

Amendment No. 823

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

Proposed by: Assemblyman Atkinson

Amends: Summary: Yes Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes

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.

MSN/TMC



Date: 5/29/2011

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;~~ health care providers. (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;~~ health care providers; 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; codifying in statutory form the requirement in administrative regulation that an applicant for a license issued by the Board submit to a criminal background check; revising provisions governing the qualifications for obtaining a license to practice dental hygiene; 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.

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. (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.

Section 4.5 of this bill revises provisions governing the qualifications for obtaining a license to practice dental hygiene by providing that an applicant may satisfy the clinical examination requirement for licensure if he or she presents evidence to the Board of Dental Examiners of Nevada that the applicant has, within the 5 years immediately preceding the date of the application, passed a clinical examination approved by the Board and the American Board of Dental Examiners.

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. Each applicant for a license, including, without limitation, a limited or provisional license, must submit to the Board:

1. A complete set of fingerprints; and

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

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.

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

~~(n)~~ (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. 4.5. Section 1.5 of Assembly Bill No. 55 of this session is hereby amended to read as follows:

Sec. 1.5. NRS 631.300 is hereby amended to read as follows:

631.300 1. Any person desiring to obtain a license to practice dental hygiene, after having complied with the regulations of the Board to determine eligibility:

(a) Except as otherwise provided in NRS 622.090, must pass a written examination given by the Board upon such subjects as the Board deems necessary for the practice of dental hygiene or must present a certificate granted by the Joint Commission on National Dental Examinations which contains a notation that the applicant has passed the National Board Dental Hygiene Examination with a score of at least 75; and

(b) Except as otherwise provided in this chapter, must:

(1) Successfully pass a clinical examination approved by the Board and the American Board of Dental Examiners, ~~or~~ or present evidence to the Board that the applicant has passed such a clinical examination within the 5 years immediately preceding the date of the application;

1 (2) Successfully complete a clinical examination in dental hygiene
2 given by the Board which examines the applicant's practical knowledge of
3 dental hygiene and which includes, but is not limited to, demonstrations in
4 the removal of deposits from, and the polishing of, the exposed surface of
5 the teeth; or

6 (3) Present to the Board a certificate granted by the Western
7 Regional Examining Board which contains a notation that the applicant has
8 passed, within the 5 years immediately preceding the date of the
9 application, a clinical examination administered by the Western Regional
10 Examining Board.

11 2. The clinical examination given by the Board must include
12 components that are:

13 (a) Written or oral, or a combination of both; and

14 (b) Practical, as in the opinion of the Board is necessary to test the
15 qualifications of the applicant.

16 3. The Board shall examine each applicant in writing on the contents
17 and interpretation of this chapter and the regulations of the Board.

18 4. All persons who have satisfied the requirements for licensure as a
19 dental hygienist must be registered as licensed dental hygienists on the
20 board register, as provided in this chapter, and are entitled to receive a
21 certificate of registration, signed by all members of the Board.

22 **Sec. 5.** This act becomes effective upon passage and approval.