pharmacist, violated any provision of law or regulation concerning recordkeeping or inventory in a store over which he presides, or has knowingly allowed a violation of any provision of this chapter or other state or federal laws or regulations relating to the practice of pharmacy by personnel of the pharmacy under his supervision;

16. Has repeatedly been negligent, which may be evidenced by claims of malpractice settled against him;

17. Has failed to maintain and make available to a state or federal officer any records in accordance with the provisions of this chapter or chapter 453 or 454 of NRS; ~~for~~

18. Has failed to file or maintain a bond or other security if required by NRS 639.515 ~~for~~; or

19. Has operated a medical facility, as defined in NRS 449.0151, at any time during which:

(a) The license of the facility was suspended or revoked; or

(b) An act or omission occurred which resulted in the suspension or revocation of the license pursuant to NRS 449.160.

↪ This subsection applies to an owner or other principal responsible for the operation of the facility.

Sec. 29. NRS 639.2485 is hereby amended to read as follows:

639.2485 1. Except as otherwise provided in this section and NRS 239.0115, any records or information obtained during the course of an investigation by the Board and any record of the investigation are confidential.

2. The complaint or other document filed by the Board to initiate disciplinary action and all documents and information considered by the Board when determining whether to impose discipline are public records.



3. The Board may disclose to a practitioner and a law enforcement agency information concerning a person who procures or attempts to procure any dangerous drug or controlled substance in violation of NRS 453.391 or 454.311.

4. If the Board receives a request or subpoena for records or information obtained during an investigation by the Board and the records or information is not made public pursuant to subsection 2, the Board shall notify the person regarding whom the investigation was made of the request or subpoena. If that person does not consent in writing to the release of the records or information, the Board may release the records or information only upon the order of a court of competent jurisdiction.

5. The Board shall retain all complaints or other documents filed by the Board to initiate disciplinary action for at least 10 years, including, without limitation, any complaints not acted upon.

Sec. 30. NRS 640.160 is hereby amended to read as follows:

640.160 1. The Board, after notice and a hearing as required by law, and upon any ground enumerated in subsection 2, may take one or more of the following actions:

(a) Refuse to issue a license or temporary license to any applicant.

(b) Refuse to renew the license or temporary license of any person.

(c) Suspend or revoke the license or temporary license of any person.

(d) Place any person who has been issued a license or temporary license on probation.

(e) Impose an administrative fine which does not exceed \$5,000 on any person who has been issued a license.

2. The Board may take action pursuant to subsection 1 if an applicant or person who has been licensed pursuant to this chapter:

(a) Is habitually drunk or is addicted to the use of a controlled substance.

(b) Has been convicted of violating any state or federal law relating to controlled substances.

(c) Is, in the judgment of the Board, guilty of immoral or unprofessional conduct.

(d) Has been convicted of any crime involving moral turpitude.

(e) Has been convicted of violating any of the provisions of NRS 616D.200, 616D.220, 616D.240 or 616D.300 to 616D.440, inclusive.

(f) Is guilty, in the judgment of the Board, of gross negligence in his practice as a physical therapist which may be evidenced by claims of malpractice settled against a practitioner.



(g) Has obtained or attempted to obtain a license by fraud or material misrepresentation.

(h) Has been declared insane by a court of competent jurisdiction and has not thereafter been lawfully declared sane.

(i) Has entered into any contract or arrangement which provides for the payment of an unearned fee to any person following his referral of a patient.

(j) Has employed as a physical therapist any unlicensed physical therapist or physical therapist whose license has been suspended.

(k) Has had his license to practice physical therapy suspended, revoked or in any way limited by another jurisdiction.

(l) Is determined to be professionally incompetent by the Board.

(m) Has violated any provision of this chapter or the Board's regulations.

(n) Has operated a medical facility, as defined in NRS 449.0151, at any time during which:

(1) The license of the facility was suspended or revoked; or

(2) An act or omission occurred which resulted in the suspension or revocation of the license pursuant to NRS 449.160.

↪ This paragraph applies to an owner or other principal responsible for the operation of the facility.

Sec. 31. NRS 640.161 is hereby amended to read as follows:

640.161 1. A complaint against any person who has been licensed pursuant to this chapter may be initiated by the Board or may be filed with the Board by any member or agent of the Board or any aggrieved person.

