
SENATE BILL NO. 36—COMMITTEE ON
COMMERCE, LABOR AND ENERGY

(ON BEHALF OF THE STATE BOARD OF PODIATRY)

PREFILED DECEMBER 14, 2010

Referred to Committee on Commerce, Labor and Energy

SUMMARY—Revises provisions governing the State Board of Podiatry. (BDR 54-502)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

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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 podiatry; requiring each person licensed by the State Board of Podiatry to maintain a permanent mailing address with the Board; requiring each licensee to provide the Board with written notification of any change in his or her permanent address; requiring the Board to impose a fine if a licensee fails to notify the Board of a change in his or her permanent address; requiring a licensee who closes his or her office in this State to notify the Board of the location and custodian of the medical records of the patients of the licensee for a certain period; requiring an applicant for a license to practice podiatry or to practice as a podiatry hygienist to submit to a criminal background check; authorizing the Board to charge certain fees; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 Existing law authorizes the State Board of Podiatry to license and regulate the
2 conduct of podiatrists and podiatry hygienists. (NRS 635.050-635.180) **Section 2** of
3 this bill requires a licensee to maintain a permanent mailing address with the Board
4 and notify the Board in writing of any change in the licensee's permanent address.
5 **Section 2** also requires the Board to impose a fine against any licensee who fails to
6 notify the Board of a change in his or her permanent address. Additionally, **section**
7 **2** requires a licensee who changes the location of his or her office to notify the
8 Board of the new location and requires a licensee who closes his or her office to
9 notify the Board of the closure within 14 days after closing the office. **Section 2**



1 further requires a licensee who closes his or her office to keep the Board apprised
2 of the location and custodian of the medical records of the licensee's patients for a
3 minimum of 5 years.

4 **Section 3** of this bill requires each applicant for licensure by the Board to
5 submit to the Board a complete set of fingerprints and written permission
6 authorizing the Board to submit the fingerprints to the Central Repository for
7 Nevada Records of Criminal History for submission to the Federal Bureau of
8 Investigation for its report. **Section 3** also authorizes the Board to charge and
9 collect a fee to cover the cost of obtaining the report from the Federal Bureau of
10 Investigation.

11 **Section 4** of this bill provides that a licensee is subject to disciplinary action if
12 he or she fails to notify the Board in writing of a change in permanent mailing
13 address in the manner required by **section 2** of this bill.

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

1 **Section 1.** Chapter 635 of NRS is hereby amended by adding
2 thereto the provisions set forth as sections 2 and 3 of this act.

3 **Sec. 2. 1. Each licensee shall:**

4 (a) *Maintain a permanent mailing address with the Board;*
5 *and*

6 (b) *If the licensee changes his or her permanent mailing*
7 *address, notify the Board in writing of the new permanent mailing*
8 *address within 30 days after the change of address.*

9 2. *If a licensee fails to provide the written notice required by*
10 *paragraph (b) of subsection 1, the Board shall, in addition to any*
11 *disciplinary action taken or fine imposed pursuant to NRS*
12 *635.130, impose upon the licensee a fine not to exceed \$250.*

13 3. *A licensee who changes the location of his or her office in*
14 *this State shall notify the Board in writing of the change in*
15 *location before practicing at the new location.*

16 4. *A licensee who closes his or her office in this State shall:*

17 (a) *Notify the Board in writing of the closure within 14 days*
18 *after closing the office; and*

19 (b) *For a period of 5 years thereafter, unless a longer period of*
20 *retention is provided by federal law, keep the Board apprised in*
21 *writing of the location and custodian of the medical records of the*
22 *patients of the licensee.*

23 **Sec. 3. 1. Each applicant for a license to practice podiatry**
24 **or to practice as a podiatry hygienist in this State shall submit to**
25 **the Board:**

26 (a) *A complete set of fingerprints; and*

27 (b) *Written permission authorizing the Board to forward the*
28 *fingerprints submitted pursuant to paragraph (a) to the Central*
29 *Repository for Nevada Records of Criminal History for submission*
30 *to the Federal Bureau of Investigation for its report.*



1 **2. The Board may charge and collect a fee to cover the cost of**
2 **the investigation associated with obtaining the report identified in**
3 **paragraph (b) of subsection 1. Any fees charged by the Board**
4 **pursuant to this section are not refundable.**

5 **Sec. 4.** NRS 635.130 is hereby amended to read as follows:

6 635.130 1. The Board, after notice and a hearing as required
7 by law, and upon any cause enumerated in subsection 2, may take
8 one or more of the following disciplinary actions:

9 (a) Deny an application for a license or refuse to renew a
10 license.

11 (b) Suspend or revoke a license.

12 (c) Place a licensee on probation.

13 (d) Impose a fine not to exceed \$5,000.

14 2. The Board may take disciplinary action against a licensee for
15 any of the following causes:

16 (a) The making of a false statement in any affidavit required of
17 the applicant for application, examination or licensure pursuant to
18 the provisions of this chapter.

19 (b) Lending the use of the holder's name to an unlicensed
20 person.

21 (c) If the holder is a podiatric physician, permitting an
22 unlicensed person in his or her employ to practice as a podiatry
23 hygienist.

24 (d) Habitual indulgence in the use of alcohol or any controlled
25 substance which impairs the intellect and judgment to such an extent
26 as in the opinion of the Board incapacitates the holder in the
27 performance of his or her professional duties.

28 (e) Conviction of a crime involving moral turpitude.

29 (f) Conviction of violating any of the provisions of NRS
30 616D.200, 616D.220, 616D.240 or 616D.300 to 616D.440,
31 inclusive.

32 (g) Conduct which in the opinion of the Board disqualifies the
33 licensee to practice with safety to the public.

34 (h) The commission of fraud by or on behalf of the licensee
35 regarding his or her license or practice.

36 (i) Gross incompetency.

37 (j) Affliction of the licensee with any mental or physical
38 disorder which seriously impairs his or her competence as a
39 podiatric physician or podiatry hygienist.

40 (k) False representation by or on behalf of the licensee regarding
41 his or her practice.

42 (l) Unethical or unprofessional conduct.

43 (m) **Failure to comply with the requirements of subsection 1 of**
44 **section 2 of this act.**



- 1 *(n)* Willful or repeated violations of this chapter or regulations
2 adopted by the Board.
3 ~~*(o)*~~ *(o)* Willful violation of the regulations adopted by the State
4 Board of Pharmacy.
5 ~~*(p)*~~ *(p)* Operation of a medical facility, as defined in NRS
6 449.0151, at any time during which:
7 (1) The license of the facility is suspended or revoked; or
8 (2) An act or omission occurs which results in the suspension
9 or revocation of the license pursuant to NRS 449.160.
10 ➔ This paragraph applies to an owner or other principal responsible
11 for the operation of the facility.
12 **Sec. 5.** This act becomes effective upon passage and approval.

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