

Amendment No. 88

Senate Amendment to Senate Bill No. 170	(BDR 54-523)
<b>Proposed by:</b> Senate Committee on Commerce and Labor	
<b>Amends:</b> Summary: No Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes	

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.





## SENATE BILL NO. 170—SENATOR HARDY

FEBRUARY 18, 2019

Referred to Committee on Commerce and Labor

SUMMARY—Revises provisions relating to health care. (BDR 54-523)

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 health care; revising requirements governing the injection of neuromodulators derived from *Clostridium botulinum* or dermal and soft tissue fillers; ~~requiring the State Board of Pharmacy to establish uniform professional discipline for certain violations by practitioners relating to the prescription of controlled substances;~~ revising the definition of “chemical restraint” as used in provisions regulating the use of such restraint; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

Existing law prohibits the injection of neuromodulators that are derived from *Clostridium botulinum* or dermal or soft tissue fillers: (1) by any person other than certain providers of health care who are licensed in this State; and (2) at any location other than a medical facility or the office of such a licensed provider of health care. (NRS 454.217, 629.086) **Sections 1 and 17** of this bill additionally authorize a physician or physician assistant licensed in any jurisdiction of the United States to inject neuromodulators that are derived from *Clostridium botulinum* or dermal or soft tissue fillers for demonstration purposes at an educational event recognized by the ~~Board of Medical Examiners or the State Board of Osteopathic Medicine.~~

~~Existing law prescribes certain requirements relating to the prescription of a controlled substance listed in schedule II, III or IV. (NRS 639.23507, 639.2391-639.23916) Existing law requires each licensing board that regulates practitioners who are authorized to prescribe a controlled substance to adopt regulations providing for disciplinary action against a practitioner who inappropriately prescribes a controlled substance listed in schedule II, III or IV or violates those requirements. (NRS 630.323, 631.364, 632.352, 633.574, 635.452, 636.388) Sections 2, 6, 8, 9, 12 and 14 of this bill remove the authority of the licensing boards that license practitioners to adopt such regulations. Instead, section 15 of this bill requires the State Board of Pharmacy to adopt regulations establishing uniform disciplinary action to be imposed against a practitioner who commits any such violation, and sections 2, 6, 8, 9, 12 and 14 require the licensing boards that regulate practitioners to impose disciplinary action for such violations in accordance with those regulations. Sections 3, 5, 7, 10, 11 and 13 of this bill make conforming changes.~~ **American Medical Association, the American Academy of Family Physicians or the American Osteopathic Association.**

Existing law limits the circumstances under which a mental health facility is authorized to use chemical restraint on a consumer. (NRS 433.5486, 433.549, 433.5503) Existing law excludes from the definition of the term “chemical restraint” the administration of drugs on a regular basis, as prescribed by a physician, to treat the symptoms of mental, physical,

emotional or behavioral disorders and for assisting a person in gaining self-control over his or her impulses. (NRS 433.5456) Existing law imposes various requirements concerning the use of chemical restraints. (NRS 433.5486, 433.549) **Section 16** of this bill broadens that exclusion to also include the administration of drugs, as prescribed by a physician, for these purposes other than on a regular basis.

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

**Section 1.** NRS 629.086 is hereby amended to read as follows:

629.086 1. ~~[A]~~ *Except as otherwise authorized by subsection 2, a* person shall not inject dermal or soft tissue fillers:

(a) Unless the person is:

(1) A physician or physician assistant licensed pursuant to chapter 630 of NRS;

(2) A dentist who has successfully completed the training prescribed by the Board of Dental Examiners of Nevada pursuant to NRS 631.391;

(3) A registered nurse or advanced practice registered nurse;

(4) A physician or physician assistant licensed pursuant to chapter 633 of NRS; or

(5) A podiatric physician who has successfully completed the training prescribed by the State Board of Podiatry pursuant to NRS 635.200.

(b) Outside his or her scope of practice.

(c) At a location other than a medical facility or the office of a physician or physician assistant licensed pursuant to chapter 630 or 633 of NRS, dentist, advanced practice registered nurse or podiatric physician.

2. *A physician or physician assistant licensed in any state of the United States, the District of Columbia, the Commonwealth of Puerto Rico or any territory or insular possession subject to the jurisdiction of the United States may inject dermal or soft tissue fillers at an educational event recognized by the ~~[Board of Medical Examiners or the State Board of Osteopathic Medicine only]~~ American Medical Association or its successor organization, the American Academy of Family Physicians or its successor organization or the American Osteopathic Association or its successor organization for the purpose of demonstrating proper technique for performing such an injection.*

3. A person who is authorized by ~~[subsection 1]~~ *this section* to inject dermal or soft tissue fillers shall not delegate such injection to a person who is prohibited by ~~[subsection 1]~~ *this section* from injecting dermal or soft tissue fillers.

~~[3.]~~ 4. A person who violates any provision of this section is guilty of a misdemeanor.

~~[4.]~~ 5. As used in this section, "dermal or soft tissue filler" means a material that is injected into the skin to fill in wrinkles or into the soft tissue to alter the contour of the soft tissue.

