

PROPOSED REGULATION OF THE

STATE BOARD OF PODIATRY

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CHAPTER 635 - PODIATRIC PHYSICIANS AND PODIATRY HYGIENISTS

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GENERAL PROVISIONS

NAC 635.001 Definitions. ([NRS 635.030](#)) As used in this chapter, unless the context otherwise requires:

1. “Board” means the State Board of Podiatry.
2. “Presiding officer” means a member of the Board who presides at a hearing.
3. “Provisional licensee” means a person who is licensed by the Board to practice podiatry pursuant to [NRS 635.082](#).

(Added to NAC by Bd. of Podiatry, eff. 10-17-86; A 2-28-97; R180-08, 2-11-2009)

NAC 635.010 Meetings of the Board. ([NRS 635.010](#)) The Board will meet on the dates set by the President or an officer of the Board authorized by the President.

[Bd. of Podiatry, § 1, eff. 7-1-65] — (NAC A 10-17-86)

NAC 635.023 Photographs and fingerprints required with application. ([NRS 239B.010](#), [635.030](#), [635.050](#))

1. An applicant for licensure must provide two photographs of himself or herself in full face which were taken within the previous 6 months. Each photograph must measure 2 inches by 2 inches.

2. An applicant for licensure must provide to the Board:

- (a) A complete set of fingerprints;
- (b) A fee for the processing of the fingerprints of the applicant that is equal to the actual costs charged by the Central Repository for Nevada Records of Criminal History and the Federal Bureau of Investigation for processing the fingerprints of the applicant; and

(c) Written permission authorizing the Board to forward those fingerprints to the Central Repository for submission to the Federal Bureau of Investigation for its report. The Board may exchange with the Federal Bureau of Investigation any information relating to the fingerprints of an applicant pursuant to this section.

(Added to NAC by Bd. of Podiatry, eff. 11-6-90; A by R092-02, 9-20-2002; R180-08, 2-11-2009)

NAC 635.025 Fees for applications. ([NRS 635.030](#), [635.050](#), [635.082](#), [635.093](#)) The fee required for:

1. An application for a license to practice as a podiatric physician is \$600;

2. An application for a license to practice as a podiatry hygienist is \$100; and
3. An application for a license to practice as a provisional licensee is \$400.

(Added to NAC by Bd. of Podiatry, eff. 10-17-86; A 11-6-90; 2-28-97; R092-02, 9-20-2002; R180-08, 2-11-2009; R066-18, 10-25-2018)

NAC 635.030 Refund of fee for application for licensure as podiatric physician. (NRS 635.030) The Board will refund to an unqualified applicant for licensure as a podiatric physician all of the fees paid in connection with his or her application except \$100.

[Bd. of Podiatry, § 6, eff. 7-1-65] — (NAC A 11-23-92; R180-08, 2-11-2009; R066-18, 10-25-2018)

NAC 635.032 Podiatry hygienists: Requirements for license; performance of certain tasks under supervision in podiatric physician's office; authority to take and develop X-rays under certain circumstances. (NRS 635.030, 635.099)

1. A person who wishes to obtain a license as a podiatry hygienist must apply to the Board in the form prescribed by the Board. The application must include, without limitation, proof that the applicant meets the requirements set forth in [NRS 635.093](#), including, if applicable, the certification described in subsection 3.

2. The Board will post on its Internet website a list of courses for podiatry hygienists that may be taken to satisfy the course requirement set forth in paragraph (b) of subsection 1 of [NRS 635.093](#).

3. To satisfy the requirement for training in a podiatric physician's office set forth in paragraph (b) of subsection 1 of [NRS 635.093](#), a person must complete at least 960 hours of supervised training that includes, without limitation, training concerning the performance of each task described in [NRS 635.098](#). Performance of any such task by a trainee must be at the direction and under the supervision of the supervising podiatric physician. Training concerning taking and developing X-rays must include, without limitation, training concerning the manner in which to minimize exposure to radiation to a dose that is as low as reasonably achievable. Upon completion of the training described in this subsection, the supervising podiatric physician must certify completion of the training and that the trainee is competent to perform each task described in [NRS 635.098](#).

4. A podiatry hygienist or person receiving training described in subsection 3 may take and develop X-rays only upon the request of a supervising podiatric physician after the podiatric physician has determined that the X-rays are appropriate for the patient. The podiatry hygienist or person receiving training, as applicable, shall take any necessary action to minimize exposure to radiation to himself or herself, the patient and any other person to a dose that is as low as reasonably achievable.