2. The complaint must allege one or more of the grounds enumerated in NRS 640.160 and must contain a statement of facts showing that a provision of this chapter or the Board's regulations has been violated. The complaint must be sufficiently detailed to enable the respondent to understand the allegations.

3. The complaint must be in writing and be signed and verified by the person filing it. The original complaint and two copies must be filed with the Board.

4. The Board shall review each complaint. If a complaint shows a substantial violation of a provision of this chapter or the Board's regulations, the Board shall proceed with a hearing on the complaint pursuant to the provisions of chapter 622A of NRS.

5. The Board shall retain all complaints filed with the Board pursuant to this section for at least 10 years, including, without limitation, any complaints not acted upon.

Sec. 32. NRS 640A.200 is hereby amended to read as follows:

640A.200 1. The Board may, after notice and a hearing as required by law, suspend, revoke or refuse to issue or renew a license to practice as an occupational therapist or occupational



1 therapy assistant, or may impose conditions upon the use of that
2 license, if the Board determines that the holder of or applicant for
3 the license is guilty of unprofessional conduct which has endangered
4 or is likely to endanger the public health, safety or welfare. The
5 Board may reinstate a revoked license pursuant to the provisions of
6 chapter 622A of NRS upon application by the person to whom the
7 license was issued.

8 2. Notwithstanding the provisions of chapter 622A of NRS, if
9 the Board receives a report pursuant to subsection 5 of NRS
10 228.420, a disciplinary proceeding regarding the report must be
11 commenced within 30 days after the Board receives the report.

12 3. An order that imposes discipline and the findings of fact and
13 conclusions of law supporting that order are public records.

14 4. As used in this section, "unprofessional conduct" includes:

15 (a) The obtaining of a license by fraud or through the
16 misrepresentation or concealment of a material fact;

17 (b) The conviction of:

18 (1) A felony or gross misdemeanor relating to the practice of
19 occupational therapy; or

20 (2) Any crime involving moral turpitude; ~~and~~

21 (c) The violation of any provision of this chapter or regulation
22 of the Board adopted pursuant to this chapter ~~and~~; *and*

23 *(d) The operation of a medical facility, as defined in NRS*
24 *449.0151, at any time during which:*

25 *(1) The license of the facility is suspended or revoked; or*

26 *(2) An act or omission occurs which results in the*
27 *suspension or revocation of the license pursuant to NRS 449.160.*

28 *↪ This paragraph applies to an owner or other principal*
29 *responsible for the operation of the facility.*

30 **Sec. 33.** NRS 640A.220 is hereby amended to read as follows:

31 640A.220 1. Except as otherwise provided in this section and
32 NRS 239.0115, a complaint filed with the Board, all documents
33 and other information filed with the complaint and all documents
34 and other information compiled as a result of an investigation
35 conducted to determine whether to initiate disciplinary action
36 against a person are confidential, unless the person submits a written
37 statement to the Board requesting that such documents and
38 information be made public records.

39 2. The charging documents filed with the Board to initiate
40 disciplinary action pursuant to chapter 622A of NRS and all
41 documents and information considered by the Board when
42 determining whether to impose discipline are public records.

43 3. The provisions of this section do not prohibit the Board from
44 communicating or cooperating with or providing any documents or
45 other information to any other licensing board or any other agency



1 that is investigating a person, including, without limitation, a law
2 enforcement agency.

3 ***4. The Board shall retain all complaints filed with the Board***
4 ***for at least 10 years, including, without limitation, any complaints***
5 ***not acted upon.***

6 **Sec. 34.** NRS 640B.700 is hereby amended to read as follows:

7 640B.700 1. The Board may refuse to issue a license to an
8 applicant or may take disciplinary action against a licensee if, after
9 notice and a hearing as required by law, the Board determines that
10 the applicant or licensee:

11 (a) Has submitted false or misleading information to the Board
12 or any agency of this State, any other state, the Federal Government
13 or the District of Columbia;

14 (b) Has violated any provision of this chapter or any regulation
15 adopted pursuant thereto;

16 (c) Has been convicted of a felony, a crime relating to a
17 controlled substance or a crime involving moral turpitude;

18 (d) Is addicted to alcohol or any controlled substance;

19 (e) Has violated the provisions of NRS 200.5093, 200.50935 or
20 432B.220;

21 (f) Is guilty of gross negligence in his practice as an athletic
22 trainer;

