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SENATE BILL NO. 273—SENATOR COPENING

MARCH 18, 2011

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Referred to Committee on Commerce, Labor and Energy

SUMMARY—Revises various provisions governing the practice of osteopathic medicine. (BDR 54-959)

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.

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AN ACT relating to osteopathic medicine; authorizing an osteopathic physician to engage in telemedicine under certain circumstances; authorizing the State Board of Osteopathic Medicine to place any condition, limitation or restriction on a license under certain circumstances; requiring an osteopathic physician who performs an autopsy to submit a written report of the findings of the autopsy to the Board under certain circumstances; requiring the Board to submit to the Governor and to the Director of the Legislative Counsel Bureau certain reports compiling disciplinary action taken by the Board against physician assistants; revising provisions governing applications for licensure by the Board; revising certain provisions relating to the renewal of a license to practice osteopathic medicine; authorizing the Board to prorate the initial license fee for certain licenses; expanding the authority of the Board to discipline a physician assistant for certain conduct; revising provisions requiring certain persons to report information relating to certain malpractice claims to the Board; expanding the authority of the Board to investigate a physician assistant for certain conduct; revising provisions governing certain complaints filed with the Board; authorizing the Board summarily to suspend the license of a physician assistant under certain circumstances; authorizing the Board to seek injunctive relief against an osteopathic physician or physician assistant for engaging in certain conduct; providing a penalty; and providing other matters properly relating thereto.



\* S B 2 7 3 \*

**Legislative Counsel's Digest:**

1 Existing law authorizes the State Board of Osteopathic Medicine to issue,  
2 renew and suspend a license to practice osteopathic medicine and to issue  
3 and renew a license to practice as a physician assistant in this State.  
4 (NRS 633.305-633.501)

5 **Section 2** of this bill authorizes an osteopathic physician to engage in  
6 telemedicine if the osteopathic physician is properly licensed and meets certain  
7 other criteria. **Section 34** of this bill authorizes the Board to seek injunctive relief  
8 against an osteopathic physician for engaging in telemedicine without a required  
9 license. **Section 3** of this bill authorizes the Board to place any condition, limitation  
10 or restriction on a license issued by the Board under certain circumstances. **Section**  
11 **4** of this bill requires an osteopathic physician who performs an autopsy and who  
12 determines that the death of the decedent is the result of an overdose of a controlled  
13 substance or dangerous drug to submit a written report of such findings to the  
14 Board.

15 **Section 6** of this bill expands the scope of unprofessional conduct, which is  
16 subject to regulation by the Board, to include certain actions of a physician  
17 assistant. **Section 9** of this bill authorizes the Board to reject an application for  
18 licensure as an osteopathic physician or physician assistant if the Board has cause  
19 to believe that information submitted with the application by the applicant is false,  
20 misleading, deceptive or fraudulent. **Section 11** of this bill authorizes an  
21 osteopathic physician to apply for another temporary license after the expiration of  
22 one such license. **Section 14** of this bill authorizes the Board to prorate the initial  
23 license fee for a new license to practice as an osteopathic physician and physician  
24 assistant. **Section 12** of this bill shortens certain procedural deadlines with respect  
25 to the renewal of a license to practice osteopathic medicine. **Sections 15 and 29** of  
26 this bill expand the scope of the authority of the Board to discipline a physician  
27 assistant.

28 **Sections 16, 17 and 21** of this bill require the reporting of information relating  
29 to certain malpractice claims to the Board, and **sections 20 and 21** of this bill  
30 expand the scope of certain reporting requirements to include the conduct or  
31 investigation of physician assistants. **Sections 17 and 29** also expand the  
32 applicability of certain administrative fines imposed by the Board.

33 **Sections 19, 22 and 23** of this bill authorize the Board to order a physician  
34 assistant to undergo a competency examination under certain circumstances.  
35 **Section 24** of this bill authorizes the immediate suspension of the license of a  
36 physician assistant under certain circumstances. **Sections 26 and 34** of this bill  
37 authorize the Board to seek injunctive relief against a physician assistant for certain  
38 conduct. **Section 36** of this bill provides that a person who practices as a physician  
39 assistant without a valid license or uses the identity of another person to do so is  
40 guilty of a category D felony.

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

1 **Section 1.** Chapter 633 of NRS is hereby amended by adding  
2 thereto the provisions set forth as sections 2, 3 and 4 of this act.

3 **Sec. 2. 1. *An osteopathic physician may engage in***  
4 ***telemedicine in this State if he or she possesses an unrestricted***  
5 ***license to practice osteopathic medicine in this State pursuant to***  
6 ***this chapter. If an osteopathic physician engages in telemedicine***  
7 ***with a patient who is physically located in another state or***



1 *territory of the United States, the osteopathic physician shall,*  
2 *before engaging in telemedicine with the patient, take any steps*  
3 *necessary to be authorized or licensed to practice osteopathic*  
4 *medicine in the other state or territory of the United States in*  
5 *which the patient is physically located.*

6 2. *Except as otherwise provided in subsections 3 and 4, before*  
7 *an osteopathic physician may engage in telemedicine pursuant to*  
8 *this section:*

9 (a) *A bona fide relationship between the osteopathic physician*  
10 *and the patient must exist which must include, without limitation,*  
11 *a history and physical examination or consultation which*  
12 *occurred in person and which was sufficient to establish a*  
13 *diagnosis and identify any underlying medical conditions of the*  
14 *patient.*

15 (b) *The osteopathic physician must obtain informed, written*  
16 *consent from the patient or the legal representative of the patient*  
17 *to engage in telemedicine with the patient. The osteopathic*  
18 *physician shall maintain the consent form as part of the*  
19 *permanent medical record of the patient.*

20 (c) *The osteopathic physician must inform the patient, both*  
21 *orally and in writing:*

22 (1) *That the patient or the legal representative of the patient*  
23 *may withdraw the consent provided pursuant to paragraph (b) at*  
24 *any time;*

25 (2) *Of the potential risks, consequences and benefits of*  
26 *telemedicine;*

27 (3) *Whether the osteopathic physician has a financial*  
28 *interest in the Internet website used to engage in telemedicine or*  
29 *in the products or services provided to the patient via telemedicine;*

30 (4) *That the transmission of any confidential medical*  
31 *information while engaged in telemedicine is subject to all*  
32 *applicable federal and state laws with respect to the protection of*  
33 *and access to confidential medical information; and*

34 (5) *That the osteopathic physician will not release any*  
35 *confidential medical information without the express, written*  
36 *consent of the patient or the legal representative of the patient.*

37 3. *An osteopathic physician is not required to comply with the*  
38 *provisions of paragraph (a) of subsection 2 if the osteopathic*  
39 *physician engages in telemedicine for the purposes of making a*  
40 *diagnostic interpretation of a medical examination, study or test of*  
41 *the patient.*

42 4. *An osteopathic physician is not required to comply with the*  
43 *provisions of paragraph (a) or (c) of subsection 2 in an emergency*  
44 *medical situation.*



1       5. *The provisions of this section must not be interpreted or*  
2 *construed to:*