(Added to NAC by Bd. of Podiatry by R025-19, eff. 10-30-2019)

NAC 635.050 Authority of Board following revocation or suspension of podiatric physician's license in another state. ([NRS 635.030](#), [635.065](#))

1. The Board may, if it deems it appropriate, deny the application to practice podiatry of a person who has had a similar license to practice revoked or suspended in another state.

2. The Board may, if it deems it appropriate, take disciplinary action against a podiatric physician licensed in this state if he or she holds a similar license to practice in another state and that license is revoked or suspended.

[Bd. of Podiatry, § 9, eff. 7-1-65] — (NAC A 11-23-92; R066-18, 10-25-2018)

NAC 635.055 Fee for annual renewal of license; additional fee for delinquency. ([NRS 635.030](#), [635.110](#))

1. The fee for the annual renewal of a license of a:

(a) Podiatric physician is \$400; and

(b) Podiatry hygienist is \$100.

2. If a license is delinquent, an additional annual fee for delinquency equal to 50 percent of the annual renewal fee must be paid before the license will be reinstated.

(Added to NAC by Bd. of Podiatry, eff. 11-19-85; A 10-17-86; 8-31-88; 11-23-92; 2-28-97; R066-18, 10-25-2018)

NAC 635.065 Additional requirement for provisional license. ([NRS 635.030](#), [635.082](#)) In addition to the requirements set forth in [NRS 635.082](#), an applicant for a provisional license to practice podiatry must submit to the Board satisfactory proof that he or she has been accepted into a residency program which has been approved or provisionally approved by the Board and is located within the State of Nevada.

(Added to NAC by Bd. of Podiatry, eff. 2-28-97; A by R180-08, 2-11-2009)

NAC 635.075 Performance by provisional licensee of duty, task or function; limitation. ([NRS 635.030](#), [635.082](#))

1. A provisional licensee who participates in a residency program which has been approved or provisionally approved by the Board may perform any duty, task or function that his or her supervising podiatric physician determines to be appropriate for his or her educational advancement.

2. A provisional licensee shall not practice podiatry in a manner not specifically authorized by the residency program in which he or she participates.

(Added to NAC by Bd. of Podiatry, eff. 2-28-97; A by R180-08, 2-11-2009; R066-18, 10-25-2018)

NAC 635.080 Conditional approval of residency program: Submission of documents to Board; review of program. ([NRS 635.030](#), [635.082](#))

1. The Board will conditionally approve a residency program if the director of the residency program submits to the Board, not later than 3 months before the projected date of commencement of the residency program:

(a) Proof that the residency program has received the preliminary approval of the Council on Podiatric Medical Education of the American Podiatric Medical Association.

(b) An outline of the residency program which includes, without limitation:

(1) The name of the director of the residency program;

(2) The name of each medical facility associated with the residency program;

(3) The name of each provider of health care associated with the residency program;

(4) The projected number of times that a resident will provide to a patient each of the medical services set forth in subsection 1 of [NRS 635.085](#); and

(5) A description of the rotations required of each resident in the residency program, including, without limitation, the location of each rotation and the length of time that a resident must spend in each rotation.

2. After the first provisional licensee completes his or her residency in a residency program which has received conditional approval from the Board, the Board will review the program to ensure that the program is being operated in accordance with the outline of the program submitted pursuant to subsection 1. In reviewing the program, the Board will emphasize the number of times a resident provides to a patient each of the medical services set forth in subsection 1 of [NRS 635.085](#).

(Added to NAC by Bd. of Podiatry, eff. 2-28-97; A by R180-08, 2-11-2009)

NAC 635.085 Final approval of residency program. ([NRS 635.030](#), [635.082](#))

The Board will give final approval of a residency program which:

1. Is conducted in a medical facility which conforms to the minimum standards for residency training established and approved by the Board;

2. Is offered by a medical facility within the State of Nevada which is accredited by the American Podiatric Medical Association;

3. Is given conditional approval and is operated in accordance with the outline of the program established pursuant to [NAC 635.080](#); and

4. Is approved by the Council on Podiatric Medical Education of the American Podiatric Medical Association.

(Added to NAC by Bd. of Podiatry, eff. 2-28-97; A by R180-08, 2-11-2009)

NAC 635.092 “Residency approved by the Board” interpreted. ([NRS 635.030](#), [635.050](#), [635.082](#)) For the purposes of [NRS 635.050](#), the Board will interpret a “residency approved by the Board” to include a program which has received conditional approval pursuant to [NAC 635.080](#) only after the Board approves the program pursuant to [NAC 635.085](#).