23 (g) Is not competent to engage in the practice of athletic
24 training;

25 (h) Has failed to provide information requested by the Board
26 within 60 days after he received the request;

27 (i) Has engaged in unethical or unprofessional conduct as it
28 relates to the practice of athletic training;

29 (j) Has been disciplined in another state, a territory or
30 possession of the United States, or the District of Columbia for
31 conduct that would be a violation of the provisions of this chapter or
32 any regulations adopted pursuant thereto if the conduct were
33 committed in this State;

34 (k) Has solicited or received compensation for services that he
35 did not provide;

36 (l) If the licensee is on probation, has violated the terms of his
37 probation; ~~or~~

38 (m) Has terminated his professional services to a client in a
39 manner that detrimentally affected that client ~~or~~; *or*

40 ***(n) Has operated a medical facility, as defined in NRS***
41 ***449.0151, at any time during which:***

42 ***(1) The license of the facility was suspended or revoked; or***

43 ***(2) An act or omission occurred which resulted in the***
44 ***suspension or revocation of the license pursuant to NRS 449.160.***



1 ↪ *This paragraph applies to an owner or other principal*
2 *responsible for the operation of the facility.*

3 2. The Board may, if it determines that an applicant for a
4 license or a licensee has committed any of the acts set forth in
5 subsection 1, after notice and a hearing as required by law:

- 6 (a) Refuse to issue a license to the applicant;
7 (b) Refuse to renew or restore the license of the licensee;
8 (c) Suspend or revoke the license of the licensee;
9 (d) Place the licensee on probation;
10 (e) Impose an administrative fine of not more than \$5,000;
11 (f) Require the applicant or licensee to pay the costs incurred by
12 the Board to conduct the investigation and hearing; or
13 (g) Impose any combination of actions set forth in paragraphs
14 (a) to (f), inclusive.

15 3. The Board shall not issue a private reprimand to a licensee.

16 4. An order that imposes discipline and the findings of fact and
17 conclusions of law supporting that order are public records.

18 **Sec. 35.** NRS 640B.730 is hereby amended to read as follows:

19 640B.730 1. Except as otherwise provided in this section and
20 NRS 239.0115, a complaint filed with the Board, all documents
21 and other information filed with the complaint and all documents
22 and other information compiled as a result of an investigation
23 conducted to determine whether to initiate disciplinary action
24 against a person are confidential, unless the person submits a written
25 statement to the Board requesting that such documents and
26 information be made public records.

27 2. The charging documents filed with the Board to initiate
28 disciplinary action pursuant to chapter 622A of NRS and all
29 documents and information considered by the Board when
30 determining whether to impose discipline are public records.

31 3. The provisions of this section do not prohibit the Board from
32 communicating or cooperating with or providing any documents or
33 other information to any other licensing board or any other agency
34 that is investigating a person, including, without limitation, a law
35 enforcement agency.

36 **4. *The Board shall retain all complaints filed with the Board***
37 ***for at least 10 years, including, without limitation, any complaints***
38 ***not acted upon.***

39 **Sec. 36.** NRS 640C.700 is hereby amended to read as follows:

40 640C.700 The Board may refuse to issue a license to an
41 applicant, or may initiate disciplinary action against a holder of a
42 license, if the applicant or holder of the license:

43 1. Has submitted false, fraudulent or misleading information to
44 the Board or any agency of this State, any other state, a territory or



1 possession of the United States, the District of Columbia or the
2 Federal Government;

3 2. Has violated any provision of this chapter or any regulation
4 adopted pursuant thereto;

5 3. Has been convicted of a crime involving violence,
6 prostitution or any other sexual offense, a crime involving any type
7 of larceny, a crime relating to a controlled substance, a crime
8 involving any federal or state law or regulation relating to massage
9 therapy or a substantially similar business, or a crime involving
10 moral turpitude within the immediately preceding 10 years ; ~~§~~

11 4. Has engaged in or solicited sexual activity during the course
12 of practicing massage on a person, with or without the consent of
13 the person, including, without limitation, if the applicant or holder
14 of the license:

15 (a) Made sexual advances toward the person;

16 (b) Requested sexual favors from the person; or

17 (c) Massaged, touched or applied any instrument to the breasts
18 of the person, unless the person has signed a written consent form
19 provided by the Board;

