

Amendment No. 194

Senate Amendment to Senate Bill No. 273

(BDR 54-959)

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

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 underlining* is newly added transitory language.

JMM/MSN



Date: 4/12/2011

S.B. No. 273—Revises various provisions governing the practice of osteopathic medicine. (BDR 54-959)



SENATE BILL NO. 273—SENATOR COPENING

MARCH 18, 2011

Referred to Committee on Commerce, Labor and Energy

SUMMARY—Revises various provisions governing the practice of osteopathic medicine. (BDR 54-959)

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

~

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

AN ACT relating to osteopathic medicine; authorizing an osteopathic physician to engage in telemedicine under certain circumstances; authorizing the State Board of Osteopathic Medicine to place any condition, limitation or restriction on a license under certain circumstances; requiring an osteopathic physician who performs an autopsy to submit a written report of the findings of the autopsy to the Board under certain circumstances; requiring the Board to submit to the Governor and to the Director of the Legislative Counsel Bureau certain reports compiling disciplinary action taken by the Board against physician assistants; revising provisions governing applications for licensure by the Board; **revising provisions governing the requirements for licensure by the Board;** revising certain provisions relating to the renewal of a license ~~to practice osteopathic medicine;~~ **by the Board; revising provisions relating to certain continuing education requirements for licensees;** authorizing the Board to prorate the initial license fee for certain licenses; expanding the authority of the Board to discipline a physician assistant for certain conduct; revising provisions requiring certain persons to report information relating to certain malpractice claims to the Board; expanding the authority of the Board to investigate a physician assistant for certain conduct; revising provisions governing certain complaints filed with the Board; authorizing the Board summarily to suspend the license of a physician assistant under certain circumstances; authorizing the Board to seek injunctive relief against an osteopathic physician or physician assistant for engaging in certain conduct; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

- 1 Existing law authorizes the State Board of Osteopathic Medicine to issue, renew and
- 2 suspend a license to practice osteopathic medicine and to issue and renew a license to practice
- 3 as a physician assistant in this State. (NRS 633.305-633.501)

Section 2 of this bill authorizes an osteopathic physician to engage in telemedicine if the osteopathic physician is properly licensed and meets certain other criteria. **Section 34** of this bill authorizes the Board to seek injunctive relief against an osteopathic physician for engaging in telemedicine without a required license. **Section 3** of this bill authorizes the Board to place any condition, limitation or restriction on a license issued by the Board under certain circumstances. **Section 4** of this bill requires an osteopathic physician who performs an autopsy and who determines that the death of the decedent is the result of an overdose of a controlled substance or dangerous drug to submit a written report of such findings to the Board.

Section 6 of this bill expands the scope of unprofessional conduct, which is subject to regulation by the Board, to include certain actions of a physician assistant. **Section 9** of this bill authorizes the Board to reject an application for licensure as an osteopathic physician or physician assistant if the Board has cause to believe that information submitted with the application by the applicant is false, misleading, deceptive or fraudulent. **Section 9.5 of this bill revises provisions governing the requirements for licensure by the Board.** **Section 11** of this bill authorizes an osteopathic physician to apply for another temporary license after the expiration of one such license. **Section 14** of this bill authorizes the Board to prorate the initial license fee for a new license to practice as an osteopathic physician and physician assistant. **Sections 11.7 and 13 of this bill require a physician assistant to meet certain continuing education requirements before renewing his or her license to practice as a physician assistant in this State.** **Section 12** of this bill shortens certain procedural deadlines with respect to the renewal of a license to practice osteopathic medicine **or a license to practice as a physician assistant.** **Sections 15 and 29** of this bill expand the scope of the authority of the Board to discipline a physician assistant.

Sections 16, 17 and 21 of this bill require the reporting of information relating to certain malpractice claims to the Board, and **sections 20 and 21** of this bill expand the scope of certain reporting requirements to include the conduct or investigation of physician assistants. **Sections 17 and 29** also expand the applicability of certain administrative fines imposed by the Board.

Sections 19, 22 and 23 of this bill authorize the Board to order a physician assistant to undergo a competency examination under certain circumstances. **Section 24** of this bill authorizes the immediate suspension of the license of a physician assistant under certain circumstances. **Sections 26 and 34** of this bill authorize the Board to seek injunctive relief against a physician assistant for certain conduct. **Section 36** of this bill provides that a person who practices as a physician assistant without a valid license or uses the identity of another person to do so is guilty of a category D felony.

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

Section 1. Chapter 633 of NRS is hereby amended by adding thereto the provisions set forth as sections 2, 3 and 4 of this act.

Sec. 2. 1. An osteopathic physician may engage in telemedicine in this State if he or she possesses an unrestricted license to practice osteopathic medicine in this State pursuant to this chapter. If an osteopathic physician engages in telemedicine with a patient who is physically located in another state or territory of the United States, the osteopathic physician shall, before engaging in telemedicine with the patient, take any steps necessary to be authorized or licensed to practice osteopathic medicine in the other state or territory of the United States in which the patient is physically located.

2. Except as otherwise provided in subsections 3 and 4, before an osteopathic physician may engage in telemedicine pursuant to this section:

(a) A bona fide relationship between the osteopathic physician and the patient must exist which must include, without limitation, a history and physical examination or consultation which occurred in person and which was sufficient

1 *to establish a diagnosis and identify any underlying medical conditions of the*
2 *patient.*

3 *(b) The osteopathic physician must obtain informed, written consent from*
4 *the patient or the legal representative of the patient to engage in telemedicine*
5 *with the patient. The osteopathic physician shall maintain the consent form as*
6 *part of the permanent medical record of the patient.*

7 *(c) The osteopathic physician must inform the patient, both orally and in*
8 *writing:*

9 *(1) That the patient or the legal representative of the patient may*
10 *withdraw the consent provided pursuant to paragraph (b) at any time;*

11 *(2) Of the potential risks, consequences and benefits of telemedicine;*

12 *(3) Whether the osteopathic physician has a financial interest in the*
13 *Internet website used to engage in telemedicine or in the products or services*
14 *provided to the patient via telemedicine;*

15 *(4) That the transmission of any confidential medical information while*
16 *engaged in telemedicine is subject to all applicable federal and state laws with*
17 *respect to the protection of and access to confidential medical information; and*

18 *(5) That the osteopathic physician will not release any confidential*
19 *medical information without the express, written consent of the patient or the*
20 *legal representative of the patient.*

21 *3. An osteopathic physician is not required to comply with the provisions of*
22 *paragraph (a) of subsection 2 if the osteopathic physician engages in*
23 *telemedicine for the purposes of making a diagnostic interpretation of a medical*
24 *examination, study or test of the patient.*

25 *4. An osteopathic physician is not required to comply with the provisions of*
26 *paragraph (a) or (c) of subsection 2 in an emergency medical situation.*