(Added to NAC by Bd. of Podiatry, eff. 2-28-97; A by R180-08, 2-11-2009)

NAC 635.095 “Licensee” interpreted. (NRS 635.030, 635.075, 635.082, 635.130) For the purposes of NRS 635.130, the Board will interpret “licensee” to include a provisional licensee and a holder of a limited license to practice podiatry.

(Added to NAC by Bd. of Podiatry, eff. 2-28-97; A by R180-08, 2-11-2009)

NAC 635.098 Adoption by reference of *Code of Ethics*. (NRS 635.030) The Board hereby adopts by reference the *Code of Ethics*, April 2005, adopted by the American Podiatric Medical Association, except that the Association Ethics Rules AE1.0 Conflict of Interest, AE2.0 Confidentiality and AE3.0 Commercial Relationships are deleted. A copy of this publication may be obtained, free of charge, by mail from the American Podiatric Medical Association, Inc., 9312 Old Georgetown Road, Bethesda, Maryland 20814-1621, or by telephone at (301) 581-9200.

(Added to NAC by Bd. of Podiatry by R180-08, eff. 2-11-2009)

PROCEEDINGS BEFORE BOARD

~~— **NAC 635.100 Appearance by members of Board’s staff.** (NRS 635.030) The members of the Board’s staff may appear at any proceeding and participate as a party.~~

~~— (Added to NAC by Bd. of Podiatry, eff. 10-17-86)~~

~~— **NAC 635.110 Appearance by party to proceeding.** (NRS 635.030) A party who has not previously entered an appearance may do so at the beginning of a hearing, or at any time designated by the presiding officer, by giving his or her name and address and stating his or her position or interest to the presiding officer. The information must be entered in the record of the hearing.~~

~~— (Added to NAC by Bd. of Podiatry, eff. 10-17-86)~~

~~— **NAC 635.120 Service of documents; withdrawal of attorney.** (NRS 635.030)~~

~~— 1. If a party is represented by an attorney, any document, other than a complaint or a notice of hearing which is required to be served upon any party, must be served upon his or her attorney. Service on the attorney is service upon the party.~~

~~— 2. If a party is not represented by an attorney, service by mail must be made to the last known address of the party.~~

~~— 3. An attorney of record wishing to withdraw from a proceeding before the Board shall, in writing, immediately notify the Board and all parties to the proceeding of his or her withdrawal.~~

~~— (Added to NAC by Bd. of Podiatry, eff. 10-17-86)~~

~~— **NAC 635.130 Error or defect in pleadings or proceedings.** (NRS 635.030) The presiding officer shall, at every stage of any proceeding, disregard an error or defect in the pleading or proceeding which does not affect the substantial rights of the parties.~~

~~— (Added to NAC by Bd. of Podiatry, eff. 10-17-86)~~

NAC 635.140 Form of petitions. (NRS 635.030) A petition for affirmative relief, a declaratory order or an advisory opinion must be in writing, contain the petitioner's full name and mailing address and be signed by him or her.

(Added to NAC by Bd. of Podiatry, eff. 10-17-86)

~~— **NAC 635.150 Complaints: Citations; joinder. (NRS 635.030, 635.130, 635.158)**~~

~~— 1. Any statute, regulation or order referred to in a complaint must be accompanied by a complete citation to that statute, regulation or order.~~

~~— 2. Two or more persons filing a complaint with the Board may join in one complaint if their complaints are against the same person and deal substantially with the same violation of chapter 635 of NRS or of a regulation of the Board.~~

~~— (Added to NAC by Bd. of Podiatry, eff. 10-17-86)~~

~~— **NAC 635.160 Decision to proceed with hearing; response to complaint. (NRS 635.030, 635.130, 635.158)**~~ If the Board, after reviewing a complaint, decides to proceed with a hearing, it will send a copy of the complaint to each person against whom the complaint is made. A response to the complaint must be filed within 20 days after receipt of the complaint.