**Sec. 2.** ~~[NRS 630.323 is hereby amended to read as follows:~~

~~630.323 1. The Executive Director of the Board or his or her designee shall review and evaluate any complaint or information received from the Investigation Division of the Department of Public Safety or the State Board of Pharmacy, including, without limitation, information provided pursuant to NRS 453.164, or from a law enforcement agency, professional licensing board or any other source indicating that:~~

~~(a) A licensee has issued a fraudulent, illegal, unauthorized or otherwise inappropriate prescription for a controlled substance listed in schedule II, III or IV;~~

~~— (b) A pattern of prescriptions issued by a licensee indicates that the licensee has issued prescriptions in the manner described in paragraph (a); or~~

~~— (c) A patient of a licensee has acquired, used or possessed a controlled substance listed in schedule II, III or IV in a fraudulent, illegal, unauthorized or otherwise inappropriate manner;~~

~~— 2. If the Executive Director of the Board or his or her designee receives information described in subsection 1 concerning the licensee, the Executive Director or his or her designee must notify the licensee as soon as practicable after receiving the information;~~

~~— 3. A review and evaluation conducted pursuant to subsection 1 must include, without limitation:~~

~~— (a) A review of relevant information contained in the database of the program established pursuant to NRS 453.162;~~

~~— (b) A requirement that the licensee who is the subject of the review and evaluation attest that he or she has complied with the requirements of NRS 639.23507, 639.2391, 639.23911 and 639.23915, as applicable; and~~

~~— (c) A request for additional relevant information from the licensee who is the subject of the review and evaluation;~~

~~— 4. If, after a review and evaluation conducted pursuant to subsection 1, the Executive Director or his or her designee determines that a licensee may have issued a fraudulent, illegal, unauthorized or otherwise inappropriate prescription for a controlled substance listed in schedule II, III or IV, the Board must proceed as if a written complaint had been filed against the licensee. If, after conducting an investigation and a hearing in accordance with the provisions of this chapter, the Board determines that the licensee issued a fraudulent, illegal, unauthorized or otherwise inappropriate prescription, the Board must impose appropriate disciplinary action [.] in accordance with the regulations adopted by the State Board of Pharmacy pursuant to NRS 639.23916.~~

~~— 5. When deemed appropriate, the Executive Director of the Board may:~~

~~— (a) Refer information acquired during a review and evaluation conducted pursuant to subsection 1 to another professional licensing board, law enforcement agency or other appropriate governmental entity for investigation and criminal or administrative proceedings;~~

~~— (b) Postpone any notification, review or part of such a review required by this section if he or she determines that it is necessary to avoid interfering with any pending administrative or criminal investigation into the suspected fraudulent, illegal, unauthorized or otherwise inappropriate prescribing, dispensing or use of a controlled substance;~~

~~— [6. The Board shall adopt regulations providing for disciplinary action against a licensee for inappropriately prescribing a controlled substance listed in schedule II, III or IV or violating the provisions of NRS 639.2391 to 639.23916, inclusive, and any regulations adopted by the State Board of Pharmacy pursuant thereto. Such disciplinary action must include, without limitation, requiring the licensee to complete additional continuing education concerning prescribing controlled substances listed in schedules II, III and IV.] (Deleted by amendment.)~~

**Sec. 3. [NRS 630.352 is hereby amended to read as follows:**

~~— 630.352 1. Any member of the Board, other than a member of an investigative committee of the Board who participated in any determination regarding a formal complaint in the matter or any member serving on a panel of the Board at the hearing of the matter, may participate in an adjudication to obtain the final order of the Board. At the adjudication, the Board shall consider any findings of fact and conclusions of law submitted after the hearing and shall allow:~~

~~— (a) Counsel for the Board to present a disciplinary recommendation and argument in support of the disciplinary recommendation subject to the provisions of NRS 622A.200 and 622A.210;~~

~~— (b) The respondent or counsel of the respondent to present a disciplinary recommendation and argument in support of the disciplinary recommendation; and~~

~~— (c) The complainant in the matter to make a statement to the Board regarding the disciplinary recommendations by the parties and to address the effect of the respondent's conduct upon the complainant or the patient involved, if other than the complainant;~~

~~— The Board may limit the time within which the parties and the complainant may make their arguments and statements;~~

~~— 2. At the conclusion of the presentations of the parties and the complainant, the Board shall deliberate and may by a majority vote impose discipline based upon the findings of fact and conclusions of law and the presentations of the parties and the complainant;~~

~~— 3. If, in the findings of fact and conclusions of law, the Board, hearing officer or panel of the Board determines that no violation has occurred, the Board shall dismiss the charges, in writing, and notify the respondent that the charges have been dismissed;~~

~~— 4. Except as otherwise provided in subsection 5 [.] and NRS 630.323, if the Board finds that a violation has occurred, it shall by order take one or more of the following actions:~~

~~— (a) Place the person on probation for a specified period on any of the conditions specified in the order;~~

~~— (b) Administer a written public reprimand to the person;~~

~~— (c) Limit the person's practice or exclude one or more specified branches of medicine from his or her practice;~~

~~— (d) Suspend the person's license for a specified period or until further order of the Board;~~

~~— (e) Revoke the person's license;~~

~~— (f) Require the person to participate in a program to correct alcohol or drug dependence or any other impairment;~~

~~— (g) Require supervision of the person's practice;~~

~~— (h) Impose a fine not to exceed \$5,000 for each violation;~~

~~— (i) Require the person to perform community service without compensation;~~

~~— (j) Require the person to take a physical or mental examination or an examination testing his or her competence; and~~

