

SENATE BILL NO. 273—SENATOR COPENING

MARCH 18, 2011

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.

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 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.

11 **Section 6** of this bill expands the scope of unprofessional conduct, which is
12 subject to regulation by the Board, to include certain actions of a physician
13 assistant. **Section 9** of this bill authorizes the Board to reject an application for
14 licensure as an osteopathic physician or physician assistant if the Board has cause
15 to believe that information submitted with the application by the applicant is false,
16 misleading, deceptive or fraudulent. **Section 9.5** of this bill revises provisions
17 governing the requirements for licensure by the Board. **Section 11** of this bill
18 authorizes an osteopathic physician to apply for another temporary license after the
19 expiration of one such license. **Section 14** of this bill authorizes the Board to
20 prorrate the initial license fee for a new license to practice as an osteopathic
21 physician and physician assistant. **Sections 11.7 and 13** of this bill require a
22 physician assistant to meet certain continuing education requirements before
23 renewing his or her license to practice as a physician assistant in this State. **Section**
24 **12** of this bill shortens certain procedural deadlines with respect to the renewal of
25 a license to practice osteopathic medicine or a license to practice as a physician
26 assistant. **Sections 15 and 29** of this bill expand the scope of the authority of the
27 Board to discipline a physician 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.

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***



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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.** (Deleted by amendment.)

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

35 633.071 “Malpractice” means failure on the part of an
36 osteopathic physician *or physician assistant* to exercise the degree of
37 care, diligence and skill ordinarily exercised by osteopathic
38 physicians *or physician assistants* in good standing in the
39 community in which he or she practices.

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

41 633.131 1. “Unprofessional conduct” includes:

42 (a) Willfully making a false or fraudulent statement or
43 submitting a forged or false document in applying for a license to
44 practice osteopathic medicine *or to practice as a physician*



- 1 *assistant*, or in applying for *the* renewal of a license to practice
2 osteopathic medicine ~~[]~~ *or to practice as a physician assistant*.
- 3 (b) Failure of a ~~[licensee of the]~~ *person who is licensed to*
4 practice ~~[of]~~ osteopathic medicine to ~~[designate his or her school of~~
5 ~~practice in the professional use of his or her name by]~~ *identify*
6 *himself or herself professionally by using* the term D.O.,
7 osteopathic physician, doctor of osteopathy or a similar term.
- 8 (c) Directly or indirectly giving to or receiving from any person,
9 corporation or other business organization any fee, commission,
10 rebate or other form of compensation for sending, referring or
11 otherwise inducing a person to communicate with an osteopathic
12 physician in his or her professional capacity or for any professional
13 services not actually and personally rendered, except as otherwise
14 provided in subsection 2.
- 15 (d) Employing, directly or indirectly, any suspended or
16 unlicensed person in the practice of osteopathic medicine ~~[]~~ *or in*
17 *practice as a physician assistant*, or the aiding or abetting of any
18 unlicensed person to practice osteopathic medicine ~~[]~~ *or to practice*
19 *as a physician assistant*.
- 20 (e) Advertising the practice of osteopathic medicine in a manner
21 which does not conform to the guidelines established by regulations
22 of the Board.
- 23 (f) Engaging in any:
24 (1) Professional conduct which is intended to deceive or
25 which the Board by regulation has determined is unethical; or
26 (2) Medical practice harmful to the public or any conduct
27 detrimental to the public health, safety or morals which does not
28 constitute gross or repeated malpractice or professional
29 incompetence.
- 30 (g) Administering, dispensing or prescribing any controlled
31 substance or any dangerous drug as defined in chapter 454 of NRS,
32 otherwise than in the course of legitimate professional practice or as
33 authorized by law.
- 34 (h) Habitual drunkenness or habitual addiction to the use of a
35 controlled substance.
- 36 (i) Performing, assisting in or advising an unlawful abortion or
37 the injection of any liquid silicone substance into the human body,
38 other than the use of silicone oil to repair a retinal detachment.
- 39 (j) Willful disclosure of a communication privileged pursuant to
40 a statute or court order.
- 41 (k) Willful disobedience of the regulations of the State Board of
42 Health, the State Board of Pharmacy or the State Board of
43 Osteopathic Medicine.



