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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 provisions governing the requirements for licensure by the Board; revising certain provisions relating to the renewal of a license by the Board; revising provisions relating to certain continuing education requirements for licensees; 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.



**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 and  
3 renew a license to practice as a physician assistant in this State. (NRS  
4 633.305-633.501)

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 9.5** of this bill revises provisions  
21 governing the requirements for licensure by the Board. **Section 11** of this bill  
22 authorizes an osteopathic physician to apply for another temporary license after the  
23 expiration of one such license. **Section 14** of this bill authorizes the Board to  
24 prorate the initial license fee for a new license to practice as an osteopathic  
25 physician and physician assistant. **Sections 11.7 and 13** of this bill require a  
26 physician assistant to meet certain continuing education requirements before  
27 renewing his or her license to practice as a physician assistant in this State. **Section**  
28 **12** of this bill shortens certain procedural deadlines with respect to the renewal of a  
29 license to practice osteopathic medicine or a license to practice as a physician  
30 assistant. **Sections 15 and 29** of this bill expand the scope of the authority of the  
31 Board to discipline a physician assistant.

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

37 **Sections 19, 22 and 23** of this bill authorize the Board to order a physician  
38 assistant to undergo a competency examination under certain circumstances.  
39 **Section 24** of this bill authorizes the immediate suspension of the license of a  
40 physician assistant under certain circumstances. **Sections 26 and 34** of this bill  
41 authorize the Board to seek injunctive relief against a physician assistant for certain  
42 conduct. **Section 36** of this bill provides that a person who practices as a physician  
43 assistant without a valid license or uses the identity of another person to do so is  
44 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*  
8 *territory of the United States, the osteopathic physician shall,*  
9 *before engaging in telemedicine with the patient, take any steps*  
10 *necessary to be authorized or licensed to practice osteopathic*  
11 *medicine in the other state or territory of the United States in*  
12 *which the patient is physically located.*

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

16       **(a)** *A bona fide relationship between the osteopathic physician*  
17 *and the patient must exist which must include, without limitation,*  
18 *a history and physical examination or consultation which*  
19 *occurred in person and which was sufficient to establish a*  
20 *diagnosis and identify any underlying medical conditions of the*  
21 *patient.*

22       **(b)** *The osteopathic physician must obtain informed, written*  
23 *consent from the patient or the legal representative of the patient*  
24 *to engage in telemedicine with the patient. The osteopathic*  
25 *physician shall maintain the consent form as part of the*  
26 *permanent medical record of the patient.*

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

29       **(1)** *That the patient or the legal representative of the patient*  
30 *may withdraw the consent provided pursuant to paragraph (b) at*  
31 *any time;*

32       **(2)** *Of the potential risks, consequences and benefits of*  
33 *telemedicine;*

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

37       **(4)** *That the transmission of any confidential medical*  
38 *information while engaged in telemedicine is subject to all*  
39 *applicable federal and state laws with respect to the protection of*  
40 *and access to confidential medical information; and*



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

4           3. *An osteopathic physician is not required to comply with the*  
5 *provisions of paragraph (a) of subsection 2 if the osteopathic*  
6 *physician engages in telemedicine for the purposes of making a*  
7 *diagnostic interpretation of a medical examination, study or test of*  
8 *the patient.*

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

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

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

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

20           6. *As used in this section, "telemedicine" means the practice*  
21 *of osteopathic medicine through the synchronous or*  
22 *asynchronous transfer of medical data or information using*  
23 *interactive audio, video or data communication, other than*  
24 *through a standard telephone, facsimile transmission or electronic*  
25 *mail message.*

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

30           2. *The Board shall not report any condition, limitation or*  
31 *restriction placed on a license pursuant to this section to the*  
32 *National Practitioner Data Bank unless the licensee fails to*  
33 *comply with the condition, limitation or restriction placed on the*  
34 *license. The Board may, upon request, report any such*  
35 *information to an agency of another state which regulates the*  
36 *practice of osteopathic medicine in that State.*

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

41           4. *Any condition, limitation or restriction placed on a license*  
42 *pursuant to this section is not a disciplinary action pursuant to*  
43 *NRS 633.651.*

44           **Sec. 4. 1.** *Any osteopathic physician who performs an*  
45 *autopsy in this State and who determines that the death of the*



1 *decedent is the result of an overdose of a controlled substance or a*  
2 *dangerous drug shall, within 30 days after making the*  
3 *determination, submit to the Board a written report of the findings*  
4 *of the autopsy, and provide to the Board any other information*  
5 *requested by the Board.*

6 2. *Upon receipt of a report submitted pursuant to subsection*  
7 *1, the Board shall investigate the death of the decedent to*  
8 *determine whether the conduct of any osteopathic physician*  
9 *contributed to the death of the decedent.*

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

12 **Sec. 5.** NRS 633.071 is hereby amended to read as follows:

13 633.071 "Malpractice" means failure on the part of an  
14 osteopathic physician *or physician assistant* to exercise the degree  
15 of care, diligence and skill ordinarily exercised by osteopathic  
16 physicians *or physician assistants* in good standing in the  
17 community in which he or she practices.

18 **Sec. 6.** NRS 633.131 is hereby amended to read as follows:

19 633.131 1. "Unprofessional conduct" includes:

20 (a) Willfully making a false or fraudulent statement or  
21 submitting a forged or false document in applying for a license to  
22 practice osteopathic medicine *or to practice as a physician*  
23 *assistant*, or in applying for *the* renewal of a license to practice  
24 osteopathic medicine ~~[ ]~~ *or to practice as a physician assistant.*

25 (b) Failure of a ~~[licensee of the]~~ *person who is licensed to*  
26 *practice [of] osteopathic medicine to [designate his or her school of*  
27 *practice in the professional use of his or her name by] identify*  
28 *himself or herself professionally by using* the term D.O.,  
29 osteopathic physician, doctor of osteopathy or a similar term.

