

Amendment No. 391

Senate Amendment to Senate Bill No. 288	(BDR 40-889)
<b>Proposed by:</b> Senate Committee on Health and Human Services	
<b>Amends:</b> 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. 288.	

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) variations of green bold underlining is language proposed to be added 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 proposed to be retained in this amendment.

EWR/RBL



Date: 4/18/2015

S.B. No. 288—Revises provisions relating to prescribing controlled substances.  
(BDR 40-889)



## SENATE BILL NO. 288--SENATORS DENIS; AND WOODHOUSE

MARCH 16, 2015

JOINT SPONSORS: ASSEMBLYMEN ARAUJO AND SPRINKLE

Referred to Committee on Health and Human Services

SUMMARY—Revises provisions relating to prescribing controlled substances.  
(BDR 40-889)

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

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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 controlled substances; requiring each person who ~~registers with the State Board of Pharmacy~~ is authorized to prescribe or dispense a controlled substance to be provided access to the database of the computerized program to track prescriptions for certain controlled substances that are filled by pharmacies; requiring each person who ~~registers with the Board~~ is authorized to prescribe controlled substances to access the database , review certain information and ~~report certain information~~ verify to the Board ~~;~~ requiring each person who prescribes a controlled substance to register with the Board; authorizing the Board to impose a fee for such registration; providing a penalty; that he or she continues to have access to the database; authorizing various professional licensing boards to take disciplinary action against a person who fails to comply with these requirements; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

~~Existing law requires every person who dispenses a controlled substance within this State to register biennially with the State Board of Pharmacy. (NRS 453.226) Section 4 of this bill also requires every person who prescribes a controlled substance to register biennially with the Board. Section 1 of this bill amends the definition of "practitioner" to include persons who prescribe controlled substances for the purposes of provisions governing controlled substances.~~

~~Existing law authorizes the Board to charge a reasonable fee to register and control the dispensing of controlled substances and an additional fee to cover the cost of the computer program to track prescriptions. (NRS 453.221) Section 3 of this bill authorizes the Board to also charge a reasonable fee relating to the registration and control of prescribing of controlled substances within this State. Section 5 of this bill requires the Board to register an applicant to prescribe a controlled substance in the same manner as required for an applicant that dispenses~~

~~a controlled substance, unless it determines that doing so would be against the public interest. Section 7 of this bill authorizes the Board to suspend or revoke a registration to prescribe a controlled substance upon a finding that the registrant has committed certain misconduct relating to controlled substances in the same manner authorized for a registrant who dispenses a controlled substance.~~

~~Existing law makes it a category D felony to dispense a controlled substance unless the person is registered by the Board. (NRS 453.222) Section 6 of this bill also makes it a category D felony to prescribe a controlled substance without being registered.~~

Existing law requires the State Board of Pharmacy and the Investigation Division of the Department of Public Safety to cooperatively develop a computerized program to track each prescription for a controlled substance. Persons who prescribe or dispense controlled substances can choose to access the database of the program and are given access to the database after receiving a course of training developed by the Board and the Division. (NRS 453.1545) **Section 2** of this bill requires any person who registers with the Board to is authorized to prescribe or dispense controlled substances to receive such training and be given access to the database of the computer program. **Section 2** also requires each person who registers with the Board is authorized to prescribe controlled substances to access the database of the computer program at least once every 6 months, review all prescriptions documented in the system as having been issued by the information concerning the person in the database and report verify to the Board [(1)] that the person has accessed the database at least once in the past 6 months; and (2) any prescriptions that are documented in the database as having been issued by the person but were not actually issued by the person continues to have access to the database. Sections 7.1-7.7 of this bill authorize various professional licensing boards to take disciplinary action against a person who is authorized to prescribe controlled substances and fails to comply with these requirements.

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

**Section 1.** ~~[NRS 453.126 is hereby amended to read as follows:~~

~~453.126 "Practitioner" means:~~

~~1. A physician, dentist, veterinarian or podiatric physician who holds a license to practice his or her profession in this State and is registered pursuant to this chapter.~~

~~2. An advanced practice registered nurse who holds a certificate from the State Board of Pharmacy authorizing him or her to dispense or to prescribe and dispense controlled substances [.] and is registered pursuant to this chapter.~~

~~3. A scientific investigator or a pharmacy, hospital or other institution that is licensed, registered or otherwise authorized in this State to prescribe, distribute, dispense, conduct research with respect to, to administer, or use in teaching or chemical analysis, a controlled substance in the course of professional practice or research [.] and is registered pursuant to this chapter.~~