~~— (k) Require the person to fulfill certain training or educational requirements;~~

~~— 5. If the Board finds that the respondent has violated the provisions of NRS 439B.425, the Board shall suspend the respondent's license for a specified period or until further order of the Board.~~

~~— 6. The Board shall not administer a private reprimand if the Board finds that a violation has occurred.~~

~~— 7. Within 30 days after the hearing before the Board, the Board shall issue a final order, certified by the Secretary Treasurer of the Board, that imposes discipline and incorporates the findings of fact and conclusions of law obtained from the hearing. An order that imposes discipline and the findings of fact and conclusions of law supporting that order are public records. (Deleted by amendment.)~~

**Sec. 4.** ~~[NRS 630.356 is hereby amended to read as follows:~~

~~— 630.356 1. Any person aggrieved by a final order of the Board is entitled to judicial review of the Board's order.~~

~~2. Every order that imposes a sanction against a licensee pursuant to NRS 630.323 or subsection 4 or 5 of NRS 630.352 or any regulation of the Board is effective from the date the Secretary-Treasurer certifies the order until the date the order is modified or reversed by a final judgment of the court. The court shall not stay the order of the Board pending a final determination by the court.~~

~~3. The district court shall give a petition for judicial review of the Board's order priority over other civil matters which are not expressly given priority by law.] (Deleted by amendment.)~~

**Sec. 5.** ~~[NRS 631.350 is hereby amended to read as follows:~~

~~631.350 1. Except as otherwise provided in NRS 631.271, 631.2715, [and] 631.347 [,] and 631.364, the Board may:~~

- ~~(a) Refuse to issue a license to any person;~~
- ~~(b) Revoke or suspend the license or renewal certificate issued by it to any person;~~
- ~~(c) Fine a person it has licensed;~~
- ~~(d) Place a person on probation for a specified period on any conditions the Board may order;~~
- ~~(e) Issue a public reprimand to a person;~~
- ~~(f) Limit a person's practice to certain branches of dentistry;~~
- ~~(g) Require a person to participate in a program to correct alcohol or drug abuse or any other impairment;~~
- ~~(h) Require that a person's practice be supervised;~~
- ~~(i) Require a person to perform community service without compensation;~~
- ~~(j) Require a person to take a physical or mental examination or an examination of his or her competence;~~
- ~~(k) Require a person to fulfill certain training or educational requirements;~~
- ~~(l) Require a person to reimburse a patient; or~~
- ~~(m) Any combination thereof;~~

~~if the Board finds, by a preponderance of the evidence, that the person has engaged in any of the activities listed in subsection 2.~~

~~2. The following activities may be punished as provided in subsection 1:~~

- ~~(a) Engaging in the illegal practice of dentistry or dental hygiene;~~
- ~~(b) Engaging in unprofessional conduct; or~~
- ~~(c) Violating any regulations adopted by the Board or the provisions of this chapter.~~

~~3. The Board may delegate to a hearing officer or panel its authority to take any disciplinary action pursuant to this chapter, impose and collect fines therefor and deposit the money therefrom in banks, credit unions, savings and loan associations or savings banks in this State.~~

~~4. If a hearing officer or panel is not authorized to take disciplinary action pursuant to subsection 3 and the Board deposits the money collected from the imposition of fines with the State Treasurer for credit to the State General Fund, it may present a claim to the State Board of Examiners for recommendation to the Interim Finance Committee if money is needed to pay attorney's fees or the costs of an investigation, or both.~~

~~5. The Board shall not administer a private reprimand.~~

~~6. An order that imposes discipline and the findings of fact and conclusions of law supporting that order are public records.] (Deleted by amendment.)~~

**Sec. 6.** ~~[NRS 631.364 is hereby amended to read as follows:~~

~~631.364 1. The Executive Director of the Board or his or her designee shall review and evaluate any complaint or information received from the Investigation Division of the Department of Public Safety or the State Board of Pharmacy, including, without limitation, information provided pursuant to NRS 453.164, or~~

1 from a law enforcement agency, professional licensing board or any other source  
2 indicating that:

3 ~~— (a) A licensee has issued a fraudulent, illegal, unauthorized or otherwise~~  
4 ~~inappropriate prescription for a controlled substance listed in schedule II, III or IV;~~

5 ~~— (b) A pattern of prescriptions issued by a licensee indicates that the licensee~~  
6 ~~has issued prescriptions in the manner described in paragraph (a); or~~

7 ~~— (c) A patient of a licensee has acquired, used or possessed a controlled~~  
8 ~~substance listed in schedule II, III or IV in a fraudulent, illegal, unauthorized or~~  
9 ~~otherwise inappropriate manner;~~

10 ~~— 2. If the Executive Director of the Board or his or her designee receives~~  
11 ~~information described in subsection 1 concerning the licensee, the Executive~~  
12 ~~Director or his or her designee must notify the licensee as soon as practicable after~~  
13 ~~receiving the information;~~

14 ~~— 3. A review and evaluation conducted pursuant to subsection 1 must include,~~  
15 ~~without limitation:~~

16 ~~— (a) A review of relevant information contained in the database of the program~~  
17 ~~established pursuant to NRS 452.162;~~

