

SENATE BILL NO. 58—COMMITTEE ON  
COMMERCE, LABOR AND ENERGY

(ON BEHALF OF THE ATTORNEY GENERAL)

PREFILED DECEMBER 15, 2010

Referred to Committee on Commerce, Labor and Energy

**SUMMARY**—Makes various changes relating to an employer who knowingly misrepresents or conceals a material fact relating to a person's eligibility for industrial insurance benefits. (BDR 53-287)

**FISCAL NOTE:** Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility.  
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 industrial insurance; providing for the punishment of an employer who knowingly misrepresents or conceals a material fact relating to a person's eligibility for industrial insurance benefits; granting certain immunities to persons who disclose information relating to such an employer; directing the Administrator of the Division of Industrial Relations of the Department of Business and Industry and the Fraud Control Unit for Industrial Insurance of the Office of the Attorney General to establish procedures concerning the reporting, notification of prosecution and sharing of information regarding such an employer; authorizing the Attorney General to prosecute criminal and civil actions relating to such an employer; providing that certain books, records and payrolls must be open to inspection under certain circumstances; providing that such an employer is liable for certain costs of investigation and prosecution; requiring a provider of health care to make certain health care records available for inspection during the investigation of such an employer; making various other



changes relating to an employer who knowingly makes a false statement or representation or concealment of a material fact regarding the eligibility of a person claiming industrial insurance benefits; providing penalties; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Existing law makes it a gross misdemeanor for an employer to knowingly misrepresent, make a false statement about or fail to report a material fact concerning the amount of payroll upon which a premium for industrial insurance is based. (NRS 616D.220) **Section 1** of this bill makes it a misdemeanor for an employer to knowingly make a false statement or representation or conceal a material fact regarding the eligibility of a person claiming industrial insurance benefits if the amount of the benefits obtained or attempted to be obtained is less than \$250 and a category D felony if the amount of the benefits obtained or attempted to be obtained is \$250 or more.

Existing law provides that no person is subject to any criminal penalty or civil liability for libel, slander or any similar cause of action in tort if the person, without malice, discloses information relating to a violation of certain provisions of the Nevada Industrial Insurance Act. (NRS 616D.020) **Section 2** of this bill provides those immunities to persons who, without malice, disclose information relating to an employer who knowingly makes a false statement or representation or conceals a material fact regarding the eligibility of a person claiming industrial insurance benefits.

Existing law directs the Administrator of the Division of Industrial Relations of the Department of Business and Industry and the Fraud Control Unit for Industrial Insurance of the Office of the Attorney General to establish procedures concerning the reporting, notification of prosecution and sharing of information of certain violations of the Nevada Industrial Insurance Act. (NRS 616D.560) **Section 4** of this bill includes among those violations an employer's knowingly making a false statement or representation or concealment of a material fact regarding the eligibility of a person claiming industrial insurance benefits.

Existing law authorizes the Attorney General to prosecute criminal and civil actions for certain violations of the Nevada Industrial Insurance Act and requires persons to furnish the Attorney General with information which would assist in those prosecutions. (NRS 616D.600) **Section 5** of this bill includes among those violations an employer's knowingly making a false statement or representation or concealment of a material fact regarding the eligibility of a person claiming industrial insurance benefits.

Existing law provides that the books, records and payrolls of an employer pertinent to the investigation of certain violations of the Nevada Industrial Insurance Act must always be open to inspection by an investigator for the Attorney General to enable the Attorney General to investigate and prosecute such violations. (NRS 616D.610) **Section 6** of this bill includes among those violations an employer's knowingly making a false statement or representation or concealment of a material fact regarding the eligibility of a person claiming industrial insurance benefits.

Existing law provides for the liability for certain costs of investigation and prosecution of a person who commits certain violations of the Nevada Industrial Insurance Act. (NRS 228.420, 616D.620) **Sections 7 and 8** of this bill include among those violations an employer's knowingly making a false statement or representation or concealment of a material fact regarding the eligibility of a person claiming industrial insurance benefits.



Existing law requires a provider of health care to make the health care records of a patient available for physical inspection by an investigator for the Attorney General investigating an alleged violation of certain provisions of the Nevada Industrial Insurance Act. (NRS 629.061) **Section 9** of this bill includes among those violations an employer's knowingly making a false statement or representation or concealment of a material fact regarding the eligibility of a person claiming industrial insurance benefits.

Existing law defines violations of certain provisions of the Nevada Industrial Insurance Act as unprofessional conduct or grounds for disciplinary action or denial, suspension or revocation of certain professional licenses, certificates, registrations or permits by certain professional licensing boards. (NRS 630.301, 630A.340, 631.3475, 632.320, 633.511, 634.140, 634A.170, 635.130, 636.295, 637.150, 637A.250, 637B.250, 639.210, 640.160, 641.230, 652.220) **Sections 10-25** of this bill include among those violations an employer's knowingly making a false statement or representation or concealment of a material fact regarding the eligibility of a person claiming industrial insurance benefits.