~~4. A euthanasia technician who is licensed by the Nevada State Board of Veterinary Medical Examiners and registered pursuant to this chapter, while he or she possesses or administers sodium pentobarbital pursuant to his or her license and registration.~~

~~5. A physician assistant who:~~

~~(a) Holds a license from the Board of Medical Examiners; [and]~~

~~(b) Is authorized by the Board to possess, administer, prescribe or dispense controlled substances under the supervision of a physician as required by chapter 620 of NRS [.] ; and~~

~~(c) Is registered pursuant to this chapter.~~

~~6. A physician assistant who:~~

~~(a) Holds a license from the State Board of Osteopathic Medicine; and~~  
~~(b) Is authorized by the Board to possess, administer, prescribe or dispense controlled substances under the supervision of an osteopathic physician as required by chapter 633 of NRS [.] and~~

~~(c) Is registered pursuant to this chapter.~~

~~7. An optometrist who is certified by the Nevada State Board of Optometry to prescribe and administer therapeutic pharmaceutical agents pursuant to NRS 636.288 [.] and is registered pursuant to this chapter, when the optometrist prescribes or administers therapeutic pharmaceutical agents within the scope of his or her certification.) (Deleted by amendment.)~~

Sec. 2. NRS 453.1545 is hereby amended to read as follows:

453.1545 1. The Board and the Division shall cooperatively develop a computerized program to track each prescription for a controlled substance listed in schedule II, III or IV that is filled by a pharmacy that is registered with the Board or that is dispensed by a practitioner who is registered with the Board. The program must:

(a) Be designed to provide information regarding:

(1) The inappropriate use by a patient of controlled substances listed in schedules II, III and IV to pharmacies, practitioners and appropriate state agencies to prevent the improper or illegal use of those controlled substances; and

(2) Statistical data relating to the use of those controlled substances that is not specific to a particular patient.

(b) Be administered by the Board, the Investigation Division, the Division of Public and Behavioral Health of the Department and various practitioners, representatives of professional associations for practitioners, representatives of occupational licensing boards and prosecuting attorneys selected by the Board and the Investigation Division.

(c) Not infringe on the legal use of a controlled substance for the management of severe or intractable pain.

(d) Include the contact information of each person who ~~elects to~~ *is provided* access *to* the database of the program pursuant to ~~subsection 2.)~~ *this section*, including, without limitation:

(1) The name of the person;

(2) The physical address of the person;

(3) The telephone number of the person; and

(4) If the person maintains an electronic mail address, the electronic mail address of the person.

2. ~~{The Board shall provide Internet access to the database of the program established pursuant to subsection 1 to each}~~ *Each practitioner who is authorized to write prescriptions for and each person who is authorized to dispense controlled substances listed in schedule II, III or IV for other person who:*

~~(a) Elects to access the database of the program; Is registered by the Board pursuant to NRS 453.231; and~~

~~(b) Completes}~~ *shall complete* the course of instruction described in subsection ~~{7-}~~ *8. The Board shall provide Internet access to the database of the program established pursuant to subsection 1 to each such practitioner or other person who completes the course of instruction.*

3. The Board and the Division must have access to the program established pursuant to subsection 1 to identify any suspected fraudulent or illegal activity related to the dispensing of controlled substances.

4. *Each person who is registered by the Board authorized to prescribe write prescriptions for controlled substances pursuant to NRS 453.231 listed in schedule II, III or IV shall access the database of the program established*

~~pursuant to subsection 1 at least once each 6 months, review all prescriptions documented in the database that indicate they were issued by the person and shall:~~

~~(a) Review the information concerning the person that is listed in the database and notify the Board if any such information is not correct; and report~~

~~(b) Verify to the Board if~~

~~(a) That that the person he or she continues to have access to and has accessed the database as required by this subsection. if and~~

~~(b) Any prescriptions that are documented in the database that incorrectly indicate they were issued by the person.~~

5. The Board or the Division shall report any activity it reasonably suspects may be fraudulent or illegal to the appropriate law enforcement agency or occupational licensing board and provide the law enforcement agency or occupational licensing board with the relevant information obtained from the program for further investigation.

~~6.~~ 6. The Board and the Division may cooperatively enter into a written agreement with an agency of any other state to provide, receive or exchange information obtained by the program with a program established in that state which is substantially similar to the program established pursuant to subsection 1, including, without limitation, providing such state access to the database of the program or transmitting information to and receiving information from such state. Any information provided, received or exchanged as part of an agreement made pursuant to this section may only be used in accordance with the provisions of this chapter.