~~— (Added to NAC by Bd. of Podiatry, eff. 10-17-86)~~

~~**NAC 635.170 Motions; oral argument. (NRS 635.030)**~~

~~— 1. Unless it is made during a hearing, a motion must be made in writing. Each written motion must state the relief sought and the grounds for the motion.~~

~~— 2. A party opposing a motion may file with the Board a written response to it and serve a copy of the response on the party making the motion. The party who made the motion may file with the Board a written reply to the response and serve a copy of the reply on the party making the response.~~

~~— 3. If the Board requires oral argument it will set a date and time for hearing the argument.~~

~~— (Added to NAC by Bd. of Podiatry, eff. 10-17-86)~~

~~**NAC 635.180 Copies of pleadings, motions or other documents. (NRS 635.030, 635.158)**~~ Except for a complaint, an original and seven legible copies of each pleading, motion or other document related to the proceeding must be filed with the Board. The person filing any pleading or motion with the Board shall make a copy of it available to any other person who the Board determines is affected by the proceeding and who desires a copy.

~~— (Added to NAC by Bd. of Podiatry, eff. 10-17-86)~~

~~— **NAC 635.190 Service of documents. (NRS 635.030, 635.158)**~~ Except for a complaint and the notice of a hearing, every document required to be served by or upon

the Board or other party must be served personally or by mail. Service by mail shall be deemed complete when the document, properly addressed and stamped, is deposited in the United States mail.

—(Added to NAC by Bd. of Podiatry, eff. 10-17-86)

~~NAC 635.200~~ **Notice of hearing.** (~~NRS 233B.121, 635.030~~) Except for the notice of hearing on a complaint, the Board will serve notice of a hearing at least 20 days before the day of the hearing. Any hearing which has been continued may be reconvened after a notice of at least 3 days.

—(Added to NAC by Bd. of Podiatry, eff. 10-17-86)

~~NAC 635.210~~ **Failure to appear at hearing.** (~~NRS 635.030~~)

—1. If a party fails to appear at a hearing scheduled by the Board and no continuance has been required or granted, the Board will hear the testimony of the witnesses who have appeared and proceed to consider the matter and dispose of it on the basis of the evidence before it.

—2. If a person fails to appear at a hearing or to request a continuance of the hearing, he or she may, within 15 days after the date originally set for the hearing, apply to the Board to reopen the proceedings. If the Board finds sufficient cause, it will set a new time and place for the hearing. Any witness who has previously testified may be required by the Board to appear at the second hearing.

—(Added to NAC by Bd. of Podiatry, eff. 10-17-86)

~~NAC 635.220~~ **Commencement of proceedings.** (~~NRS 635.030~~) The presiding officer shall call the proceeding to order, take the appearances and act upon any pending motions or petitions. The parties may then make opening statements.

—(Added to NAC by Bd. of Podiatry, eff. 10-17-86)

~~NAC 635.230~~ **Conduct of parties, counsel and spectators at hearing.** (~~NRS 635.030~~) At a hearing before the Board, all parties, their counsel and any spectators shall conduct themselves in a respectful manner.

—(Added to NAC by Bd. of Podiatry, eff. 10-17-86)

~~NAC 635.240~~ **Order of hearing evidence.** (~~NRS 635.030~~)

—1. In a hearing before the Board, evidence will be heard in the following order:

—(a) For an application or petition:

—(1) From the applicant or petitioner.

—(2) From a member of the Board's staff.

—(3) From a party protesting the application or petition.

—(4) Rebuttal by applicant or petitioner.

—(b) For a complaint:

—(1) From the complainant.

- ~~— (2) From the respondent.~~
- ~~— (3) Rebuttal by complainant.~~
- ~~— (4) Rebuttal by respondent.~~
- ~~— 2. The presiding officer may:~~
 - ~~— (a) Modify the order of presentation for good cause; and~~
 - ~~— (b) Allow the parties to make closing statements.~~
- ~~— (Added to NAC by Bd. of Podiatry, eff. 10-17-86)~~

~~— **NAC 635.250 Consolidation of proceedings. (NRS 635.030)** The presiding officer may consolidate two or more proceedings if it appears that the issues are substantially the same and the interests of the parties will not be prejudiced by the consolidation.~~

~~— (Added to NAC by Bd. of Podiatry, eff. 10-17-86)~~

~~— **NAC 635.260 Stipulation. (NRS 635.030)** With the approval of the presiding officer, the parties may stipulate to any fact at issue, either by a written stipulation introduced in evidence as an exhibit or by an oral statement shown upon the record. The presiding officer may require proof of the facts to which the parties stipulated.~~

~~— (Added to NAC by Bd. of Podiatry, eff. 10-17-86)~~

~~— **NAC 635.270 Briefs: Time for filing; service upon parties. (NRS 635.030)** The Board may request that briefs be filed within a specified time. A brief must be served upon all parties to the proceeding.~~