27 *5. The provisions of this section must not be interpreted or construed to:*

28 *(a) Modify, expand or alter the scope of practice of an osteopathic*
29 *physician pursuant to this chapter; or*

30 *(b) Authorize the practice of osteopathic medicine or delivery of care by*
31 *an osteopathic physician in a setting that is not authorized by law or in a manner*
32 *that violates the standard of care required of an osteopathic physician pursuant*
33 *to this chapter.*

34 *6. As used in this section, "telemedicine" means the practice of osteopathic*
35 *medicine through the synchronous or asynchronous transfer of medical data or*
36 *information using interactive audio, video or data communication, other than*
37 *through a standard telephone, facsimile transmission or electronic mail message.*

38 **Sec. 3.** *1. The Board may place any condition, limitation or restriction on*
39 *any license issued pursuant to this chapter if the Board determines that such*
40 *action is necessary to protect the public health, safety or welfare.*

41 *2. The Board shall not report any condition, limitation or restriction placed*
42 *on a license pursuant to this section to the National Practitioner Data Bank*
43 *unless the licensee fails to comply with the condition, limitation or restriction*
44 *placed on the license. The Board may, upon request, report any such information*
45 *to an agency of another state which regulates the practice of osteopathic*
46 *medicine in that State.*

47 *3. The Board may modify any condition, limitation or restriction placed on*
48 *a license pursuant to this section if the Board determines that the modification is*
49 *necessary to protect the public health, safety or welfare.*

50 *4. Any condition, limitation or restriction placed on a license pursuant to*
51 *this section is not a disciplinary action pursuant to NRS 633.651.*

52 **Sec. 4.** *1. Any osteopathic physician who performs an autopsy in this*
53 *State and who determines that the death of the decedent is the result of an*

1 *overdose of a controlled substance or a dangerous drug shall, within 30 days*
2 *after making the determination, submit to the Board a written report of the*
3 *findings of the autopsy, and provide to the Board any other information*
4 *requested by the Board.*

5 2. *Upon receipt of a report submitted pursuant to subsection 1, the Board*
6 *shall investigate the death of the decedent to determine whether the conduct of*
7 *any osteopathic physician contributed to the death of the decedent.*

8 3. *As used in this section, "dangerous drug" has the meaning ascribed to it*
9 *in NRS 454.201.*

10 **Sec. 5.** NRS 633.071 is hereby amended to read as follows:

11 633.071 "Malpractice" means failure on the part of an osteopathic physician
12 *or physician assistant* to exercise the degree of care, diligence and skill ordinarily
13 exercised by osteopathic physicians *or physician assistants* in good standing in the
14 community in which he or she practices.

15 **Sec. 6.** NRS 633.131 is hereby amended to read as follows:

16 633.131 1. "Unprofessional conduct" includes:

17 (a) Willfully making a false or fraudulent statement or submitting a forged or
18 false document in applying for a license to practice osteopathic medicine *or to*
19 *practice as a physician assistant*, or in applying for *the* renewal of a license to
20 practice osteopathic medicine ~~or to practice as a physician assistant.~~

21 (b) Failure of a ~~licensee of the~~ *person who is licensed to* practice ~~of~~
22 osteopathic medicine to ~~designate his or her school of practice in the professional~~
23 ~~use of his or her name by~~ *identify himself or herself professionally by using the*
24 term D.O., osteopathic physician, doctor of osteopathy or a similar term.

25 (c) Directly or indirectly giving to or receiving from any person, corporation or
26 other business organization any fee, commission, rebate or other form of
27 compensation for sending, referring or otherwise inducing a person to communicate
28 with an osteopathic physician in his or her professional capacity or for any
29 professional services not actually and personally rendered, except as otherwise
30 provided in subsection 2.

31 (d) Employing, directly or indirectly, any suspended or unlicensed person in
32 the practice of osteopathic medicine ~~or~~ *or in practice as a physician assistant*, or
33 the aiding or abetting of any unlicensed person to practice osteopathic medicine ~~or~~
34 *or to practice as a physician assistant.*

35 (e) Advertising the practice of osteopathic medicine in a manner which does
36 not conform to the guidelines established by regulations of the Board.

37 (f) Engaging in any:

38 (1) Professional conduct which is intended to deceive or which the Board
39 by regulation has determined is unethical; or

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

43 (g) Administering, dispensing or prescribing any controlled substance or any
44 dangerous drug as defined in chapter 454 of NRS, otherwise than in the course of
45 legitimate professional practice or as authorized by law.

46 (h) Habitual drunkenness or habitual addiction to the use of a controlled
47 substance.

48 (i) Performing, assisting in or advising an unlawful abortion or the injection of
49 any liquid silicone substance into the human body, other than the use of silicone oil
50 to repair a retinal detachment.

51 (j) Willful disclosure of a communication privileged pursuant to a statute or
52 court order.

(k) Willful disobedience of the regulations of the State Board of Health, the State Board of Pharmacy or the State Board of Osteopathic Medicine.

(l) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of or conspiring to violate any prohibition made in this chapter.

(m) Failure of a licensee to maintain timely, legible, accurate and complete medical records relating to the diagnosis, treatment and care of a patient.

(n) Making alterations to the medical records of a patient that the licensee knows to be false.

(o) Making or filing a report which the licensee knows to be false.

(p) Failure of a licensee to file a record or report as required by law, or willfully obstructing or inducing any person to obstruct such filing.

(q) Failure of a licensee to make medical records of a patient available for inspection and copying as provided by NRS 629.061.

(r) Providing false, misleading or deceptive information to the Board in connection with an investigation conducted by the Board.

2. It is not unprofessional conduct:

(a) For persons holding valid licenses to practice osteopathic medicine issued pursuant to this chapter to practice osteopathic medicine in partnership under a partnership agreement or in a corporation or an association authorized by law, or to pool, share, divide or apportion the fees and money received by them or by the partnership, corporation or association in accordance with the partnership agreement or the policies of the board of directors of the corporation or association;

(b) For two or more persons holding valid licenses to practice osteopathic medicine issued pursuant to this chapter to receive adequate compensation for concurrently rendering professional care to a patient and dividing a fee if the patient has full knowledge of this division and if the division is made in proportion to the services performed and the responsibility assumed by each ~~fit~~ *person*; or

(c) For a person licensed to practice osteopathic medicine pursuant to the provisions of this chapter to form an association or other business relationship with an optometrist pursuant to the provisions of NRS 636.373.