3       (a) *Modify, expand or alter the scope of practice of an*  
4 *osteopathic physician pursuant to this chapter; or*

5       (b) *Authorize the practice of osteopathic medicine or*  
6 *delivery of care by an osteopathic physician in a setting that is not*  
7 *authorized by law or in a manner that violates the standard of care*  
8 *required of an osteopathic physician pursuant to this chapter.*

9       6. *As used in this section, "telemedicine" means the practice*  
10 *of osteopathic medicine through the synchronous or*  
11 *asynchronous transfer of medical data or information using*  
12 *interactive audio, video or data communication, other than*  
13 *through a standard telephone, facsimile transmission or electronic*  
14 *mail message.*

15       **Sec. 3.** 1. *The Board may place any condition, limitation or*  
16 *restriction on any license issued pursuant to this chapter if the*  
17 *Board determines that such action is necessary to protect the*  
18 *public health, safety or welfare.*

19       2. *The Board shall not report any condition, limitation or*  
20 *restriction placed on a license pursuant to this section to the*  
21 *National Practitioner Data Bank unless the licensee fails to*  
22 *comply with the condition, limitation or restriction placed on the*  
23 *license. The Board may, upon request, report any such*  
24 *information to an agency of another state which regulates the*  
25 *practice of osteopathic medicine in that State.*

26       3. *The Board may modify any condition, limitation or*  
27 *restriction placed on a license pursuant to this section if the Board*  
28 *determines that the modification is necessary to protect the public*  
29 *health, safety or welfare.*

30       4. *Any condition, limitation or restriction placed on a license*  
31 *pursuant to this section is not a disciplinary action pursuant to*  
32 *NRS 633.651.*

33       **Sec. 4.** 1. *Any osteopathic physician who performs an*  
34 *autopsy in this State and who determines that the death of the*  
35 *decedent is the result of an overdose of a controlled substance or a*  
36 *dangerous drug shall, within 30 days after making the*  
37 *determination, submit to the Board a written report of the findings*  
38 *of the autopsy, and provide to the Board any other information*  
39 *requested by the Board.*

40       2. *Upon receipt of a report submitted pursuant to subsection*  
41 *1, the Board shall investigate the death of the decedent to*  
42 *determine whether the conduct of any osteopathic physician*  
43 *contributed to the death of the decedent.*

44       3. *As used in this section, "dangerous drug" has the meaning*  
45 *ascribed to it in NRS 454.201.*



1       **Sec. 5.** NRS 633.071 is hereby amended to read as follows:  
2       633.071 “Malpractice” means failure on the part of an  
3 osteopathic physician *or physician assistant* to exercise the degree  
4 of care, diligence and skill ordinarily exercised by osteopathic  
5 physicians *or physician assistants* in good standing in the  
6 community in which he or she practices.

7       **Sec. 6.** NRS 633.131 is hereby amended to read as follows:  
8       633.131 1. “Unprofessional conduct” includes:

9       (a) Willfully making a false or fraudulent statement or  
10 submitting a forged or false document in applying for a license to  
11 practice osteopathic medicine *or to practice as a physician*  
12 *assistant*, or in applying for *the* renewal of a license to practice  
13 osteopathic medicine ~~{ }~~ *or to practice as a physician assistant.*

14       (b) Failure of a ~~{licensee of the}~~ *person who is licensed to*  
15 practice ~~{of}~~ osteopathic medicine to ~~{designate his or her school of~~  
16 ~~practice in the professional use of his or her name by}~~ *identify*  
17 *himself or herself professionally by using* the term D.O.,  
18 osteopathic physician, doctor of osteopathy or a similar term.

19       (c) Directly or indirectly giving to or receiving from any person,  
20 corporation or other business organization any fee, commission,  
21 rebate or other form of compensation for sending, referring or  
22 otherwise inducing a person to communicate with an osteopathic  
23 physician in his or her professional capacity or for any professional  
24 services not actually and personally rendered, except as otherwise  
25 provided in subsection 2.

26       (d) Employing, directly or indirectly, any suspended or  
27 unlicensed person in the practice of osteopathic medicine ~~{ }~~ *or in*  
28 *practice as a physician assistant*, or the aiding or abetting of any  
29 unlicensed person to practice osteopathic medicine ~~{ }~~ *or to practice*  
30 *as a physician assistant.*

31       (e) Advertising the practice of osteopathic medicine in a manner  
32 which does not conform to the guidelines established by regulations  
33 of the Board.

34       (f) Engaging in any:

35       (1) Professional conduct which is intended to deceive or  
36 which the Board by regulation has determined is unethical; or

37       (2) Medical practice harmful to the public or any conduct  
38 detrimental to the public health, safety or morals which does not  
39 constitute gross or repeated malpractice or professional  
40 incompetence.

41       (g) Administering, dispensing or prescribing any controlled  
42 substance or any dangerous drug as defined in chapter 454 of NRS,  
43 otherwise than in the course of legitimate professional practice or as  
44 authorized by law.



1 (h) Habitual drunkenness or habitual addiction to the use of a  
2 controlled substance.

3 (i) Performing, assisting in or advising an unlawful abortion or  
4 the injection of any liquid silicone substance into the human body,  
5 other than the use of silicone oil to repair a retinal detachment.

6 (j) Willful disclosure of a communication privileged pursuant to  
7 a statute or court order.

8 (k) Willful disobedience of the regulations of the State Board of  
9 Health, the State Board of Pharmacy or the State Board of  
10 Osteopathic Medicine.

11 (l) Violating or attempting to violate, directly or indirectly, or  
12 assisting in or abetting the violation of or conspiring to violate any  
13 prohibition made in this chapter.

14 (m) Failure of a licensee to maintain timely, legible, accurate  
15 and complete medical records relating to the diagnosis, treatment  
16 and care of a patient.

17 (n) Making alterations to the medical records of a patient that  
18 the licensee knows to be false.

19 (o) Making or filing a report which the licensee knows to be  
20 false.

21 (p) Failure of a licensee to file a record or report as required by  
22 law, or willfully obstructing or inducing any person to obstruct such  
23 filing.

24 (q) Failure of a licensee to make medical records of a patient  
25 available for inspection and copying as provided by NRS 629.061.

26 *(r) Providing false, misleading or deceptive information to the*  
27 *Board in connection with an investigation conducted by the*  
28 *Board.*

29 2. It is not unprofessional conduct:

30 (a) For persons holding valid licenses to practice osteopathic  
31 medicine issued pursuant to this chapter to practice osteopathic  
32 medicine in partnership under a partnership agreement or in a  
33 corporation or an association authorized by law, or to pool, share,  
34 divide or apportion the fees and money received by them or by the  
35 partnership, corporation or association in accordance with the  
36 partnership agreement or the policies of the board of directors of  
37 the corporation or association;

38 (b) For two or more persons holding valid licenses to practice  
39 osteopathic medicine issued pursuant to this chapter to receive  
40 adequate compensation for concurrently rendering professional care  
41 to a patient and dividing a fee if the patient has full knowledge of  
42 this division and if the division is made in proportion to the services  
43 performed and the responsibility assumed by each ~~+~~ *person*; or

44 (c) For a person licensed to practice osteopathic medicine  
45 pursuant to the provisions of this chapter to form an association or



1 other business relationship with an optometrist pursuant to the  
2 provisions of NRS 636.373.