30 (c) Directly or indirectly giving to or receiving from any person,  
31 corporation or other business organization any fee, commission,  
32 rebate or other form of compensation for sending, referring or  
33 otherwise inducing a person to communicate with an osteopathic  
34 physician in his or her professional capacity or for any professional  
35 services not actually and personally rendered, except as otherwise  
36 provided in subsection 2.

37 (d) Employing, directly or indirectly, any suspended or  
38 unlicensed person in the practice of osteopathic medicine ~~[ ]~~ *or in*  
39 *practice as a physician assistant*, or the aiding or abetting of any  
40 unlicensed person to practice osteopathic medicine ~~[ ]~~ *or to practice*  
41 *as a physician assistant.*

42 (e) Advertising the practice of osteopathic medicine in a manner  
43 which does not conform to the guidelines established by regulations  
44 of the Board.

45 (f) Engaging in any:



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

3 (2) Medical practice harmful to the public or any conduct  
4 detrimental to the public health, safety or morals which does not  
5 constitute gross or repeated malpractice or professional  
6 incompetence.

7 (g) Administering, dispensing or prescribing any controlled  
8 substance or any dangerous drug as defined in chapter 454 of NRS,  
9 otherwise than in the course of legitimate professional practice or as  
10 authorized by law.

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

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

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

18 (k) Willful disobedience of the regulations of the State Board of  
19 Health, the State Board of Pharmacy or the State Board of  
20 Osteopathic Medicine.

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

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

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

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

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

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

36 (r) *Providing false, misleading or deceptive information to the*  
37 *Board in connection with an investigation conducted by the*  
38 *Board.*

39 2. It is not unprofessional conduct:

40 (a) For persons holding valid licenses to practice osteopathic  
41 medicine issued pursuant to this chapter to practice osteopathic  
42 medicine in partnership under a partnership agreement or in a  
43 corporation or an association authorized by law, or to pool, share,  
44 divide or apportion the fees and money received by them or by the  
45 partnership, corporation or association in accordance with the



1 partnership agreement or the policies of the board of directors of  
2 the corporation or association;

3 (b) For two or more persons holding valid licenses to practice  
4 osteopathic medicine issued pursuant to this chapter to receive  
5 adequate compensation for concurrently rendering professional care  
6 to a patient and dividing a fee if the patient has full knowledge of  
7 this division and if the division is made in proportion to the services  
8 performed and the responsibility assumed by each ~~[-]~~ *person*; or

9 (c) For a person licensed to practice osteopathic medicine  
10 pursuant to the provisions of this chapter to form an association or  
11 other business relationship with an optometrist pursuant to the  
12 provisions of NRS 636.373.

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

14 633.221 ~~[-]~~ The Board shall elect from its members a  
15 President, a Vice President and a Secretary-Treasurer, who shall  
16 hold their respective offices at ~~[-]~~ *its* the pleasure ~~[-]~~

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

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

20 633.286 1. On or before February 15 of each odd-numbered  
21 year, the Board shall submit to the Governor and to the Director of  
22 the Legislative Counsel Bureau for transmittal to the next regular  
23 session of the Legislature a written report compiling:

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

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

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

35 2. The report must include only aggregate information for  
36 statistical purposes and exclude any identifying information related  
37 to a particular person.

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

39 633.305 1. Every applicant for a license shall:

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

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



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

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

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

10 4. The Board may reject an application if ~~[it appears]~~ *the*  
11 *Board has cause to believe* that any credential *or information*  
12 submitted *by the applicant* is false ~~[ ]~~, *misleading, deceptive or*  
13 *fraudulent*.

14 **Sec. 9.5.** NRS 633.311 is hereby amended to read as follows:

15 633.311 Except as otherwise provided in NRS 633.315, an  
16 applicant for a license to practice osteopathic medicine may be  
17 issued a license by the Board if:

18 1. The applicant is 21 years of age or older;

19 2. The applicant is a citizen of the United States or is lawfully  
20 entitled to remain and work in the United States;

21 3. The applicant is a graduate of a school of osteopathic  
22 medicine;

23 4. The applicant:

24 (a) Has graduated from a school of osteopathic medicine before  
25 1995 and has completed:

26 (1) A hospital internship; or

27 (2) One year of postgraduate training that complies with the  
28 standards of intern training established by the American Osteopathic  
29 Association;

30 (b) Has completed 3 years, *or such other length of time as*  
31 *required by a specific program*, of postgraduate medical education  
32 as a resident in the United States or Canada in a program approved  
33 by the Board, the Bureau of Professional Education of the American  
34 Osteopathic Association or the Accreditation Council for Graduate  
35 Medical Education; or

36 (c) Is a resident who is enrolled in a postgraduate training  
37 program in this State, has completed 24 months of the program and  
38 has committed, in writing, that he or she will complete the program;

39 5. The applicant applies for the license as provided by law;

40 6. The applicant passes:

41 (a) All parts of the licensing examination of the National Board  
42 of Osteopathic Medical Examiners;

43 (b) All parts of the licensing examination of the Federation of  
44 State Medical Boards of the United States, Inc.;





1 (c) All parts of the licensing examination of the Board, a state,  
2 territory or possession of the United States, or the District of  
3 Columbia, and is certified by a specialty board of the American  
4 Osteopathic Association or by the American Board of Medical  
5 Specialties; or

6 (d) A combination of the parts of the licensing examinations  
7 specified in paragraphs (a), (b) and (c) that is approved by the  
8 Board;

9 7. The applicant pays the fees provided for in this chapter; and

10 8. The applicant submits all information required to complete  
11 an application for a license.

