

SENATE BILL NO. 290—SENATOR HARDY

MARCH 16, 2017

Referred to Committee on Commerce, Labor and Energy

SUMMARY—Prohibits certain persons from representing themselves as licensed or certified genetic counselors. (BDR 54-933)

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: No.

~

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

AN ACT relating to genetic counseling; prohibiting certain persons from representing themselves as licensed or certified genetic counselors; authorizing the imposition of professional discipline against certain persons who violate that prohibition; providing a penalty; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

1 Existing law authorizes the Board of Regents of the University of Nevada to  
2 establish a genetics program, which must provide genetic counseling services if it is  
3 established. (NRS 396.521, 396.523) **Section 1** of this bill prohibits a person from  
4 representing that he or she is licensed, certified or otherwise credentialed as a  
5 genetic counselor unless he or she is certified by the American Board of Genetic  
6 Counseling, Inc., or the American Board of Medical Genetics and Genomics. A  
7 violation of this provision is a misdemeanor. **Sections 2-4** of this bill additionally  
8 authorize disciplinary action against a person licensed or certified by the Board of  
9 Medical Examiners, State Board of Nursing or State Board of Osteopathic  
10 Medicine who violates this provision.



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

**Section 1.** Chapter 629 of NRS is hereby amended by adding thereto a new section to read as follows:

*1. A person shall not refer to himself or herself as a certified genetic counselor or indicate, represent or imply in any way that he or she is licensed, certified or otherwise credentialed as a genetic counselor unless he or she is certified as:*

*(a) A genetic counselor by the American Board of Genetic Counseling, Inc., or its successor organization; or*

*(b) A clinical geneticist by the American Board of Medical Genetics and Genomics or its successor organization.*

*2. A person who violates any provision of this section is guilty of a misdemeanor.*

**Sec. 2.** NRS 630.304 is hereby amended to read as follows:

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

1. Obtaining, maintaining or renewing or attempting to obtain, maintain or renew a license to practice medicine by bribery, fraud or misrepresentation or by any false, misleading, inaccurate or incomplete statement.

2. Advertising the practice of medicine in a false, deceptive or misleading manner.

3. Practicing or attempting to practice medicine under another name.

4. Signing a blank prescription form.

5. Influencing a patient in order to engage in sexual activity with the patient or with others.

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

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

*8. Violating the provisions of section 1 of this act.*

**Sec. 3.** NRS 632.347 is hereby amended to read as follows:

632.347 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



\* S B 2 9 0 \*

(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.



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

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

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

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

14 (3) Is marijuana being used for medical purposes in  
15 accordance with chapter 453A of NRS; or

16 (4) Is an investigational drug or biological product prescribed  
17 to a patient pursuant to NRS 630.3735 or 633.6945.

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

22 (n) Has engaged in conduct likely to deceive, defraud or  
23 endanger a patient or the general public **H** , *including, without*  
24 *limitation, a violation of section 1 of this act.*

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

27 (p) Has operated a medical facility at any time during which:

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

29 (2) An act or omission occurred which resulted in the  
30 suspension or revocation of the license pursuant to NRS 449.160.

31 ➡ This paragraph applies to an owner or other principal responsible  
32 for the operation of the facility.

33 (q) Is an advanced practice registered nurse who has failed to  
34 obtain any training required by the Board pursuant to  
35 NRS 632.2375.

36 (r) Is an advanced practice registered nurse who has failed to  
37 comply with the provisions of NRS 453.163 or 453.164.

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

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



1 4. As used in this section, "investigational drug or biological  
2 product" has the meaning ascribed to it in NRS 454.351.

3 **Sec. 4.** NRS 633.511 is hereby amended to read as follows:

4 633.511 1. The grounds for initiating disciplinary action  
5 pursuant to this chapter are:

6 (a) Unprofessional conduct.

7 (b) Conviction of:

8 (1) A violation of any federal or state law regulating the  
9 possession, distribution or use of any controlled substance or any  
10 dangerous drug as defined in chapter 454 of NRS;

11 (2) A felony relating to the practice of osteopathic medicine  
12 or practice as a physician assistant;

13 (3) A violation of any of the provisions of NRS 616D.200,  
14 616D.220, 616D.240 or 616D.300 to 616D.440, inclusive;

15 (4) Murder, voluntary manslaughter or mayhem;

16 (5) Any felony involving the use of a firearm or other deadly  
17 weapon;

18 (6) Assault with intent to kill or to commit sexual assault or  
19 mayhem;

20 (7) Sexual assault, statutory sexual seduction, incest,  
21 lewdness, indecent exposure or any other sexually related crime;

22 (8) Abuse or neglect of a child or contributory delinquency;  
23 or

24 (9) Any offense involving moral turpitude.

25 (c) The suspension of a license to practice osteopathic medicine  
26 or to practice as a physician assistant by any other jurisdiction.

27 (d) Malpractice or gross malpractice, which may be evidenced  
28 by a claim of malpractice settled against a licensee.

29 (e) Professional incompetence.

30 (f) Failure to comply with the requirements of NRS 633.527.

31 (g) Failure to comply with the requirements of subsection 3 of  
32 NRS 633.471.

33 (h) Failure to comply with the provisions of NRS 633.694.

34 (i) Operation of a medical facility, as defined in NRS 449.0151,  
35 at any time during which:

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

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

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

41 (j) Failure to comply with the provisions of subsection 2 of  
42 NRS 633.322.

43 (k) Signing a blank prescription form.

44 (l) Knowingly or willfully procuring or administering a  
45 controlled substance or a dangerous drug as defined in chapter 454



\* S B 2 9 0 \*

1 of NRS that is not approved by the United States Food and Drug  
2 Administration, unless the unapproved controlled substance or  
3 dangerous drug:

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

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

10 (3) Is marijuana being used for medical purposes in  
11 accordance with chapter 453A of NRS; or

12 (4) Is an investigational drug or biological product prescribed  
13 to a patient pursuant to NRS 630.3735 or 633.6945.

14 (m) Attempting, directly or indirectly, by intimidation, coercion  
15 or deception, to obtain or retain a patient or to discourage the use of  
16 a second opinion.

17 (n) Terminating the medical care of a patient without adequate  
18 notice or without making other arrangements for the continued care  
19 of the patient.

20 (o) In addition to the provisions of subsection 3 of NRS  
21 633.524, making or filing a report which the licensee knows to be  
22 false, failing to file a record or report that is required by law or  
23 knowingly or willfully obstructing or inducing another to obstruct  
24 the making or filing of such a record or report.

25 (p) Failure to report any person the licensee knows, or has  
26 reason to know, is in violation of the provisions of this chapter or  
27 the regulations of the Board within 30 days after the date the  
28 licensee knows or has reason to know of the violation.

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

35 (r) Engaging in any act that is unsafe in accordance with  
36 regulations adopted by the Board.

37 (s) Failure to comply with the provisions of NRS 629.515.

38 (t) Failure to supervise adequately a medical assistant pursuant  
39 to the regulations of the Board.

40 (u) Failure to obtain any training required by the Board pursuant  
41 to NRS 633.473.

42 (v) Failure to comply with the provisions of NRS 633.6955.

43 (w) Failure to comply with the provisions of NRS 453.163 or  
44 453.164.



- 1        *(x) Failure to comply with the provisions of section 1 of this*  
2 *act.*  
3        2. As used in this section, “investigational drug or biological  
4 product” has the meaning ascribed to it in NRS 454.351.  
5        **Sec. 5.** This act becomes effective upon passage and approval.