20 5. Has habitually abused alcohol or is addicted to a controlled
21 substance;

22 6. Is, in the judgment of the Board, guilty of gross negligence
23 in his practice of massage therapy;

24 7. Is determined by the Board to be professionally incompetent
25 to engage in the practice of massage therapy;

26 8. Has failed to provide information requested by the Board
27 within 60 days after he received the request;

28 9. Has, in the judgment of the Board, engaged in unethical or
29 unprofessional conduct as it relates to the practice of massage
30 therapy;

31 10. Has been disciplined in another state, a territory or
32 possession of the United States or the District of Columbia for
33 conduct that would be a violation of the provisions of this chapter or
34 any regulations adopted pursuant thereto if the conduct were
35 committed in this State;

36 11. Has solicited or received compensation for services relating
37 to the practice of massage therapy that he did not provide;

38 12. If the holder of the license is on probation, has violated the
39 terms of his probation; ~~or~~

40 13. Has engaged in false, deceptive or misleading advertising,
41 including, without limitation, falsely, deceptively or misleadingly
42 advertising that he has received training in a specialty technique of
43 massage for which he has not received training, practicing massage
44 therapy under an assumed name and impersonating a licensed
45 massage therapist ~~§~~ ; or



1 ***14. Has operated a medical facility, as defined in NRS***
2 ***449.0151, at any time during which:***

3 ***(a) The license of the facility was suspended or revoked; or***

4 ***(b) An act or omission occurred which resulted in the***
5 ***suspension or revocation of the license pursuant to NRS 449.160.***

6 ***↪ This subsection applies to an owner or other principal***
7 ***responsible for the operation of the facility.***

8 **Sec. 37.** NRS 640C.740 is hereby amended to read as follows:

9 640C.740 1. If any member of the Board or the Executive
10 Director becomes aware of any ground for initiating disciplinary
11 action against a holder of a license, the member or Executive
12 Director shall file a written complaint with the Board.

13 2. The complaint must specifically:

14 (a) Set forth the relevant facts; and

15 (b) Charge one or more grounds for initiating disciplinary
16 action.

17 3. As soon as practicable after the filing of the complaint, an
18 investigation of the complaint must be conducted to determine
19 whether the allegations in the complaint merit the initiation of
20 disciplinary proceedings against the holder of the license.

21 ***4. The Board shall retain all complaints filed with the Board***
22 ***pursuant to this section for at least 10 years, including, without***
23 ***limitation, any complaints not acted upon.***

24 **Sec. 38.** NRS 641.230 is hereby amended to read as follows:

25 641.230 The Board may suspend the license of a psychologist,
26 place a psychologist on probation, revoke the license of a
27 psychologist, require remediation for a psychologist or take any
28 other action specified by regulation if the Board finds by substantial
29 evidence that the psychologist has:

30 1. Been convicted of a felony relating to the practice of
31 psychology.

32 2. Been convicted of any crime or offense that reflects the
33 inability of the psychologist to practice psychology with due regard
34 for the health and safety of others.

35 3. Been convicted of violating any of the provisions of NRS
36 616D.200, 616D.220, 616D.240 or 616D.300 to 616D.440,
37 inclusive.

38 4. Engaged in gross malpractice or repeated malpractice or
39 gross negligence in the practice of psychology.

40 5. Aided or abetted the practice of psychology by a person not
41 licensed by the Board.

42 6. Made any fraudulent or untrue statement to the Board.

43 7. Violated a regulation adopted by the Board.

44 8. Had his license to practice psychology suspended or revoked
45 or has had any other disciplinary action taken against him by



1 another state or territory of the United States, the District of
2 Columbia or a foreign country, if at least one of the grounds for
3 discipline is the same or substantially equivalent to any ground
4 contained in this chapter.

5 9. Failed to report to the Board within 30 days the revocation,
6 suspension or surrender of, or any other disciplinary action taken
7 against, a license or certificate to practice psychology issued to him
8 by another state or territory of the United States, the District of
9 Columbia or a foreign country.

10 10. Violated or attempted to violate, directly or indirectly, or
11 assisted in or abetted the violation of or conspired to violate a
12 provision of this chapter.

13 11. Performed or attempted to perform any professional service
14 while impaired by alcohol, drugs or by a mental or physical illness,
15 disorder or disease.

16 12. Engaged in sexual activity with a patient.