---

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

**Section 1.** Chapter 616D of NRS is hereby amended by adding thereto a new section to read as follows:

*1. An employer who knowingly makes a false statement or representation or knowingly conceals a material fact regarding the eligibility of a person claiming benefits under this chapter or chapter 616A, 616B, 616C or 617 of NRS, including, without limitation, information relating to:*

*(a) The identity of the person; or*

*(b) The classification of the person as an independent contractor,*

*↪ commits fraud in the administration of this chapter or chapter 616A, 616B, 616C or 617 of NRS or in the provision of compensation required by chapters 616A to 617, inclusive, of NRS, as applicable.*

*2. An employer who commits fraud as described in subsection 1 shall be punished as follows:*

*(a) If the amount of the benefit or payment obtained or attempted to be obtained was less than \$250, for a misdemeanor.*

*(b) If the amount of the benefit or payment obtained or attempted to be obtained was \$250 or more, for a category D felony as provided in NRS 193.130.*

*3. Any person who conspires with any other person to commit fraud in the administration of this chapter or chapter 616A, 616B, 616C or 617 of NRS or in the provision of compensation required by chapters 616A to 617, inclusive, of NRS as described in subsection 1 shall be punished as follows:*



1     (a) *If the amount of the benefit or payment obtained or*  
2     *attempted to be obtained was less than \$250, for a misdemeanor.*

3     (b) *If the amount of the benefit or payment obtained or*  
4     *attempted to be obtained was \$250 or more, for a category D*  
5     *felony as provided in NRS 193.130.*


6     **Sec. 2.** NRS 616D.020 is hereby amended to read as follows:

7     616D.020 No person is subject to any criminal penalty or civil  
8     liability for libel, slander or any similar cause of action in tort if the  
9     person, without malice, discloses information relating to a violation  
10    of any of the provisions of NRS 616D.200, 616D.220, 616D.240,  
11    616D.300, 616D.310 or 616D.350 to 616D.440, inclusive, *or*  
12    *section 1 of this act*, or any fraud in the administration of this  
13    chapter or chapter 616A, 616B, 616C or 617 of NRS or in the  
14    provision of benefits for industrial insurance.

15    **Sec. 3.** NRS 616D.220 is hereby amended to read as follows:

16    616D.220 1. If the Administrator finds that any employer or  
17    any employee, officer or agent of any employer has knowingly:

18    (a) Made a false statement or has knowingly failed to report a  
19    material fact concerning the amount of payroll upon which a  
20    premium is based; or

21    (b) Misrepresented the classification or duties of an employee   
22    *as they relate to the amount of payroll upon which a premium is*  
23    *based,*

24    ➡ the Administrator shall make a determination thereon and charge  
25    the employer's account an amount equal to the amount of the  
26    premium that would have been due had the proper information been  
27    submitted. The Administrator shall deliver a copy of the  
28    determination to the employer. The money collected pursuant to this  
29    subsection must be paid into the Uninsured Employers' Claim  
30    Account.

31    2. An employer who is aggrieved by the determination of the  
32    Administrator may appeal from the determination by filing a request  
33    for a hearing. The request must be filed within 30 days after the date  
34    on which a copy of the determination was delivered to the employer.  
35    The Administrator shall hold a hearing within 30 days after the  
36    Administrator receives the request. The determination of  
37    the Administrator made pursuant to a hearing is a final decision for  
38    the purposes of judicial review. The amount of the determination as  
39    finally decided by the Administrator becomes due within 30 days  
40    after the determination is served on the employer.

41    3. A person who knowingly:

42    (a) Makes a false statement or representation or who knowingly  
43    fails to report a material fact concerning the amount of payroll upon  
44    which a premium is based; or



(b) Misrepresents the classification or duties of an employee ~~§~~  
*as they relate to the amount of payroll upon which a premium is based,*

↪ is guilty of a gross misdemeanor. Any criminal penalty imposed must be in addition to the amount charged pursuant to subsection 1.

**Sec. 4.** NRS 616D.560 is hereby amended to read as follows:

616D.560 The Administrator and the Fraud Control Unit for Industrial Insurance established pursuant to NRS 228.420 shall establish procedures to ensure that:

1. The Administrator, in accordance with the established procedures, reports to the Unit violations of the provisions of NRS 616D.200, 616D.220, 616D.240, 616D.300, 616D.310 or 616D.350 to 616D.440, inclusive, *or section 1 of this act* of which the Administrator becomes aware;

2. For the purposes of NRS 616D.120, the Unit notifies the Administrator in a timely manner whether the Unit will prosecute a person who has violated the provisions of NRS 616D.200, 616D.220, 616D.240, 616D.300, 616D.310 or 616D.350 to 616D.440, inclusive ~~§~~, *or section 1 of this act;* and

3. The Administrator and the Unit share other information of which they are aware relating to violations of the provisions of NRS 616D.200, 616D.220, 616D.240, 616D.300, 616D.310 or 616D.350 to 616D.440, inclusive ~~§~~, *or section 1 of this act.*

**Sec. 5.** NRS 616D.600 is hereby amended to read as follows:

616D.600 1. The Attorney General may prosecute all criminal actions for the violation of any of the provisions of NRS 616D.200, 616D.220, 616D.240, 616D.300, 616D.310 or 616D.350 to 616D.440, inclusive ~~§~~, *or section 1 of this act.* The commencement of a civil action by the Attorney General pursuant to NRS 616D.230 or 616D.430 or for the recovery of any civil penalties, fines, fees or assessments imposed pursuant to the provisions of chapters 616A to 616D, inclusive, or chapter 617 of NRS does not preclude the prosecution of a criminal action by the Attorney General pursuant to this section.