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

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

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

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

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

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

16 (r) *Providing false, misleading or deceptive information to the*
17 *Board in connection with an investigation conducted by the*
18 *Board.*

19 2. It is not unprofessional conduct:

20 (a) For persons holding valid licenses to practice osteopathic
21 medicine issued pursuant to this chapter to practice osteopathic
22 medicine in partnership under a partnership agreement or in a
23 corporation or an association authorized by law, or to pool, share,
24 divide or apportion the fees and money received by them or by the
25 partnership, corporation or association in accordance with the
26 partnership agreement or the policies of the board of directors of
27 the corporation or association;

28 (b) For two or more persons holding valid licenses to practice
29 osteopathic medicine issued pursuant to this chapter to receive
30 adequate compensation for concurrently rendering professional care
31 to a patient and dividing a fee if the patient has full knowledge of
32 this division and if the division is made in proportion to the services
33 performed and the responsibility assumed by each ~~fit~~ *person*; or

34 (c) For a person licensed to practice osteopathic medicine
35 pursuant to the provisions of this chapter to form an association or
36 other business relationship with an optometrist pursuant to the
37 provisions of NRS 636.373.

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

39 633.221 ~~fit~~ The Board shall elect from its members a
40 President, a Vice President and a Secretary-Treasurer, who shall
41 hold their respective offices at ~~fits~~ *the* pleasure ~~f~~

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



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

2 633.286 1. On or before February 15 of each odd-numbered
3 year, the Board shall submit to the Governor and to the Director of
4 the Legislative Counsel Bureau for transmittal to the next regular
5 session of the Legislature a written report compiling:

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

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

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

17 2. The report must include only aggregate information for
18 statistical purposes and exclude any identifying information related
19 to a particular person.

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

21 633.305 1. Every applicant for a license shall:

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

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

27 (c) Pay in advance to the Board the application and initial
28 license fee specified in ~~this chapter.~~ *NRS 633.501.*

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

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

36 4. The Board may reject an application if ~~it appears~~ *the*
37 *Board has cause to believe* that any credential *or information*
38 submitted *by the applicant* is false ~~it~~ *, misleading, deceptive or*
39 *fraudulent.*

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

41 633.311 Except as otherwise provided in NRS 633.315, an
42 applicant for a license to practice osteopathic medicine may be
43 issued a license by the Board if:

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



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

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

5 4. The applicant:

6 (a) Has graduated from a school of osteopathic medicine before
7 1995 and has completed:

8 (1) A hospital internship; or

9 (2) One year of postgraduate training that complies with the
10 standards of intern training established by the American Osteopathic
11 Association;

12 (b) Has completed 3 years , *or such other length of time as*
13 *required by a specific program*, of postgraduate medical education
14 as a resident in the United States or Canada in a program approved
15 by the Board, the Bureau of Professional Education of the American
16 Osteopathic Association or the Accreditation Council for Graduate
17 Medical Education; or

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

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

22 6. The applicant passes:

23 (a) All parts of the licensing examination of the National Board
24 of Osteopathic Medical Examiners;

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

27 (c) All parts of the licensing examination of the Board, a state,
28 territory or possession of the United States, or the District of
29 Columbia, and is certified by a specialty board of the American
30 Osteopathic Association or by the American Board of Medical
31 Specialties; or

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

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

36 8. The applicant submits all information required to complete
37 an application for a license.

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

39 633.351 ~~[Any]~~ *An* unsuccessful applicant may appeal to the
40 district court to review the action of the Board, if the applicant files
41 the appeal within ~~[6 months from]~~ *30 days after* the date ~~[of the~~
42 ~~rejection of]~~ *on which the order rejecting* the application *is issued*
43 by the Board. Upon appeal , the applicant has the burden of showing
44 that the action of the Board is erroneous or unlawful.



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1 **Sec. 11.** NRS 633.391 is hereby amended to read as follows:
2 633.391 1. The Board may issue *to a qualified person* a
3 temporary license to practice osteopathic medicine in ~~order to~~
4 ~~authorize a~~ *this State which authorizes the* person ~~who is~~
5 ~~qualified to practice osteopathic medicine in this State~~ to serve as a
6 substitute for ~~;~~
7 ~~(a) A~~ a physician licensed pursuant to chapter 630 of NRS ~~;~~
8 or
9 ~~(b) An~~ *an* osteopathic physician licensed pursuant to this
10 chapter ~~;~~
11 ~~;~~ who is absent from his or her practice.