Sec. 7. NRS 633.221 is hereby amended to read as follows:

633.221 ~~fit~~ The Board shall elect from its members a President, a Vice President and a Secretary-Treasurer, who shall hold their respective offices at ~~fit~~ *the pleasure of*

~~2. The Board may fix and pay a salary to the Secretary-Treasurer.] of the Board.~~

Sec. 8. NRS 633.286 is hereby amended to read as follows:

633.286 1. On or before February 15 of each odd-numbered year, the Board shall submit to the Governor and to the Director of the Legislative Counsel Bureau for transmittal to the next regular session of the Legislature a written report compiling:

(a) Disciplinary action taken by the Board during the previous biennium against osteopathic physicians *and physician assistants* for malpractice or negligence;

(b) Information reported to the Board during the previous biennium pursuant to NRS 633.526, 633.527, subsections 3 and 4 of NRS 633.533 and NRS 690B.250 and 690B.260; and

(c) Information reported to the Board during the previous biennium pursuant to NRS 633.524, including, without limitation, the number and types of surgeries performed by each holder of a license to practice osteopathic medicine and the occurrence of sentinel events arising from such surgeries, if any.

2. The report must include only aggregate information for statistical purposes and exclude any identifying information related to a particular person.

Sec. 9. NRS 633.305 is hereby amended to read as follows:

633.305 1. Every applicant for a license shall:

(a) File an application with the Board in the manner prescribed by regulations of the Board;

(b) Submit verified proof satisfactory to the Board that the applicant meets any age, citizenship and educational requirements prescribed by this chapter; and

(c) Pay in advance to the Board the application and initial license fee specified in ~~this chapter~~ **NRS 633.501**.

2. An application filed with the Board pursuant to subsection 1 must include all information required to complete the application.

3. The Board may hold hearings and conduct investigations into any matter related to the application and, in addition to the proofs required by subsection 1, may take such further evidence and require such other documents or proof of qualifications as it deems proper.

4. The Board may reject an application if ~~it appears~~ **the Board has cause to believe** that any credential **or information** submitted **by the applicant** is false ~~or~~ **misleading, deceptive or fraudulent**.

Sec. 9.5. NRS 633.311 is hereby amended to read as follows:

633.311 Except as otherwise provided in NRS 633.315, an applicant for a license to practice osteopathic medicine may be issued a license by the Board if:

1. The applicant is 21 years of age or older;

2. The applicant is a citizen of the United States or is lawfully entitled to remain and work in the United States;

3. The applicant is a graduate of a school of osteopathic medicine;

4. The applicant:

(a) Has graduated from a school of osteopathic medicine before 1995 and has completed:

(1) A hospital internship; or

(2) One year of postgraduate training that complies with the standards of intern training established by the American Osteopathic Association;

(b) Has completed 3 years **, or such other length of time as required by a specific program,** of postgraduate medical education as a resident in the United States or Canada in a program approved by the Board, the Bureau of Professional Education of the American Osteopathic Association or the Accreditation Council for Graduate Medical Education; or

(c) Is a resident who is enrolled in a postgraduate training program in this State, has completed 24 months of the program and has committed, in writing, that he or she will complete the program;

5. The applicant applies for the license as provided by law;

6. The applicant passes:

(a) All parts of the licensing examination of the National Board of Osteopathic Medical Examiners;

(b) All parts of the licensing examination of the Federation of State Medical Boards of the United States, Inc.;

(c) All parts of the licensing examination of the Board, a state, territory or possession of the United States, or the District of Columbia, and is certified by a specialty board of the American Osteopathic Association or by the American Board of Medical Specialties; or

(d) A combination of the parts of the licensing examinations specified in paragraphs (a), (b) and (c) that is approved by the Board;

7. The applicant pays the fees provided for in this chapter; and

8. The applicant submits all information required to complete an application for a license.

Sec. 10. NRS 633.351 is hereby amended to read as follows:

633.351 ~~{Any}~~ *An* unsuccessful applicant may appeal to the district court to review the action of the Board, if the applicant files the appeal within ~~{6 months from}~~ *30 days after* the date ~~{of the rejection of}~~ *on which the order rejecting* the application *is issued* by the Board. Upon appeal, the applicant has the burden of showing that the action of the Board is erroneous or unlawful.

Sec. 11. NRS 633.391 is hereby amended to read as follows:

633.391 1. The Board may issue *to a qualified person* a temporary license to practice osteopathic medicine in ~~{order to authorize a}~~ *this State which authorizes the* person ~~{who is qualified to practice osteopathic medicine in this State}~~ to serve as a substitute for ~~{~~

~~(a) A}~~ *a* physician licensed pursuant to chapter 630 of NRS ~~{}~~ or

~~{(b) An}~~ *an* osteopathic physician licensed pursuant to this chapter ~~{~~ *who is absent from his or her practice.*

2. Each applicant for ~~{such}~~ *a temporary* license ~~{shall}~~ *issued pursuant to this section must* pay the temporary license fee specified in this chapter.

3. A temporary license to practice osteopathic medicine is valid for not more than 6 months after issuance and is not renewable. *Upon the expiration of a temporary license, an osteopathic physician may apply for a new temporary license in accordance with the provisions of this section.*

Sec. 11.3. NRS 633.400 is hereby amended to read as follows:

633.400 1. Except as otherwise provided in NRS 633.315, the Board shall, except for good cause, issue a license by endorsement to a person who has been issued a license to practice osteopathic medicine by the District of Columbia or any state or territory of the United States if:

(a) At the time the person files an application with the Board, the license is in effect and unrestricted; and

(b) The applicant:

(1) Is currently certified by either a specialty board of the American Board of Medical Specialties or a specialty board of the American Osteopathic Association, ~~{and}~~ *or* was certified or recertified within the past 10 years;

(2) Has had no adverse actions reported to the National Practitioner Data Bank within the past 5 years;

(3) Has been continuously and actively engaged in the practice of osteopathic medicine within his or her specialty for the past 5 years;

(4) Is not involved in and does not have pending any disciplinary action concerning a license to practice osteopathic medicine in the District of Columbia or any state or territory of the United States;

(5) Provides information on all the medical malpractice claims brought against him or her, without regard to when the claims were filed or how the claims were resolved; and

(6) Meets all statutory requirements to obtain a license to practice osteopathic medicine in this State except that the applicant is not required to meet the requirements set forth in NRS 633.311.

2. Any person applying for a license pursuant to this section shall pay in advance to the Board the application and initial license fee specified in this chapter.

3. A license by endorsement may be issued at a meeting of the Board or between its meetings by its President and Executive Director. Such action shall be deemed to be an action of the Board.

Sec. 11.5. NRS 633.434 is hereby amended to read as follows:

633.434 The Board shall adopt regulations regarding the licensure of a physician assistant, including, without limitation:

1. The educational and other qualifications of applicants.

2. The required academic program for applicants.

3. The procedures for applications for and the issuance of licenses.

4. The tests or examinations of applicants by the Board.

5. The medical services which a physician assistant may perform, except that a physician assistant may not perform osteopathic manipulative therapy or those specific functions and duties delegated or restricted by law to persons licensed as dentists, chiropractors, doctors of Oriental medicine, podiatric physicians, optometrists and hearing aid specialists under chapters 631, 634, 634A, 635, 636 and 637A, respectively, of NRS.

~~6. The duration, renewal and termination of licenses.~~

~~7.~~ The grounds and procedures respecting disciplinary actions against physician assistants.