2. Upon request, any person shall furnish to the Attorney General information which would assist in the prosecution of any person alleged to have violated any of the provisions of NRS 616D.200, 616D.220, 616D.240, 616D.300, 616D.310 or 616D.350 to 616D.440, inclusive ~~§~~, *or section 1 of this act.* Any person who fails to furnish such information upon request is guilty of a misdemeanor.

**Sec. 6.** NRS 616D.610 is hereby amended to read as follows:

616D.610 1. The books, records and payrolls of an employer pertinent to the investigation of a violation of any of the provisions of NRS 616D.200, 616D.220, 616D.240, 616D.300, 616D.310 or



1 616D.350 to 616D.440, inclusive, *or section 1 of this act*, or any  
2 fraud in the administration of this chapter or chapter 616A, 616B,  
3 616C or 617 of NRS or in the provision of benefits for industrial  
4 insurance, must always be open to inspection by an investigator for  
5 the Attorney General for the purpose of ascertaining the correctness  
6 of such information and as may be necessary for the Attorney  
7 General to carry out his or her duties pursuant to NRS 228.420. If  
8 the books, records or payrolls are located outside this State, the  
9 employer shall make any records requested pursuant to this section  
10 available in this State for inspection within 10 working days after  
11 the request.

12 2. If an employer refuses to produce any book, record, payroll  
13 report or other document in conjunction with an investigation  
14 conducted by the Fraud Control Unit for Industrial Insurance, the  
15 Attorney General may issue a subpoena to require the production of  
16 that document.

17 3. If an employer refuses to produce any document as required  
18 by the subpoena, the Attorney General may report to the district  
19 court by petition, setting forth that:

20 (a) Due notice has been given of the time and place of the  
21 production of the document;

22 (b) The employer has been subpoenaed by the Attorney General  
23 pursuant to this section; and

24 (c) The employer has failed or refused to produce the document  
25 required by the subpoena,

26 and asking for an order of the court compelling the employer to  
27 produce the document.

28 4. Upon such petition, the court shall enter an order directing  
29 the employer to appear before the court at a time and place to be  
30 fixed by the court in its order, the time to be not more than 10 days  
31 after the date of the order, and to show cause why the employer has  
32 not produced the document. A certified copy of the order must be  
33 served upon the employer.

34 5. If it appears to the court that the subpoena was regularly  
35 issued by the Attorney General, the court shall enter an order that  
36 the employer produce the required document at the time and place  
37 fixed in the order. Failure to obey the order constitutes contempt of  
38 court.

39 **Sec. 7.** NRS 616D.620 is hereby amended to read as follows:

40 616D.620 1. If a person is convicted of violating any of the  
41 provisions of NRS 616D.200, 616D.220, 616D.240, 616D.300,  
42 616D.310 or 616D.350 to 616D.440, inclusive, *or section 1 of this*  
43 *act*, the person:



(a) Forfeits all rights to compensation under chapters 616A to 616D, inclusive, or chapter 617 of NRS after conviction for the offense; and

(b) Is liable for:

(1) The reasonable costs incurred by an insurer and the office of the Attorney General to investigate and act upon the violation;

(2) All costs incurred for the prosecution of the person by the court in which the conviction was obtained; and

(3) The payments or benefits fraudulently obtained under chapters 616A to 616D, inclusive, or chapter 617 of NRS.

2. A judgment of conviction entered against the person must contain a provision which requires the person convicted to pay the costs of investigation and prosecution and the payments or benefits specified in subsection 1.

3. Any money received by the Attorney General pursuant to subparagraph (1) of paragraph (b) of subsection 1 must be used to pay the salaries and other expenses of the Fraud Control Unit for Industrial Insurance established pursuant to NRS 228.420. Any money remaining at the end of any fiscal year does not revert to the State General Fund.

**Sec. 8.** NRS 228.420 is hereby amended to read as follows:

228.420 1. The Attorney General has primary jurisdiction to investigate and prosecute any alleged criminal violations of NRS 616D.200, 616D.220, 616D.240, 616D.300, 616D.310, 616D.350 to 616D.440, inclusive, *or section 1 of this act* and any fraud in the administration of chapter 616A, 616B, 616C, 616D or 617 of NRS or in the provision of compensation required by chapters 616A to 617, inclusive, of NRS.

2. For this purpose, the Attorney General shall establish within his or her office a Fraud Control Unit for Industrial Insurance. The Unit must consist of such persons as are necessary to carry out the duties set forth in this section, including, without limitation, an attorney, an auditor and an investigator.

