

**PROPOSED REGULATION OF THE
STATE BOARD OF PODIATRY**

LCB File No. R067-18

April 19, 2018

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

AUTHORITY: §1, NRS 635.030 and 635.130.

A REGULATION relating to podiatry; revising provisions relating to unprofessional conduct; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the State Board of Podiatry to take disciplinary action against a podiatrist for certain causes, including, without limitation, unethical or unprofessional conduct. (NRS 635.130) Existing regulations set forth certain conduct by a podiatrist that the Board will interpret to be unprofessional conduct. (NAC 635.390) This regulation provides that the Board will also interpret a violation of certain applicable provisions of law and regulations relating to drugs to be unprofessional conduct.

Section 1. NAC 635.390 is hereby amended to read as follows:

635.390 The Board will interpret the following conduct by a podiatrist to be unprofessional conduct:

1. The falsification of any record involving health care, including records of his or her attendance on the patient and of any medical procedures.
2. The writing of prescriptions for controlled substances in amounts which constitute a departure from the prevailing standards of acceptable medical practice.
3. Incompetent or negligent performance of services which results in injury to a patient or which creates an unreasonable risk that a patient may be harmed.

4. Consistent use of medical procedures, services or treatments which constitute a departure from the prevailing standards of acceptable medical practice but which do not constitute malpractice or gross malpractice.

5. The rendering of professional services to a patient while the podiatrist or podiatry hygienist is under the influence of alcohol or any controlled substance or while his or her mental or physical condition is impaired.

6. The use of misrepresentation, fraud, deception or subterfuge to obtain controlled substances.

7. Writing a prescription for a controlled substance for any person without an examination which confirms the medical necessity for the controlled substance.

8. Receipt of remuneration of any kind, directly or indirectly, from any:

(a) Hospital for admitting a patient to the hospital; or

(b) Person furnishing medical services to a patient, including services of a laboratory, radiology and physiotherapy services, services of a pharmacy or services of a company which supplies surgical and medical merchandise.

9. Charging an unreasonable additional fee for tests by a laboratory, radiology services or other tests which are ordered by the podiatrist and not performed in his or her office.

10. Violating a provision of the *Code of Ethics* adopted by reference pursuant to NAC 635.098.

11. Violating any applicable provision of chapter 453, 454, 585 or 639 of NAC or chapter 453, 454, 585 or 639 of NRS.