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

13 633.351 ~~[Any]~~ *An* unsuccessful applicant may appeal to the  
14 district court to review the action of the Board, if the applicant files  
15 the appeal within ~~[6 months from]~~ *30 days after* the date ~~[of the~~  
16 ~~rejection of]~~ *on which the order rejecting* the application *is issued*  
17 by the Board. Upon appeal, the applicant has the burden of showing  
18 that the action of the Board is erroneous or unlawful.

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

20 633.391 1. The Board may issue *to a qualified person* a  
21 temporary license to practice osteopathic medicine in ~~[order to~~  
22 ~~authorize a]~~ *this State which authorizes the* person ~~[who is~~  
23 ~~qualified to practice osteopathic medicine in this State]~~ to serve as a  
24 substitute for ~~[-~~

25 ~~-(a) A]~~ *a* physician licensed pursuant to chapter 630 of NRS ~~[-]~~  
26 or

27 ~~[(b) An]~~ *an* osteopathic physician licensed pursuant to this  
28 chapter ~~[-~~

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

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

33 3. A temporary license to practice osteopathic medicine is valid  
34 for not more than 6 months after issuance and is not renewable.  
35 *Upon the expiration of a temporary license, an osteopathic*  
36 *physician may apply for a new temporary license in accordance*  
37 *with the provisions of this section.*

38 **Sec. 11.3.** NRS 633.400 is hereby amended to read as follows:

39 633.400 1. Except as otherwise provided in NRS 633.315,  
40 the Board shall, except for good cause, issue a license by  
41 endorsement to a person who has been issued a license to practice  
42 osteopathic medicine by the District of Columbia or any state or  
43 territory of the United States if:

44 (a) At the time the person files an application with the Board,  
45 the license is in effect and unrestricted; and



1 (b) The applicant:

2 (1) Is currently certified by either a specialty board of the  
3 American Board of Medical Specialties or a specialty board of the  
4 American Osteopathic Association, ~~and~~ *or* was certified or  
5 recertified within the past 10 years;

6 (2) Has had no adverse actions reported to the National  
7 Practitioner Data Bank within the past 5 years;

8 (3) Has been continuously and actively engaged in the  
9 practice of osteopathic medicine within his or her specialty for the  
10 past 5 years;

11 (4) Is not involved in and does not have pending any  
12 disciplinary action concerning a license to practice osteopathic  
13 medicine in the District of Columbia or any state or territory of the  
14 United States;

15 (5) Provides information on all the medical malpractice  
16 claims brought against him or her, without regard to when the  
17 claims were filed or how the claims were resolved; and

18 (6) Meets all statutory requirements to obtain a license to  
19 practice osteopathic medicine in this State except that the applicant  
20 is not required to meet the requirements set forth in NRS 633.311.

21 2. Any person applying for a license pursuant to this section  
22 shall pay in advance to the Board the application and initial license  
23 fee specified in this chapter.

24 3. A license by endorsement may be issued at a meeting of the  
25 Board or between its meetings by its President and Executive  
26 Director. Such action shall be deemed to be an action of the Board.

27 **Sec. 11.5.** NRS 633.434 is hereby amended to read as follows:

28 633.434 The Board shall adopt regulations regarding the  
29 licensure of a physician assistant, including, without limitation:

30 1. The educational and other qualifications of applicants.

31 2. The required academic program for applicants.

32 3. The procedures for applications for and the issuance of  
33 licenses.

34 4. The tests or examinations of applicants by the Board.

35 5. The medical services which a physician assistant may  
36 perform, except that a physician assistant may not perform  
37 osteopathic manipulative therapy or those specific functions and  
38 duties delegated or restricted by law to persons licensed as dentists,  
39 chiropractors, doctors of Oriental medicine, podiatric physicians,  
40 optometrists and hearing aid specialists under chapters 631, 634,  
41 634A, 635, 636 and 637A, respectively, of NRS.

42 6. ~~[The duration, renewal and termination of licenses.~~

43 ~~—7.]~~ The grounds and procedures respecting disciplinary actions  
44 against physician assistants.



1 ~~[8:]~~ 7. The supervision of medical services of a physician  
2 assistant by a supervising osteopathic physician.

3 **Sec. 11.7.** NRS 633.471 is hereby amended to read as follows:

4 633.471 1. Except as otherwise provided in subsection 4 and  
5 NRS 633.491, every holder of a license ~~[to practice osteopathic~~  
6 ~~medicine]~~ issued under this chapter, except a temporary or a special  
7 license, may renew the license on or before January 1 of each  
8 calendar year after its issuance by:

9 (a) Applying for renewal on forms provided by the Board;

10 (b) Paying the annual license renewal fee specified in this  
11 chapter;

12 (c) Submitting a list of all actions filed or claims submitted to  
13 arbitration or mediation for malpractice or negligence against the  
14 holder during the previous year;

15 (d) Submitting an affidavit to the Board that in the year  
16 preceding the application for renewal the holder has attended  
17 courses or programs of continuing education approved by the Board  
18 totaling a number of hours established by the Board which must not  
19 be less than 35 hours nor more than that set in the requirements for  
20 continuing medical education of the American Osteopathic  
21 Association; and

22 (e) Submitting all information required to complete the renewal.

23 2. The Secretary of the Board shall notify each licensee ~~[of the~~  
24 ~~practice of osteopathic medicine]~~ of the requirements for renewal  
25 not less than 30 days before the date of renewal.

26 3. The Board shall request submission of verified evidence of  
27 completion of the required number of hours of continuing medical  
28 education annually from no fewer than one-third of the applicants  
29 for renewal of a license to practice osteopathic medicine ~~[:]~~ *or a*  
30 *license to practice as a physician assistant*. Upon a request from the  
31 Board, an applicant for renewal of a license to practice osteopathic  
32 medicine *or a license to practice as a physician assistant* shall  
33 submit verified evidence satisfactory to the Board that in the year  
34 preceding the application for renewal the applicant attended courses  
35 or programs of continuing medical education approved by the Board  
36 totaling the number of hours established by the Board.