3. The Attorney General, acting through the Unit established pursuant to subsection 2:

(a) Is the single state agency responsible for the investigation and prosecution of any alleged criminal violations of NRS 616D.200, 616D.220, 616D.240, 616D.300, 616D.310, 616D.350 to 616D.440, inclusive, *or section 1 of this act* and any fraud in the administration of chapter 616A, 616B, 616C, 616D or 617 of NRS or in the provision of compensation required by chapters 616A to 617, inclusive, of NRS;

(b) Shall cooperate with the Division of Industrial Relations of the Department of Business and Industry, self-insured employers, associations of self-insured public or private employers, private



1 carriers and other state and federal investigators and prosecutors in  
2 coordinating state and federal investigations and prosecutions  
3 involving violations of NRS 616D.200, 616D.220, 616D.240,  
4 616D.300, 616D.310, 616D.350 to 616D.440, inclusive, *or section*  
5 *1 of this act* and any fraud in the administration of chapter 616A,  
6 616B, 616C, 616D or 617 of NRS or in the provision of  
7 compensation required by chapters 616A to 617, inclusive, of NRS;

8 (c) Shall protect the privacy of persons who are eligible to  
9 receive compensation pursuant to the provisions of chapter 616A,  
10 616B, 616C, 616D or 617 of NRS and establish procedures to  
11 prevent the misuse of information obtained in carrying out this  
12 section; and

13 (d) May, upon request, inspect the records of any self-insured  
14 employer, association of self-insured public or private employers, or  
15 private carrier, the Division of Industrial Relations of the  
16 Department of Business and Industry and the State Contractors'  
17 Board to investigate any alleged violation of any of the provisions of  
18 NRS 616D.200, 616D.220, 616D.240, 616D.300, 616D.310,  
19 616D.350 to 616D.440, inclusive, *or section 1 of this act* or any  
20 fraud in the administration of chapter 616A, 616B, 616C, 616D or  
21 617 of NRS or in the provision of compensation required by  
22 chapters 616A to 617, inclusive, of NRS.

23 4. When acting pursuant to this section or NRS 228.175 or  
24 228.410, the Attorney General may commence an investigation and  
25 file a criminal action without leave of court, and has exclusive  
26 charge of the conduct of the prosecution.

27 5. The Attorney General shall report the name of any person  
28 who has been convicted of violating any of the provisions of NRS  
29 616D.200, 616D.220, 616D.240, 616D.300, 616D.310, 616D.350 to  
30 616D.440, inclusive, *or section 1 of this act* to the occupational  
31 board that issued the person's license or certificate to provide  
32 medical care, remedial care or other services in this State.

33 6. The Attorney General shall establish a toll-free telephone  
34 number for persons to report information regarding alleged  
35 violations of any of the provisions of NRS 616D.200, 616D.220,  
36 616D.240, 616D.300, 616D.310, 616D.350 to 616D.440, inclusive,  
37 *or section 1 of this act* and any fraud in the administration of  
38 chapter 616A, 616B, 616C, 616D or 617 of NRS or in the provision  
39 of compensation required by chapters 616A to 617, inclusive, of  
40 NRS.

41 7. As used in this section:

42 (a) "Association of self-insured private employers" has the  
43 meaning ascribed to it in NRS 616A.050.

44 (b) "Association of self-insured public employers" has the  
45 meaning ascribed to it in NRS 616A.055.





(c) "Private carrier" has the meaning ascribed to it in NRS 616A.290.

(d) "Self-insured employer" has the meaning ascribed to it in NRS 616A.305.

**Sec. 9.** NRS 629.061 is hereby amended to read as follows:

629.061 1. Each provider of health care shall make the health care records of a patient available for physical inspection by:

(a) The patient or a representative with written authorization from the patient;

(b) The personal representative of the estate of a deceased patient;

(c) Any trustee of a living trust created by a deceased patient;

(d) The parent or guardian of a deceased patient who died before reaching the age of majority;

(e) An investigator for the Attorney General or a grand jury investigating an alleged violation of NRS 200.495, 200.5091 to 200.50995, inclusive, or 422.540 to 422.570, inclusive;

(f) An investigator for the Attorney General investigating an alleged violation of NRS 616D.200, 616D.220, 616D.240 or 616D.300 to 616D.440, inclusive, *or section 1 of this act* or any fraud in the administration of chapter 616A, 616B, 616C, 616D or 617 of NRS or in the provision of benefits for industrial insurance; or

(g) Any authorized representative or investigator of a state licensing board during the course of any investigation authorized by law.

➔ The records must be made available at a place within the depository convenient for physical inspection, and inspection must be permitted at all reasonable office hours and for a reasonable length of time. If the records are located outside this State, the provider shall make any records requested pursuant to this section available in this State for inspection within 10 working days after the request.

2. Except as otherwise provided in subsection 3, the provider of health care shall also furnish a copy of the records to each person described in subsection 1 who requests it and pays the actual cost of postage, if any, the costs of making the copy, not to exceed 60 cents per page for photocopies and a reasonable cost for copies of X-ray photographs and other health care records produced by similar processes. No administrative fee or additional service fee of any kind may be charged for furnishing such a copy.