12 2. Each applicant for ~~such~~ a *temporary* license ~~shall~~ *issued*
13 *pursuant to this section must* pay the temporary license fee
14 specified in this chapter.

15 3. A temporary license to practice osteopathic medicine is valid
16 for not more than 6 months after issuance and is not renewable.
17 *Upon the expiration of a temporary license, an osteopathic*
18 *physician may apply for a new temporary license in accordance*
19 *with the provisions of this section.*

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

21 633.400 1. Except as otherwise provided in NRS 633.315,
22 the Board shall, except for good cause, issue a license by
23 endorsement to a person who has been issued a license to practice
24 osteopathic medicine by the District of Columbia or any state or
25 territory of the United States if:

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

28 (b) The applicant:

29 (1) Is currently certified by either a specialty board of the
30 American Board of Medical Specialties or a specialty board of the
31 American Osteopathic Association, ~~and~~ *or* was certified or
32 recertified within the past 10 years;

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

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

38 (4) Is not involved in and does not have pending any
39 disciplinary action concerning a license to practice osteopathic
40 medicine in the District of Columbia or any state or territory of the
41 United States;

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



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

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

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

10 **Sec. 11.5.** NRS 633.434 is hereby amended to read as follows:
11 633.434 The Board shall adopt regulations regarding the
12 licensure of a physician assistant, including, without limitation:

13 1. The educational and other qualifications of applicants.

14 2. The required academic program for applicants.

15 3. The procedures for applications for and the issuance of
16 licenses.

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

18 5. The medical services which a physician assistant may
19 perform, except that a physician assistant may not perform
20 osteopathic manipulative therapy or those specific functions and
21 duties delegated or restricted by law to persons licensed as dentists,
22 chiropractors, doctors of Oriental medicine, podiatric physicians,
23 optometrists and hearing aid specialists under chapters 631, 634,
24 634A, 635, 636 and 637A, respectively, of NRS.

25 6. ~~{The duration, renewal and termination of licenses.~~
26 ~~—7.}~~ The grounds and procedures respecting disciplinary actions
27 against physician assistants.

28 ~~{8.}~~ 7. The supervision of medical services of a physician
29 assistant by a supervising osteopathic physician.

30 **Sec. 11.7.** NRS 633.471 is hereby amended to read as follows:
31 633.471 1. Except as otherwise provided in subsection 4 and
32 NRS 633.491, every holder of a license ~~{to practice osteopathic~~
33 ~~medicine}~~ issued under this chapter, except a temporary or a special
34 license, may renew the license on or before January 1 of each
35 calendar year after its issuance by:

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

37 (b) Paying the annual license renewal fee specified in this
38 chapter;

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

42 (d) Submitting an affidavit to the Board that in the year
43 preceding the application for renewal the holder has attended
44 courses or programs of continuing education approved by the Board
45 totaling a number of hours established by the Board which must not



1 be less than 35 hours nor more than that set in the requirements for
2 continuing medical education of the American Osteopathic
3 Association; and

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

5 2. The Secretary of the Board shall notify each licensee ~~of the~~
6 ~~practice of osteopathic medicine~~ of the requirements for renewal
7 not less than 30 days before the date of renewal.

8 3. The Board shall request submission of verified evidence of
9 completion of the required number of hours of continuing medical
10 education annually from no fewer than one-third of the applicants
11 for renewal of a license to practice osteopathic medicine ~~or~~ *or a*
12 *license to practice as a physician assistant*. Upon a request from the
13 Board, an applicant for renewal of a license to practice osteopathic
14 medicine *or a license to practice as a physician assistant* shall
15 submit verified evidence satisfactory to the Board that in the year
16 preceding the application for renewal the applicant attended courses
17 or programs of continuing medical education approved by the Board
18 totaling the number of hours established by the Board.

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

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

23 633.481 1. Except as otherwise provided in subsection 2, if a
24 licensee ~~of the practice of osteopathic medicine~~ fails to comply
25 with the requirements of NRS 633.471 within ~~30~~ *10* days after the
26 renewal date, the Board shall give ~~30~~ *15* days' notice of *the* failure
27 to renew *the license* and of *the* ~~revocation~~ *expiration* of the
28 license by certified mail to the licensee at the licensee's last *known*
29 address *that is* registered with the Board. If the license is not
30 renewed ~~before the expiration of the 30 days~~ *within 15 days after*
31 *receiving* notice, the license ~~is~~ *expires* automatically ~~revoked~~
32 without any further notice or a hearing and the Board shall file a
33 copy of the notice with the Drug Enforcement Administration of the
34 United States Department of Justice or its successor agency.

