

ASSEMBLY BILL NO. 346—ASSEMBLYMEN JONES,
MOORE; FIORE AND SHELTON

MARCH 16, 2015

Referred to Committee on Health and Human Services

SUMMARY—Revises provisions governing billing for hospital care and related services. (BDR 40-897)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
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; requiring a hospital to make its uniform list of billed charges available for public inspection; requiring a provider of health care who has staff privileges at a hospital to maintain and use a uniform list of charges for all services and goods provided to patients at a hospital; authorizing disciplinary action against a hospital or provider of health care for failing to comply with requirements concerning charges and billing; requiring a hospital to provide a patient with all bills relating to hospital care and related services provided by other providers in one mailing; requiring certain providers of health care who have staff privileges at a hospital and emergency transportation providers to provide bills for certain services to the hospital for inclusion in such a mailing; revising provisions governing collection efforts on amounts owed for hospital care and related services; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law requires a hospital to: (1) maintain and use a uniform list of billed
2 charges for all goods and services provided to inpatients at the hospital; and (2)
3 make available to the public a summary of charges for common services for
4 patients admitted at the hospital. (NRS 439B.400, 449.243) **Section 1** of this bill
5 expands the applicability to goods and services provided to all patients of the
6 hospital and requires the list of billed charges to be made available for public
7 inspection. **Section 1** also requires certain health care providers who have staff
8 privileges at a hospital to: (1) maintain a list of charges for services provided at the



9 hospital; and (2) provide the list to the hospital to maintain with the list of billed
10 charges of the hospital that is made available for public inspection. **Section 3** of this
11 bill removes a similar requirement that a hospital make available to the public a
12 summary of charges for common services for patients admitted at the hospital.
13 **Sections 2 and 7-20** of this bill authorize disciplinary action against a hospital or
14 health care provider for failing to maintain or make public a uniform list of billed
15 charges.

16 Existing law requires each hospital and provider of health care to, on the bill
17 provided to a patient, itemize all charges for services, equipment, supplies and
18 medicines provided to the patient in terms which the patient is able to understand.
19 (NRS 449.243, 629.071) **Section 3** also requires a hospital to provide all bills for
20 services, equipment, supplies and medicines provided to a patient at the hospital
21 and while being transported to the hospital in one mailing. **Sections 5 and 6** of this
22 bill require a provider of emergency medical services who transports a person to a
23 hospital and a provider of health care who has staff privileges at a hospital to
24 provide a bill for any service provided at the hospital to the hospital for inclusion in
25 such a mailing.

26 Existing law prohibits a hospital from proceeding with efforts to collect any
27 amount owed to the hospital: (1) until the hospital has submitted a bill to a health
28 insurance company or public program that may pay all or part of the bill and the
29 insurance company or public program has made a determination concerning the
30 payment of the claim; and (2) until 30 days after sending a bill to the responsible
31 party. (NRS 449.757) **Section 4** of this bill: (1) makes this provision applicable to
32 providers of health care who have staff privileges at a hospital; and (2) prohibits the
33 hospital or provider from proceeding with efforts to collect any amount owed to the
34 hospital or provider until the mailing containing all bills for services, equipment,
35 supplies and medicines provided to a patient at the hospital has been sent. **Section 5**
36 prohibits certain providers of emergency medical services from proceeding with
37 efforts to collect any amount owed to the provider for transportation to the hospital
38 until 30 days after such a mailing has been sent. **Sections 7-20** authorize
39 disciplinary action to be taken against a hospital or provider of health care for
40 proceeding with efforts to collect in violation of this prohibition. A provider of
41 emergency medical services who proceeds with efforts to collect in violation of this
42 prohibition is subject to the revocation or suspension of his or her permit for the
43 operation of an ambulance, an air ambulance or a vehicle of a fire-fighting agency
44 at the scene of an emergency.

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

1 **Section 1.** NRS 439B.400 is hereby amended to read as
2 follows:

3 439B.400 *1.* Each hospital in this State shall maintain and
4 use a uniform list of billed charges for that hospital for units of
5 service or goods provided to all ~~inpatients.~~ *patients and make the*
6 *uniform list available for public inspection.*

7 *2. Each practitioner who has staff privileges at a hospital*
8 *shall maintain and use a uniform list of charges for services*
9 *provided at the hospital and provide the list to the hospital to*
10 *maintain with the uniform list of billed charges for the hospital*



1 *maintained pursuant to subsection 1. The hospital must make the*
2 *list available for public inspection.*

3 3. A hospital *or a practitioner who has staff privileges at a*
4 *hospital* may not use a billed charge for ~~an inpatient~~ *a patient* that
5 is different than the billed charge used for another ~~inpatient~~ *patient*
6 for the same service or goods provided.