3. The provider of health care shall also furnish a copy of any records that are necessary to support a claim or appeal under any provision of the Social Security Act, 42 U.S.C. §§ 301 et seq., or under any federal or state financial needs-based benefit program,



1 without charge, to a patient, or a representative with written  
2 authorization from the patient, who requests it, if the request is  
3 accompanied by documentation of the claim or appeal. A copying  
4 fee, not to exceed 60 cents per page for photocopies and a  
5 reasonable cost for copies of X-ray photographs and other health  
6 care records produced by similar processes, may be charged by the  
7 provider of health care for furnishing a second copy of the records  
8 to support the same claim or appeal. No administrative fee or  
9 additional service fee of any kind may be charged for furnishing  
10 such a copy. The provider of health care shall furnish the copy of  
11 the records requested pursuant to this subsection within 30 days  
12 after the date of receipt of the request, and the provider of health  
13 care shall not deny the furnishing of a copy of the records pursuant  
14 to this subsection solely because the patient is unable to pay the fees  
15 established in this subsection.

16 4. Each person who owns or operates an ambulance in this  
17 State shall make the records regarding a sick or injured patient  
18 available for physical inspection by:

19 (a) The patient or a representative with written authorization  
20 from the patient;

21 (b) The personal representative of the estate of a deceased  
22 patient;

23 (c) Any trustee of a living trust created by a deceased patient;

24 (d) The parent or guardian of a deceased patient who died before  
25 reaching the age of majority; or

26 (e) Any authorized representative or investigator of a state  
27 licensing board during the course of any investigation authorized by  
28 law.

29 ➡ The records must be made available at a place within the  
30 depository convenient for physical inspection, and inspection must  
31 be permitted at all reasonable office hours and for a reasonable  
32 length of time. The person who owns or operates an ambulance shall  
33 also furnish a copy of the records to each person described in this  
34 subsection who requests it and pays the actual cost of postage, if  
35 any, and the costs of making the copy, not to exceed 60 cents per  
36 page for photocopies. No administrative fee or additional service fee  
37 of any kind may be charged for furnishing a copy of the records.

38 5. Records made available to a representative or investigator  
39 must not be used at any public hearing unless:

40 (a) The patient named in the records has consented in writing to  
41 their use; or

42 (b) Appropriate procedures are utilized to protect the identity of  
43 the patient from public disclosure.



6. Subsection 5 does not prohibit:

(a) A state licensing board from providing to a provider of health care or owner or operator of an ambulance against whom a complaint or written allegation has been filed, or to his or her attorney, information on the identity of a patient whose records may be used in a public hearing relating to the complaint or allegation, but the provider of health care or owner or operator of an ambulance and the attorney shall keep the information confidential.

(b) The Attorney General from using health care records in the course of a civil or criminal action against the patient or provider of health care.

7. A provider of health care or owner or operator of an ambulance and his or her agents and employees are immune from any civil action for any disclosures made in accordance with the provisions of this section or any consequential damages.

8. For the purposes of this section:

(a) "Guardian" means a person who has qualified as the guardian of a minor pursuant to testamentary or judicial appointment, but does not include a guardian ad litem.

(b) "Living trust" means an inter vivos trust created by a natural person:

(1) Which was revocable by the person during the lifetime of the person; and

(2) Who was one of the beneficiaries of the trust during the lifetime of the person.

(c) "Parent" means a natural or adoptive parent whose parental rights have not been terminated.

(d) "Personal representative" has the meaning ascribed to it in NRS 132.265.

**Sec. 10.** NRS 630.301 is hereby amended to read as follows:

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

1. Conviction of a felony relating to the practice of medicine or the ability to practice medicine. A plea of nolo contendere is a conviction for the purposes of this subsection.

2. Conviction of violating any of the provisions of NRS 616D.200, 616D.220, 616D.240, 616D.300, 616D.310, or 616D.350 to 616D.440, inclusive **H**, or *section 1 of this act*.

3. Any disciplinary action, including, without limitation, the revocation, suspension, modification or limitation of a license to practice any type of medicine, taken by another state, the Federal Government, a foreign country or any other jurisdiction or the surrender of the license or discontinuing the practice of medicine while under investigation by any licensing authority, a medical facility, a branch of the Armed Services of the United States, an



1 insurance company, an agency of the Federal Government or an  
2 employer.

3 4. Malpractice, which may be evidenced by claims settled  
4 against a practitioner, but only if the malpractice is established by a  
5 preponderance of the evidence.

6 5. The engaging by a practitioner in any sexual activity with a  
7 patient who is currently being treated by the practitioner.

8 6. Disruptive behavior with physicians, hospital personnel,  
9 patients, members of the families of patients or any other persons if  
10 the behavior interferes with patient care or has an adverse impact on  
11 the quality of care rendered to a patient.

12 7. The engaging in conduct that violates the trust of a patient  
13 and exploits the relationship between the physician and the patient  
14 for financial or other personal gain.