3 **Sec. 7.** NRS 633.221 is hereby amended to read as follows:

4 633.221 ~~[1.]~~ The Board shall elect from its members a  
5 President, a Vice President and a Secretary-Treasurer, who shall  
6 hold their respective offices at ~~[its]~~ *the* pleasure ~~[~~

7 ~~2. The Board may fix and pay a salary to the Secretary-~~  
8 ~~Treasurer.] of the Board.~~

9 **Sec. 8.** NRS 633.286 is hereby amended to read as follows:

10 633.286 1. On or before February 15 of each odd-numbered  
11 year, the Board shall submit to the Governor and to the Director of  
12 the Legislative Counsel Bureau for transmittal to the next regular  
13 session of the Legislature a written report compiling:

14 (a) Disciplinary action taken by the Board during the previous  
15 biennium against osteopathic physicians *and physician assistants*  
16 for malpractice or negligence;

17 (b) Information reported to the Board during the previous  
18 biennium pursuant to NRS 633.526, 633.527, subsections 3 and 4 of  
19 NRS 633.533 and NRS 690B.250 and 690B.260; and

20 (c) Information reported to the Board during the previous  
21 biennium pursuant to NRS 633.524, including, without limitation,  
22 the number and types of surgeries performed by each holder of a  
23 license to practice osteopathic medicine and the occurrence of  
24 sentinel events arising from such surgeries, if any.

25 2. The report must include only aggregate information for  
26 statistical purposes and exclude any identifying information related  
27 to a particular person.

28 **Sec. 9.** NRS 633.305 is hereby amended to read as follows:

29 633.305 1. Every applicant for a license shall:

30 (a) File an application with the Board in the manner prescribed  
31 by regulations of the Board;

32 (b) Submit verified proof satisfactory to the Board that the  
33 applicant meets any age, citizenship and educational requirements  
34 prescribed by this chapter; and

35 (c) Pay in advance to the Board the application and initial  
36 license fee specified in ~~[this chapter.]~~ *NRS 633.501.*

37 2. An application filed with the Board pursuant to subsection 1  
38 must include all information required to complete the application.

39 3. The Board may hold hearings and conduct investigations  
40 into any matter related to the application and, in addition to the  
41 proofs required by subsection 1, may take such further evidence and  
42 require such other documents or proof of qualifications as it deems  
43 proper.

44 4. The Board may reject an application if ~~[it appears]~~ *the*  
45 *Board has cause to believe* that any credential *or information*





1 submitted *by the applicant* is false ~~[ ]~~, *misleading, deceptive or*  
2 *fraudulent.*

3 **Sec. 10.** NRS 633.351 is hereby amended to read as follows:

4 633.351 ~~[Any]~~ *An* unsuccessful applicant may appeal to the  
5 district court to review the action of the Board, if the applicant files  
6 the appeal within ~~[6 months from]~~ *30 days after* the date ~~[of the~~  
7 ~~rejection of]~~ *on which the order rejecting* the application *is issued*  
8 by the Board. Upon appeal, the applicant has the burden of showing  
9 that the action of the Board is erroneous or unlawful.

10 **Sec. 11.** NRS 633.391 is hereby amended to read as follows:

11 633.391 1. The Board may issue *to a qualified person* a  
12 temporary license to practice osteopathic medicine in ~~[order to~~  
13 ~~authorize a]~~ *this State which authorizes the* person ~~[who is~~  
14 ~~qualified to practice osteopathic medicine in this State]~~ to serve as a  
15 substitute for ~~[~~

16 ~~—(a) A]~~ a physician licensed pursuant to chapter 630 of NRS ~~[;]~~  
17 or

18 ~~[(b) An]~~ *an* osteopathic physician licensed pursuant to this  
19 chapter ~~[;~~

20 ~~→]~~ who is absent from his or her practice.

21 2. Each applicant for ~~[such]~~ a *temporary* license ~~[shall]~~ *issued*  
22 *pursuant to this section must* pay the temporary license fee  
23 specified in this chapter.

24 3. A temporary license to practice osteopathic medicine is valid  
25 for not more than 6 months after issuance and is not renewable.  
26 *Upon the expiration of a temporary license, an osteopathic*  
27 *physician may apply for a new temporary license in accordance*  
28 *with the provisions of this section.*

29 **Sec. 12.** NRS 633.481 is hereby amended to read as follows:

30 633.481 1. Except as otherwise provided in subsection 2, if a  
31 ~~[licensee of the]~~ *person licensed to* practice ~~[of]~~ osteopathic  
32 medicine fails to comply with the requirements of NRS 633.471  
33 within ~~[30]~~ *10* days after the renewal date, the Board shall give ~~[30]~~  
34 *15* days' notice of *the* failure to renew *the license* and of *the*  
35 revocation of the license by certified mail to the licensee at the  
36 licensee's last *known* address *that is* registered with the Board. If  
37 the license is not renewed ~~[before the expiration of the 30 days']~~  
38 *within 15 days after receiving* notice, the license is automatically  
39 revoked without any further notice or a hearing and the Board shall  
40 file a copy of the notice with the Drug Enforcement Administration  
41 of the United States Department of Justice or its successor agency.

42 2. A ~~[licensee of the]~~ *person licensed to* practice ~~[of]~~  
43 osteopathic medicine who fails to meet the continuing education  
44 requirements for license renewal may apply to the Board for a  
45 waiver of the requirements. The Board may grant a waiver for that





1 year only if ~~it~~ *the Board* finds that the failure is due to ~~the licensee's~~ a disability, military service, ~~or~~ absence from the United States, or ~~to~~ circumstances beyond the control of the licensee which are deemed by the Board to excuse the failure.

3. A person whose license is revoked under this section may apply to the Board for restoration of the license upon:

(a) Payment of all past due renewal fees and the late payment fee specified in ~~this chapter;~~ *NRS 633.501;*

(b) Producing verified evidence satisfactory to the Board of completion of the total number of hours of continuing education required for the year preceding the renewal date and for each year succeeding the date of revocation;

(c) Stating under oath in writing that he or she has not withheld information from the Board which if disclosed would ~~furnish~~ *constitute* grounds for disciplinary action under this chapter; and

(d) Submitting ~~all~~ *any other* information *that is* required *by the Board* to ~~complete the restoration of~~ *restore* the license.

