

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; codifying in statutory form the requirement in administrative regulation that an applicant for a license issued by the Board submit to a criminal background check; 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**



\* S B 3 6 R 1 \*

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

13 Existing regulation requires each applicant for licensure by the Board to submit  
14 to the Board a complete set of fingerprints and written permission authorizing the  
15 Board to submit the fingerprints to the Central Repository for Nevada Records of  
16 Criminal History for submission to the Federal Bureau of Investigation for its  
17 report. (NAC 635.023) **Section 3** of this bill codifies in statute this existing  
18 requirement in regulation.

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

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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. Each applicant for a license, including, without**  
24 *limitation, a limited or provisional license, must submit to the*  
25 *Board:*

26 **1. A complete set of fingerprints; and**

27 **2. Written permission authorizing the Board to forward the**  
28 *fingerprints submitted pursuant to subsection 1 to the Central*  
29 *Repository for Nevada Records of Criminal History for submission*  
30 *to the Federal Bureau of Investigation for its report.*



1       **Sec. 4.** NRS 635.130 is hereby amended to read as follows:  
2       635.130 1. The Board, after notice and a hearing as required  
3 by law, and upon any cause enumerated in subsection 2, may take  
4 one or more of the following disciplinary actions:

5       (a) Deny an application for a license or refuse to renew a  
6 license.

7       (b) Suspend or revoke a license.

8       (c) Place a licensee on probation.

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

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

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

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

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

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

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

25      (f) Conviction of violating any of the provisions of NRS  
26 616D.200, 616D.220, 616D.240 or 616D.300 to 616D.440,  
27 inclusive.

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

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

32      (i) Gross incompetency.

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

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

38      (l) Unethical or unprofessional conduct.

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

41      (n) Willful or repeated violations of this chapter or regulations  
42 adopted by the Board.

43      ~~(n)~~ (o) Willful violation of the regulations adopted by the State  
44 Board of Pharmacy.



- 1 ~~(e)~~ (p) Operation of a medical facility, as defined in NRS  
2 449.0151, at any time during which:  
3 (1) The license of the facility is suspended or revoked; or  
4 (2) An act or omission occurs which results in the suspension  
5 or revocation of the license pursuant to NRS 449.160.  
6 ➔ This paragraph applies to an owner or other principal responsible  
7 for the operation of the facility.  
8 **Sec. 5.** This act becomes effective upon passage and approval.