35 2. A licensee ~~of the practice of osteopathic medicine~~ who
36 fails to meet the continuing education requirements for license
37 renewal may apply to the Board for a waiver of the requirements.
38 The Board may grant a waiver for that year only if ~~it~~ *the Board*
39 finds that the failure is due to ~~the licensee's~~ *a* disability, military
40 service, ~~or~~ absence from the United States, or ~~to~~ circumstances
41 beyond the control of the licensee which are deemed by the Board to
42 excuse the failure.

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



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

3 (b) Producing verified evidence satisfactory to the Board of
4 completion of the total number of hours of continuing education
5 required for the year preceding the renewal date and for each year
6 succeeding the date of ~~[revocation;]~~ **expiration;**

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

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

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

13 633.491 1. A licensee ~~[of the practice of osteopathic~~
14 ~~medicine]~~ who retires from ~~[such]~~ practice ~~[need not]~~ **is not**
15 **required** annually **to** renew his or her license after filing with the
16 Board an affidavit stating the date on which he or she retired from
17 practice and ~~[such]~~ **any** other ~~[facts]~~ **evidence that the Board may**
18 **require** to verify the retirement. ~~[as the Board deems necessary.]~~

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

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

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

30 3. A licensee ~~[of the practice of osteopathic medicine]~~ who
31 wishes to have a license placed on inactive status must provide the
32 Board with an affidavit stating the date on which the licensee will
33 cease the practice of osteopathic medicine **or cease to practice as a**
34 **physician assistant** in Nevada and any other ~~[facts]~~ **evidence** that
35 the Board may require. The Board shall place the license of the
36 licensee on inactive status upon receipt of:

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

38 (b) Payment of the inactive license fee prescribed by
39 NRS 633.501.

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

43 (a) ~~[Need]~~ **Is not required to** annually renew the license.

44 (b) Shall annually pay the inactive license fee prescribed by
45 NRS 633.501.



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

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

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

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

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

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

(c) Comply with all other requirements for renewal.

Sec. 14. NRS 633.501 is hereby amended to read as follows:

633.501 ~~[The]~~

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

~~[1.]~~ (a) Application and initial license fee for an osteopathic physician..... \$800

~~[2.]~~ (b) Annual license renewal fee for an osteopathic physician..... 500

~~[3.]~~ (c) Temporary license fee 500

~~[4.]~~ (d) Special or authorized facility license fee 200

~~[5.]~~ (e) Special event license fee 200

~~[6.]~~ (f) Special or authorized facility license renewal fee 200

~~[7.]~~ (g) Reexamination fee..... 200

~~[8.]~~ (h) Late payment fee..... 300

~~[9.]~~ (i) Application and initial license fee for a physician assistant..... 400

~~[10.]~~ (j) Annual license renewal fee for a physician assistant..... 400

~~[11.]~~ (k) Inactive license fee..... 200

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

3. The cost of any special meeting called at the request of a licensee, an institution, an organization, a state agency or an applicant for licensure must be paid by the person or entity requesting the special meeting. Such a special meeting must not be



1 *called until the person or entity requesting the meeting has paid a*
2 *cash deposit with the Board sufficient to defray all expenses of the*
3 *meeting.*

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

5 633.511 The grounds for initiating disciplinary action pursuant
6 to this chapter are:

7 1. Unprofessional conduct.

8 2. Conviction of:

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

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

14 (c) A violation of any of the provisions of NRS 616D.200,
15 616D.220, 616D.240 or 616D.300 to 616D.440, inclusive;

16 (d) Murder, voluntary manslaughter or mayhem;

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

19 (f) Assault with intent to kill or to commit sexual assault or
20 mayhem;

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

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

24 (i) Any offense involving moral turpitude.

25 3. The suspension of ~~the~~ a license to practice osteopathic
26 medicine *or to practice as a physician assistant* by any other
27 jurisdiction.

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

30 5. Professional incompetence.

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

32 7. Failure to comply with the requirements of subsection 3 of
33 NRS 633.471.

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

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

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

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

40 ➤ This subsection applies to an owner or other principal responsible
41 for the operation of the facility.

42 10. Failure to comply with the provisions of subsection 2 of
43 NRS 633.322.