37 4. Members of the Armed Forces of the United States and the  
38 United States Public Health Service are exempt from payment of the  
39 annual license renewal fee during their active duty status.

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

41 633.481 1. Except as otherwise provided in subsection 2, if a  
42 licensee ~~[of the practice of osteopathic medicine]~~ fails to comply  
43 with the requirements of NRS 633.471 within ~~[30]~~ *10* days after the  
44 renewal date, the Board shall give ~~[30]~~ *15* days' notice of *the* failure  
45 to renew *the license* and of *the* ~~[revocation]~~ *expiration* of the



1 license by certified mail to the licensee at the licensee's last *known*  
2 address *that is* registered with the Board. If the license is not  
3 renewed ~~before the expiration of the 30 days'~~ *within 15 days after*  
4 *receiving* notice, the license ~~is~~ *expires* automatically ~~revoked~~  
5 without any further notice or a hearing and the Board shall file a  
6 copy of the notice with the Drug Enforcement Administration of the  
7 United States Department of Justice or its successor agency.

8 2. A licensee ~~of the practice of osteopathic medicine~~ who  
9 fails to meet the continuing education requirements for license  
10 renewal may apply to the Board for a waiver of the requirements.  
11 The Board may grant a waiver for that year only if ~~it~~ *the Board*  
12 finds that the failure is due to ~~the licensee's~~ *a* disability, military  
13 service, ~~or~~ absence from the United States, or ~~to~~ circumstances  
14 beyond the control of the licensee which are deemed by the Board to  
15 excuse the failure.

16 3. A person whose license ~~is revoked~~ *has expired* under this  
17 section may apply to the Board for restoration of the license upon:

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

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

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

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

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

30 633.491 1. A licensee ~~of the practice of osteopathic~~  
31 ~~medicine~~ who retires from ~~such~~ practice ~~need not~~ *is not*  
32 *required* annually *to* renew his or her license after filing with the  
33 Board an affidavit stating the date on which he or she retired from  
34 practice and ~~such~~ *any* other ~~facts~~ *evidence that the Board may*  
35 *require* to verify the retirement. ~~as the Board deems necessary.~~

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

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



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

3 3. A licensee ~~{of the practice of osteopathic medicine}~~ who  
4 wishes to have a license placed on inactive status must provide the  
5 Board with an affidavit stating the date on which the licensee will  
6 cease the practice of osteopathic medicine *or cease to practice as a*  
7 *physician assistant* in Nevada and any other ~~{facts}~~ *evidence* that  
8 the Board may require. The Board shall place the license of the  
9 licensee on inactive status upon receipt of:

- 10 (a) The affidavit required pursuant to this subsection; and
- 11 (b) Payment of the inactive license fee prescribed by  
12 NRS 633.501.

13 4. ~~{A licensee of the practice of}~~ *An* osteopathic ~~{medicine}~~  
14 *physician or physician assistant* whose license has been placed on  
15 inactive status:

- 16 (a) ~~{Need}~~ *Is* not *required to* annually renew the license.
- 17 (b) Shall annually pay the inactive license fee prescribed by  
18 NRS 633.501.

19 (c) Shall not ~~{engage in the}~~ practice ~~{of}~~ osteopathic medicine  
20 *or practice as a physician assistant* in this State.

21 5. ~~{A licensee of the practice of}~~ *An* osteopathic ~~{medicine}~~  
22 *physician or physician assistant* whose license is on inactive status  
23 and who wishes to renew ~~{the}~~ *his or her* license to practice  
24 osteopathic medicine *or license to practice as a physician assistant*  
25 must:

26 (a) Provide to the Board verified evidence satisfactory to the  
27 Board of completion of the total number of hours of continuing  
28 medical education required for:

- 29 (1) The year preceding the date of the application for renewal  
30 of the license ; ~~{to practice osteopathic medicine;}~~ and
- 31 (2) Each year ~~{succeeding}~~ *after* the date the license was  
32 placed on inactive status.

33 (b) Provide to the Board an affidavit stating that the applicant  
34 has not withheld from the Board any information which would  
35 ~~{provide}~~ *constitute* grounds for disciplinary action pursuant to this  
36 chapter.

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

38 **Sec. 14.** NRS 633.501 is hereby amended to read as follows:  
39 633.501 ~~{The}~~

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

- 42 ~~{1-}~~ (a) Application and initial license fee for an  
43 osteopathic physician..... \$800
- 44 ~~{2-}~~ (b) Annual license renewal fee for an osteopathic  
45 physician..... 500



1	<del>[3.]</del> (c) Temporary license fee .....	\$500
2	<del>[4.]</del> (d) Special or authorized facility license fee .....	200
3	<del>[5.]</del> (e) Special event license fee .....	200
4	<del>[6.]</del> (f) Special or authorized facility license renewal fee .....	200
5	<del>[7.]</del> (g) Reexamination fee.....	200
6	<del>[8.]</del> (h) Late payment fee.....	300
7	<del>[9.]</del> (i) Application and initial license fee for a physician assistant.....	400
9	<del>[10.]</del> (j) Annual license renewal fee for a physician assistant.....	400
11	<del>[11.]</del> (k) Inactive license fee.....	200

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

15 **3. The cost of any special meeting called at the request of a**  
16 **licensee, an institution, an organization, a state agency or an**  
17 **applicant for licensure must be paid by the person or entity**  
18 **requesting the special meeting. Such a special meeting must not be**  
19 **called until the person or entity requesting the meeting has paid a**  
20 **cash deposit with the Board sufficient to defray all expenses of the**  
21 **meeting.**

22 **Sec. 15.** NRS 633.511 is hereby amended to read as follows:  
23 633.511 The grounds for initiating disciplinary action pursuant  
24 to this chapter are:

- 25 1. Unprofessional conduct.
- 26 2. Conviction of:
  - 27 (a) A violation of any federal or state law regulating the
  - 28 possession, distribution or use of any controlled substance or any
  - 29 dangerous drug as defined in chapter 454 of NRS;
  - 30 (b) A felony relating to the practice of osteopathic medicine ~~[:]~~
  - 31 **or practice as a physician assistant;**
  - 32 (c) A violation of any of the provisions of NRS 616D.200,
  - 33 616D.220, 616D.240 or 616D.300 to 616D.440, inclusive;
  - 34 (d) Murder, voluntary manslaughter or mayhem;
  - 35 (e) Any felony involving the use of a firearm or other deadly
  - 36 weapon;
  - 37 (f) Assault with intent to kill or to commit sexual assault or
  - 38 mayhem;
  - 39 (g) Sexual assault, statutory sexual seduction, incest, lewdness,
  - 40 indecent exposure or any other sexually related crime;
  - 41 (h) Abuse or neglect of a child or contributory delinquency; or
  - 42 (i) Any offense involving moral turpitude.

43 3. The suspension of ~~[the]~~ a license to practice osteopathic  
44 medicine **or to practice as a physician assistant** by any other  
45 jurisdiction.



- 1 4. Malpractice or gross malpractice, which may be evidenced  
2 by a claim of malpractice settled against a ~~practitioner~~ licensee.
- 3 5. Professional incompetence.
- 4 6. Failure to comply with the requirements of NRS 633.527.
- 5 7. Failure to comply with the requirements of subsection 3 of  
6 NRS 633.471.
- 7 8. Failure to comply with the provisions of NRS 633.694.
- 8 9. Operation of a medical facility, as defined in NRS 449.0151,  
9 at any time during which:
  - 10 (a) The license of the facility is suspended or revoked; or
  - 11 (b) An act or omission occurs which results in the suspension or  
12 revocation of the license pursuant to NRS 449.160.
- 13 ↪ This subsection applies to an owner or other principal responsible  
14 for the operation of the facility.
- 15 10. Failure to comply with the provisions of subsection 2 of  
16 NRS 633.322.
- 17 11. Signing a blank prescription form.
- 18 12. Attempting, directly or indirectly, by intimidation, coercion  
19 or deception, to obtain or retain a patient or to discourage the use of  
20 a second opinion.
- 21 13. Terminating the medical care of a patient without adequate  
22 notice or without making other arrangements for the continued care  
23 of the patient.
- 24 14. In addition to the provisions of subsection 3 of NRS  
25 633.524, making or filing a report which the licensee knows to be  
26 false, failing to file a record or report that is required by law or  
27 willfully obstructing or inducing another to obstruct the making or  
28 filing of such a record or report.
- 29 15. Failure to report any person the licensee knows, or has  
30 reason to know, is in violation of the provisions of this chapter or  
31 the regulations of the Board within 30 days after the date the  
32 licensee knows or has reason to know of the violation.
- 33 16. Failure by a licensee or applicant to report in writing,  
34 within 30 days, any criminal action taken or conviction obtained  
35 against the licensee or applicant, other than a minor traffic violation,  
36 in this State or any other state or by the Federal Government, a  
37 branch of the Armed Forces of the United States or any local or  
38 federal jurisdiction of a foreign country.
- 39 17. Engaging in any act that is unsafe in accordance with  
40 regulations adopted by the Board.
- 41 **18. Failure to comply with the provisions of section 2 of this**  
42 **act.**





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

2     633.526 1. The insurer of an osteopathic physician *or*  
3 *physician assistant* licensed under this chapter shall report to the  
4 Board:

5     (a) Any action for malpractice against the osteopathic physician  
6 *or physician assistant* not later than 45 days after the osteopathic  
7 physician *or physician assistant* receives service of a summons and  
8 complaint for the action;

9     (b) Any claim for malpractice against the osteopathic physician  
10 *or physician assistant* that is submitted to arbitration or mediation  
11 not later than 45 days after the claim is submitted to arbitration or  
12 mediation; and

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

16     2. The Board shall report any failure to comply with subsection  
17 1 by an insurer licensed in this State to the Division of Insurance of  
18 the Department of Business and Industry. If, after a hearing, the  
19 Division of Insurance determines that any such insurer failed to  
20 comply with the requirements of subsection 1, the Division may  
21 impose an administrative fine of not more than \$10,000 against the  
22 insurer for each such failure to report. If the administrative fine is  
23 not paid when due, the fine must be recovered in a civil action  
24 brought by the Attorney General on behalf of the Division.

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

26     633.527 1. An osteopathic physician *or physician assistant*  
27 shall report to the Board:

28     (a) Any action for malpractice against the osteopathic physician  
29 *or physician assistant* not later than 45 days after the osteopathic  
30 physician *or physician assistant* receives service of a summons and  
31 complaint for the action;

32     (b) Any claim for malpractice against the osteopathic physician  
33 *or physician assistant* that is submitted to arbitration or mediation  
34 not later than 45 days after the claim is submitted to arbitration or  
35 mediation;

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

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

42     2. If the Board finds that an osteopathic physician *or physician*  
43 *assistant* has violated any provision of this section, the Board may  
44 impose a fine of not more than \$5,000 against the osteopathic



\* S B 2 7 3 R 1 \*



1 physician *or physician assistant* for each violation, in addition to  
2 any other fines or penalties permitted by law.

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

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

6 633.528 If the Board receives a report pursuant to the  
7 provisions of NRS 633.526, 633.527, 690B.250 or 690B.260  
8 indicating that a judgment has been rendered or an award has been  
9 made against an osteopathic physician *or physician assistant*  
10 regarding an action or claim for malpractice or that such an action or  
11 claim against the osteopathic physician *or physician assistant* has  
12 been resolved by settlement, the Board shall conduct an  
13 investigation to determine whether to ~~impose disciplinary action~~  
14 ~~against~~ *discipline* the osteopathic physician *or physician assistant*  
15 regarding the action or claim, unless the Board has already  
16 commenced or completed such an investigation regarding the action  
17 or claim before it receives the report.