15 8. The failure to offer appropriate procedures or studies, to  
16 protest inappropriate denials by organizations for managed care, to  
17 provide necessary services or to refer a patient to an appropriate  
18 provider, when the failure occurs with the intent of positively  
19 influencing the financial well-being of the practitioner or an insurer.

20 9. The engaging in conduct that brings the medical profession  
21 into disrepute, including, without limitation, conduct that violates  
22 any provision of a code of ethics adopted by the Board by regulation  
23 based on a national code of ethics.

24 10. The engaging in sexual contact with the surrogate of a  
25 patient or other key persons related to a patient, including, without  
26 limitation, a spouse, parent or legal guardian, which exploits the  
27 relationship between the physician and the patient in a sexual  
28 manner.

29 11. Conviction of:

30 (a) Murder, voluntary manslaughter or mayhem;

31 (b) Any felony involving the use of a firearm or other deadly  
32 weapon;

33 (c) Assault with intent to kill or to commit sexual assault or  
34 mayhem;

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

37 (e) Abuse or neglect of a child or contributory delinquency;

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

41 (g) Any offense involving moral turpitude.

42 **Sec. 11.** NRS 630A.340 is hereby amended to read as follows:

43 630A.340 The following acts, among others, constitute  
44 grounds for initiating disciplinary action or denying the issuance of  
45 a license:



1 1. Unprofessional conduct.

2 2. Conviction of:

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

6 (b) A violation of any of the provisions of NRS 616D.200,  
7 616D.220, 616D.240, 616D.300, 616D.310, or 616D.350 to  
8 616D.440, inclusive ~~§~~, *or section 1 of this act*;

9 (c) Any offense involving moral turpitude; or

10 (d) Any offense relating to the practice of homeopathic medicine  
11 or the ability to practice homeopathic medicine.

12 ➤ A plea of nolo contendere to any offense listed in this subsection  
13 shall be deemed a conviction.

14 3. The suspension, modification or limitation of a license to  
15 practice any type of medicine by any other jurisdiction.

16 4. The surrender of a license to practice any type of medicine  
17 or the discontinuance of the practice of medicine while under  
18 investigation by any licensing authority, medical facility, facility for  
19 the dependent, branch of the Armed Forces of the United States,  
20 insurance company, agency of the Federal Government or employer.

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

23 6. Professional incompetence.

24 **Sec. 12.** NRS 631.3475 is hereby amended to read as follows:

25 631.3475 The following acts, among others, constitute  
26 unprofessional conduct:

27 1. Malpractice;

28 2. Professional incompetence;

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

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

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

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

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



\* S B 5 8 \*

8. Conviction of violating any of the provisions of NRS 616D.200, 616D.220, 616D.240 or 616D.300 to 616D.440, inclusive ~~§~~, *or section 1 of this act*; 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. 13.** NRS 632.320 is hereby amended to read as follows:

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 the licensee or certificate holder:

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

(b) Is guilty of any offense:

(1) Involving moral turpitude; or

(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.

(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 ~~§~~, *or section 1 of this act*.

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

(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 or her ability to conduct the practice authorized by the license or certificate.

(f) Is a person with mental incompetence.

(g) Is guilty of unprofessional conduct, which includes, but is not limited to, the following:

(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.

(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.

(3) Impersonating another licensed practitioner or holder of a certificate.



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

(5) Repeated malpractice, which may be evidenced by claims of malpractice settled against the licensee or certificate holder.

(6) Physical, verbal or psychological abuse of a patient.

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

(h) Has willfully or repeatedly violated the provisions of this chapter. The voluntary surrender of a license or certificate issued pursuant to this chapter is prima facie evidence that the licensee or certificate holder has committed or expects to commit a violation of this chapter.

(i) Is guilty of aiding or abetting any person in a violation of this chapter.

(j) Has falsified an entry on a patient's medical chart concerning a controlled substance.

(k) Has falsified information which was given to a physician, pharmacist, podiatric physician or dentist to obtain a controlled substance.

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

(m) Has engaged in conduct likely to deceive, defraud or endanger a patient or the general public.

(n) Has willfully failed to comply with a regulation, subpoena or order of the Board.

(o) Has operated a medical facility 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.

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

**Sec. 14.** 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;

(c) A violation of any of the provisions of NRS 616D.200, 616D.220, 616D.240 or 616D.300 to 616D.440, inclusive ~~§~~, or *section 1 of this act*;

(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 license to practice osteopathic medicine by any other jurisdiction.

4. Malpractice or gross malpractice, which may be evidenced by a claim 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. 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





1 willfully obstructing or inducing another to obstruct the making or  
2 filing of such a record or report.

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

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

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

15 **Sec. 15.** NRS 634.140 is hereby amended to read as follows:

16 634.140 The grounds for initiating disciplinary action pursuant  
17 to this chapter are:

18 1. Unprofessional conduct.

19 2. Conviction of:

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

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

24 (c) A violation of any of the provisions of NRS 616D.200,  
25 616D.220, 616D.240 or 616D.300 to 616D.440, inclusive ~~§~~ , or  
26 *section 1 of this act*; or

27 (d) Any offense involving moral turpitude.