18 ~~— (b) A requirement that the licensee who is the subject of the review and~~  
19 ~~evaluation attest that he or she has complied with the requirements of NRS~~  
20 ~~639.23507, 639.2391, 639.23911 and 639.23915, as applicable; and~~

21 ~~— (c) A request for additional relevant information from the licensee who is the~~  
22 ~~subject of the review and evaluation.~~

23 ~~— 4. If, after a review and evaluation conducted pursuant to subsection 1, the~~  
24 ~~Executive Director or his or her designee determines that a licensee may have~~  
25 ~~issued a fraudulent, illegal, unauthorized or otherwise inappropriate prescription for~~  
26 ~~a controlled substance listed in schedule II, III or IV, the Board must proceed as if a~~  
27 ~~written complaint had been filed against the licensee. If, after conducting an~~  
28 ~~investigation and a hearing in accordance with the provisions of this chapter, the~~  
29 ~~Board determines that the licensee issued a fraudulent, illegal, unauthorized or~~  
30 ~~otherwise inappropriate prescription, the Board must impose appropriate~~  
31 ~~disciplinary action [.] in accordance with the regulations adopted by the State~~  
32 ~~Board of Pharmacy pursuant to NRS 639.23916.~~

33 ~~— 5. When deemed appropriate, the Executive Director of the Board may:~~

34 ~~— (a) Refer information acquired during a review and evaluation conducted~~  
35 ~~pursuant to subsection 1 to another professional licensing board, law enforcement~~  
36 ~~agency or other appropriate governmental entity for investigation and criminal or~~  
37 ~~administrative proceedings;~~

38 ~~— (b) Postpone any notification, review or part of such a review required by this~~  
39 ~~section if he or she determines that it is necessary to avoid interfering with any~~  
40 ~~pending administrative or criminal investigation into the suspected fraudulent,~~  
41 ~~illegal, unauthorized or otherwise inappropriate prescribing, dispensing or use of a~~  
42 ~~controlled substance.~~

43 ~~— [6. The Board shall adopt regulations providing for disciplinary action against~~  
44 ~~a licensee for inappropriately prescribing a controlled substance listed in schedule~~  
45 ~~II, III or IV or violating the provisions of NRS 639.2391 to 639.23916, inclusive,~~  
46 ~~and any regulations adopted by the State Board of Pharmacy pursuant thereto. Such~~  
47 ~~disciplinary action must include, without limitation, requiring the licensee to~~  
48 ~~complete additional continuing education concerning prescribing controlled~~  
49 ~~substances listed in schedules II, III and IV.]] (Deleted by amendment.)~~

50 **Sec. 7. [NRS 632.347 is hereby amended to read as follows:**

51 ~~— 632.347 1. [The] In addition to the disciplinary action required by NRS~~  
52 ~~632.352, the Board may deny, revoke or suspend any license or certificate applied~~  
53 ~~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 630 of NRS;~~

~~— (2) Was procured through a Canadian pharmacy which is licensed pursuant to chapter 630 of NRS and which has been recommended by the State Board of Pharmacy pursuant to subsection 4 of NRS 630.2328;~~

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

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

~~— (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 obtain any training required by the Board pursuant to NRS 632.2375.~~

~~— (r) Is an advanced practice registered nurse who has failed to comply with the provisions of NRS 453.163, 453.164 [,] or 453.226 [, 630.23507, 630.2391 to 630.23916, inclusive,] and any regulations adopted by the State Board of Pharmacy pursuant thereto.~~

~~— [(s) Has engaged in the fraudulent, illegal, unauthorized or otherwise inappropriate prescribing, administering or dispensing of a controlled substance listed in schedule II, III or IV.~~

~~— (t) (s) Has violated the provisions of NRS 454.217 or 629.086.~~

~~— 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.~~

~~— 4. As used in this section, "investigational drug or biological product" has the meaning ascribed to it in NRS 454.351.] (Deleted by amendment.)~~

**Sec. 8. [NRS 632.352 is hereby amended to read as follows:**

~~— 632.352 1. The Executive Director of the Board or his or her designee shall review and evaluate any complaint or information received from the Investigation Division of the Department of Public Safety or the State Board of Pharmacy, including, without limitation, information provided pursuant to NRS 453.164, or from a law enforcement agency, professional licensing board or any other source indicating that:~~

~~— (a) A licensee has issued a fraudulent, illegal, unauthorized or otherwise inappropriate prescription for a controlled substance listed in schedule II, III or IV;~~

~~— (b) A pattern of prescriptions issued by a licensee indicates that the licensee has issued prescriptions in the manner described in paragraph (a); or~~

~~— (c) A patient of a licensee has acquired, used or possessed a controlled substance listed in schedule II, III or IV in a fraudulent, illegal, unauthorized or otherwise inappropriate manner.~~

~~— 2. If the Executive Director of the Board or his or her designee receives information described in subsection 1 concerning the licensee, the Executive~~

Director or his or her designee must notify the licensee as soon as practicable after receiving the information.