~~7.~~ 7. Information obtained from the program relating to a practitioner or a patient is confidential and, except as otherwise provided by this section and NRS 239.0115, must not be disclosed to any person. That information must be disclosed:

(a) Upon the request of a person about whom the information requested concerns or upon the request on behalf of that person by his or her attorney; or

(b) Upon the lawful order of a court of competent jurisdiction.

~~8.~~ 8. The Board and the Division shall cooperatively develop a course of training for persons who ~~select~~ are required to receive access to the database of the program pursuant to subsection 2 ~~register pursuant to NRS 453.226~~ and require each such person to complete the course of training before the person is provided with Internet access to the database pursuant to subsection 2.

~~9.~~ 9. A practitioner who is authorized to write prescriptions for and each person who is authorized to dispense controlled substances listed in schedule II, III or IV who acts with reasonable care when transmitting to the Board or the Division a report or information required by this section or a regulation adopted pursuant thereto is immune from civil and criminal liability relating to such action.

~~10.~~ 10. The Board and the Division may apply for any available grants and accept any gifts, grants or donations to assist in developing and maintaining the program required by this section.

Sec. 3. ~~NRS 453.221 is hereby amended to read as follows:~~

~~453.221 1. The Board may adopt regulations and charge reasonable fees relating to the registration and control of the prescribing and dispensing of controlled substances within this State.~~

~~2. The Board may charge an additional fee for prescribing and dispensing controlled substances included in schedules I to V, inclusive, to cover the cost of developing and maintaining the computerized program developed pursuant to NRS 453.1545. The amount of the fee must be:~~

~~(a) Set so that the aggregate amount received from the fee does not exceed the estimated costs of developing and maintaining the program.~~

~~(b) Approved by the Legislature, if it is in regular session, or the Interim Finance Committee, if the Legislature is not in regular session.] (Deleted by amendment.)~~

**Sec. 4.** ~~[NRS 453.226 is hereby amended to read as follows:~~

~~453.226 1. Every practitioner or other person who *prescribes or* dispenses any controlled substance within this State or who proposes to engage in the *prescribing or* dispensing of any controlled substance within this State shall obtain biennially a registration issued by the Board in accordance with its regulations.~~

~~2. A person registered by the Board in accordance with the provisions of NRS 453.011 to 453.552, inclusive, to *prescribe*, dispense or conduct research with controlled substances may *prescribe*, possess, dispense or conduct research with those substances to the extent authorized by the registration and in conformity with the other provisions of those sections.~~

~~3. The following persons are not required to register and may lawfully possess and distribute controlled substances pursuant to the provisions of NRS 453.011 to 453.552, inclusive:~~

~~(a) An agent or employee of a registered dispenser of a controlled substance if he or she is acting in the usual course of his or her business or employment;~~

~~(b) A common or contract carrier or warehouseman, or an employee thereof, whose possession of any controlled substance is in the usual course of business or employment;~~

~~(c) An ultimate user or a person in possession of any controlled substance pursuant to a lawful order of a physician, physician assistant licensed pursuant to chapter 630 or 633 of NRS, dentist, advanced practice registered nurse, podiatric physician or veterinarian or in lawful possession of a schedule V substance; or~~

~~(d) A physician who:~~

~~(1) Holds a locum tenens license issued by the Board of Medical Examiners or a temporary license issued by the State Board of Osteopathic Medicine; and~~

~~(2) Is registered with the Drug Enforcement Administration at a location outside this State.~~

~~4. The Board may waive the requirement for registration of certain *persons who prescribe controlled substances or* dispensers if it finds it consistent with the public health and safety.~~

~~5. A separate registration is required at each principal place of business or professional practice where the applicant *prescribes or* dispenses controlled substances.~~

~~6. The Board may inspect the establishment of a registrant or applicant for registration in accordance with the Board's regulations.] (Deleted by amendment.)~~

**Sec. 5.** ~~[NRS 453.231 is hereby amended to read as follows:~~

~~453.231 1. The Board shall register an applicant to *prescribe or* dispense controlled substances included in schedules I to V, inclusive, unless it determines that the issuance of that registration would be inconsistent with the public interest. In determining the public interest, the Board shall consider the following factors:~~

~~(a) Maintenance of effective controls against diversion of controlled substances into other than legitimate medical, scientific, research or industrial channels;~~