~~8.~~ 7. The supervision of medical services of a physician assistant by a supervising osteopathic physician.

Sec. 11.7. NRS 633.471 is hereby amended to read as follows:

633.471 1. Except as otherwise provided in subsection 4 and NRS 633.491, every holder of a license ~~to practice osteopathic medicine~~ issued under this chapter, except a temporary or a special license, may renew the license on or before January 1 of each calendar year after its issuance by:

(a) Applying for renewal on forms provided by the Board;

(b) Paying the annual license renewal fee specified in this chapter;

(c) Submitting a list of all actions filed or claims submitted to arbitration or mediation for malpractice or negligence against the holder during the previous year;

(d) Submitting an affidavit to the Board that in the year preceding the application for renewal the holder has attended courses or programs of continuing education approved by the Board totaling a number of hours established by the Board which must not be less than 35 hours nor more than that set in the requirements for continuing medical education of the American Osteopathic Association; and

(e) Submitting all information required to complete the renewal.

2. The Secretary of the Board shall notify each licensee ~~of the practice of osteopathic medicine~~ of the requirements for renewal not less than 30 days before the date of renewal.

3. The Board shall request submission of verified evidence of completion of the required number of hours of continuing medical education annually from no fewer than one-third of the applicants for renewal of a license to practice osteopathic medicine. ~~or a license to practice as a physician assistant.~~ Upon a request from the Board, an applicant for renewal of a license to practice osteopathic medicine or a license to practice as a physician assistant shall submit verified evidence satisfactory to the Board that in the year preceding the application for renewal the applicant attended courses or programs of continuing medical education approved by the Board totaling the number of hours established by the Board.

4. Members of the Armed Forces of the United States and the United States Public Health Service are exempt from payment of the annual license renewal fee during their active duty status.

Sec. 12. NRS 633.481 is hereby amended to read as follows:

633.481 1. Except as otherwise provided in subsection 2, if a licensee ~~of the person licensed to practice~~ ~~of~~ ~~osteopathic medicine~~ fails to comply with the requirements of NRS 633.471 within ~~30~~ 10 days after the renewal date, the

Board shall give ~~{30}~~ 15 days' notice of *the* failure to renew *the license* and of *the* ~~{revocation}~~ *expiration* of the license by certified mail to the licensee at the licensee's last *known* address *that is* registered with the Board. If the license is not renewed ~~{before the expiration of the 30 days'}~~ *within 15 days after receiving* notice, the license ~~{it}~~ *expires* automatically ~~{revoked}~~ without any further notice or a hearing and the Board shall file a copy of the notice with the Drug Enforcement Administration of the United States Department of Justice or its successor agency.

2. A *licensee* ~~{of the}~~ ~~{person licensed to practice}~~ ~~{of}~~ ~~{osteopathic medicine}~~ who fails to meet the continuing education requirements for license renewal may apply to the Board for a waiver of the requirements. The Board may grant a waiver for that year only if ~~{it}~~ *the Board* finds that the failure is due to ~~{the licensee's}~~ *a* disability, military service, ~~{or}~~ absence from the United States, or ~~{to}~~ circumstances beyond the control of the licensee which are deemed by the Board to excuse the failure.

3. A person whose license ~~{is revoked}~~ *has expired* under this section may apply to the Board for restoration of the license upon:

(a) Payment of all past due renewal fees and the late payment fee specified in ~~{this chapter;}~~ *NRS 633.501;*

(b) Producing verified evidence satisfactory to the Board of completion of the total number of hours of continuing education required for the year preceding the renewal date and for each year succeeding the date of ~~{revocation}~~ *expiration;*

(c) Stating under oath in writing that he or she has not withheld information from the Board which if disclosed would ~~{furnish}~~ *constitute* grounds for disciplinary action under this chapter; and

(d) Submitting ~~{all}~~ *any other* information *that is* required *by the Board* to ~~{complete the restoration of}~~ *restore* the license.

Sec. 13. NRS 633.491 is hereby amended to read as follows:

633.491 1. A *licensee* ~~{of the}~~ ~~{person licensed to practice}~~ ~~{of}~~ ~~{osteopathic medicine}~~ who retires from ~~{such}~~ practice ~~{need not}~~ *is not required* annually to renew his or her license after filing with the Board an affidavit stating the date on which he or she retired from practice and ~~{such}~~ *any other* ~~{facts}~~ *evidence that the Board may require* to verify the retirement. ~~{as the Board deems necessary.}~~

2. ~~{A retired licensee of the}~~ *An osteopathic physician or physician assistant who retires from* practice ~~{of osteopathic medicine}~~ *and* who desires to return to practice may apply to renew his or her license by paying all back annual license renewal fees from the date of retirement and submitting verified evidence satisfactory to the Board that the licensee has attended continuing education courses or programs approved by the Board which total:

(a) Twenty-five hours if the licensee has been retired 1 year or less.

(b) Fifty hours within 12 months of the date of the application if the licensee has been retired for more than 1 year.

3. A *licensee* ~~{of the}~~ ~~{person licensed to practice}~~ ~~{of}~~ ~~{osteopathic medicine}~~ who wishes to have a license placed on inactive status must provide the Board with an affidavit stating the date on which the licensee will cease the practice of osteopathic medicine *or cease to practice as a physician assistant* in Nevada and any other ~~{facts}~~ *evidence* that the Board may require. The Board shall place the license of the licensee on inactive status upon receipt of:

(a) The affidavit required pursuant to this subsection; and

(b) Payment of the inactive license fee prescribed by NRS 633.501.

4. ~~{A licensee of the practice of}~~ *An* osteopathic ~~{medicine}~~ *physician or physician assistant* whose license has been placed on inactive status:

(a) ~~{Need}~~ *Is not required to* annually renew the license.

(b) Shall annually pay the inactive license fee prescribed by NRS 633.501.

(c) Shall not ~~engage in the~~ practice ~~of~~ osteopathic medicine or practice as a physician assistant in this State.

5. ~~[A licensee of the practice of]~~ An osteopathic ~~[medicine]~~ physician or physician assistant whose license is on inactive status and who wishes to renew ~~the~~ his or her license to practice osteopathic medicine or license to practice as a physician assistant must:

(a) Provide to the Board verified evidence satisfactory to the Board of completion of the total number of hours of continuing medical education required for:

(1) The year preceding the date of the application for renewal of the license ~~;~~ ~~to practice osteopathic medicine;~~ and

(2) Each year ~~succeeding~~ after the date the license was placed on inactive status.

(b) Provide to the Board an affidavit stating that the applicant has not withheld from the Board any information which would ~~provide~~ constitute grounds for disciplinary action pursuant to this chapter.

(c) Comply with all other requirements for renewal.