**Sec. 13.** NRS 633.491 is hereby amended to read as follows:

633.491 1. A ~~licensee of the~~ *person licensed to* practice ~~of~~ osteopathic medicine who retires from ~~such~~ practice ~~need not~~ *is not required* annually *to* renew his or her license after filing with the Board an affidavit stating the date on which he or she retired from practice and ~~such~~ *any other* ~~facts~~ *evidence that the Board may require* to verify the retirement. ~~as the Board deems necessary.~~

2. ~~A retired licensee of the~~ *An osteopathic physician who retires from* practice ~~of osteopathic medicine~~ *and* who desires to return to practice may apply to renew his or her license by paying all back annual license renewal fees from the date of retirement and submitting verified evidence satisfactory to the Board that the licensee has attended continuing education courses or programs approved by the Board which total:

(a) Twenty-five hours if the licensee has been retired 1 year or less.

(b) Fifty hours within 12 months of the date of the application if the licensee has been retired for more than 1 year.

3. A ~~licensee of the~~ *person licensed to* practice ~~of~~ osteopathic medicine who wishes to have a license placed on inactive status must provide the Board with an affidavit stating the date on which the licensee will cease the practice of osteopathic medicine in Nevada and any other ~~facts~~ *evidence* that the Board may require. The Board shall place the license of the licensee on inactive status upon receipt of:

(a) The affidavit required pursuant to this subsection; and



1 (b) Payment of the inactive license fee prescribed by  
2 NRS 633.501.

3 4. ~~[A licensee of the practice of]~~ An osteopathic ~~[medicine]~~  
4 *physician* whose license has been placed on inactive status:

5 (a) ~~[Need]~~ Is not *required to* annually renew the license.  
6 (b) Shall annually pay the inactive license fee prescribed by  
7 NRS 633.501.

8 (c) Shall not engage in the practice of osteopathic medicine in  
9 this State.

10 5. ~~[A licensee of the practice of]~~ An osteopathic ~~[medicine]~~  
11 *physician* whose license is on inactive status and who wishes to  
12 renew ~~[the]~~ *his or her* license to practice osteopathic medicine must:

13 (a) Provide to the Board verified evidence satisfactory to the  
14 Board of completion of the total number of hours of continuing  
15 medical education required for:

16 (1) The year preceding the date of the application for renewal  
17 of the license ; ~~[to practice osteopathic medicine;]~~ and

18 (2) Each year ~~[succeeding]~~ *after* the date the license was  
19 placed on inactive status.

20 (b) Provide to the Board an affidavit stating that the applicant  
21 has not withheld from the Board any information which would  
22 ~~[provide]~~ *constitute* grounds for disciplinary action pursuant to this  
23 chapter.

24 (c) Comply with all other requirements for renewal.

25 **Sec. 14.** NRS 633.501 is hereby amended to read as follows:  
26 633.501 ~~[The]~~

27 **1.** *Except as otherwise provided in subsection 2, the* Board  
28 shall charge and collect fees not to exceed the following amounts:

29 <del>[1-]</del> (a) Application and initial license fee for an	
30 osteopathic physician.....	\$800
31 <del>[2-]</del> (b) Annual license renewal fee for an osteopathic	
32 physician.....	500
33 <del>[3-]</del> (c) Temporary license fee .....	500
34 <del>[4-]</del> (d) Special or authorized facility license fee .....	200
35 <del>[5-]</del> (e) Special event license fee .....	200
36 <del>[6-]</del> (f) Special or authorized facility license renewal fee .....	200
37 <del>[7-]</del> (g) Reexamination fee.....	200
38 <del>[8-]</del> (h) Late payment fee.....	300
39 <del>[9-]</del> (i) Application and initial license fee for a physician	
40 assistant.....	400
41 <del>[10-]</del> (j) Annual license renewal fee for a physician	
42 assistant.....	400
43 <del>[11-]</del> (k) Inactive license fee.....	200



1       2. *The Board may prorate the initial license fee for a new*  
2 *license issued pursuant to paragraph (a) or (i) of subsection 1*  
3 *which expires less than 6 months after the date of issuance.*

4       3. *The cost of any special meeting called at the request of a*  
5 *licensee, an institution, an organization, a state agency or an*  
6 *applicant for licensure must be paid by the person or entity*  
7 *requesting the special meeting. Such a special meeting must not be*  
8 *called until the person or entity requesting the meeting has paid a*  
9 *cash deposit with the Board sufficient to defray all expenses of the*  
10 *meeting.*

11       **Sec. 15.** NRS 633.511 is hereby amended to read as follows:

12       633.511 The grounds for initiating disciplinary action pursuant  
13 to this chapter are:

14       1. Unprofessional conduct.

15       2. Conviction of:

16       (a) A violation of any federal or state law regulating the  
17 possession, distribution or use of any controlled substance or any  
18 dangerous drug as defined in chapter 454 of NRS;

19       (b) A felony relating to the practice of osteopathic medicine ~~§~~  
20 *or practice as a physician assistant;*

21       (c) A violation of any of the provisions of NRS 616D.200,  
22 616D.220, 616D.240 or 616D.300 to 616D.440, inclusive;

23       (d) Murder, voluntary manslaughter or mayhem;

24       (e) Any felony involving the use of a firearm or other deadly  
25 weapon;

26       (f) Assault with intent to kill or to commit sexual assault or  
27 mayhem;

28       (g) Sexual assault, statutory sexual seduction, incest, lewdness,  
29 indecent exposure or any other sexually related crime;

30       (h) Abuse or neglect of a child or contributory delinquency; or

31       (i) Any offense involving moral turpitude.

32       3. The suspension of ~~the~~ *a* license to practice osteopathic  
33 medicine *or to practice as a physician assistant* by any other  
34 jurisdiction.

35       4. Malpractice or gross malpractice, which may be evidenced  
36 by a claim of malpractice settled against a ~~practitioner.~~ *licensee.*

37       5. Professional incompetence.

38       6. Failure to comply with the requirements of NRS 633.527.

39       7. Failure to comply with the requirements of subsection 3 of  
40 NRS 633.471.

41       8. Failure to comply with the provisions of NRS 633.694.

42       9. Operation of a medical facility, as defined in NRS 449.0151,  
43 at any time during which:

44       (a) The license of the facility is suspended or revoked; or



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

3 ➔ This subsection applies to an owner or other principal responsible  
4 for the operation of the facility.

5 10. Failure to comply with the provisions of subsection 2 of  
6 NRS 633.322.

7 11. Signing a blank prescription form.

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

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

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

19 15. Failure to report any person the licensee knows, or has  
20 reason to know, is in violation of the provisions of this chapter or  
21 the regulations of the Board within 30 days after the date the  
22 licensee knows or has reason to know of the violation.

23 16. Failure by a licensee or applicant to report in writing,  
24 within 30 days, any criminal action taken or conviction obtained  
25 against the licensee or applicant, other than a minor traffic violation,  
26 in this State or any other state or by the Federal Government, a  
27 branch of the Armed Forces of the United States or any local or  
28 federal jurisdiction of a foreign country.

29 17. Engaging in any act that is unsafe in accordance with  
30 regulations adopted by the Board.