~~2. A review and evaluation conducted pursuant to subsection 1 must include, without limitation:~~

~~(a) A review of relevant information contained in the database of the program established pursuant to NRS 453.162;~~

~~(b) A requirement that the licensee who is the subject of the review and evaluation attest that he or she has complied with the requirements of NRS 639.22507, 639.2391, 639.23911 and 639.23915, as applicable; and~~

~~(c) A request for additional relevant information from the licensee who is the subject of the review and evaluation.~~

~~4. If, after a review and evaluation conducted pursuant to subsection 1, the Executive Director or his or her designee determines that a licensee may have issued a fraudulent, illegal, unauthorized or otherwise inappropriate prescription for a controlled substance listed in schedule II, III or IV, the Board must proceed as if a written complaint had been filed against the licensee. If, after conducting an investigation and a hearing in accordance with the provisions of this chapter, the Board determines that the licensee issued a fraudulent, illegal, unauthorized or otherwise inappropriate prescription, the Board must impose appropriate disciplinary action [...] in accordance with the regulations adopted by the State Board of Pharmacy pursuant to NRS 639.23916.~~

~~5. When deemed appropriate, the Executive Director of the Board may:~~

~~(a) Refer information acquired during a review and evaluation conducted pursuant to subsection 1 to another professional licensing board, law enforcement agency or other appropriate governmental entity for investigation and criminal or administrative proceedings.~~

~~(b) Postpone any notification, review or part of such a review required by this section if he or she determines that it is necessary to avoid interfering with any pending administrative or criminal investigation into the suspected fraudulent, illegal, unauthorized or otherwise inappropriate prescribing, dispensing or use of a controlled substance.~~

~~[6. The Board shall adopt regulations providing for disciplinary action against a licensee for inappropriately prescribing a controlled substance listed in schedule II, III or IV or violating the provisions of NRS 639.2391 to 639.23916, inclusive, and any regulations adopted by the State Board of Pharmacy pursuant thereto. Such disciplinary action must include, without limitation, requiring the licensee to complete additional continuing education concerning prescribing controlled substances listed in schedules II, III and IV.]~~ **(Deleted by amendment.)**

**Sec. 9. [NRS 633.574 is hereby amended to read as follows:]**

~~633.574 1. The Executive Director of the Board or his or her designee shall review and evaluate any complaint or information received from the Investigation Division of the Department of Public Safety or the State Board of Pharmacy, including, without limitation, information provided pursuant to NRS 453.164, or from a law enforcement agency, professional licensing board or any other source indicating that:~~

~~(a) A licensee has issued a fraudulent, illegal, unauthorized or otherwise inappropriate prescription for a controlled substance listed in schedule II, III or IV;~~

~~(b) A pattern of prescriptions issued by a licensee indicates that the licensee has issued prescriptions in the manner described in paragraph (a); or~~

~~(c) A patient of a licensee has acquired, used or possessed a controlled substance listed in schedule II, III or IV in a fraudulent, illegal, unauthorized or otherwise inappropriate manner.~~

~~2. If the Executive Director of the Board or his or her designee receives information described in subsection 1 concerning the licensee, the Executive Director or his or her designee must notify the licensee as soon as practicable after receiving the information.~~

~~2. A review and evaluation conducted pursuant to subsection 1 must include, without limitation:~~

~~(a) A review of relevant information contained in the database of the program established pursuant to NRS 453.162;~~

~~(b) A requirement that the licensee who is the subject of the review and evaluation attest that he or she has complied with the requirements of NRS 639.22507, 639.2391, 639.23911 and 639.23915, as applicable; and~~

~~(c) A request for additional relevant information from the licensee who is the subject of the review and evaluation.~~

~~4. If, after a review and evaluation conducted pursuant to subsection 1, the Executive Director or his or her designee determines that a licensee may have issued a fraudulent, illegal, unauthorized or otherwise inappropriate prescription for a controlled substance listed in schedule II, III or IV, the Board must proceed as if a written complaint had been filed against the licensee. If, after conducting an investigation and a hearing in accordance with the provisions of this chapter, the Board determines that the licensee issued a fraudulent, illegal, unauthorized or otherwise inappropriate prescription, the Board must impose appropriate disciplinary action [...] in accordance with the regulations adopted by the State Board of Pharmacy pursuant to NRS 639.23916.~~

~~5. When deemed appropriate, the Executive Director of the Board may:~~

~~(a) Refer information acquired during a review and evaluation conducted pursuant to subsection 1 to another professional licensing board, law enforcement agency or other appropriate governmental entity for investigation and criminal or administrative proceedings.~~

~~(b) Postpone any notification, review or part of such a review required by this section if he or she determines that it is necessary to avoid interfering with any pending administrative or criminal investigation into the suspected fraudulent, illegal, unauthorized or otherwise inappropriate prescribing, dispensing or use of a controlled substance.~~

~~[6. The Board shall adopt regulations providing for disciplinary action against a licensee for inappropriately prescribing a controlled substance listed in schedule II, III or IV or violating the provisions of NRS 639.2391 to 639.23916, inclusive, and any regulations adopted by the State Board of Pharmacy pursuant thereto. Such disciplinary action must include, without limitation, requiring the licensee to complete additional continuing education concerning prescribing controlled substances listed in schedules II, III and IV.]~~ **(Deleted by amendment.)**

**Sec. 10.** ~~[NRS 633.651 is hereby amended to read as follows:~~

~~633.651 1. [If] Except as otherwise provided in NRS 633.574, if the Board finds a person guilty in a disciplinary proceeding, it shall by order take one or more of the following actions:~~

~~(a) Place the person on probation for a specified period or until further order of the Board.~~