Sec. 14. NRS 633.501 is hereby amended to read as follows:

633.501 ~~[The]~~

1. Except as otherwise provided in subsection 2, the Board shall charge and collect fees not to exceed the following amounts:

[(a)] (a)	Application and initial license fee for an osteopathic physician.....	\$800
[(b)] (b)	Annual license renewal fee for an osteopathic physician	500
[(c)] (c)	Temporary license fee.....	500
[(d)] (d)	Special or authorized facility license fee	200
[(e)] (e)	Special event license fee.....	200
[(f)] (f)	Special or authorized facility license renewal fee	200
[(g)] (g)	Reexamination fee	200
[(h)] (h)	Late payment fee	300
[(i)] (i)	Application and initial license fee for a physician assistant	400
[(j)] (j)	Annual license renewal fee for a physician assistant.....	400
[(k)] (k)	Inactive license fee	200

2. The Board may prorate the initial license fee for a new license issued pursuant to paragraph (a) or (i) of subsection 1 which expires less than 6 months after the date of issuance.

3. The cost of any special meeting called at the request of a licensee, an institution, an organization, a state agency or an applicant for licensure must be paid by the person or entity requesting the special meeting. Such a special meeting must not be called until the person or entity requesting the meeting has paid a cash deposit with the Board sufficient to defray all expenses of the meeting.

Sec. 15. NRS 633.511 is hereby amended to read as follows:

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

1. Unprofessional conduct.

2. Conviction of:

(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 osteopathic medicine ~~[(a)]~~ or practice as a physician assistant;

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

- (d) Murder, voluntary manslaughter or mayhem;
(e) Any felony involving the use of a firearm or other deadly weapon;
(f) Assault with intent to kill or to commit sexual assault or 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~~ a license to practice osteopathic medicine *or to practice as a physician assistant* by any other jurisdiction.

4. Malpractice or gross malpractice, which may be evidenced by a claim of malpractice settled against a ~~practitioner~~ licensee.

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. Failure to comply with the provisions of NRS 633.694.

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.

10. Failure to comply with the provisions of subsection 2 of NRS 633.322.

11. Signing a blank prescription form.

12. Attempting, directly or indirectly, by intimidation, coercion or deception, to obtain or retain a patient or to discourage the use of a second opinion.

13. Terminating the medical care of a patient without adequate notice or without making other arrangements for the continued care of the patient.

14. In addition to the provisions of subsection 3 of NRS 633.524, making or filing a report which the licensee knows to be false, failing to file a record or report that is required by law or willfully obstructing or inducing another to obstruct the making or filing of such a record or report.

15. Failure to report any person the licensee knows, or has reason to know, is in violation of the provisions of this chapter or the regulations of the Board within 30 days after the date the licensee knows or has reason to know of the violation.

16. Failure by a licensee or applicant to report in writing, within 30 days, any criminal action taken or conviction obtained against the licensee or applicant, other than a minor traffic violation, in this State or any other state or by the Federal Government, a branch of the Armed Forces of the United States or any local or federal jurisdiction of a foreign country.

17. Engaging in any act that is unsafe in accordance with regulations adopted by the Board.

18. Failure to comply with the provisions of section 2 of this act.

Sec. 16. NRS 633.526 is hereby amended to read as follows:

633.526 1. The insurer of an osteopathic physician *or physician assistant* licensed under this chapter shall report to the Board:

(a) Any action for malpractice against the osteopathic physician *or physician assistant* not later than 45 days after the osteopathic physician *or physician assistant* receives service of a summons and complaint for the action;

(b) Any claim for malpractice against the osteopathic physician *or physician assistant* that is submitted to arbitration or mediation not later than 45 days after the claim is submitted to arbitration or mediation; and

(c) Any settlement, award, judgment or other disposition of any action or claim described in paragraph (a) or (b) not later than 45 days after the settlement, award, judgment or other disposition.

2. The Board shall report any failure to comply with subsection 1 by an insurer licensed in this State to the Division of Insurance of the Department of Business and Industry. If, after a hearing, the Division of Insurance determines that any such insurer failed to comply with the requirements of subsection 1, the Division may impose an administrative fine of not more than \$10,000 against the insurer for each such failure to report. If the administrative fine is not paid when due, the fine must be recovered in a civil action brought by the Attorney General on behalf of the Division.

Sec. 17. NRS 633.527 is hereby amended to read as follows:

633.527 1. An osteopathic physician *or physician assistant* shall report to the Board:

(a) Any action for malpractice against the osteopathic physician *or physician assistant* not later than 45 days after the osteopathic physician *or physician assistant* receives service of a summons and complaint for the action;

(b) Any claim for malpractice against the osteopathic physician *or physician assistant* that is submitted to arbitration or mediation not later than 45 days after the claim is submitted to arbitration or mediation;

(c) Any settlement, award, judgment or other disposition of any action or claim described in paragraph (a) or (b) not later than 45 days after the settlement, award, judgment or other disposition; and

(d) Any sanctions imposed against the osteopathic physician *or physician assistant* that are reportable to the National Practitioner Data Bank not later than 45 days after the sanctions are imposed.

2. If the Board finds that an osteopathic physician *or physician assistant* has violated any provision of this section, the Board may impose a fine of not more than \$5,000 against the osteopathic physician *or physician assistant* for each violation, in addition to any other fines or penalties permitted by law.

3. All reports made by an osteopathic physician *or physician assistant* pursuant to this section are public records.

Sec. 18. NRS 633.528 is hereby amended to read as follows:

633.528 If the Board receives a report pursuant to the provisions of NRS 633.526, 633.527, 690B.250 or 690B.260 indicating that a judgment has been rendered or an award has been made against an osteopathic physician *or physician assistant* regarding an action or claim for malpractice or that such an action or claim against the osteopathic physician *or physician assistant* has been resolved by settlement, the Board shall conduct an investigation to determine whether to ~~impose disciplinary action against~~ *discipline* the osteopathic physician *or physician assistant* regarding the action or claim, unless the Board has already commenced or completed such an investigation regarding the action or claim before it receives the report.

Sec. 19. NRS 633.529 is hereby amended to read as follows:

633.529 1. Notwithstanding the provisions of chapter 622A of NRS, if the Board receives a report pursuant to the provisions of NRS 633.526, 633.527, 690B.250 or 690B.260 indicating that a judgment has been rendered or an award has been made against an osteopathic physician *or physician assistant* regarding an action or claim for malpractice, or that such an action or claim against the osteopathic physician *or physician assistant* has been resolved by settlement, the Board may order ~~that~~ the osteopathic physician *or physician assistant* to undergo a mental or physical examination or ~~that~~ *any other examination* ~~testing~~ *designated by the Board to test* his or her competence to practice *osteopathic*

1 medicine *or to practice as a physician assistant, as applicable. An examination*
2 *conducted pursuant to this subsection must be conducted* by osteopathic
3 physicians ~~for other examinations~~ designated by the Board . ~~{to assist the Board or~~
4 ~~any investigative committee of the Board in determining the fitness of the~~
5 ~~osteopathic physician to practice medicine.}~~

6 2. For the purposes of this section:

7 (a) ~~{Every}~~ *An* osteopathic physician *or physician assistant* who applies for a
8 license or who holds a license under this chapter ~~{shall be}~~ *is* deemed to have given
9 consent to submit to a mental or physical examination or an examination testing his
10 or her competence to practice *osteopathic* medicine ~~{when ordered to do so in~~
11 ~~writing}~~ *or to practice as a physician assistant, as applicable, pursuant to a*
12 *written order* by the Board.