17 13. Been convicted of abuse or fraud in connection with any
18 state or federal program which provides medical assistance.

19 14. Been convicted of submitting a false claim for payment to
20 the insurer of a patient.

21 ***15. Operated a medical facility, as defined in NRS 449.0151,***
22 ***at any time during which:***

23 ***(a) The license of the facility was suspended or revoked; or***

24 ***(b) An act or omission occurred which resulted in the***
25 ***suspension or revocation of the license pursuant to NRS 449.160.***

26 ***↪ This subsection applies to an owner or other principal***
27 ***responsible for the operation of the facility.***

28 **Sec. 39.** NRS 641.250 is hereby amended to read as follows:

29 641.250 **1.** The Board or any of its members, any review
30 panel of a hospital or an association of psychologists which
31 becomes aware that any one or combination of the grounds for
32 initiating disciplinary action may exist as to a person practicing
33 psychology in this State shall, and any other person who is so aware
34 may, file a written complaint specifying the relevant facts with the
35 Board.

36 ***2. The Board shall retain all complaints filed with the Board***
37 ***pursuant to this section for at least 10 years, including, without***
38 ***limitation, any complaints not acted upon.***

39 **Sec. 40.** NRS 641A.310 is hereby amended to read as follows:

40 641A.310 The Board may refuse to grant a license or may
41 suspend or revoke a license for any of the following reasons:

42 1. Conviction of a felony relating to the practice of marriage
43 and family therapy or clinical professional counseling or of any
44 offense involving moral turpitude, the record of conviction being
45 conclusive evidence thereof.



2. Habitual drunkenness or addiction to the use of a controlled substance.

3. Impersonating a licensed marriage and family therapist, marriage and family therapist intern, clinical professional counselor or clinical professional counselor intern or allowing another person to use his license.

4. Using fraud or deception in applying for a license or in passing the examination provided for in this chapter.

5. Rendering or offering to render services outside the area of his training, experience or competence.

6. Committing unethical practices contrary to the interest of the public as determined by the Board.

7. Unprofessional conduct as determined by the Board.

8. Negligence, fraud or deception in connection with services he is licensed to provide pursuant to this chapter.

9. Operation of a medical facility, as defined in NRS 449.0151, at any time during which:

(a) The license of the facility is suspended or revoked; or

(b) An act or omission occurs which results in the suspension or revocation of the license pursuant to NRS 449.160.

↪ This subsection applies to an owner or other principal responsible for the operation of the facility.

Sec. 41. NRS 641A.330 is hereby amended to read as follows:

641A.330 1. A complaint may be made against a licensee by an agency or inspector employed by the Board, any other licensee or any aggrieved person, charging one or more of the causes for which the license may be revoked or suspended with such particularity as to enable the defendant to prepare a defense thereto.

2. A complaint must be made in writing and signed and verified by the person making it. The original complaint and two copies must be filed with the Secretary-Treasurer.

3. The Board shall retain all complaints made pursuant to this section for at least 10 years, including, without limitation, any complaints not acted upon.

Sec. 42. NRS 641B.400 is hereby amended to read as follows:

641B.400 The grounds for initiating disciplinary action pursuant to this chapter are:

1. Unprofessional conduct;

2. Conviction of:

(a) A felony relating to the practice of social work;

(b) Any offense involving moral turpitude; or

(c) A violation of any federal or state law regulating the possession, distribution or use of any controlled substance or dangerous drug as defined in chapter 454 of NRS;

3. Use of fraud or deception in:



- (a) Applying for a license;
- (b) Undergoing the initial licensing examination; or
- (c) Rendering services as a social worker;
4. Allowing unauthorized use of a license issued pursuant to this chapter;

5. Professional incompetence;
6. Practicing social work without a license; ~~and~~
7. The habitual use of alcohol or any controlled substance which impairs the ability to practice social work ~~and~~; and

8. Operation of a medical facility, as defined in NRS 449.0151, at any time during which:

- (a) The license of the facility is suspended or revoked; or***
- (b) An act or omission occurs which results in the suspension or revocation of the license pursuant to NRS 449.160.***

↪ This subsection applies to an owner or other principal responsible for the operation of the facility.