31 **18. Failure to comply with the provisions of section 2 of this**  
32 **act.**

33 **Sec. 16.** NRS 633.526 is hereby amended to read as follows:

34 633.526 1. The insurer of an osteopathic physician **or**  
35 **physician assistant** licensed under this chapter shall report to the  
36 Board:

37 (a) Any action for malpractice against the osteopathic physician  
38 **or physician assistant** not later than 45 days after the osteopathic  
39 physician **or physician assistant** receives service of a summons and  
40 complaint for the action;

41 (b) Any claim for malpractice against the osteopathic physician  
42 **or physician assistant** that is submitted to arbitration or mediation  
43 not later than 45 days after the claim is submitted to arbitration or  
44 mediation; and



1 (c) Any settlement, award, judgment or other disposition of any  
2 action or claim described in paragraph (a) or (b) not later than 45  
3 days after the settlement, award, judgment or other disposition.

4 2. The Board shall report any failure to comply with subsection  
5 1 by an insurer licensed in this State to the Division of Insurance of  
6 the Department of Business and Industry. If, after a hearing, the  
7 Division of Insurance determines that any such insurer failed to  
8 comply with the requirements of subsection 1, the Division may  
9 impose an administrative fine of not more than \$10,000 against the  
10 insurer for each such failure to report. If the administrative fine is  
11 not paid when due, the fine must be recovered in a civil action  
12 brought by the Attorney General on behalf of the Division.

13 **Sec. 17.** NRS 633.527 is hereby amended to read as follows:

14 633.527 1. An osteopathic physician *or physician assistant*  
15 shall report to the Board:

16 (a) Any action for malpractice against the osteopathic physician  
17 *or physician assistant* not later than 45 days after the osteopathic  
18 physician *or physician assistant* receives service of a summons and  
19 complaint for the action;

20 (b) Any claim for malpractice against the osteopathic physician  
21 *or physician assistant* that is submitted to arbitration or mediation  
22 not later than 45 days after the claim is submitted to arbitration or  
23 mediation;

24 (c) Any settlement, award, judgment or other disposition of any  
25 action or claim described in paragraph (a) or (b) not later than 45  
26 days after the settlement, award, judgment or other disposition; and

27 (d) Any sanctions imposed against the osteopathic physician *or*  
28 *physician assistant* that are reportable to the National Practitioner  
29 Data Bank not later than 45 days after the sanctions are imposed.

30 2. If the Board finds that an osteopathic physician *or physician*  
31 *assistant* has violated any provision of this section, the Board may  
32 impose a fine of not more than \$5,000 against the osteopathic  
33 physician *or physician assistant* for each violation, in addition to  
34 any other fines or penalties permitted by law.

35 3. All reports made by an osteopathic physician *or physician*  
36 *assistant* pursuant to this section are public records.

37 **Sec. 18.** NRS 633.528 is hereby amended to read as follows:

38 633.528 If the Board receives a report pursuant to the  
39 provisions of NRS 633.526, 633.527, 690B.250 or 690B.260  
40 indicating that a judgment has been rendered or an award has been  
41 made against an osteopathic physician *or physician assistant*  
42 regarding an action or claim for malpractice or that such an action or  
43 claim against the osteopathic physician *or physician assistant* has  
44 been resolved by settlement, the Board shall conduct an  
45 investigation to determine whether to ~~impose disciplinary action~~



1 ~~against~~ *discipline* the osteopathic physician *or physician assistant*  
2 regarding the action or claim, unless the Board has already  
3 commenced or completed such an investigation regarding the action  
4 or claim before it receives the report.

5 **Sec. 19.** NRS 633.529 is hereby amended to read as follows:

6 633.529 1. Notwithstanding the provisions of chapter 622A  
7 of NRS, if the Board receives a report pursuant to the provisions of  
8 NRS 633.526, 633.527, 690B.250 or 690B.260 indicating that a  
9 judgment has been rendered or an award has been made against an  
10 osteopathic physician *or physician assistant* regarding an action or  
11 claim for malpractice , or that such an action or claim against the  
12 osteopathic physician *or physician assistant* has been resolved by  
13 settlement, the Board may order ~~[that]~~ the osteopathic physician *or*  
14 *physician assistant to* undergo a mental or physical examination or  
15 ~~[an]~~ *any other* examination ~~[testing]~~ *designated by the Board to test*  
16 his or her competence to practice *osteopathic* medicine *or to*  
17 *practice as a physician assistant, as applicable. An examination*  
18 *conducted pursuant to this subsection must be conducted* by  
19 osteopathic physicians ~~[or other examinations]~~ designated by the  
20 Board . ~~[to assist the Board or any investigative committee of the~~  
21 ~~Board in determining the fitness of the osteopathic physician to~~  
22 ~~practice medicine.]~~

23 2. For the purposes of this section:

24 (a) ~~[Every]~~ *An* osteopathic physician *or physician assistant* who  
25 applies for a license or who holds a license under this chapter ~~[shall~~  
26 ~~be]~~ *is* deemed to have given consent to submit to a mental or  
27 physical examination or an examination testing his or her  
28 competence to practice *osteopathic* medicine ~~[when ordered to do so~~  
29 ~~in writing]~~ *or to practice as a physician assistant, as applicable,*  
30 *pursuant to a written order* by the Board.

31 (b) The testimony or reports of the examining osteopathic  
32 physician are not privileged communications.

33 **Sec. 20.** NRS 633.531 is hereby amended to read as follows:

34 633.531 1. The Board or any of its members, ~~[any]~~ *or a*  
35 medical review panel of a hospital or medical society , which  
36 becomes aware ~~[that any one or combination of the]~~ *of any conduct*  
37 *by an osteopathic physician or physician assistant that may*  
38 *constitute* grounds for initiating disciplinary action ~~[may exist as to~~  
39 ~~a person practicing osteopathic medicine in this State]~~ shall, and any  
40 other person who is so aware may, file a written complaint  
41 specifying the relevant facts with the Board.

42 2. The Board shall retain all complaints filed with the Board  
43 pursuant to this section for at least 10 years, including, without  
44 limitation, any complaints not acted upon.



1     **Sec. 21.** NRS 633.533 is hereby amended to read as follows:

2     633.533 1. Except as otherwise provided in subsection 2, any  
3 person may file with the Board a complaint against an osteopathic  
4 physician *or physician assistant* on a form provided by the Board.  
5 The form may be submitted in writing or electronically. If a  
6 complaint is submitted anonymously, the Board may accept the  
7 complaint but may refuse to consider the complaint if the lack of the  
8 identity of the complainant makes processing the complaint  
9 impossible or unfair to the person who is the subject of the  
10 complaint.

11     2. Any licensee, medical school or medical facility that  
12 becomes aware that a person practicing osteopathic medicine *or*  
13 *practicing as a physician assistant* in this State has, is or is about to  
14 become engaged in conduct which constitutes grounds for initiating  
15 disciplinary action shall file a written complaint with the Board  
16 within 30 days after becoming aware of the conduct.