13 (b) The testimony or reports of the examining osteopathic physician are not
14 privileged communications.

15 **Sec. 20.** NRS 633.531 is hereby amended to read as follows:

16 633.531 1. The Board or any of its members, ~~{any}~~ *or a* medical review
17 panel of a hospital or medical society , which becomes aware ~~{that any one or~~
18 ~~combination of the}~~ *of any conduct by an osteopathic physician or physician*
19 *assistant that may constitute* grounds for initiating disciplinary action ~~{may exist as~~
20 ~~to a person practicing osteopathic medicine in this State}~~ shall, and any other person
21 who is so aware may, file a written complaint specifying the relevant facts with the
22 Board.

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

26 **Sec. 21.** NRS 633.533 is hereby amended to read as follows:

27 633.533 1. Except as otherwise provided in subsection 2, any person may
28 file with the Board a complaint against an osteopathic physician *or physician*
29 *assistant* on a form provided by the Board. The form may be submitted in writing
30 or electronically. If a complaint is submitted anonymously, the Board may accept
31 the complaint but may refuse to consider the complaint if the lack of the identity of
32 the complainant makes processing the complaint impossible or unfair to the person
33 who is the subject of the complaint.

34 2. Any licensee, medical school or medical facility that becomes aware that a
35 person practicing osteopathic medicine *or practicing as a physician assistant* in
36 this State has, is or is about to become engaged in conduct which constitutes
37 grounds for initiating disciplinary action shall file a written complaint with the
38 Board within 30 days after becoming aware of the conduct.

39 3. Any hospital, clinic or other medical facility licensed in this State, or
40 medical society, shall *file a written* report ~~{to}~~ *with* the Board *of* any change in ~~{an~~
41 ~~osteopathic physician's}~~ *the* privileges *of an osteopathic physician* to practice
42 osteopathic medicine *or a physician assistant to practice as a physician assistant*
43 while the osteopathic physician *or physician assistant* is under investigation , and
44 the outcome of any disciplinary action taken by ~~{that}~~ *the* facility or society against
45 the osteopathic physician *or physician assistant* concerning the care of a patient or
46 the competency of the osteopathic physician *or physician assistant*, within 30 days
47 after the change in privileges is made or disciplinary action is taken. The Board
48 shall report any failure to comply with this subsection by a hospital, clinic or other
49 medical facility licensed in this State to the Health Division of the Department of
50 Health and Human Services. If, after a hearing, the Health Division determines that
51 any such facility or society failed to comply with the requirements of this
52 subsection, the *Health* Division may impose an administrative fine of not more
53 than \$10,000 against the facility or society for each such failure to report. If the

administrative fine is not paid when due, the fine must be recovered in a civil action brought by the Attorney General on behalf of the *Health* Division.

4. The clerk of every court shall report to the Board any finding, judgment or other determination of the court that an osteopathic physician or physician assistant:

(a) Is ~~{a person with mental illness;}~~ *mentally ill;*

(b) Is ~~{a person with mental incompetence;}~~ *mentally incompetent;*

(c) Has been convicted of a felony or any law governing 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,

➤ within 45 days after ~~{such a}~~ *the* finding, judgment or determination. ~~{is made.}~~

5. On or before January 15 of each year, the clerk of every 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 osteopathic physicians *and physician assistants* pursuant to paragraph (e) of subsection 4.

Sec. 22. NRS 633.561 is hereby amended to read as follows:

633.561 1. Notwithstanding the provisions of chapter 622A of NRS, if the Board or a member of the Board designated to review a complaint pursuant to NRS 633.541 has reason to believe that the conduct of an osteopathic physician *or physician assistant* has raised a reasonable question as to his or her competence to practice osteopathic medicine *or to practice as a physician assistant, as applicable,* with reasonable skill and safety to patients, the Board or the member designated by the Board may require the osteopathic physician *or physician assistant* to submit to a mental or physical examination *conducted* by physicians designated by the Board. If the osteopathic physician *or physician assistant* participates in a diversion program, the diversion program may exchange with any authorized member of the staff of the Board any information concerning the recovery and participation of the osteopathic physician *or physician assistant* in the diversion program. As used in this subsection, "diversion program" means a program approved by the Board to correct an osteopathic physician's *or physician assistant's* alcohol or drug dependence or any other impairment.

2. For the purposes of this section:

(a) ~~{Every}~~ *An osteopathic physician or physician assistant* who is licensed under this chapter *and* who accepts the privilege of practicing osteopathic medicine *or practicing as a physician assistant* in this State ~~{shall be}~~ *is* deemed to have given consent to submit to a mental or physical examination ~~{if directed to do so in writing}~~ *pursuant to a written order* by the Board.

(b) The testimony or examination reports of the examining physicians are not privileged communications.

3. Except in extraordinary circumstances, as determined by the Board, the failure of ~~{a}~~ *an osteopathic physician or physician assistant* who is licensed under this chapter to submit to an examination ~~{if directed as provided in}~~ *pursuant to* this section constitutes an admission of the charges against the *osteopathic physician* ~~{or physician assistant}~~.

Sec. 23. NRS 633.571 is hereby amended to read as follows:

633.571 Notwithstanding the provisions of chapter 622A of NRS, if the Board has reason to believe that the conduct of any osteopathic physician *or physician assistant* has raised a reasonable question as to his or her competence to practice osteopathic medicine *or to practice as a physician assistant, as applicable,* with reasonable skill and safety to patients, the Board may ~~{cause a medical competency examination of}~~ *require* the *osteopathic physician or physician*

1 *assistant to submit to an examination* for *the* purposes of determining his or her
2 ~~{fitness}~~ *competence* to practice osteopathic medicine *or to practice as a physician*
3 *assistant, as applicable*, with reasonable skill and safety to patients.

4 **Sec. 24.** NRS 633.581 is hereby amended to read as follows:

5 633.581 1. If an investigation by the Board ~~{regarding}~~ *of* an osteopathic
6 physician *or physician assistant* reasonably determines that the health, safety or
7 welfare of the public or any patient served by the osteopathic physician *or*
8 *physician assistant* is at risk of imminent or continued harm, the Board may
9 summarily suspend the license of the osteopathic physician ~~{}~~ *or physician*
10 *assistant*. The order of summary suspension may be issued by the Board, an
11 investigative committee of the Board or the Executive Director of the Board after
12 consultation with the President, Vice President or Secretary-Treasurer of the Board.