~~— (Added to NAC by Bd. of Podiatry, eff. 10-17-86)~~

~~— **NAC 635.280 Informal hearing. (NRS 635.030)** The Board may hold an informal hearing to mediate a controversy between two licensees or a licensee and a member of the Board's staff.~~

~~— (Added to NAC by Bd. of Podiatry, eff. 10-17-86)~~

~~— **NAC 635.290 Rehearings. (NRS 635.030)**~~

~~— 1. Within 15 days after the Board has made a decision or issued an order, a party aggrieved by the decision may apply for a rehearing by filing a written petition setting forth the grounds for the rehearing. The Board will consider this petition within 30 days after receiving it. If no action is taken by the Board within the 30-day period, the petition shall be deemed denied.~~

~~— 2. The Board, on its own motion, may order a rehearing of its decision if its original decision was based on mistake or fraud.~~

~~— 3. The filing of a petition for a rehearing does not relieve the parties from complying with the original decision, unless the Board expressly so provides.~~

~~— (Added to NAC by Bd. of Podiatry, eff. 10-17-86)~~

NAC 635.300 Petition for declaratory order or advisory opinion. (NRS 635.030, 635.130)

1. If a petition for a declaratory order or an advisory opinion is received at least 10 days before the next regularly scheduled meeting of the Board, the Board will place the matter on the agenda for that meeting. If the petition is not received before that date, the petition will be placed on the agenda for the following meeting.

2. If the Board grants the petition, it will issue its declaratory order or advisory opinion within 120 days. The Board may schedule a hearing on the petition before issuing its decision.

3. A petition for a declaratory order or an advisory opinion must be in writing.
(Added to NAC by Bd. of Podiatry, eff. 10-17-86)

NAC 635.310 Copy of declaratory order or advisory opinion sent to petitioner. (NRS 635.030) A copy of the declaratory order or advisory opinion rendered by the Board will be sent to the petitioner.

(Added to NAC by Bd. of Podiatry, eff. 10-17-86)

NAC 635.320 Petition for adoption, amendment or repeal of regulation. (NRS 635.030) A petition for the adoption, amendment or repeal of a regulation must be in writing.

(Added to NAC by Bd. of Podiatry, eff. 10-17-86)

~~**NAC 635.330—Petition to appear before the Board. (NRS 635.030, 635.130)**~~

~~—1.— Any person may petition the Board to appear and be heard on any matter within the jurisdiction of the Board. The petition must contain a brief summary of the subject matter and the reason for bringing the matter before the Board.~~

~~—2.— Upon receipt of the petition, a member of the Board, as designated by the presiding officer, shall evaluate the petition to determine whether it requires a formal hearing and if a special meeting of the Board must be called for such a hearing.~~

~~—3.— If the petition states a:~~

~~—(a) Ground for the revocation or suspension of a license or the probation of a licensee, the Board will inform the petitioner of the requirements for filing a formal complaint.~~

~~—(b) Matter which is not a ground for the revocation or suspension of a license or the probation of a licensee, the matter will be placed on the agenda of the next regularly scheduled meeting.~~

(Added to NAC by Bd. of Podiatry, eff. 10-17-86)

UNPROFESSIONAL CONDUCT

NAC 635.350 Violations interpreted as unprofessional conduct. (NRS 635.030, 635.130) The Board will interpret a violation of NRS

[629.051](#), [629.061](#) or [629.065](#) or [NAC 635.360](#) to [635.390](#), inclusive, as unprofessional conduct.

(Added to NAC by Bd. of Podiatry, eff. 10-17-86; A 2-28-97)

NAC 635.360 Reporting of act which is ground for disciplinary action. ([NRS 635.030](#), [635.075](#), [635.082](#)) A podiatric physician, podiatry hygienist, provisional licensee or holder of a limited license to practice podiatry shall promptly report to the Board any violation of [NRS 635.130](#), by a podiatric physician, podiatry hygienist, provisional licensee or holder of a limited license to practice podiatry, which may be harmful to the public.

(Added to NAC by Bd. of Podiatry, eff. 10-17-86; A 2-28-97; R180-08, 2-11-2009; R066-18, 10-25-2018)

NAC 635.363 Training required for certain podiatric physicians relating to persons with substance use and other addictive disorders and prescribing of opioids; training may be applied toward continuing education. ([NRS 635.030](#), [635.116](#)) If a podiatric physician is registered to dispense controlled substances pursuant to [NRS 453.231](#), he or she must complete at least 2 hours of training relating specifically to persons with substance use and other addictive disorders and the prescribing of opioids during each period of licensure. In accordance with [NRS 635.116](#), the podiatric physician may use such training to satisfy 2 hours of the continuing education required pursuant to [NRS 635.115](#).

