

Amendment No. 2

Senate Amendment to Senate Bill No. 36 (BDR 54-502)

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

Adoption of this amendment will REMOVE the 2/3s majority vote requirement from S.B. 36.

ASSEMBLY ACTION				Initial and Date	SENATE ACTION				Initial and Date
Adopted	☐	Lost	☐	_____	Adopted	☐	Lost	☐	_____
Concurred In	☐	Not	☐	_____	Concurred In	☐	Not	☐	_____
Receded	☐	Not	☐	_____	Receded	☐	Not	☐	_____

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.

EGO/BJE



Date: 4/25/2011

S.B. No. 36—Revises provisions governing the State Board of Podiatry.
(BDR 54-502)



SENATE BILL NO. 36—COMMITTEE ON
COMMERCE, LABOR AND ENERGY

(ON BEHALF OF THE STATE BOARD OF PODIATRY)

PREFILED DECEMBER 14, 2010

Referred to Committee on Commerce, Labor and Energy

SUMMARY—Revises provisions governing the State Board of Podiatry.
(BDR 54-502)

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 podiatry; requiring each person licensed by the State Board of Podiatry to maintain a permanent mailing address with the Board; requiring each licensee to provide the Board with written notification of any change in his or her permanent address; requiring the Board to impose a fine if a licensee fails to notify the Board of a change in his or her permanent address; requiring a licensee who closes his or her office in this State to notify the Board of the location and custodian of the medical records of the patients of the licensee for a certain period; ~~requiring~~ codifying in statutory form the requirement in administrative regulation that an applicant for a license ~~to practice podiatry or to practice as a podiatry hygienist to~~ issued by the Board submit to a criminal background check; ~~authorizing the Board to charge certain fees;~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the State Board of Podiatry to license and regulate the conduct of podiatrists and podiatry hygienists. (NRS 635.050-635.180) **Section 2** of this bill requires a licensee to maintain a permanent mailing address with the Board and notify the Board in writing of any change in the licensee's permanent address. **Section 2** also requires the Board to impose a fine against any licensee who fails to notify the Board of a change in his or her permanent address. Additionally, **section 2** requires a licensee who changes the location of his or her office to notify the Board of the new location and requires a licensee who closes his or her office to notify the Board of the closure within 14 days after closing the office. **Section 2** further requires a licensee who closes his or her office to keep the Board apprised of the location and custodian of the medical records of the licensee's patients for a minimum of 5 years.

~~(Section 2 of this bill)~~ Existing regulation requires each applicant for licensure by the Board to submit to the Board a complete set of fingerprints and written permission authorizing the Board to submit the fingerprints to the Central Repository for Nevada Records of Criminal

History for submission to the Federal Bureau of Investigation for its report. ~~[Section 3 also authorizes the Board to charge and collect a fee to cover the cost of obtaining the report from the Federal Bureau of Investigation.] (NAC 635.023) Section 3 of this bill codifies in statute this existing requirement in regulation.~~

Section 4 of this bill provides that a licensee is subject to disciplinary action if he or she fails to notify the Board in writing of a change in permanent mailing address in the manner required by **section 2** of this bill.

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

Section 1. Chapter 635 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. 1. Each licensee shall:

(a) *Maintain a permanent mailing address with the Board; and*

(b) *If the licensee changes his or her permanent mailing address, notify the Board in writing of the new permanent mailing address within 30 days after the change of address.*

2. If a licensee fails to provide the written notice required by paragraph (b) of subsection 1, the Board shall, in addition to any disciplinary action taken or fine imposed pursuant to NRS 635.130, impose upon the licensee a fine not to exceed \$250.

3. A licensee who changes the location of his or her office in this State shall notify the Board in writing of the change in location before practicing at the new location.

4. A licensee who closes his or her office in this State shall:

(a) *Notify the Board in writing of the closure within 14 days after closing the office; and*

(b) *For a period of 5 years thereafter, unless a longer period of retention is provided by federal law, keep the Board apprised in writing of the location and custodian of the medical records of the patients of the licensee.*

Sec. 3. ~~1.1~~ Each applicant for a license ~~to practice podiatry or to practice as a podiatry hygienist in this State shall~~, including, without limitation, a limited or provisional license, must submit to the Board:

~~1.1~~ *1. A complete set of fingerprints; and*

~~1.2~~ *2. Written permission authorizing the Board to forward the fingerprints submitted pursuant to ~~paragraph (a)~~ subsection 1 to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report.*

~~2. The Board may charge and collect a fee to cover the cost of the investigation associated with obtaining the report identified in paragraph (b) of subsection 1. Any fees charged by the Board pursuant to this section are not refundable.~~

Sec. 4. 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, permitting an unlicensed person in his or her 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 or her professional duties.

(e) Conviction of a crime involving moral turpitude.

(f) Conviction of violating any of the provisions of NRS 616D.200, 616D.220, 616D.240 or 616D.300 to 616D.440, inclusive.

(g) Conduct which in the opinion of the Board disqualifies the licensee to practice with safety to the public.

(h) The commission of fraud by or on behalf of the licensee regarding his or her license or practice.

(i) Gross incompetency.

(j) Affliction of the licensee with any mental or physical disorder which seriously impairs his or her competence as a podiatric physician or podiatry hygienist.

(k) False representation by or on behalf of the licensee regarding his or her practice.

(l) Unethical or unprofessional conduct.

(m) *Failure to comply with the requirements of subsection 1 of section 2 of this act.*

(n) Willful or repeated violations of this chapter or regulations adopted by the Board.

~~(o)~~ (o) Willful violation of the regulations adopted by the State Board of Pharmacy.

~~(p)~~ (p) Operation of a medical facility, as defined in NRS 449.0151, at any time during which:

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

(2) An act or omission occurs which results 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. 5. This act becomes effective upon passage and approval.