17     3. Any hospital, clinic or other medical facility licensed in this  
18 State, or medical society, shall *file a written* report ~~{to}~~ *with* the  
19 Board *of* any change in ~~{an osteopathic physician's}~~ *the* privileges  
20 *of an osteopathic physician* to practice osteopathic medicine *or a*  
21 *physician assistant to practice as a physician assistant* while the  
22 osteopathic physician *or physician assistant* is under investigation ,  
23 and the outcome of any disciplinary action taken by ~~{that}~~ *the*  
24 facility or society against the osteopathic physician *or physician*  
25 *assistant* concerning the care of a patient or the competency of the  
26 osteopathic physician *or physician assistant*, within 30 days after  
27 the change in privileges is made or disciplinary action is taken. The  
28 Board shall report any failure to comply with this subsection by a  
29 hospital, clinic or other medical facility licensed in this State to the  
30 Health Division of the Department of Health and Human Services.  
31 If, after a hearing, the Health Division determines that any such  
32 facility or society failed to comply with the requirements of this  
33 subsection, the *Health* Division may impose an administrative fine  
34 of not more than \$10,000 against the facility or society for each such  
35 failure to report. If the administrative fine is not paid when due, the  
36 fine must be recovered in a civil action brought by the Attorney  
37 General on behalf of the *Health* Division.

38     4. The clerk of every court shall report to the Board any  
39 finding, judgment or other determination of the court that an  
40 osteopathic physician or physician assistant:

41     (a) Is ~~{a person with mental illness;}~~ *mentally ill;*

42     (b) Is ~~{a person with mental incompetence;}~~ *mentally*  
43 *incompetent;*

44     (c) Has been convicted of a felony or any law governing  
45 controlled substances or dangerous drugs;





1 (d) Is guilty of abuse or fraud under any state or federal program  
2 providing medical assistance; or

3 (e) Is liable for damages for malpractice or negligence,  
4 ↪ within 45 days after ~~[such-a]~~ *the* finding, judgment or  
5 determination. ~~[is-made.]~~

6 5. On or before January 15 of each year, the clerk of every  
7 court shall submit to the Office of Court Administrator created  
8 pursuant to NRS 1.320 a written report compiling the information  
9 that the clerk reported during the previous year to the Board  
10 regarding osteopathic physicians *and physician assistants* pursuant  
11 to paragraph (e) of subsection 4.

12 **Sec. 22.** NRS 633.561 is hereby amended to read as follows:

13 633.561 1. Notwithstanding the provisions of chapter 622A  
14 of NRS, if the Board or a member of the Board designated to review  
15 a complaint pursuant to NRS 633.541 has reason to believe that the  
16 conduct of an osteopathic physician *or physician assistant* has  
17 raised a reasonable question as to his or her competence to practice  
18 osteopathic medicine *or to practice as a physician assistant, as*  
19 *applicable*, with reasonable skill and safety to patients, the Board or  
20 the member designated by the Board may require the osteopathic  
21 physician *or physician assistant* to submit to a mental or physical  
22 examination *conducted* by physicians designated by the Board. If  
23 the osteopathic physician *or physician assistant* participates in a  
24 diversion program, the diversion program may exchange with any  
25 authorized member of the staff of the Board any information  
26 concerning the recovery and participation of the osteopathic  
27 physician *or physician assistant* in the diversion program. As used  
28 in this subsection, "diversion program" means a program approved  
29 by the Board to correct an osteopathic physician's *or physician*  
30 *assistant's* alcohol or drug dependence or any other impairment.

31 2. For the purposes of this section:

32 (a) ~~[Every]~~ *An osteopathic* physician *or physician assistant*  
33 who is licensed under this chapter *and* who accepts the privilege of  
34 practicing osteopathic medicine *or practicing as a physician*  
35 *assistant* in this State ~~[shall-be]~~ *is* deemed to have given consent to  
36 submit to a mental or physical examination ~~[if-directed-to-do-so-in~~  
37 ~~writing]~~ *pursuant to a written order* by the Board.

38 (b) The testimony or examination reports of the examining  
39 physicians are not privileged communications.

40 3. Except in extraordinary circumstances, as determined by the  
41 Board, the failure of ~~[a]~~ *an osteopathic* physician *or physician*  
42 *assistant* who is licensed under this chapter to submit to an  
43 examination ~~[if-directed-as-provided-in]~~ *pursuant to* this section  
44 constitutes an admission of the charges against the *osteopathic*  
45 physician ~~[r]~~ *or physician assistant*.



1     **Sec. 23.** NRS 633.571 is hereby amended to read as follows:

2     633.571 Notwithstanding the provisions of chapter 622A of  
3 NRS, if the Board has reason to believe that the conduct of any  
4 osteopathic physician *or physician assistant* has raised a reasonable  
5 question as to his or her competence to practice osteopathic  
6 medicine *or to practice as a physician assistant, as applicable*, with  
7 reasonable skill and safety to patients, the Board may ~~cause a~~  
8 ~~medical competency examination of~~ *require* the *osteopathic*  
9 *physician or physician assistant to submit to an examination* for  
10 *the* purposes of determining his or her ~~[fitness]~~ *competence* to  
11 practice osteopathic medicine *or to practice as a physician*  
12 *assistant, as applicable*, with reasonable skill and safety to patients.

13     **Sec. 24.** NRS 633.581 is hereby amended to read as follows:

14     633.581 1. If an investigation by the Board ~~[regarding]~~ *of* an  
15 osteopathic physician *or physician assistant* reasonably determines  
16 that the health, safety or welfare of the public or any patient served  
17 by the osteopathic physician *or physician assistant* is at risk of  
18 imminent or continued harm, the Board may summarily suspend the  
19 license of the osteopathic physician ~~[ ]~~ *or physician assistant*. The  
20 order of summary suspension may be issued by the Board, an  
21 investigative committee of the Board or the Executive Director of  
22 the Board after consultation with the President, Vice President or  
23 Secretary-Treasurer of the Board.

24     2. If the Board issues an order summarily suspending the  
25 license of an osteopathic physician *or physician assistant* pursuant  
26 to subsection 1, the Board shall hold a hearing regarding the matter  
27 not later than 45 days after the date on which the Board issues the  
28 order summarily suspending the license unless the Board and the  
29 licensee mutually agree to a longer period.

30     3. Notwithstanding the provisions of chapter 622A of NRS, if  
31 the Board issues an order summarily suspending the license of an  
32 osteopathic physician *or physician assistant* pending ~~[proceedings]~~  
33 *a proceeding* for disciplinary action and requires the *osteopathic*  
34 *physician or physician assistant* to submit to a mental or physical  
35 examination or a medical competency examination, the examination  
36 ~~[shall]~~ *must* be conducted and the results *must be* obtained not later  
37 than 60 days after the Board issues ~~[its]~~ *the* order.

38     **Sec. 25.** NRS 633.591 is hereby amended to read as follows:

39     633.591 Notwithstanding the provisions of chapter 622A of  
40 NRS, if the Board issues an order summarily suspending the license  
41 of an osteopathic physician *or physician assistant* pending  
42 proceedings for disciplinary action, including, without limitation, a  
43 summary suspension pursuant to NRS 233B.127, the court shall not  
44 stay that order unless the Board fails to institute and determine such



1 proceedings as promptly as the requirements for investigation of the  
2 case reasonably allow.