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

19 633.529 1. Notwithstanding the provisions of chapter 622A  
20 of NRS, if the Board receives a report pursuant to the provisions of  
21 NRS 633.526, 633.527, 690B.250 or 690B.260 indicating that a  
22 judgment has been rendered or an award has been made against an  
23 osteopathic physician *or physician assistant* regarding an action or  
24 claim for malpractice, or that such an action or claim against the  
25 osteopathic physician *or physician assistant* has been resolved by  
26 settlement, the Board may order ~~that~~ the osteopathic physician *or*  
27 *physician assistant* to undergo a mental or physical examination or  
28 ~~an~~ *any other* examination ~~testing~~ *designated by the Board to test*  
29 his or her competence to practice *osteopathic* medicine *or to*  
30 *practice as a physician assistant, as applicable. An examination*  
31 *conducted pursuant to this subsection must be conducted* by  
32 osteopathic physicians ~~for other examinations~~ designated by the  
33 Board. ~~to assist the Board or any investigative committee of the~~  
34 ~~Board in determining the fitness of the osteopathic physician to~~  
35 ~~practice medicine.]~~

36 2. For the purposes of this section:

37 (a) ~~Every~~ *An* osteopathic physician *or physician assistant* who  
38 applies for a license or who holds a license under this chapter ~~shall~~  
39 ~~be~~ *is* deemed to have given consent to submit to a mental or  
40 physical examination or an examination testing his or her  
41 competence to practice *osteopathic* medicine ~~when ordered to do so~~  
42 ~~in writing~~ *or to practice as a physician assistant, as applicable,*  
43 *pursuant to a written order* by the Board.

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



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

2     633.531 1. The Board or any of its members, ~~[any]~~ *or a*  
3     medical review panel of a hospital or medical society , which  
4     becomes aware ~~[that any one or combination of the]~~ *of any conduct*  
5     *by an osteopathic physician or physician assistant that may*  
6     *constitute* grounds for initiating disciplinary action ~~[may exist as to~~  
7     ~~a person practicing osteopathic medicine in this State]~~ shall, and any  
8     other person who is so aware may, file a written complaint  
9     specifying the relevant facts with the Board.

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

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

14    633.533 1. Except as otherwise provided in subsection 2, any  
15    person may file with the Board a complaint against an osteopathic  
16    physician *or physician assistant* on a form provided by the Board.  
17    The form may be submitted in writing or electronically. If a  
18    complaint is submitted anonymously, the Board may accept the  
19    complaint but may refuse to consider the complaint if the lack of the  
20    identity of the complainant makes processing the complaint  
21    impossible or unfair to the person who is the subject of the  
22    complaint.

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

29    3. Any hospital, clinic or other medical facility licensed in this  
30    State, or medical society, shall *file a written* report ~~[to]~~ *with* the  
31    Board *of* any change in ~~[an osteopathic physician's]~~ *the* privileges  
32    *of an osteopathic physician* to practice osteopathic medicine *or a*  
33    *physician assistant to practice as a physician assistant* while the  
34    osteopathic physician *or physician assistant* is under investigation ,  
35    and the outcome of any disciplinary action taken by ~~[that]~~ *the*  
36    facility or society against the osteopathic physician *or physician*  
37    *assistant* concerning the care of a patient or the competency of the  
38    osteopathic physician *or physician assistant*, within 30 days after  
39    the change in privileges is made or disciplinary action is taken. The  
40    Board shall report any failure to comply with this subsection by a  
41    hospital, clinic or other medical facility licensed in this State to the  
42    Health Division of the Department of Health and Human Services.  
43    If, after a hearing, the Health Division determines that any such  
44    facility or society failed to comply with the requirements of this  
45    subsection, the *Health* Division may impose an administrative fine



1 of not more than \$10,000 against the facility or society for each such  
2 failure to report. If the administrative fine is not paid when due, the  
3 fine must be recovered in a civil action brought by the Attorney  
4 General on behalf of the *Health* Division.

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

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

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

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

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

15 (e) Is liable for damages for malpractice or negligence,

16 ➔ within 45 days after ~~{such a}~~ *the* finding, judgment or  
17 determination. ~~{is made.}~~

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

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

25 633.561 1. Notwithstanding the provisions of chapter 622A  
26 of NRS, if the Board or a member of the Board designated to review  
27 a complaint pursuant to NRS 633.541 has reason to believe that the  
28 conduct of an osteopathic physician *or physician assistant* has  
29 raised a reasonable question as to his or her competence to practice  
30 osteopathic medicine *or to practice as a physician assistant, as*  
31 *applicable*, with reasonable skill and safety to patients, the Board or  
32 the member designated by the Board may require the osteopathic  
33 physician *or physician assistant* to submit to a mental or physical  
34 examination *conducted* by physicians designated by the Board. If  
35 the osteopathic physician *or physician assistant* participates in a  
36 diversion program, the diversion program may exchange with any  
37 authorized member of the staff of the Board any information  
38 concerning the recovery and participation of the osteopathic  
39 physician *or physician assistant* in the diversion program. As used  
40 in this subsection, "diversion program" means a program approved  
41 by the Board to correct an osteopathic physician's *or physician*  
42 *assistant's* alcohol or drug dependence or any other impairment.

43 2. For the purposes of this section:

44 (a) ~~{Every}~~ *An osteopathic* physician *or physician assistant*  
45 who is licensed under this chapter *and* who accepts the privilege of



1 practicing osteopathic medicine *or practicing as a physician*  
2 *assistant* in this State ~~[shall be]~~ *is* deemed to have given consent to  
3 submit to a mental or physical examination ~~[if directed to do so in~~  
4 ~~writing]~~ *pursuant to a written order* by the Board.