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

30 4. Gross or repeated malpractice.

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

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

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

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

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

41 **Sec. 16.** NRS 634A.170 is hereby amended to read as follows:

42 634A.170 The Board may refuse to issue or may suspend or  
43 revoke any license for any one or any combination of the following  
44 causes:



- 1        1. Conviction of:
  - 2            (a) A felony relating to the practice of Oriental medicine;
  - 3            (b) Any offense involving moral turpitude;
  - 4            (c) A violation of any state or federal law regulating the
  - 5 possession, distribution or use of any controlled substance, as shown
  - 6 by a certified copy of the record of the court; or
  - 7            (d) A violation of any of the provisions of NRS 616D.200,
  - 8 616D.220, 616D.240 or 616D.300 to 616D.440, inclusive ~~H~~ , or
  - 9 *section 1 of this act;*
- 10       2. The obtaining of or any attempt to obtain a license or
- 11 practice in the profession for money or any other thing of value, by
- 12 fraudulent misrepresentations;
- 13       3. Gross or repeated malpractice, which may be evidenced by
- 14 claims of malpractice settled against a practitioner;
- 15       4. Advertising by means of a knowingly false or deceptive
- 16 statement;
- 17       5. Advertising, practicing or attempting to practice under a
- 18 name other than one's own;
- 19       6. Habitual drunkenness or habitual addiction to the use of a
- 20 controlled substance;
- 21       7. Using any false, fraudulent or forged statement or document,
- 22 or engaging in any fraudulent, deceitful, dishonest or immoral
- 23 practice in connection with the licensing requirements of this
- 24 chapter;
- 25       8. Sustaining a physical or mental disability which renders
- 26 further practice dangerous;
- 27       9. Engaging in any dishonorable, unethical or unprofessional
- 28 conduct which may deceive, defraud or harm the public, or which is
- 29 unbecoming a person licensed to practice under this chapter;
- 30       10. Using any false or fraudulent statement in connection with
- 31 the practice of Oriental medicine or any branch thereof;
- 32       11. Violating or attempting to violate, or assisting or abetting
- 33 the violation of, or conspiring to violate any provision of this
- 34 chapter;
- 35       12. Being adjudicated incompetent or insane;
- 36       13. Advertising in an unethical or unprofessional manner;
- 37       14. Obtaining a fee or financial benefit for any person by the
- 38 use of fraudulent diagnosis, therapy or treatment;
- 39       15. Willful disclosure of a privileged communication;
- 40       16. Failure of a licensee to designate the nature of his or her
- 41 practice in the professional use of his or her name by the term doctor
- 42 of Oriental medicine;
- 43       17. Willful violation of the law relating to the health, safety or
- 44 welfare of the public or of the regulations adopted by the State
- 45 Board of Health;



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

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

6 20. Operation of a medical facility, as defined in NRS  
7 449.0151, 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 or  
10 revocation of the license pursuant to NRS 449.160.

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

13 **Sec. 17.** NRS 635.130 is hereby amended to read as follows:

14 635.130 1. The Board, after notice and a hearing as required  
15 by law, and upon any cause enumerated in subsection 2, may take  
16 one or more of the following disciplinary actions:

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

19 (b) Suspend or revoke a license.

20 (c) Place a licensee on probation.

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

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

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

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

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

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

36 (e) Conviction of a crime involving moral turpitude.

37 (f) Conviction of violating any of the provisions of NRS  
38 616D.200, 616D.220, 616D.240 or 616D.300 to 616D.440,  
39 inclusive **[H]**, **or section 1 of this act;**

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

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

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

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

(o) 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. 18.** NRS 636.295 is hereby amended to read as follows:

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

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

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

3. Conviction of any of the provisions of NRS 616D.200, 616D.220, 616D.240 or 616D.300 to 616D.440, inclusive **H**, *or section 1 of this act.*

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

5. Habitual drunkenness or addiction to any controlled substance.

6. Gross incompetency.

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

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



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

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

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

12. 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. 19.** 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 ~~§~~, or *section 1 of this act*;

(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 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;

(j) Has violated any provision of this chapter;

(k) Is incompetent;

(l) Is guilty of unethical or unprofessional conduct as determined by the Board;

(m) Is guilty of repeated malpractice, which may be evidenced by claims of malpractice settled against a practitioner;

(n) Is guilty of a fraudulent or deceptive practice as determined by the Board; or

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



1 (1) The license of the facility was suspended or revoked; or  
2 (2) An act or omission occurred which resulted in the  
3 suspension or revocation of the license pursuant to NRS 449.160,  
4 ➔ the Board may, in the case of an applicant, refuse to grant the  
5 applicant a license, or may, in the case of a holder of a license, place  
6 the holder on probation, reprimand the holder publicly, require the  
7 holder to pay an administrative fine of not more than \$10,000,  
8 suspend or revoke the holder's license, or take any combination of  
9 these disciplinary actions.

10 2. The Board shall not privately reprimand a holder of a  
11 license.

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. The provisions of paragraph (o) of subsection 1 apply to an  
15 owner or other principal responsible for the operation of the medical  
16 facility.