13 2. If the Board issues an order summarily suspending the license of an
14 osteopathic physician *or physician assistant* pursuant to subsection 1, the Board
15 shall hold a hearing regarding the matter not later than 45 days after the date on
16 which the Board issues the order summarily suspending the license unless the
17 Board and the licensee mutually agree to a longer period.

18 3. Notwithstanding the provisions of chapter 622A of NRS, if the Board
19 issues an order summarily suspending the license of an osteopathic physician *or*
20 *physician assistant* pending ~~{proceedings}~~ *a proceeding* for disciplinary action and
21 requires the *osteopathic* physician *or physician assistant* to submit to a mental or
22 physical examination or a medical competency examination, the examination
23 ~~{shall}~~ *must* be conducted and the results *must be* obtained not later than 60 days
24 after the Board issues ~~{its}~~ *the* order.

25 **Sec. 25.** NRS 633.591 is hereby amended to read as follows:

26 633.591 Notwithstanding the provisions of chapter 622A of NRS, if the
27 Board issues an order summarily suspending the license of an osteopathic physician
28 *or physician assistant* pending proceedings for disciplinary action, including,
29 without limitation, a summary suspension pursuant to NRS 233B.127, the court
30 shall not stay that order unless the Board fails to institute and determine such
31 proceedings as promptly as the requirements for investigation of the case
32 reasonably allow.

33 **Sec. 26.** NRS 633.601 is hereby amended to read as follows:

34 633.601 1. In addition to any other remedy provided by law, the Board,
35 through ~~{its President or Secretary}~~ *an officer of the Board* or the Attorney
36 General, may apply to any court of competent jurisdiction to enjoin any
37 unprofessional conduct of an osteopathic physician *or physician assistant* which is
38 harmful to the public or to limit the ~~{physician's}~~ practice *of the osteopathic*
39 *physician or physician assistant* or suspend his or her license to practice
40 *osteopathic* medicine *or to practice as a physician assistant, as applicable*, as
41 provided in this section.

42 2. The court in a proper case may issue a temporary restraining order or a
43 preliminary injunction for such purposes:

44 (a) Without proof of actual damage sustained by any person, this provision
45 being a preventive as well as punitive measure; and

46 (b) Pending proceedings for disciplinary action by the Board. Notwithstanding
47 the provisions of chapter 622A of NRS, such proceedings shall be instituted and
48 determined as promptly as the requirements for investigation of the case reasonably
49 allow.

50 **Sec. 27.** NRS 633.631 is hereby amended to read as follows:

51 633.631 Except as otherwise provided in chapter 622A of NRS:

52 1. Service of process made under this chapter ~~{shall}~~ *must* be either personal
53 or by registered or certified mail with return receipt requested, addressed to the

osteopathic physician *or physician assistant* at his or her last known address, as indicated ~~on~~ *in* the records of the Board. ~~[, if possible.]~~ If personal service cannot be made and if mail notice is returned undelivered, the Secretary of the Board shall cause *a* notice of hearing to be published once a week for 4 consecutive weeks in a newspaper published in the county of the ~~[physician's]~~ last known address *of the osteopathic physician or physician assistant* or, if no newspaper is published in that county, ~~[then]~~ in a newspaper widely distributed in that county.

2. Proof of service of process or publication of notice made under this chapter ~~[shall]~~ *must* be filed with the Secretary of the Board and ~~[shall]~~ *must* be recorded in the minutes of the Board.

Sec. 28. NRS 633.641 is hereby amended to read as follows:

633.641 Notwithstanding the provisions of chapter 622A of NRS, in any disciplinary proceeding before the Board, a hearing officer or a panel:

1. Proof of actual injury need not be established where the formal complaint charges deceptive or unethical professional conduct or medical practice harmful to the public.

2. A certified copy of the record of a court or a licensing agency showing a conviction or the suspension or revocation of a license to practice osteopathic medicine *or to practice as a physician assistant* is conclusive evidence of its occurrence.

Sec. 29. NRS 633.651 is hereby amended to read as follows:

633.651 1. If the Board finds a person guilty in a disciplinary proceeding, it shall by order take one or more of the following actions:

(a) Place the person on probation for a specified period or until further order of the Board.

(b) Administer to the person a public reprimand.

(c) Limit the practice of the person to, or by the exclusion of, one or more specified branches of osteopathic medicine.

(d) Suspend the license of the person to practice osteopathic medicine *or to practice as a physician assistant* for a specified period or until further order of the Board.

(e) Revoke the license of the person to practice osteopathic medicine ~~[or]~~ *or to practice as a physician assistant.*

(f) Impose a fine not to exceed \$5,000 for each violation.

(g) Require supervision of the practice of the person.

(h) Require the person to perform community service without compensation.

(i) Require the person to complete any training or educational requirements specified by the Board.

(j) Require the person to participate in a program to correct alcohol or drug dependence or any other impairment.

➤ The order of the Board may contain any other terms, provisions or conditions as the Board deems proper and which are not inconsistent with law.

2. The Board shall not administer a private reprimand.

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

Sec. 30. NRS 633.671 is hereby amended to read as follows:

633.671 1. Any person who has been placed on probation or whose license has been limited, suspended or revoked by the Board is entitled to judicial review of the Board's order as provided by law.

2. Every order of the Board which limits the practice of *osteopathic* medicine *or the practice of a physician assistant* or suspends or revokes a license is effective from the date ~~[the Secretary certifies]~~ *on which the order is issued by the Board* until the date the order is modified or reversed by a final judgment of the court.

3. The district court shall give a petition for judicial review of the Board's order priority over other civil matters which are not expressly given priority by law.

Sec. 31. NRS 633.681 is hereby amended to read as follows:

633.681 1. Any person:

(a) Whose practice of osteopathic medicine *or practice as a physician assistant* has been limited; or

(b) Whose license to practice osteopathic medicine *or to practice as a physician assistant* has been:

(1) Suspended until further order; or

(2) Revoked,

may apply to the Board after a reasonable period for removal of the limitation or suspension or may apply to the Board pursuant to the provisions of chapter 622A of NRS for reinstatement of the revoked license.

2. In hearing the application, the Board:

(a) May require the person to submit to a mental or physical examination by physicians whom it designates and submit such other evidence of changed conditions and of fitness as it deems proper;

(b) Shall determine whether under all the circumstances the time of the application is reasonable; and

(c) May deny the application or modify or rescind its order as it deems the evidence and the public safety warrants.

Sec. 32. NRS 633.691 is hereby amended to read as follows:

633.691 1. In addition to any other immunity provided by the provisions of chapter 622A of NRS, the Board, a medical review panel of a hospital, a hearing officer, a panel of the Board, an employee or volunteer of a diversion program specified in NRS 633.561, or any person who or other organization which initiates or assists in any lawful investigation or proceeding concerning the discipline of an osteopathic physician *or physician assistant* for gross malpractice, malpractice, professional incompetence or unprofessional conduct is immune from any civil action for such initiation or assistance or any consequential damages, if the person or organization acted in good faith.