~~(b) Administer to the person a public reprimand.~~

~~(c) Limit the practice of the person to, or by the exclusion of, one or more specified branches of osteopathic medicine.~~

~~(d) Suspend the license of the person to practice osteopathic medicine or to practice as a physician assistant for a specified period or until further order of the Board.~~

~~(e) Revoke the license of the person to practice osteopathic medicine or to practice as a physician assistant.~~  
~~(f) Impose a fine not to exceed \$5,000 for each violation.~~  
~~(g) Require supervision of the practice of the person.~~  
~~(h) Require the person to perform community service without compensation.~~  
~~(i) Require the person to complete any training or educational requirements specified by the Board.~~  
~~(j) Require the person to participate in a program to correct alcohol or drug dependence or any other impairment.~~

~~The order of the Board may contain any other terms, provisions or conditions as the Board deems proper and which are not inconsistent with law.~~

~~2. The Board shall not administer a private reprimand.~~  
~~3. An order that imposes discipline and the findings of fact and conclusions of law supporting that order are public records.] (Deleted by amendment.)~~

**Sec. 11.** ~~[NRS 625.130 is hereby amended to read as follows:]~~

~~625.130 1. [The] In addition to the reasons for disciplinary action prescribed by NRS 625.152, the Board, after notice and a hearing as required by law, and upon any cause enumerated in subsection 2, may take one or more of the following disciplinary actions:~~

~~(a) Deny an application for a license or refuse to renew a license.~~  
~~(b) Suspend or revoke a license.~~  
~~(c) Place a licensee on probation.~~  
~~(d) Impose a fine not to exceed \$5,000.~~

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

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

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

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

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

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

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

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

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

~~(i) Gross incompetency.~~

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

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

~~(l) Unethical or unprofessional conduct.~~

~~(m) Failure to comply with the requirements of subsection 1 of NRS 625.118.~~

~~(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 639.2228; or~~

~~(3) Is marijuana being used for medical purposes in accordance with chapter 452A 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 obtain any training required by the Board pursuant to NRS 635.116.~~

~~(s) Failure to comply with the provisions of NRS 453.163, 453.164 [,] and 453.226 [, 639.23507 and 639.2391 to 639.23916, inclusive,] and any regulations adopted by the State Board of Pharmacy pursuant thereto.~~

~~(t) [Fraudulent, illegal, unauthorized or otherwise inappropriate prescribing, administering or dispensing of a controlled substance listed in schedule II, III or IV.~~

~~(u)] Failure to comply with the provisions of NRS 454.217 or 629.086.]~~

**(Deleted by amendment.)**

**Sec. 12.** ~~[NRS 635.152 is hereby amended to read as follows:~~

~~635.152 1. The President of the Board or his or her designee shall review and evaluate any complaint or information received from the Investigation Division of the Department of Public Safety or the State Board of Pharmacy, including, without limitation, information provided pursuant to NRS 453.164, or from a law enforcement agency, professional licensing board or any other source indicating that:~~

~~(a) A licensee has issued a fraudulent, illegal, unauthorized or otherwise inappropriate prescription for a controlled substance listed in schedule II, III or IV;~~

~~(b) A pattern of prescriptions issued by a licensee indicates that the licensee has issued prescriptions in the manner described in paragraph (a); or~~

~~(c) A patient of a licensee has acquired, used or possessed a controlled substance listed in schedule II, III or IV in a fraudulent, illegal, unauthorized or otherwise inappropriate manner.~~

~~2. If the President of the Board or his or her designee receives information described in subsection 1 concerning the licensee, the President or his or her designee must notify the licensee as soon as practicable after receiving the information.~~

~~3. A review and evaluation conducted pursuant to subsection 1 must include, without limitation:~~

~~(a) A review of relevant information contained in the database of the program established pursuant to NRS 453.162;~~

~~(b) A requirement that the licensee who is the subject of the review and evaluation attest that he or she has complied with the requirements of NRS 639.23507, 639.2391, 639.23911 and 639.23915, as applicable; and~~

~~— (c) A request for additional relevant information from the licensee who is the subject of the review and evaluation.~~

~~— 4. If, after a review and evaluation conducted pursuant to subsection 1, the President or his or her designee determines that a licensee may have issued a fraudulent, illegal, unauthorized or otherwise inappropriate prescription for a controlled substance listed in schedule II, III or IV, the Board must proceed as if a written complaint had been filed against the licensee. If, after conducting an investigation and a hearing in accordance with the provisions of this chapter, the Board determines that the licensee issued a fraudulent, illegal, unauthorized or otherwise inappropriate prescription, the Board must impose appropriate disciplinary action [.] in accordance with the regulations adopted by the State Board of Pharmacy pursuant to NRS 639.23916.~~

~~— 5. When deemed appropriate, the President of the Board may:~~

~~— (a) Refer information acquired during a review and evaluation conducted pursuant to subsection 1 to another professional licensing board, law enforcement agency or other appropriate governmental entity for investigation and criminal or administrative proceedings;~~

~~— (b) Postpone any notification, review or part of such a review required by this section if he or she determines that it is necessary to avoid interfering with any pending administrative or criminal investigation into the suspected fraudulent, illegal, unauthorized or otherwise inappropriate prescribing, dispensing or use of a controlled substance.~~