~~(b) Compliance with state and local law;~~

~~(c) Promotion of technical advances in the art of manufacturing controlled substances and the development of new substances;~~

~~(d) Convictions of the applicant pursuant to laws of another country or federal or state laws relating to a controlled substance;~~

~~(e) Past experience of the applicant in the *prescription*, manufacture or distribution of controlled substances, and the existence in the applicant's~~

1 establishment of effective controls against diversion of controlled substances into  
2 other than legitimate medical, scientific research or industrial channels;

3 ~~(f) Furnishing by the applicant of false or fraudulent material in an application~~  
4 ~~filed pursuant to the provisions of NRS 453.011 to 453.552, inclusive;~~

5 ~~(g) Suspension or revocation of the applicant's federal registration to~~  
6 ~~manufacture, distribute, possess, administer or dispense controlled substances as~~  
7 ~~authorized by federal law; and~~

8 ~~(h) Any other factors relevant to and consistent with the public health and~~  
9 ~~safety.~~

10 ~~2. Registration pursuant to subsection 1 entitles a registrant to *prescribe or*~~  
11 ~~dispense a substance included in schedules I or II only if it is specified in the~~  
12 ~~registration.~~

13 ~~3. A practitioner must be registered before *prescribing or* dispensing a~~  
14 ~~controlled substance or conducting research with respect to a controlled substance~~  
15 ~~included in schedules II to V, inclusive. The Board need not require separate~~  
16 ~~registration pursuant to the provisions of NRS 453.011 to 453.552, inclusive, for~~  
17 ~~practitioners engaging in research with nonnarcotic controlled substances included~~  
18 ~~in schedules II to V, inclusive, if the registrant is already registered in accordance~~  
19 ~~with the provisions of NRS 453.011 to 453.552, inclusive, in another capacity. A~~  
20 ~~practitioner registered in accordance with federal law to conduct research with a~~  
21 ~~substance included in schedule I may conduct research with the substance in this~~  
22 ~~State upon furnishing the Board evidence of the federal registration. (Deleted by~~  
23 ~~amendment.)~~

24 **Sec. 6.** ~~[NRS 453.232 is hereby amended to read as follows:~~

25 ~~453.232 A person who *prescribes or* dispenses a controlled substance without~~  
26 ~~being registered by the Board if required by NRS 453.231 is guilty of a category D~~  
27 ~~felony and shall be punished as provided in NRS 193.130.] (Deleted by~~  
28 ~~amendment.)~~

29 **Sec. 7.** ~~[NRS 453.236 is hereby amended to read as follows:~~

30 ~~453.236 1. The Board may suspend or revoke a registration pursuant to~~  
31 ~~NRS 453.231 to *prescribe or* dispense a controlled substance upon a finding that~~  
32 ~~the registrant has:~~

33 ~~(a) Furnished false or fraudulent material information in an application filed~~  
34 ~~pursuant to NRS 453.011 to 453.552, inclusive;~~

35 ~~(b) Been convicted of a felony under a state or federal law relating to a~~  
36 ~~controlled substance;~~

37 ~~(c) Had his or her federal registration to dispense controlled substances~~  
38 ~~suspended or revoked and is no longer authorized by federal law to dispense those~~  
39 ~~substances; or~~

40 ~~(d) Committed an act that would render registration under NRS 453.231~~  
41 ~~inconsistent with the public interest as determined pursuant to that section.~~

42 ~~2. The Board may limit revocation or suspension of a registration to the~~  
43 ~~particular controlled substance with respect to which grounds for revocation or~~  
44 ~~suspension exist.~~

45 ~~3. If a registration is suspended or revoked, the Board may place under seal~~  
46 ~~all controlled substances owned or possessed by the registrant at the time of~~  
47 ~~suspension or the effective date of the revocation. No disposition may be made of~~  
48 ~~substances under seal until the time for taking an appeal has elapsed or until all~~  
49 ~~appeals have been concluded unless a court, upon application therefor, orders the~~  
50 ~~sale of perishable substances and the deposit of the proceeds of the sale with the~~  
51 ~~court. When a revocation becomes final, the court may order the controlled~~  
52 ~~substances forfeited to the State.~~