Sec. 43. NRS 641B.410 is hereby amended to read as follows:

641B.410 **1.** The Board, any of its members or any member of a review panel of social workers who becomes aware that any one or combination of the grounds for initiating disciplinary action may exist as to a person practicing social work in this State shall, and any other person who is so aware may, file a written complaint specifying the relevant facts with the Board. The complaint must specifically charge one or more of the grounds for initiating disciplinary action.

2. The Board shall retain all complaints filed with the Board pursuant to this section for at least 10 years, including, without limitation, any complaints not acted upon.

Sec. 44. NRS 641C.700 is hereby amended to read as follows:

641C.700 The grounds for initiating disciplinary action pursuant to the provisions of this chapter include:

1. Conviction of:
 - (a) A felony relating to the practice of counseling alcohol and drug abusers, the clinical practice of counseling alcohol and drug abusers or the practice of counseling problem gamblers;
 - (b) An offense involving moral turpitude; or
 - (c) A violation of a federal or state law regulating the possession, distribution or use of a controlled substance or dangerous drug as defined in chapter 453 of NRS;

2. Fraud or deception in:
 - (a) Applying for a license or certificate;
 - (b) Taking an examination for a license or certificate;
 - (c) Documenting the continuing education required to renew or reinstate a license or certificate;
 - (d) Submitting a claim for payment to an insurer; or



(e) The practice of counseling alcohol and drug abusers or the clinical practice of counseling alcohol and drug abusers;

3. Allowing the unauthorized use of a license or certificate issued pursuant to this chapter;

4. Professional incompetence;

5. The habitual use of alcohol or any other drug that impairs the ability of a licensed or certified counselor or certified intern to engage in the practice of counseling alcohol and drug abusers or the clinical practice of counseling alcohol and drug abusers;

6. Engaging in the practice of counseling alcohol and drug abusers or the clinical practice of counseling alcohol and drug abusers with an expired, suspended or revoked license or certificate;

~~and~~

7. Engaging in behavior that is contrary to the ethical standards as set forth in the regulations of the Board ~~and~~; and

8. The operation of a medical facility, as defined in NRS 449.0151, at any time during which:

(a) The license of the facility is suspended or revoked; or

(b) An act or omission occurs which results in the suspension or revocation of the license pursuant to NRS 449.160.

↪ This subsection applies to an owner or other principal responsible for the operation of the facility.

Sec. 45. NRS 641C.720 is hereby amended to read as follows:

641C.720 1. The Board or any of its members who become aware of any ground for initiating disciplinary action against a person engaging in the practice of counseling alcohol and drug abusers or the clinical practice of counseling alcohol and drug abusers in this State shall, and any other person who is so aware may, file a written complaint specifying the relevant facts with the Board. The complaint must specifically charge one or more of the grounds for initiating disciplinary action.

2. If, after notice and a hearing as required by law, the Board determines that a licensed or certified counselor or certified intern has violated a provision of this chapter or any regulation adopted pursuant to this chapter, it may:

(a) Administer a public reprimand;

(b) Suspend his license or certificate and impose conditions for the removal of the suspension;

(c) Revoke his license or certificate and prescribe the requirements for the reinstatement of the license or certificate;

(d) If he is a licensed or certified counselor, require him to be supervised by another person while he engages in the practice of counseling alcohol and drug abusers or the clinical practice of counseling alcohol and drug abusers;



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1 (e) Require him to participate in treatment or counseling and pay
2 the expenses of that treatment or counseling;

3 (f) Require him to pay restitution to any person adversely
4 affected by his acts or omissions;

5 (g) Impose a fine of not more than \$5,000; or

6 (h) Take any combination of the actions authorized by
7 paragraphs (a) to (g), inclusive.

8 3. If his license or certificate is revoked or suspended pursuant
9 to subsection 2, the licensed or certified counselor or certified intern
10 may apply to the Board for reinstatement of the suspended license or
11 certificate or may apply to the Board pursuant to the provisions of
12 chapter 622A of NRS for reinstatement of his revoked license or
13 certificate. The Board may accept or reject the application and may
14 require the successful completion of an examination as a condition
15 of reinstatement of the license or certificate.

16 4. The Board shall not administer a private reprimand.

17 5. An order that imposes discipline and the findings of fact and
18 conclusions of law supporting that order are public records.

19 ***6. The Board shall retain all complaints filed with the Board***
20 ***pursuant to this section for at least 10 years, including, without***
21 ***limitation, any complaints not acted upon.***