44 11. Signing a blank prescription form.



1 12. Attempting, directly or indirectly, by intimidation, coercion
2 or deception, to obtain or retain a patient or to discourage the use of
3 a second opinion.

4 13. Terminating the medical care of a patient without adequate
5 notice or without making other arrangements for the continued care
6 of the patient.

7 14. In addition to the provisions of subsection 3 of NRS
8 633.524, making or filing a report which the licensee knows to be
9 false, failing to file a record or report that is required by law or
10 willfully obstructing or inducing another to obstruct the making or
11 filing of such a record or report.

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

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

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

24 **18. *Failure to comply with the provisions of section 2 of this***
25 ***act.***

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

27 633.526 1. The insurer of an osteopathic physician ***or***
28 ***physician assistant*** licensed under this chapter shall report to the
29 Board:

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

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

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

41 2. The Board shall report any failure to comply with subsection
42 1 by an insurer licensed in this State to the Division of Insurance of
43 the Department of Business and Industry. If, after a hearing, the
44 Division of Insurance determines that any such insurer failed to
45 comply with the requirements of subsection 1, the Division may



* S B 2 7 3 R 2 *

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

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

6 633.527 1. An osteopathic physician *or physician assistant*
7 shall report to the Board:

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

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

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

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

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

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

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

30 633.528 If the Board receives a report pursuant to the
31 provisions of NRS 633.526, 633.527, 690B.250 or 690B.260
32 indicating that a judgment has been rendered or an award has been
33 made against an osteopathic physician *or physician assistant*
34 regarding an action or claim for malpractice or that such an action or
35 claim against the osteopathic physician *or physician assistant* has
36 been resolved by settlement, the Board shall conduct an
37 investigation to determine whether to ~~impose disciplinary action~~
38 ~~against~~ *discipline* the osteopathic physician *or physician assistant*
39 regarding the action or claim, unless the Board has already
40 commenced or completed such an investigation regarding the action
41 or claim before it receives the report.

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

43 633.529 1. Notwithstanding the provisions of chapter 622A
44 of NRS, if the Board receives a report pursuant to the provisions of
45 NRS 633.526, 633.527, 690B.250 or 690B.260 indicating that a



1 judgment has been rendered or an award has been made against an
2 osteopathic physician *or physician assistant* regarding an action or
3 claim for malpractice , or that such an action or claim against the
4 osteopathic physician *or physician assistant* has been resolved by
5 settlement, the Board may order ~~[that]~~ the osteopathic physician *or*
6 *physician assistant to* undergo a mental or physical examination or
7 ~~[an] any other~~ examination ~~[testing]~~ *designated by the Board to test*
8 his or her competence to practice *osteopathic* medicine *or to*
9 *practice as a physician assistant, as applicable. An examination*
10 *conducted pursuant to this subsection must be conducted* by
11 osteopathic physicians ~~[or other examinations]~~ designated by the
12 Board . ~~[to assist the Board or any investigative committee of the~~
13 ~~Board in determining the fitness of the osteopathic physician to~~
14 ~~practice medicine.]~~

15 2. For the purposes of this section:

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

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

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

26 633.531 1. The Board or any of its members, ~~[any]~~ *or a*
27 medical review panel of a hospital or medical society , which
28 becomes aware ~~[that any one or combination of the]~~ *of any conduct*
29 *by an osteopathic physician or physician assistant that may*
30 *constitute* grounds for initiating disciplinary action ~~[may exist as to~~
31 ~~a person practicing osteopathic medicine in this State]~~ shall, and any
32 other person who is so aware may, file a written complaint
33 specifying the relevant facts with the Board.

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

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

38 633.533 1. Except as otherwise provided in subsection 2, any
39 person may file with the Board a complaint against an osteopathic
40 physician *or physician assistant* on a form provided by the Board.
41 The form may be submitted in writing or electronically. If a
42 complaint is submitted anonymously, the Board may accept the
43 complaint but may refuse to consider the complaint if the lack of the
44 identity of the complainant makes processing the complaint



1 impossible or unfair to the person who is the subject of the
2 complaint.