3 **Sec. 26.** NRS 633.601 is hereby amended to read as follows:

4 633.601 1. In addition to any other remedy provided by law,  
5 the Board, through ~~[its President or Secretary]~~ *an officer of the*  
6 *Board* or the Attorney General, may apply to any court of  
7 competent jurisdiction to enjoin any unprofessional conduct of an  
8 osteopathic physician *or physician assistant* which is harmful to the  
9 public or to limit the ~~[physician's]~~ *practice of the osteopathic*  
10 *physician or physician assistant* or suspend his or her license to  
11 practice *osteopathic medicine or to practice as a physician*  
12 *assistant, as applicable,* as provided in this section.

13 2. The court in a proper case may issue a temporary restraining  
14 order or a preliminary injunction for such purposes:

15 (a) Without proof of actual damage sustained by any person, this  
16 provision being a preventive as well as punitive measure; and

17 (b) Pending proceedings for disciplinary action by the Board.  
18 Notwithstanding the provisions of chapter 622A of NRS, such  
19 proceedings shall be instituted and determined as promptly as the  
20 requirements for investigation of the case reasonably allow.

21 **Sec. 27.** NRS 633.631 is hereby amended to read as follows:

22 633.631 Except as otherwise provided in chapter 622A of  
23 NRS:

24 1. Service of process made under this chapter ~~[shall]~~ *must* be  
25 either personal or by registered or certified mail with return receipt  
26 requested, addressed to the osteopathic physician *or physician*  
27 *assistant* at his or her last known address, as indicated ~~[on]~~ *in* the  
28 records of the Board . ~~[-, if possible.-]~~ If personal service cannot be  
29 made and if mail notice is returned undelivered, the Secretary of the  
30 Board shall cause *a* notice of hearing to be published once a week  
31 for 4 consecutive weeks in a newspaper published in the county of  
32 the ~~[physician's]~~ *last known address of the osteopathic physician or*  
33 *physician assistant* or, if no newspaper is published in that county,  
34 ~~[then]~~ *in* a newspaper widely distributed in that county.

35 2. Proof of service of process or publication of notice made  
36 under this chapter ~~[shall]~~ *must* be filed with the Secretary of the  
37 Board and ~~[shall]~~ *must* be recorded in the minutes of the Board.

38 **Sec. 28.** NRS 633.641 is hereby amended to read as follows:

39 633.641 Notwithstanding the provisions of chapter 622A of  
40 NRS, in any disciplinary proceeding before the Board, a hearing  
41 officer or a panel:

42 1. Proof of actual injury need not be established where the  
43 formal complaint charges deceptive or unethical professional  
44 conduct or medical practice harmful to the public.



1 2. A certified copy of the record of a court or a licensing  
2 agency showing a conviction or the suspension or revocation of a  
3 license to practice osteopathic medicine *or to practice as a*  
4 *physician assistant* is conclusive evidence of its occurrence.

5 **Sec. 29.** NRS 633.651 is hereby amended to read as follows:

6 633.651 1. If the Board finds a person guilty in a disciplinary  
7 proceeding, it shall by order take one or more of the following  
8 actions:

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

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

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

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

17 (e) Revoke the license of the person to practice osteopathic  
18 medicine ~~{}~~ *or to practice as a physician assistant*.

19 (f) Impose a fine not to exceed \$5,000 for each violation.

20 (g) Require supervision of the practice of the person.

21 (h) Require the person to perform community service without  
22 compensation.

23 (i) Require the person to complete any training or educational  
24 requirements specified by the Board.

25 (j) Require the person to participate in a program to correct  
26 alcohol or drug dependence or any other impairment.

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

30 2. The Board shall not administer a private reprimand.

31 3. An order that imposes discipline and the findings of fact and  
32 conclusions of law supporting that order are public records.

33 **Sec. 30.** NRS 633.671 is hereby amended to read as follows:

34 633.671 1. Any person who has been placed on probation or  
35 whose license has been limited, suspended or revoked by the Board  
36 is entitled to judicial review of the Board's order as provided by  
37 law.

38 2. Every order of the Board which limits the practice of  
39 *osteopathic* medicine *or the practice of a physician assistant* or  
40 suspends or revokes a license is effective from the date ~~{the~~  
41 ~~Secretary certifies}~~ *on which the order is issued by the Board* until  
42 the date the order is modified or reversed by a final judgment of the  
43 court.



1 3. The district court shall give a petition for judicial review of  
2 the Board's order priority over other civil matters which are not  
3 expressly given priority by law.

4 **Sec. 31.** NRS 633.681 is hereby amended to read as follows:

5 633.681 1. Any person:

6 (a) Whose practice of osteopathic medicine *or practice as a*  
7 *physician assistant* has been limited; or

8 (b) Whose license to practice osteopathic medicine *or to*  
9 *practice as a physician assistant* has been:

10 (1) Suspended until further order; or

11 (2) Revoked,

12 ↪ may apply to the Board after a reasonable period for removal of  
13 the limitation or suspension or may apply to the Board pursuant to  
14 the provisions of chapter 622A of NRS for reinstatement of the  
15 revoked license.

16 2. In hearing the application, the Board:

17 (a) May require the person to submit to a mental or physical  
18 examination by physicians whom it designates and submit such  
19 other evidence of changed conditions and of fitness as it deems  
20 proper;


21 (b) Shall determine whether under all the circumstances the time  
22 of the application is reasonable; and

23 (c) May deny the application or modify or rescind its order as it  
24 deems the evidence and the public safety warrants.

25 **Sec. 32.** NRS 633.691 is hereby amended to read as follows:

26 633.691 1. In addition to any other immunity provided by the  
27 provisions of chapter 622A of NRS, the Board, a medical review  
28 panel of a hospital, a hearing officer, a panel of the Board, an  
29 employee or volunteer of a diversion program specified in NRS  
30 633.561, or any person who or other organization which initiates or  
31 assists in any lawful investigation or proceeding concerning the  
32 discipline of an osteopathic physician *or physician assistant* for  
33 gross malpractice, malpractice, professional incompetence or  
34 unprofessional conduct is immune from any civil action for such  
35 initiation or assistance or any consequential damages, if the person  
36 or organization acted in good faith.

37 2. The Board shall not commence an investigation, impose any  
38 disciplinary action or take any other adverse action against an  
39 osteopathic physician *or physician assistant* for:

40 (a) Disclosing to a governmental entity a violation of a law, rule  
41 or regulation by an applicant for a license to practice osteopathic  
42 medicine or *to practice as a physician assistant, or* by an  
43 osteopathic physician  *or physician assistant;* or



1 (b) Cooperating with a governmental entity that is conducting an  
2 investigation, hearing or inquiry into such a violation, including,  
3 without limitation, providing testimony concerning the violation.