~~— [6. The Board shall adopt regulations providing for disciplinary action against a licensee for inappropriately prescribing a controlled substance listed in schedule II, III or IV or violating the provisions of NRS 639.2391 to 639.23916, inclusive, and any regulations adopted by the State Board of Pharmacy pursuant thereto. Such disciplinary action must include, without limitation, requiring the licensee to complete additional continuing education concerning prescribing controlled substances listed in schedules II, III and IV.] (Deleted by amendment.)~~

**Sec. 13.** ~~[NRS 636.325 is hereby amended to read as follows:~~

~~— 636.325 1. Upon conclusion of the hearing, or waiver thereof by the person against whom the charge is filed, the Board shall make and announce its decision. [If] Except as otherwise provided in NRS 636.338, if the Board determines that the allegations included in the charge are true, it may take any one or more of the following actions:~~

~~— (a) Publicly reprimand the licensee;~~

~~— (b) Place the licensee on probation for a specified or unspecified period;~~

~~— (c) Suspend the licensee from practice for a specified or unspecified period;~~

~~— (d) Revoke the licensee's license; or~~

~~— (e) Impose an administrative fine pursuant to the provisions of NRS 636.420.~~

~~— The Board may, in connection with a reprimand, probation or suspension, impose such other terms or conditions as it deems necessary.~~

~~— 2. If the Board determines that the allegations included in the charge are false or do not warrant disciplinary action, it shall dismiss the charge.~~

~~— 3. The Board shall not issue a private reprimand.~~

~~— 4. An order that imposes discipline and the findings of fact and conclusions of law supporting that order are public records.] (Deleted by amendment.)~~

**Sec. 14.** ~~[NRS 636.338 is hereby amended to read as follows:~~

~~— 636.338 1. The Executive Director of the Board or his or her designee shall review and evaluate any complaint or information received from the Investigation Division of the Department of Public Safety or the State Board of Pharmacy, including, without limitation, information provided pursuant to NRS 453.164, or~~

1 from a law enforcement agency, professional licensing board or any other source  
2 indicating that:

3 ~~— (a) A licensee has issued a fraudulent, illegal, unauthorized or otherwise~~  
4 ~~inappropriate prescription for a controlled substance listed in schedule II, III or IV;~~

5 ~~— (b) A pattern of prescriptions issued by a licensee indicates that the licensee~~  
6 ~~has issued prescriptions in the manner described in paragraph (a); or~~

7 ~~— (c) A patient of a licensee has acquired, used or possessed a controlled~~  
8 ~~substance listed in schedule II, III or IV in a fraudulent, illegal, unauthorized or~~  
9 ~~otherwise inappropriate manner;~~

10 ~~— 2. If the Executive Director of the Board or his or her designee receives~~  
11 ~~information described in subsection 1 concerning the licensee, the Executive~~  
12 ~~Director or his or her designee must notify the licensee as soon as practicable after~~  
13 ~~receiving the information;~~

14 ~~— 3. A review and evaluation conducted pursuant to subsection 1 must include,~~  
15 ~~without limitation:~~

16 ~~— (a) A review of relevant information contained in the database of the program~~  
17 ~~established pursuant to NRS 452.162;~~

18 ~~— (b) A requirement that the licensee who is the subject of the review and~~  
19 ~~evaluation attest that he or she has complied with the requirements of NRS~~  
20 ~~639.23507, 639.2391, 639.23911 and 639.23915, as applicable; and~~

21 ~~— (c) A request for additional relevant information from the licensee who is the~~  
22 ~~subject of the review and evaluation.~~

23 ~~— 4. If, after a review and evaluation conducted pursuant to subsection 1, the~~  
24 ~~Executive Director or his or her designee determines that a licensee may have~~  
25 ~~issued a fraudulent, illegal, unauthorized or otherwise inappropriate prescription for~~  
26 ~~a controlled substance listed in schedule II, III or IV, the Board must proceed as if a~~  
27 ~~written complaint had been filed against the licensee. If, after conducting an~~  
28 ~~investigation and a hearing in accordance with the provisions of this chapter, the~~  
29 ~~Board determines that the licensee issued a fraudulent, illegal, unauthorized or~~  
30 ~~otherwise inappropriate prescription, the Board must impose appropriate~~  
31 ~~disciplinary action [.] in accordance with the regulations adopted by the State~~  
32 ~~Board of Pharmacy pursuant to NRS 639.23916.~~

33 ~~— 5. When deemed appropriate, the Executive Director of the Board may:~~

34 ~~— (a) Refer information acquired during a review and evaluation conducted~~  
35 ~~pursuant to subsection 1 to another professional licensing board, law enforcement~~  
36 ~~agency or other appropriate governmental entity for investigation and criminal or~~  
37 ~~administrative proceedings;~~

38 ~~— (b) Postpone any notification, review or part of such a review required by this~~  
39 ~~section if he or she determines that it is necessary to avoid interfering with any~~  
40 ~~pending administrative or criminal investigation into the suspected fraudulent,~~  
41 ~~illegal, unauthorized or otherwise inappropriate prescribing, dispensing or use of a~~  
42 ~~controlled substance.~~