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

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

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

- 33 (a) Is ~~[a person with mental illness;]~~ *mentally ill;*
34 (b) Is ~~[a person with mental incompetence;]~~ *mentally*
35 *incompetent;*
36 (c) Has been convicted of a felony or any law governing
37 controlled substances or dangerous drugs;
38 (d) Is guilty of abuse or fraud under any state or federal program
39 providing medical assistance; or
40 (e) Is liable for damages for malpractice or negligence,
41 ↪ within 45 days after ~~[such a]~~ *the* finding, judgment or
42 determination. ~~[is made.]~~

43 5. On or before January 15 of each year, the clerk of every
44 court shall submit to the Office of Court Administrator created
45 pursuant to NRS 1.320 a written report compiling the information



1 that the clerk reported during the previous year to the Board
2 regarding osteopathic physicians *and physician assistants* pursuant
3 to paragraph (e) of subsection 4.

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

5 633.561 1. Notwithstanding the provisions of chapter 622A
6 of NRS, if the Board or a member of the Board designated to review
7 a complaint pursuant to NRS 633.541 has reason to believe that the
8 conduct of an osteopathic physician *or physician assistant* has
9 raised a reasonable question as to his or her competence to practice
10 osteopathic medicine *or to practice as a physician assistant, as*
11 *applicable*, with reasonable skill and safety to patients, the Board or
12 the member designated by the Board may require the osteopathic
13 physician *or physician assistant* to submit to a mental or physical
14 examination *conducted* by physicians designated by the Board. If
15 the osteopathic physician *or physician assistant* participates in a
16 diversion program, the diversion program may exchange with any
17 authorized member of the staff of the Board any information
18 concerning the recovery and participation of the osteopathic
19 physician *or physician assistant* in the diversion program. As used
20 in this subsection, “diversion program” means a program approved
21 by the Board to correct an osteopathic physician’s *or physician*
22 *assistant’s* alcohol or drug dependence or any other impairment.

23 2. For the purposes of this section:

24 (a) ~~Every~~ *An osteopathic* physician *or physician assistant*
25 who is licensed under this chapter *and* who accepts the privilege of
26 practicing osteopathic medicine *or practicing as a physician*
27 *assistant* in this State ~~shall be~~ *is* deemed to have given consent to
28 submit to a mental or physical examination ~~if directed to do so in~~
29 ~~writing~~ *pursuant to a written order* by the Board.

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

32 3. Except in extraordinary circumstances, as determined by the
33 Board, the failure of ~~a~~ *an osteopathic* physician *or physician*
34 *assistant* who is licensed under this chapter to submit to an
35 examination ~~if directed as provided in~~ *pursuant to* this section
36 constitutes an admission of the charges against the *osteopathic*
37 physician ~~or~~ *physician assistant*.

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

39 633.571 Notwithstanding the provisions of chapter 622A of
40 NRS, if the Board has reason to believe that the conduct of any
41 osteopathic physician *or physician assistant* has raised a reasonable
42 question as to his or her competence to practice osteopathic
43 medicine *or to practice as a physician assistant, as applicable*, with
44 reasonable skill and safety to patients, the Board may ~~cause a~~
45 ~~medical competency examination of~~ *require* the *osteopathic*



1 physician *or physician assistant to submit to an examination* for
2 *the* purposes of determining his or her ~~[fitness]~~ *competence* to
3 practice osteopathic medicine *or to practice as a physician*
4 *assistant, as applicable*, with reasonable skill and safety to patients.

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

6 633.581 1. If an investigation by the Board ~~[regarding]~~ *of* an
7 osteopathic physician *or physician assistant* reasonably determines
8 that the health, safety or welfare of the public or any patient served
9 by the osteopathic physician *or physician assistant* is at risk of
10 imminent or continued harm, the Board may summarily suspend the
11 license of the osteopathic physician ~~[]~~ *or physician assistant*. The
12 order of summary suspension may be issued by the Board, an
13 investigative committee of the Board or the Executive Director of
14 the Board after consultation with the President, Vice President or
15 Secretary-Treasurer of the Board.

16 2. If the Board issues an order summarily suspending the
17 license of an osteopathic physician *or physician assistant* pursuant
18 to subsection 1, the Board shall hold a hearing regarding the matter
19 not later than 45 days after the date on which the Board issues the
20 order summarily suspending the license unless the Board and the
21 licensee mutually agree to a longer period.

22 3. Notwithstanding the provisions of chapter 622A of NRS, if
23 the Board issues an order summarily suspending the license of an
24 osteopathic physician *or physician assistant* pending ~~[proceedings]~~
25 *a proceeding* for disciplinary action and requires the *osteopathic*
26 physician *or physician assistant* to submit to a mental or physical
27 examination or a medical competency examination, the examination
28 ~~[shall]~~ *must* be conducted and the results *must be* obtained not later
29 than 60 days after the Board issues ~~[its]~~ *the* order.

