

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 health care providers.
(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 health care providers; 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; revising provisions governing the qualifications for obtaining a license to practice dental hygiene; 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,



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7 **section 2** requires a licensee who changes the location of his or her office to notify
8 the 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**
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.

22 **Section 4.5** of this bill revises provisions governing the qualifications for
23 obtaining a license to practice dental hygiene by providing that an applicant may
24 satisfy the clinical examination requirement for licensure if he or she presents
25 evidence to the Board of Dental Examiners of Nevada that the applicant has, within
26 the 5 years immediately preceding the date of the application, passed a clinical
27 examination approved by the Board and the American Board of Dental Examiners.

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.*



1 **Sec. 3. Each applicant for a license, including, without**
2 *limitation, a limited or provisional license, must submit to the*
3 *Board:*

- 4 **1. A complete set of fingerprints; and**
5 **2. Written permission authorizing the Board to forward the**
6 *fingerprints submitted pursuant to subsection 1 to the Central*
7 *Repository for Nevada Records of Criminal History for submission*
8 *to the Federal Bureau of Investigation for its report.*

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

10 635.130 1. The Board, after notice and a hearing as required
11 by law, and upon any cause enumerated in subsection 2, may take
12 one or more of the following disciplinary actions:

13 (a) Deny an application for a license or refuse to renew a
14 license.

15 (b) Suspend or revoke a license.

16 (c) Place a licensee on probation.

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

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

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

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

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

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

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

33 (f) Conviction of violating any of the provisions of NRS
34 616D.200, 616D.220, 616D.240 or 616D.300 to 616D.440,
35 inclusive.

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

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

40 (i) Gross incompetency.

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

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



1 (l) Unethical or unprofessional conduct.

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

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

6 ~~[(n)]~~ (o) Willful violation of the regulations adopted by the State
7 Board of Pharmacy.

8 ~~[(o)]~~ (p) Operation of a medical facility, as defined in NRS
9 449.0151, at any time during which:

10 (1) The license of the facility is suspended or revoked; or

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

13 ↪ This paragraph applies to an owner or other principal responsible
14 for the operation of the facility.

15 **Sec. 4.5.** Section 1.5 of Assembly Bill No. 55 of this session is
16 hereby amended to read as follows:

17 Sec. 1.5. NRS 631.300 is hereby amended to read as
18 follows:

19 631.300 1. Any person desiring to obtain a license to
20 practice dental hygiene, after having complied with the
21 regulations of the Board to determine eligibility:

22 (a) Except as otherwise provided in NRS 622.090, must
23 pass a written examination given by the Board upon such
24 subjects as the Board deems necessary for the practice of
25 dental hygiene or must present a certificate granted by the
26 Joint Commission on National Dental Examinations which
27 contains a notation that the applicant has passed the National
28 Board Dental Hygiene Examination with a score of at least
29 75; and

30 (b) Except as otherwise provided in this chapter, must:

31 (1) Successfully pass a clinical examination approved
32 by the Board and the American Board of Dental Examiners

33 ~~[(1)]~~ *or present evidence to the Board that the applicant has*
34 *passed such a clinical examination within the 5 years*
35 *immediately preceding the date of the application;*

36 (2) Successfully complete a clinical examination in
37 dental hygiene given by the Board which examines the
38 applicant's practical knowledge of dental hygiene and which
39 includes, but is not limited to, demonstrations in the removal
40 of deposits from, and the polishing of, the exposed surface of
41 the teeth; or

42 (3) Present to the Board a certificate granted by the
43 Western Regional Examining Board which contains a
44 notation that the applicant has passed, within the 5 years
45 immediately preceding the date of the application, a clinical



1 examination administered by the Western Regional
2 Examining Board.

3 2. The clinical examination given by the Board must
4 include components that are:

5 (a) Written or oral, or a combination of both; and

6 (b) Practical, as in the opinion of the Board is necessary
7 to test the qualifications of the applicant.

8 3. The Board shall examine each applicant in writing on
9 the contents and interpretation of this chapter and the
10 regulations of the Board.

11 4. All persons who have satisfied the requirements for
12 licensure as a dental hygienist must be registered as licensed
13 dental hygienists on the board register, as provided in this
14 chapter, and are entitled to receive a certificate of registration,
15 signed by all members of the Board.

16 **Sec. 5.** This act becomes effective upon passage and approval.