43 ~~— [6. The Board shall adopt regulations providing for disciplinary action against~~  
44 ~~a licensee for inappropriately prescribing a controlled substance listed in schedule~~  
45 ~~II, III or IV or violating the provisions of NRS 639.2391 to 639.23916, inclusive,~~  
46 ~~and any regulations adopted by the State Board of Pharmacy pursuant thereto. Such~~  
47 ~~disciplinary action must include, without limitation, requiring the licensee to~~  
48 ~~complete additional continuing education concerning prescribing controlled~~  
49 ~~substances listed in schedules II, III and IV.]] (Deleted by amendment.)~~

50 **Sec. 15. [NRS 639.23916 is hereby amended to read as follows:**

51 ~~— 639.23916 1. The Board [may]:~~

52 ~~— (a) Shall adopt regulations designating the appropriate disciplinary action to~~  
53 ~~be imposed by a professional licensing board against a practitioner who~~



~~inappropriately prescribes a controlled substance listed in schedule II, III or IV or violates the provisions of NRS 639.23507 or 639.2391 to 639.23916, inclusive, and any regulations adopted pursuant thereto. Such regulations must apply equally to each type of practitioner and must, without limitation, require the practitioner to complete additional continuing education concerning prescribing controlled substances listed in schedules II, III and IV.~~

~~(b) May adopt any other regulations necessary or convenient to enforce the provisions of NRS 639.23507 and 639.2391 to 639.23916, inclusive. Such regulations may impose additional requirements concerning the prescription of a controlled substance listed in schedule II, III or IV by a practitioner, other than a veterinarian, for the treatment of pain.~~

~~2. A practitioner who violates any provision of NRS 639.23507 and 639.2391 to 639.23916, inclusive, or any regulations adopted pursuant thereto is:~~

~~(a) Not guilty of a misdemeanor; and~~

~~(b) Subject to professional discipline. (Deleted by amendment.)~~

**Sec. 16.** NRS 433.5456 is hereby amended to read as follows:

433.5456 "Chemical restraint" means the administration of drugs for the specific and exclusive purpose of controlling an acute or episodic aggressive behavior when alternative intervention techniques have failed to limit or control the behavior. The term does not include the administration of drugs, ~~for a regular basis,~~ as prescribed by a physician, to treat the symptoms of mental, physical, emotional or behavioral disorders and for assisting a person in gaining self-control over his or her impulses.

**Sec. 17.** NRS 454.217 is hereby amended to read as follows:

454.217 1. ~~[A]~~ Except as otherwise authorized by subsection 2, a person shall not inject a neuromodulator that is derived from Clostridium botulinum or is biosimilar to or the bioequivalent of such a neuromodulator:

(a) Unless the person is:

(1) A physician or physician assistant licensed pursuant to chapter 630 of NRS;

(2) A dentist who has successfully completed the training prescribed by the Board of Dental Examiners of Nevada pursuant to NRS 631.391;

(3) A registered nurse or advanced practice registered nurse;

(4) A physician or physician assistant licensed pursuant to chapter 633 of NRS; or

(5) A podiatric physician who has successfully completed the training prescribed by the State Board of Podiatry pursuant to NRS 635.200.

(b) Outside his or her scope of practice.

(c) At a location other than a medical facility, as defined in NRS 449.0151, or the office of a physician or physician assistant licensed pursuant to chapter 630 or 633 of NRS, dentist, advanced practice registered nurse or podiatric physician.

2. ~~A physician or physician assistant licensed in any state of the United States, the District of Columbia, the Commonwealth of Puerto Rico or any territory or insular possession subject to the jurisdiction of the United States may inject a neuromodulator described in subsection 1 at an educational event recognized by the [Board of Medical Examiners or the State Board of Osteopathic Medicine only]~~ American Medical Association or its successor organization, the American Academy of Family Physicians or its successor organization or the American Osteopathic Association or its successor organization for the purpose of demonstrating the proper technique for performing such an injection.

3. A person who is authorized by ~~[subsection 1]~~ this section to inject a neuromodulator described in ~~[that subsection]~~ this section shall not delegate such

1 injection to a person who is prohibited by ~~[subsection 1]~~ **this section** from injecting  
2 such a neuromodulator.

3 **Sec. 18.** ~~[1. Any regulations adopted by the Board of Medical Examiners,  
4 Board of Dental Examiners of Nevada, State Board of Nursing, State Board of  
5 Osteopathic Medicine, State Board of Podiatry or Nevada State Board of  
6 Optometry pursuant to NRS 630.323, 631.364, 632.352, 633.574, 635.152 or  
7 636.338, respectively, as those sections existed on September 30, 2019, that conflict  
8 with the provisions of this act are void. The Legislative Counsel shall remove those  
9 regulations from the Nevada Administrative Code as soon as practicable after  
10 October 1, 2019.~~

11 ~~2. Any disciplinary action imposed by the Board of Medical Examiners,  
12 Board of Dental Examiners of Nevada, State Board of Nursing, State Board of  
13 Osteopathic Medicine, State Board of Podiatry or Nevada State Board of  
14 Optometry pursuant to NRS 630.323, 631.364, 632.352, 633.574, 635.152 or  
15 636.338, respectively, as those sections existed on September 30, 2019, or the  
16 regulations adopted thereto remains in effect as if the disciplinary action  
17 was imposed in accordance with the regulations adopted by the State Board of  
18 Pharmacy pursuant to NRS 639.23916, as amended by section 15 of this act.]~~  
19 **(Deleted by amendment.)**