17 **Sec. 20.** NRS 637A.250 is hereby amended to read as follows:

18 637A.250 In a manner consistent with the provisions of chapter  
19 622A of NRS, the Board may take disciplinary action against a  
20 licensee if the licensee:

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

23 2. Has been convicted of violating any of the provisions of  
24 NRS 616D.200, 616D.220, 616D.240 or 616D.300 to 616D.440,  
25 inclusive **H**, *or section 1 of this act.*

26 3. Obtained the license by fraud or misrepresentation.

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

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

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

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

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

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

43 6. Has loaned or transferred his or her license to another  
44 person.



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

4 8. Has operated a medical facility, as defined in NRS  
5 449.0151, at any time during which:

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

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

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

11 **Sec. 21.** NRS 637B.250 is hereby amended to read as follows:

12 637B.250 The grounds for initiating disciplinary action  
13 pursuant to this chapter are:

14 1. Unprofessional conduct.

15 2. Conviction of:

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

19 (b) A felony relating to the practice of audiology or speech  
20 pathology;

21 (c) A violation of any of the provisions of NRS 616D.200,  
22 616D.220, 616D.240 or 616D.300 to 616D.440, inclusive ~~§~~ , *or*  
23 *section 1 of this act*; or

24 (d) Any offense involving moral turpitude.

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

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

29 5. Professional incompetence.

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

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

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

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

37 **Sec. 22.** NRS 639.210 is hereby amended to read as follows:

38 639.210 The Board may suspend or revoke any certificate,  
39 license, registration or permit issued pursuant to this chapter, and  
40 deny the application of any person for a certificate, license,  
41 registration or permit, if the holder or applicant:

42 1. Is not of good moral character;

43 2. Is guilty of habitual intemperance;

44 3. Becomes or is intoxicated or under the influence of liquor,  
45 any depressant drug or a controlled substance, unless taken pursuant



1 to a lawfully issued prescription, while on duty in any establishment  
2 licensed by the Board;

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

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

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

10 7. Has been convicted of:

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

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

14 (c) Other crime involving moral turpitude, dishonesty or  
15 corruption;

16 8. Has been convicted of violating any of the provisions of  
17 NRS 616D.200, 616D.220, 616D.240 or 616D.300 to 616D.440,  
18 inclusive ~~§~~, *or section 1 of this act*;

19 9. Has willfully made to the Board or its authorized  
20 representative any false statement which is material to the  
21 administration or enforcement of any of the provisions of this  
22 chapter;

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

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

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

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

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

44 15. Has, as a managing pharmacist, violated any provision of  
45 law or regulation concerning recordkeeping or inventory in a store





1 over which he or she presides, or has knowingly allowed a violation  
2 of any provision of this chapter or other state or federal laws or  
3 regulations relating to the practice of pharmacy by personnel of the  
4 pharmacy under his or her supervision;

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

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

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

12 19. Has operated a medical facility, as defined in NRS  
13 449.0151, at any time during which:

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

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

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

19 **Sec. 23.** NRS 640.160 is hereby amended to read as follows:

20 640.160 1. The Board, after notice and a hearing as required  
21 by law, and upon any ground enumerated in subsection 2, may take  
22 one or more of the following actions:

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

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

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

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

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

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

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

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

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

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

42 (e) Has been convicted of violating any of the provisions of  
43 NRS 616D.200, 616D.220, 616D.240 or 616D.300 to 616D.440,  
44 inclusive **H**, or *section 1 of this act*.



(f) Is guilty, in the judgment of the Board, of gross negligence in his or her 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 or her 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 a 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. 24.** NRS 641.230 is hereby amended to read as follows:

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

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

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

3. Been convicted of violating any of the provisions of NRS 616D.200, 616D.220, 616D.240 or 616D.300 to 616D.440, inclusive **H**, or *section 1 of this act*.

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

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

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

7. Violated a regulation adopted by the Board.



8. Had a license to practice psychology suspended or revoked or has had any other disciplinary action taken against the psychologist by another state or territory of the United States, the District of Columbia or a foreign country, if at least one of the grounds for discipline is the same or substantially equivalent to any ground contained in this chapter.

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

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

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

12. Engaged in sexual activity with a patient.

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

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

15. 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 652.220 is hereby amended to read as follows:

652.220 A license may be denied, suspended or revoked if the laboratory, laboratory director or any technical employee of the laboratory:

1. Violates any provision of this chapter;

2. Makes any misrepresentation in obtaining a license;

3. Has been convicted of a felony relating to the position for which the applicant has applied or the licensee has been licensed pursuant to this chapter;

4. Has been convicted of violating any of the provisions of NRS 616D.200, 616D.220, 616D.240 or 616D.300 to 616D.440, inclusive ~~§~~, or *section 1 of this act*;

5. Is guilty of unprofessional conduct;

6. Knowingly permits the use of the name of a licensed laboratory or its director by an unlicensed laboratory; or



- 1        7. Fails to meet the minimum standards prescribed by the
- 2 Board.

③⑩



\* S B 5 8 \*