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

31 633.591 Notwithstanding the provisions of chapter 622A of
32 NRS, if the Board issues an order summarily suspending the license
33 of an osteopathic physician *or physician assistant* pending
34 proceedings for disciplinary action, including, without limitation, a
35 summary suspension pursuant to NRS 233B.127, the court shall not
36 stay that order unless the Board fails to institute and determine such
37 proceedings as promptly as the requirements for investigation of the
38 case reasonably allow.

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

40 633.601 1. In addition to any other remedy provided by law,
41 the Board, through ~~[its President or Secretary]~~ *an officer of the*
42 *Board* or the Attorney General, may apply to any court of
43 competent jurisdiction to enjoin any unprofessional conduct of an
44 osteopathic physician *or physician assistant* which is harmful to the
45 public or to limit the ~~[physician's]~~ practice *of the osteopathic*



1 *physician or physician assistant* or suspend his or her license to
2 practice *osteopathic medicine or to practice as a physician*
3 *assistant, as applicable*, as provided in this section.

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

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

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

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

13 633.631 Except as otherwise provided in chapter 622A of
14 NRS:

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

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

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

30 633.641 Notwithstanding the provisions of chapter 622A of
31 NRS, in any disciplinary proceeding before the Board, a hearing
32 officer or a panel:

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

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

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

41 633.651 1. If the Board finds a person guilty in a disciplinary
42 proceeding, it shall by order take one or more of the following
43 actions:

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



- 1 (b) Administer to the person a public reprimand.
2 (c) Limit the practice of the person to, or by the exclusion of,
3 one or more specified branches of osteopathic medicine.
4 (d) Suspend the license of the person to practice osteopathic
5 medicine *or to practice as a physician assistant* for a specified
6 period or until further order of the Board.
7 (e) Revoke the license of the person to practice osteopathic
8 medicine ~~or to practice as a physician assistant~~.
9 (f) Impose a fine not to exceed \$5,000 for each violation.
10 (g) Require supervision of the practice of the person.
11 (h) Require the person to perform community service without
12 compensation.
13 (i) Require the person to complete any training or educational
14 requirements specified by the Board.
15 (j) Require the person to participate in a program to correct
16 alcohol or drug dependence or any other impairment.
17 ➤ The order of the Board may contain any other terms, provisions
18 or conditions as the Board deems proper and which are not
19 inconsistent with law.
20 2. The Board shall not administer a private reprimand.
21 3. An order that imposes discipline and the findings of fact and
22 conclusions of law supporting that order are public records.
23 **Sec. 30.** NRS 633.671 is hereby amended to read as follows:
24 633.671 1. Any person who has been placed on probation or
25 whose license has been limited, suspended or revoked by the Board
26 is entitled to judicial review of the Board's order as provided by
27 law.
28 2. Every order of the Board which limits the practice of
29 *osteopathic* medicine *or the practice of a physician assistant* or
30 suspends or revokes a license is effective from the date ~~the~~
31 ~~Secretary certifies~~ *on which* the order *is issued by the Board* until
32 the date the order is modified or reversed by a final judgment of the
33 court.
34 3. The district court shall give a petition for judicial review of
35 the Board's order priority over other civil matters which are not
36 expressly given priority by law.
37 **Sec. 31.** NRS 633.681 is hereby amended to read as follows:
38 633.681 1. Any person:
39 (a) Whose practice of osteopathic medicine *or practice as a*
40 *physician assistant* has been limited; or
41 (b) Whose license to practice osteopathic medicine *or to*
42 *practice as a physician assistant* has been:
43 (1) Suspended until further order; or
44 (2) Revoked,



1 ↪ may apply to the Board after a reasonable period for removal of
2 the limitation or suspension or may apply to the Board pursuant to
3 the provisions of chapter 622A of NRS for reinstatement of the
4 revoked license.