(Added to NAC by Bd. of Podiatry by R066-18, eff. 10-25-2018)

NAC 635.365 Continuing education for podiatric physician: Retention and submission of certificate of completion. ([NRS 635.030](#), [635.110](#), [635.115](#)) A podiatric physician shall:

1. Retain a certificate of completion received for completing a course of study or training to satisfy the requirement of continuing education pursuant to [NRS 635.115](#) for not less than 4 years after completing the course or training; and

2. Except as otherwise provided in [NRS 635.115](#), submit a copy of the certificate to the Board as the proof of completion of the hours of continuing education required for renewal of a license pursuant to [NRS 635.110](#).

(Added to NAC by Bd. of Podiatry, eff. 2-28-97; A by R180-08, 2-11-2009; R066-18, 10-25-2018)

NAC 635.370 Consultation with another podiatric physician or provider of health care required under certain circumstances. ([NRS 635.030](#)) A podiatric physician or podiatry hygienist shall consult with another podiatric physician or another provider of health care for the patient if:

1. It appears that consultation will improve the quality of medical care for that patient; or

2. If a consultation is requested by the patient or the patient's family.
(Added to NAC by Bd. of Podiatry, eff. 10-17-86; A by R066-18, 10-25-2018)

NAC 635.375 Advertising practices by podiatric physician: Prohibited practices; grounds for disciplinary action. (NRS 635.030, 635.130)

1. A podiatric physician shall not advertise the practice of podiatry in such a manner that the advertising:

(a) Includes a statement which he or she knows to be false, or through the exercise of reasonable care should have known to be false, deceptive, misleading or harmful, to induce a person to use his or her services;

(b) Includes an extravagant claim, aggrandizement of his or her abilities, or self-laudatory statement which is calculated to attract a patient and has a tendency to mislead the public or produce unrealistic expectations;

(c) Is a false, deceptive or misleading statement or representation regarding the price, cost, charge or fee for services or regarding the services he or she has performed or will perform; or

(d) Includes a certification from an entity that is not approved by the Board, unless the advertising also includes a disclaimer clearly stating that the certification was received from an entity that is not approved by the Board.

2. Disciplinary action may be commenced against a podiatric physician whose statement or other advertising described in subsection 1 has a tendency to:

(a) Deceive, mislead or harm the public because of its false, deceptive, misleading or harmful character; or

(b) Produce unrealistic expectations, even though no member of the public is actually deceived, misled or harmed, or no unrealistic expectations are actually produced by the statement or other advertising.

(Added to NAC by Bd. of Podiatry, eff. 2-28-97; A by R066-18, 10-25-2018)

NAC 635.380 Prohibition on neglect or discontinuance of care of patient by podiatric physician. (NRS 635.030, 635.130) A podiatric physician shall not neglect a patient and shall not discontinue his or her professional services unless he or she has been discharged or has given the patient notice that he or she is discontinuing his or her services.

(Added to NAC by Bd. of Podiatry, eff. 10-17-86; A by R066-18, 10-25-2018)

NAC 635.385 Filing of address of residence and business required of applicant for license; delivery of notice to address of residence. (NRS 635.030, 635.075, 635.082)

1. An applicant for a license to practice as a podiatric physician, podiatry hygienist, provisional licensee or holder of a limited license to practice podiatry shall file with the Board the current address of his or her place of residence and place of business or proposed place of business and shall notify the Board within 15 days of a change in

such information. Failure to comply with the provisions of this subsection shall be deemed unprofessional conduct and is grounds for disciplinary action pursuant to [NRS 635.130](#).

2. If the Board is required by law or by the provisions of this chapter to deliver notice by mail to a podiatric physician, podiatry hygienist, provisional licensee or holder of a limited license to practice podiatry, the notice will be mailed to the address of his or her place of residence which he or she last filed with the Board.

(Added to NAC by Bd. of Podiatry, eff. 2-28-97; A by R180-08, 2-11-2009; R066-18, 10-25-2018)

NAC 635.390 Conduct interpreted to be unprofessional conduct. ([NRS 635.030](#), [635.130](#)) The Board will interpret the following conduct by a podiatric physician 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 podiatric physician 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 podiatric physician 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.

(Added to NAC by Bd. of Podiatry, eff. 10-17-86; A 11-6-90, eff. 7-1-91; 2-28-97; R180-08, 2-11-2009; R066-18 & R067-18, 10-25-2018)