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

7 3. Except in extraordinary circumstances, as determined by the  
8 Board, the failure of ~~[a]~~ *an osteopathic physician or physician*  
9 *assistant* who is licensed under this chapter to submit to an  
10 examination ~~[if directed as provided in]~~ *pursuant to* this section  
11 constitutes an admission of the charges against the *osteopathic*  
12 *physician [ ] or physician assistant.*

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

14 633.571 Notwithstanding the provisions of chapter 622A of  
15 NRS, if the Board has reason to believe that the conduct of any  
16 osteopathic physician *or physician assistant* has raised a reasonable  
17 question as to his or her competence to practice osteopathic  
18 medicine *or to practice as a physician assistant, as applicable,* with  
19 reasonable skill and safety to patients, the Board may ~~[cause a~~  
20 ~~medical competency examination of]~~ *require* the *osteopathic*  
21 *physician or physician assistant to submit to an examination* for  
22 *the* purposes of determining his or her ~~[fitness]~~ *competence*  
23 *to practice osteopathic medicine or to practice as a physician*  
24 *assistant, as applicable,* with reasonable skill and safety to patients.

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

26 633.581 1. If an investigation by the Board ~~[regarding]~~ *of* an  
27 osteopathic physician *or physician assistant* reasonably determines  
28 that the health, safety or welfare of the public or any patient served  
29 by the osteopathic physician *or physician assistant* is at risk of  
30 imminent or continued harm, the Board may summarily suspend the  
31 license of the osteopathic physician ~~[ ]~~ *or physician assistant.* The  
32 order of summary suspension may be issued by the Board, an  
33 investigative committee of the Board or the Executive Director of  
34 the Board after consultation with the President, Vice President or  
35 Secretary-Treasurer of the Board.

36 2. If the Board issues an order summarily suspending the  
37 license of an osteopathic physician *or physician assistant* pursuant  
38 to subsection 1, the Board shall hold a hearing regarding the matter  
39 not later than 45 days after the date on which the Board issues the  
40 order summarily suspending the license unless the Board and the  
41 licensee mutually agree to a longer period.

42 3. Notwithstanding the provisions of chapter 622A of NRS, if  
43 the Board issues an order summarily suspending the license of an  
44 osteopathic physician *or physician assistant* pending ~~[proceedings]~~  
45 *a proceeding* for disciplinary action and requires the *osteopathic*



1 physician *or physician assistant* to submit to a mental or physical  
2 examination or a medical competency examination, the examination  
3 ~~shall~~ *must* be conducted and the results *must be* obtained not later  
4 than 60 days after the Board issues ~~its~~ *the* order.

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

6 633.591 Notwithstanding the provisions of chapter 622A of  
7 NRS, if the Board issues an order summarily suspending the license  
8 of an osteopathic physician *or physician assistant* pending  
9 proceedings for disciplinary action, including, without limitation, a  
10 summary suspension pursuant to NRS 233B.127, the court shall not  
11 stay that order unless the Board fails to institute and determine such  
12 proceedings as promptly as the requirements for investigation of the  
13 case reasonably allow.

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

15 633.601 1. In addition to any other remedy provided by law,  
16 the Board, through ~~its President or Secretary~~ *an officer of the*  
17 *Board* or the Attorney General, may apply to any court of  
18 competent jurisdiction to enjoin any unprofessional conduct of an  
19 osteopathic physician *or physician assistant* which is harmful to the  
20 public or to limit the ~~physician's~~ *practice of the osteopathic*  
21 *physician or physician assistant* or suspend his or her license to  
22 practice *osteopathic medicine or to practice as a physician*  
23 *assistant, as applicable*, as provided in this section.

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

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

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

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

33 633.631 Except as otherwise provided in chapter 622A of  
34 NRS:

35 1. Service of process made under this chapter ~~shall~~ *must* be  
36 either personal or by registered or certified mail with return receipt  
37 requested, addressed to the osteopathic physician *or physician*  
38 *assistant* at his or her last known address, as indicated ~~on~~ *in* the  
39 records of the Board . ~~[-, if possible.]~~ If personal service cannot be  
40 made and if mail notice is returned undelivered, the Secretary of the  
41 Board shall cause *a* notice of hearing to be published once a week  
42 for 4 consecutive weeks in a newspaper published in the county of  
43 the ~~physician's~~ *last known address of the osteopathic physician or*  
44 *physician assistant* or, if no newspaper is published in that county,  
45 ~~then~~ *in* a newspaper widely distributed in that county.



1 2. Proof of service of process or publication of notice made  
2 under this chapter ~~{shall}~~ *must* be filed with the Secretary of the  
3 Board and ~~{shall}~~ *must* be recorded in the minutes of the Board.

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

5 633.641 Notwithstanding the provisions of chapter 622A of  
6 NRS, in any disciplinary proceeding before the Board, a hearing  
7 officer or a panel:

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

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

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

16 633.651 1. If the Board finds a person guilty in a disciplinary  
17 proceeding, it shall by order take one or more of the following  
18 actions:

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

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

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

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

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

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

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

31 (h) Require the person to perform community service without  
32 compensation.

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

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

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

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

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

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

44 633.671 1. Any person who has been placed on probation or  
45 whose license has been limited, suspended or revoked by the Board





1 is entitled to judicial review of the Board's order as provided by  
2 law.

3 2. Every order of the Board which limits the practice of  
4 *osteopathic medicine or the practice of a physician assistant* or  
5 suspends or revokes a license is effective from the date ~~the~~  
6 ~~Secretary certifies~~ *on which the order is issued by the Board* until  
7 the date the order is modified or reversed by a final judgment of the  
8 court.