2. The Board shall not commence an investigation, impose any disciplinary action or take any other adverse action against an osteopathic physician *or physician assistant* for:

(a) Disclosing to a governmental entity a violation of a law, rule or regulation by an applicant for a license to practice osteopathic medicine *or to practice as a physician assistant, or* by an osteopathic physician ~~or~~ *or physician assistant*; or

(b) Cooperating with a governmental entity that is conducting an investigation, hearing or inquiry into such a violation, including, without limitation, providing testimony concerning the violation.

3. As used in this section, "governmental entity" includes, without limitation:

(a) A federal, state or local officer, employee, agency, department, division, bureau, board, commission, council, authority or other subdivision or entity of a public employer;

(b) A federal, state or local employee, committee, member or commission of the Legislative Branch of Government;

(c) A federal, state or local representative, member or employee of a legislative body or a county, town, village or any other political subdivision or civil division of the State;

(d) A federal, state or local law enforcement agency or prosecutorial office, or any member or employee thereof, or police or peace officer; and

(e) A federal, state or local judiciary, or any member or employee thereof, or grand or petit jury.

1 **Sec. 33.** NRS 633.701 is hereby amended to read as follows:

2 633.701 The filing and review of a complaint and any subsequent disposition
3 by the Board, the member designated by the Board to review a complaint pursuant
4 to NRS 633.541 or any reviewing court do not preclude:

5 1. Any measure by a hospital or other institution to limit or terminate the
6 privileges of an osteopathic physician *or physician assistant* according to its rules
7 or the custom of the profession. No civil liability attaches to any such action taken
8 without malice even if the ultimate disposition of the complaint is in favor of the
9 *osteopathic physician* ~~or physician assistant~~.

10 2. Any appropriate criminal prosecution by the Attorney General or a district
11 attorney based upon the same or other facts.

12 **Sec. 34.** NRS 633.711 is hereby amended to read as follows:

13 633.711 1. The Board, through ~~its President or Secretary~~ *an officer of the*
14 *Board* or the Attorney General, may maintain in any court of competent
15 jurisdiction a suit for an injunction against any person ~~practicing~~:

16 (a) *Practicing* osteopathic medicine *or practicing as a physician assistant*
17 without a *valid* license to practice osteopathic medicine ~~valid under this chapter~~
18 *or to practice as a physician assistant; or*

19 (b) *Engaging in telemedicine without a valid license pursuant to section 2 of*
20 *this act.*

21 2. ~~Such an~~ *An* injunction ~~issued pursuant to subsection 1:~~

22 (a) May be issued without proof of actual damage sustained by any person, this
23 provision being a preventive as well as a punitive measure.

24 (b) ~~Shall~~ *Must* not relieve such person from criminal prosecution for
25 practicing without such a license.

26 **Sec. 35.** NRS 633.721 is hereby amended to read as follows:

27 633.721 In a criminal complaint charging any person with practicing
28 osteopathic medicine *or practicing as a physician assistant* without a *valid* license
29 ~~to practice osteopathic medicine~~ *issued by the Board*, it is sufficient to charge
30 that the person did, upon a certain day, and in a certain county of this State, engage
31 in ~~the~~ *such* practice ~~of osteopathic medicine~~ without having a valid license to do
32 so, without averring any further or more particular facts concerning the violation.

33 **Sec. 36.** NRS 633.741 is hereby amended to read as follows:

34 633.741 A person who:

35 1. Except as otherwise provided in NRS 629.091, practices ~~osteopathic~~:

36 (a) *Osteopathic* medicine ~~or~~

37 ~~—(a) Without~~ *without* a *valid* license to practice osteopathic medicine ~~valid~~
38 under this chapter; ~~or~~

39 (b) *As a physician assistant without a valid license under this chapter; or*

40 (c) Beyond the limitations ordered upon his or her practice by the Board or the
41 court;

42 2. Presents as his or her own the diploma, license or credentials of another;

43 3. Gives either false or forged evidence of any kind to the Board or any of its
44 members in connection with an application for a license;

45 4. Files for record the license issued to another, falsely claiming himself or
46 herself to be the person named in the license, or falsely claiming himself or herself
47 to be the person entitled to the license;

48 5. Practices osteopathic medicine *or practices as a physician assistant* under
49 a false or assumed name or falsely personates another licensee of a like or different
50 name;

51 6. Holds himself or herself out as a physician assistant or who uses any other
52 term indicating or implying that he or she is a physician assistant, unless the person
53 has been licensed by the Board as provided in this chapter; or

7. Supervises a person as a physician assistant before such person is licensed as provided in this chapter,
☛ is guilty of a category D felony and shall be punished as provided in NRS 193.130.

Sec. 37. Section 121 of chapter 413, Statutes of Nevada 2007, as amended by chapter 369, Statutes of Nevada 2009, at page 1856, and chapter 494, Statutes of Nevada 2009, at page 2999, is hereby amended to read as follows:

Sec. 121. 1. This section becomes effective upon passage and approval.

2. Sections 1 to 42.3, inclusive, and 43 to 120, inclusive, of this act become effective:

(a) Upon passage and approval for the purpose of adopting regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On January 1, 2008, for all other purposes.

3. ~~{Sections}~~ **Section 11** ~~{and 25}~~ of this act ~~{expire}~~ **expires** by limitation on January 1, 2012.

4. Section 42.3 of this act expires by limitation on the date on which the provisions of 42 U.S.C. § 666 requiring each state to establish procedures under which the state has authority to withhold or suspend, or to restrict the use of professional, occupational and recreational licenses of persons who:

(a) Have failed to comply with a subpoena or warrant relating to a proceeding to determine the paternity of a child or to establish or enforce an obligation for the support of a child; or

(b) Are in arrears in the payment for the support of one or more children,

☛ are repealed by the Congress of the United States.

5. Section 42.7 of this act becomes effective on the date on which the provisions of 42 U.S.C. § 666 requiring each state to establish procedures under which the state has authority to withhold or suspend, or to restrict the use of professional, occupational and recreational licenses of persons who:

(a) Have failed to comply with a subpoena or warrant relating to a proceeding to determine the paternity of a child or to establish or enforce an obligation for the support of a child; or

(b) Are in arrears in the payment for the support of one or more children,

☛ are repealed by the Congress of the United States.

6. Sections 42.7 and 55.5 of this act expire by limitation on the date 2 years after the date on which the provisions of 42 U.S.C. § 666 requiring each state to establish procedures under which the state has authority to withhold or suspend, or to restrict the use of professional, occupational and recreational licenses of persons who:

(a) Have failed to comply with a subpoena or warrant relating to a proceeding to determine the paternity of a child or to establish or enforce an obligation for the support of a child; or

(b) Are in arrears in the payment for the support of one or more children,

☛ are repealed by the Congress of the United States.