~~4. The Board may seize or place under seal any controlled substance owned or possessed by a registrant whose registration has expired or who has ceased to practice or do business in the manner permitted by the registration. The controlled substance must be held for the benefit of the registrant or the registrant's successor in interest. The Board shall notify a registrant, or the registrant's successor in interest, whose controlled substance is seized or placed under seal, of the procedures to be followed to secure the return of the controlled substance and the conditions under which it will be returned. The Board may not dispose of a controlled substance seized or placed under seal under this subsection until the expiration of 180 days after the controlled substance was seized or placed under seal. The Board may recover costs it incurred in seizing, placing under seal, maintaining custody and disposing of any controlled substance under this subsection from the registrant, from any proceeds obtained from the disposition of the controlled substance, or from both. The Board shall pay to the registrant or the registrant's successor in interest any balance of the proceeds of any disposition remaining after the costs have been recovered.~~

~~5. The Board shall promptly notify the Drug Enforcement Administration and the Division of all orders suspending or revoking registration and the Division shall promptly notify the Drug Enforcement Administration and the Board of all forfeitures of controlled substances.~~

~~6. A registrant shall not employ as his or her agent or employee in any premises where controlled substances are sold, dispensed, stored or held for sale any person whose pharmacist's certificate has been suspended or revoked.]~~  
**(Deleted by amendment.)**

**Sec. 7.1. NRS 630.3062 is hereby amended to read as follows:**

630.3062 The following acts, among others, constitute grounds for initiating disciplinary action or denying licensure:

1. Failure to maintain timely, legible, accurate and complete medical records relating to the diagnosis, treatment and care of a patient.
2. Altering medical records of a patient.
3. Making or filing a report which the licensee knows to be false, failing to file a record or report as required by law or willfully obstructing or inducing another to obstruct such filing.
4. Failure to make the medical records of a patient available for inspection and copying as provided in NRS 629.061.
5. Failure to comply with the requirements of NRS 630.3068.
6. 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.

**7. Failure to comply with the requirements of NRS 453.1545.**

**Sec. 7.2. NRS 631.3475 is hereby amended to read as follows:**

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

1. Malpractice;
2. Professional incompetence;
3. Suspension or revocation of a license to practice dentistry, the imposition of a fine or other disciplinary action by any agency of another state authorized to regulate the practice of dentistry in that state;
4. More than one act by the dentist or dental hygienist constituting substandard care in the practice of dentistry or dental hygiene;
5. Administering, dispensing or prescribing any controlled substance or any dangerous drug as defined in chapter 454 of NRS, if it is not required to treat the dentist's patient;

6. Knowingly procuring or administering a controlled substance or a dangerous drug as defined in chapter 454 of NRS that is not approved by the United States Food and Drug Administration, unless the unapproved controlled substance or dangerous drug:

(a) Was procured through a retail pharmacy licensed pursuant to chapter 639 of NRS;

(b) Was procured through a Canadian pharmacy which is licensed pursuant to chapter 639 of NRS and which has been recommended by the State Board of Pharmacy pursuant to subsection 4 of NRS 639.2328; or

(c) Is marijuana being used for medical purposes in accordance with chapter 453A of NRS;

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

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

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

10. 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.

**11. Failure to comply with the provisions of NRS 453.1545.**

**Sec. 7.3. 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.

(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, nursing assistant or medication aide - certified.

(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 knowingly procured or administered a controlled substance or a dangerous drug as defined in chapter 454 of NRS that is not approved by the United States Food and Drug Administration, unless the unapproved controlled substance or dangerous drug:

(1) Was procured through a retail pharmacy licensed pursuant to chapter 639 of NRS;

(2) Was procured through a Canadian pharmacy which is licensed pursuant to chapter 639 of NRS and which has been recommended by the State Board of Pharmacy pursuant to subsection 4 of NRS 639.2328; or

(3) Is marijuana being used for medical purposes in accordance with chapter 453A of NRS.

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

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

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

(p) 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.

*(q) Is an advanced practice registered nurse who has failed to comply with the provisions of NRS 453.1545.*

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.

3. A licensee or certificate holder is not subject to disciplinary action solely for administering auto-injectable epinephrine pursuant to a valid order issued pursuant to NRS 630.374 or 633.707.

**Sec. 7.4. 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 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 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 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. Knowingly procuring or administering a controlled substance or a dangerous drug as defined in chapter 454 of NRS that is not approved by the United States Food and Drug Administration, unless the unapproved controlled substance or dangerous drug:

(a) Was procured through a retail pharmacy licensed pursuant to chapter 639 of NRS;

(b) Was procured through a Canadian pharmacy which is licensed pursuant to chapter 639 of NRS and which has been recommended by the State Board of Pharmacy pursuant to subsection 4 of NRS 639.2328; or

(c) Is marijuana being used for medical purposes in accordance with chapter 453A of NRS.