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

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

13 633.681 1. Any person:

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

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

18 (1) Suspended until further order; or

19 (2) Revoked,

20 ↪ may apply to the Board after a reasonable period for removal of  
21 the limitation or suspension or may apply to the Board pursuant to  
22 the provisions of chapter 622A of NRS for reinstatement of the  
23 revoked license.

24 2. In hearing the application, the Board:

25 (a) May require the person to submit to a mental or physical  
26 examination by physicians whom it designates and submit such  
27 other evidence of changed conditions and of fitness as it deems  
28 proper;

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

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

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

34 633.691 1. In addition to any other immunity provided by the  
35 provisions of chapter 622A of NRS, the Board, a medical review  
36 panel of a hospital, a hearing officer, a panel of the Board, an  
37 employee or volunteer of a diversion program specified in NRS  
38 633.561, or any person who or other organization which initiates or  
39 assists in any lawful investigation or proceeding concerning the  
40 discipline of an osteopathic physician *or physician assistant* for  
41 gross malpractice, malpractice, professional incompetence or  
42 unprofessional conduct is immune from any civil action for such  
43 initiation or assistance or any consequential damages, if the person  
44 or organization acted in good faith.



\* S B 2 7 3 R 1 \*

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

4 (a) Disclosing to a governmental entity a violation of a law, rule  
5 or regulation by an applicant for a license to practice osteopathic  
6 medicine or *to practice as a physician assistant, or* by an  
7 osteopathic physician ~~[ ]~~ *or physician assistant*; or

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

11 3. As used in this section, "governmental entity" includes,  
12 without limitation:

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

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

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

21 (d) A federal, state or local law enforcement agency or  
22 prosecutorial office, or any member or employee thereof, or police  
23 or peace officer; and

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

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

27 633.701 The filing and review of a complaint and any  
28 subsequent disposition by the Board, the member designated by the  
29 Board to review a complaint pursuant to NRS 633.541 or any  
30 reviewing court do not preclude:

31 1. Any measure by a hospital or other institution to limit or  
32 terminate the privileges of an osteopathic physician *or physician*  
33 *assistant* according to its rules or the custom of the profession. No  
34 civil liability attaches to any such action taken without malice even  
35 if the ultimate disposition of the complaint is in favor of the  
36 *osteopathic* physician ~~[ ]~~ *or physician assistant*.

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

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

40 633.711 1. The Board , through ~~[its President or Secretary]~~  
41 *an officer of the Board* or the Attorney General , may maintain in  
42 any court of competent jurisdiction a suit for an injunction against  
43 any person ~~[practicing]~~ :

44 (a) *Practicing* osteopathic medicine *or practicing as a*  
45 *physician assistant* without a *valid* license to practice osteopathic





1 medicine ~~[valid under this chapter.]~~ *or to practice as a physician*  
2 *assistant; or*

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

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

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

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

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

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

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

21 633.741 A person who:

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

24 *(a) Osteopathic* medicine ~~[-]~~

25 ~~—(a) Without]~~ *without* a *valid* license to practice osteopathic  
26 medicine ~~[valid]~~ under this chapter; ~~[or]~~

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

29 *(c) Beyond the limitations ordered upon his or her practice by*  
30 *the Board or the court;*

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

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

36 4. Files for record the license issued to another, falsely  
37 claiming himself or herself to be the person named in the license, or  
38 falsely claiming himself or herself to be the person entitled to the  
39 license;

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

43 6. Holds himself or herself out as a physician assistant or who  
44 uses any other term indicating or implying that he or she is a



1 physician assistant, unless the person has been licensed by the Board  
2 as provided in this chapter; or

3 7. Supervises a person as a physician assistant before such  
4 person is licensed as provided in this chapter,  
5 ➔ is guilty of a category D felony and shall be punished as provided  
6 in NRS 193.130.

7 **Sec. 37.** Section 121 of chapter 413, Statutes of Nevada 2007,  
8 as amended by chapter 369, Statutes of Nevada 2009, at page 1856,  
9 and chapter 494, Statutes of Nevada 2009, at page 2999, is hereby  
10 amended to read as follows:

11 Sec. 121. 1. This section becomes effective upon  
12 passage and approval.

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

15 (a) Upon passage and approval for the purpose of  
16 adopting regulations and performing any other preparatory  
17 administrative tasks that are necessary to carry out the  
18 provisions of this act; and

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

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

22 4. Section 42.3 of this act expires by limitation on the  
23 date on which the provisions of 42 U.S.C. § 666 requiring  
24 each state to establish procedures under which the state has  
25 authority to withhold or suspend, or to restrict the use of  
26 professional, occupational and recreational licenses of  
27 persons who:

28 (a) Have failed to comply with a subpoena or warrant  
29 relating to a proceeding to determine the paternity of a child  
30 or to establish or enforce an obligation for the support of a  
31 child; or

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

34 ➔ are repealed by the Congress of the United States.

35 5. Section 42.7 of this act becomes effective on the date  
36 on which the provisions of 42 U.S.C. § 666 requiring each  
37 state to establish procedures under which the state has  
38 authority to withhold or suspend, or to restrict the use of  
39 professional, occupational and recreational licenses of  
40 persons who:

41 (a) Have failed to comply with a subpoena or warrant  
42 relating to a proceeding to determine the paternity of a child  
43 or to establish or enforce an obligation for the support of a  
44 child; or



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

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

4 6. Sections 42.7 and 55.5 of this act expire by limitation  
5 on the date 2 years after the date on which the provisions of  
6 42 U.S.C. § 666 requiring each state to establish procedures  
7 under which the state has authority to withhold or suspend, or  
8 to restrict the use of professional, occupational and  
9 recreational licenses of persons who:

10 (a) Have failed to comply with a subpoena or warrant  
11 relating to a proceeding to determine the paternity of a child  
12 or to establish or enforce an obligation for the support of a  
13 child; or

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

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