4 3. As used in this section, "governmental entity" includes,  
5 without limitation:

6 (a) A federal, state or local officer, employee, agency,  
7 department, division, bureau, board, commission, council, authority  
8 or other subdivision or entity of a public employer;

9 (b) A federal, state or local employee, committee, member or  
10 commission of the Legislative Branch of Government;

11 (c) A federal, state or local representative, member or employee  
12 of a legislative body or a county, town, village or any other political  
13 subdivision or civil division of the State;

14 (d) A federal, state or local law enforcement agency or  
15 prosecutorial office, or any member or employee thereof, or police  
16 or peace officer; and

17 (e) A federal, state or local judiciary, or any member or  
18 employee thereof, or grand or petit jury.

19 **Sec. 33.** NRS 633.701 is hereby amended to read as follows:

20 633.701 The filing and review of a complaint and any  
21 subsequent disposition by the Board, the member designated by the  
22 Board to review a complaint pursuant to NRS 633.541 or any  
23 reviewing court do not preclude:

24 1. Any measure by a hospital or other institution to limit or  
25 terminate the privileges of an osteopathic physician *or physician*  
26 *assistant* according to its rules or the custom of the profession. No  
27 civil liability attaches to any such action taken without malice even  
28 if the ultimate disposition of the complaint is in favor of the  
29 *osteopathic* physician ~~[:]~~ *or physician assistant*.

30 2. Any appropriate criminal prosecution by the Attorney  
31 General or a district attorney based upon the same or other facts.

32 **Sec. 34.** NRS 633.711 is hereby amended to read as follows:

33 633.711 1. The Board, through ~~[its President or Secretary]~~  
34 *an officer of the Board* or the Attorney General, may maintain in  
35 any court of competent jurisdiction a suit for an injunction against  
36 any person ~~[practicing]~~ :

37 (a) *Practicing* osteopathic medicine *or practicing as a*  
38 *physician assistant* without a *valid* license to practice osteopathic  
39 medicine ~~[valid under this chapter.]~~ *or to practice as a physician*  
40 *assistant; or*

41 (b) *Engaging in telemedicine without a valid license pursuant*  
42 *to section 2 of this act.*

43 2. ~~[Such an]~~ *An* injunction ~~[:]~~ *issued pursuant to subsection 1:*



1 (a) May be issued without proof of actual damage sustained by  
2 any person, this provision being a preventive as well as a punitive  
3 measure.

4 (b) ~~[Shall]~~ **Must** not relieve such person from criminal  
5 prosecution for practicing without such a license.

6 **Sec. 35.** NRS 633.721 is hereby amended to read as follows:

7 633.721 In a criminal complaint charging any person with  
8 practicing osteopathic medicine **or practicing as a physician**  
9 **assistant** without a **valid** license ~~[to practice osteopathic medicine,]~~  
10 **issued by the Board**, it is sufficient to charge that the person did,  
11 upon a certain day, and in a certain county of this State, engage in  
12 ~~[the]~~ **such** practice ~~[of osteopathic medicine]~~ without having a valid  
13 license to do so, without averring any further or more particular  
14 facts concerning the violation.

15 **Sec. 36.** NRS 633.741 is hereby amended to read as follows:

16 633.741 A person who:

17 1. Except as otherwise provided in NRS 629.091, practices  
18 ~~[osteopathic]~~ :

19 (a) **Osteopathic** medicine ~~[-~~  
20 ~~—(a) Without]~~ **without** a **valid** license to practice osteopathic  
21 medicine ~~[valid]~~ under this chapter; ~~[or]~~

22 (b) **As a physician assistant without a valid license under this**  
23 **chapter; or**

24 (c) Beyond the limitations ordered upon his or her practice by  
25 the Board or the court;

26 2. Presents as his or her own the diploma, license or credentials  
27 of another;

28 3. Gives either false or forged evidence of any kind to the  
29 Board or any of its members in connection with an application for a  
30 license;

31 4. Files for record the license issued to another, falsely  
32 claiming himself or herself to be the person named in the license, or  
33 falsely claiming himself or herself to be the person entitled to the  
34 license;

35 5. Practices osteopathic medicine **or practices as a physician**  
36 **assistant** under a false or assumed name or falsely personates  
37 another licensee of a like or different name;

38 6. Holds himself or herself out as a physician assistant or who  
39 uses any other term indicating or implying that he or she is a  
40 physician assistant, unless the person has been licensed by the Board  
41 as provided in this chapter; or

42 7. Supervises a person as a physician assistant before such  
43 person is licensed as provided in this chapter,

44 **↪ is guilty of a category D felony and shall be punished as provided**  
45 **in NRS 193.130.**





1     **Sec. 37.** Section 121 of chapter 413, Statutes of Nevada 2007,  
2 as amended by chapter 369, Statutes of Nevada 2009, at page 1856,  
3 and chapter 494, Statutes of Nevada 2009, at page 2999, is hereby  
4 amended to read as follows:

5         Sec. 121. 1. This section becomes effective upon  
6 passage and approval.

7         2. Sections 1 to 42.3, inclusive, and 43 to 120, inclusive,  
8 of this act become effective:

9             (a) Upon passage and approval for the purpose of  
10 adopting regulations and performing any other preparatory  
11 administrative tasks that are necessary to carry out the  
12 provisions of this act; and

13             (b) On January 1, 2008, for all other purposes.

14         3. ~~[Sections]~~ *Section* 11 ~~[and 25]~~ of this act ~~[expire]~~  
15 *expires* by limitation on January 1, 2012.

16         4. Section 42.3 of this act expires by limitation on the  
17 date on which the provisions of 42 U.S.C. § 666 requiring  
18 each state to establish procedures under which the state has  
19 authority to withhold or suspend, or to restrict the use of  
20 professional, occupational and recreational licenses of  
21 persons who:

22             (a) Have failed to comply with a subpoena or warrant  
23 relating to a proceeding to determine the paternity of a child  
24 or to establish or enforce an obligation for the support of a  
25 child; or

26             (b) Are in arrears in the payment for the support of one or  
27 more children,

28             ↪ are repealed by the Congress of the United States.

29         5. Section 42.7 of this act becomes effective on the date  
30 on which the provisions of 42 U.S.C. § 666 requiring each  
31 state to establish procedures under which the state has  
32 authority to withhold or suspend, or to restrict the use of  
33 professional, occupational and recreational licenses of  
34 persons who:

35             (a) Have failed to comply with a subpoena or warrant  
36 relating to a proceeding to determine the paternity of a child  
37 or to establish or enforce an obligation for the support of a  
38 child; or

39             (b) Are in arrears in the payment for the support of one or  
40 more children,

41             ↪ are repealed by the Congress of the United States.

42         6. Sections 42.7 and 55.5 of this act expire by limitation  
43 on the date 2 years after the date on which the provisions of  
44 42 U.S.C. § 666 requiring each state to establish procedures  
45 under which the state has authority to withhold or suspend, or



1 to restrict the use of professional, occupational and  
2 recreational licenses of persons who:

3 (a) Have failed to comply with a subpoena or warrant  
4 relating to a proceeding to determine the paternity of a child  
5 or to establish or enforce an obligation for the support of a  
6 child; or

7 (b) Are in arrears in the payment for the support of one or  
8 more children,

9 ↪ are repealed by the Congress of the United States.

③



\* S B 2 7 3 \*