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

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

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

7 16. Failure to report any person the licensee knows, or has reason to know, is  
8 in violation of the provisions of this chapter or the regulations of the Board within  
9 30 days after the date the licensee knows or has reason to know of the violation.

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

15 18. Engaging in any act that is unsafe in accordance with regulations adopted  
16 by the Board.

17 19. Failure to comply with the provisions of NRS 633.165.

18 20. Failure to supervise adequately a medical assistant pursuant to the  
19 regulations of the Board.

20 21. Failure to comply with the provisions of NRS 453.1545.

21 Sec. 7.5. NRS 635.130 is hereby amended to read as follows:

22 635.130 1. The Board, after notice and a hearing as required by law, and  
23 upon any cause enumerated in subsection 2, may take one or more of the following  
24 disciplinary actions:

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

26 (b) Suspend or revoke a license.

27 (c) Place a licensee on probation.

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

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

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

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

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

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

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

40 (f) Conviction of violating any of the provisions of NRS 616D.200, 616D.220,  
41 616D.240 or 616D.300 to 616D.440, inclusive.

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

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

46 (i) Gross incompetency.

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

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

52 (l) Unethical or unprofessional conduct.

53 (m) Failure to comply with the requirements of subsection 1 of NRS 635.118.

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

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

(p) Knowingly procuring or administering a controlled substance or a dangerous drug as defined in chapter 454 of NRS that is not approved by the United States Food and Drug Administration, unless the unapproved controlled substance or dangerous drug:

(1) Was procured through a retail pharmacy licensed pursuant to chapter 639 of NRS;

(2) Was procured through a Canadian pharmacy which is licensed pursuant to chapter 639 of NRS and which has been recommended by the State Board of Pharmacy pursuant to subsection 4 of NRS 639.2328; or

(3) Is marijuana being used for medical purposes in accordance with chapter 453A of NRS.

(q) 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.

**(r) Failure to comply with the provisions of NRS 453.1545.**

**Sec. 7.6. 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.

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. Knowingly procuring or administering a controlled substance or a dangerous drug as defined in chapter 454 of NRS that is not approved by the United States Food and Drug Administration, unless the unapproved controlled substance or dangerous drug:

(a) Was procured through a retail pharmacy licensed pursuant to chapter 639 of NRS;

(b) Was procured through a Canadian pharmacy which is licensed pursuant to chapter 639 of NRS and which has been recommended by the State Board of Pharmacy pursuant to subsection 4 of NRS 639.2328; or

(c) Is marijuana being used for medical purposes in accordance with chapter 453A of NRS.

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

13. 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.

**14. Failure to comply with the provisions of NRS 453.1545.**

**Sec. 7.7. NRS 638.140 is hereby amended to read as follows:**

638.140 The following acts, among others, are grounds for disciplinary action:

1. Violation of a regulation adopted by the State Board of Pharmacy or the Nevada State Board of Veterinary Medical Examiners;

2. Habitual drunkenness;

3. Addiction to the use of a controlled substance;

4. Conviction of or a plea of nolo contendere to a felony related to the practice of veterinary medicine, or any offense involving moral turpitude;

5. Incompetence;

6. Negligence;

7. Malpractice pertaining to veterinary medicine as evidenced by an action for malpractice in which the holder of a license is found liable for damages;

8. Conviction of a violation of any law concerning the possession, distribution or use of a controlled substance or a dangerous drug as defined in chapter 454 of NRS;

9. Willful failure to comply with any provision of this chapter, a regulation, subpoena or order of the Board, the standard of care established by the American Veterinary Medical Association or an order of a court;

10. Prescribing, administering or dispensing a controlled substance to an animal to influence the outcome of a competitive event in which the animal is a competitor;

11. Willful failure to comply with a request by the Board for medical records within 14 days after receipt of a demand letter issued by the Board;

12. Willful failure to accept service by mail or in person from the Board;

13. Failure of a supervising veterinarian to provide immediate or direct supervision to licensed or unlicensed personnel if the failure results in malpractice or the death of an animal; and

14. Failure of a supervising veterinarian to ensure that a licensed veterinarian is on the premises of a facility or agency when medical treatment is administered to an animal if the treatment requires direct or immediate supervision by a licensed veterinarian.

**15. Failure to comply with the provisions of NRS 453.1545.**

**Sec. 8. This act becomes effective:**

1. Upon passage and approval for the purpose of performing any preparatory administrative tasks necessary to carry out the provisions of this act; and

- 1            2. On January 1, 2016, for all other purposes.