5 2. In hearing the application, the Board:

6 (a) May require the person to submit to a mental or physical
7 examination by physicians whom it designates and submit such
8 other evidence of changed conditions and of fitness as it deems
9 proper;

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

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

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

15 633.691 1. In addition to any other immunity provided by the
16 provisions of chapter 622A of NRS, the Board, a medical review
17 panel of a hospital, a hearing officer, a panel of the Board, an
18 employee or volunteer of a diversion program specified in NRS
19 633.561, or any person who or other organization which initiates or
20 assists in any lawful investigation or proceeding concerning the
21 discipline of an osteopathic physician *or physician assistant* for
22 gross malpractice, malpractice, professional incompetence or
23 unprofessional conduct is immune from any civil action for such
24 initiation or assistance or any consequential damages, if the person
25 or organization acted in good faith.

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

29 (a) Disclosing to a governmental entity a violation of a law, rule
30 or regulation by an applicant for a license to practice osteopathic
31 medicine or *to practice as a physician assistant, or* by an
32 osteopathic physician ~~or~~ *or physician assistant*; or

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

36 3. As used in this section, "governmental entity" includes,
37 without limitation:

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

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

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



1 (d) A federal, state or local law enforcement agency or
2 prosecutorial office, or any member or employee thereof, or police
3 or peace officer; and

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

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

7 633.701 The filing and review of a complaint and any
8 subsequent disposition by the Board, the member designated by the
9 Board to review a complaint pursuant to NRS 633.541 or any
10 reviewing court do not preclude:

11 1. Any measure by a hospital or other institution to limit or
12 terminate the privileges of an osteopathic physician *or physician*
13 *assistant* according to its rules or the custom of the profession. No
14 civil liability attaches to any such action taken without malice even
15 if the ultimate disposition of the complaint is in favor of the
16 *osteopathic* physician ~~[]~~ *or physician assistant*.

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

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

20 633.711 1. The Board , through ~~[its President or Secretary]~~
21 *an officer of the Board* or the Attorney General , may maintain in
22 any court of competent jurisdiction a suit for an injunction against
23 any person ~~[practicing]~~ :

24 (a) *Practicing* osteopathic medicine *or practicing as a*
25 *physician assistant* without a *valid* license to practice osteopathic
26 medicine ~~[valid under this chapter.]~~ *or to practice as a physician*
27 *assistant; or*

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

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

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

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

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

37 633.721 In a criminal complaint charging any person with
38 practicing osteopathic medicine *or practicing as a physician*
39 *assistant* without a *valid* license ~~[to practice osteopathic medicine.]~~
40 *issued by the Board*, it is sufficient to charge that the person did,
41 upon a certain day, and in a certain county of this State, engage in
42 ~~[the]~~ *such* practice ~~[of osteopathic medicine]~~ without having a valid
43 license to do so, without averring any further or more particular
44 facts concerning the violation.



1 **Sec. 36.** NRS 633.741 is hereby amended to read as follows:
2 633.741 A person who:

3 1. Except as otherwise provided in NRS 629.091, practices
4 ~~{osteopathic}~~:

5 (a) ~~Osteopathic~~ medicine ~~:~~

6 ~~—(a) Without~~ *without* a *valid* license to practice osteopathic
7 medicine ~~{valid}~~ under this chapter; ~~{or}~~

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

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

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

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

17 4. Files for record the license issued to another, falsely
18 claiming himself or herself to be the person named in the license, or
19 falsely claiming himself or herself to be the person entitled to the
20 license;

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

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

28 7. Supervises a person as a physician assistant before such
29 person is licensed as provided in this chapter,
30 ↳ is guilty of a category D felony and shall be punished as provided
31 in NRS 193.130.

32 **Sec. 37.** Section 121 of chapter 413, Statutes of Nevada 2007,
33 as amended by chapter 369, Statutes of Nevada 2009, at page 1856,
34 and chapter 494, Statutes of Nevada 2009, at page 2999, is hereby
35 amended to read as follows:

36 Sec. 121. 1. This section becomes effective upon
37 passage and approval.

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

40 (a) Upon passage and approval for the purpose of
41 adopting regulations and performing any other preparatory
42 administrative tasks that are necessary to carry out the
43 provisions of this act; and

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



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

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

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

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

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

16 5. Section 42.7 of this act becomes effective on the date
17 on which the provisions of 42 U.S.C. § 666 requiring each
18 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 6. Sections 42.7 and 55.5 of this act expire by limitation
30 on the date 2 years after the date on which the provisions of
31 42 U.S.C. § 666 requiring each state to establish procedures
32 under which the state has authority to withhold or suspend, or
33 to restrict the use of professional, occupational and
34 recreational licenses of 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.