7 4. This section does not restrict the ability of a hospital ,
8 *practitioner* or other person to negotiate a discounted rate from the
9 hospital's *or practitioner's* billed charges or to contract for a
10 different rate or mechanism for payment of the hospital ~~or~~ *or*
11 *practitioner.*

12 **Sec. 2.** NRS 449.160 is hereby amended to read as follows:

13 449.160 1. The Division may deny an application for a
14 license or may suspend or revoke any license issued under the
15 provisions of NRS 449.030 to 449.2428, inclusive, upon any of the
16 following grounds:

17 (a) Violation by the applicant or the licensee of any of the
18 provisions of NRS 439B.410 or 449.030 to 449.245, inclusive, or of
19 any other law of this State or of the standards, rules and regulations
20 adopted thereunder.

21 (b) Aiding, abetting or permitting the commission of any illegal
22 act.

23 (c) Conduct inimical to the public health, morals, welfare and
24 safety of the people of the State of Nevada in the maintenance and
25 operation of the premises for which a license is issued.

26 (d) Conduct or practice detrimental to the health or safety of the
27 occupants or employees of the facility.

28 (e) Failure of the applicant to obtain written approval from the
29 Director of the Department of Health and Human Services as
30 required by NRS 439A.100 or as provided in any regulation adopted
31 pursuant to NRS 449.001 to 449.430, inclusive, and 449.435 to
32 449.965, inclusive, if such approval is required.

33 (f) Failure to comply with the provisions of NRS 449.2486.

34 *(g) Failure to comply with the provisions of NRS 439B.400.*

35 2. In addition to the provisions of subsection 1, the Division
36 may revoke a license to operate a facility for the dependent if, with
37 respect to that facility, the licensee that operates the facility, or an
38 agent or employee of the licensee:

39 (a) Is convicted of violating any of the provisions of
40 NRS 202.470;

41 (b) Is ordered to but fails to abate a nuisance pursuant to NRS
42 244.360, 244.3603 or 268.4124; or

43 (c) Is ordered by the appropriate governmental agency to correct
44 a violation of a building, safety or health code or regulation but fails
45 to correct the violation.



1 3. The Division shall maintain a log of any complaints that it
2 receives relating to activities for which the Division may revoke the
3 license to operate a facility for the dependent pursuant to subsection
4 2. The Division shall provide to a facility for the care of adults
5 during the day:

6 (a) A summary of a complaint against the facility if the
7 investigation of the complaint by the Division either substantiates
8 the complaint or is inconclusive;

9 (b) A report of any investigation conducted with respect to the
10 complaint; and

11 (c) A report of any disciplinary action taken against the facility.

12 ➤ The facility shall make the information available to the public
13 pursuant to NRS 449.2486.

14 4. On or before February 1 of each odd-numbered year, the
15 Division shall submit to the Director of the Legislative Counsel
16 Bureau a written report setting forth, for the previous biennium:

17 (a) Any complaints included in the log maintained by the
18 Division pursuant to subsection 3; and

19 (b) Any disciplinary actions taken by the Division pursuant to
20 subsection 2.

21 **Sec. 3.** NRS 449.243 is hereby amended to read as follows:

22 449.243 Every hospital licensed pursuant to the provisions of
23 NRS 449.030 to 449.2428, inclusive:

24 1. May, except as otherwise provided in subsection 2, utilize
25 the Uniform Billing and Claims Forms established by the American
26 Hospital Association.

27 2. Shall, except as otherwise provided in this section, on its
28 billings to patients, itemize, on a daily basis, all charges for services,
29 and charges for equipment used and the supplies and medicines
30 provided incident to the provision of those services with specificity
31 and in language that is understandable to an ordinary lay person.
32 This itemized list must be timely provided after the patient is
33 discharged at no additional cost.

34 3. Except as otherwise provided in this subsection, if a patient
35 is charged a rate, pursuant to a contract or other agreement, that is
36 different than the billed charges, shall provide to the patient either:

37 (a) A copy of the billing prepared pursuant to subsection 2;

38 (b) A statement specifying the agreed rate for the services; or

39 (c) If the patient is not obligated to pay any portion of the bill, a
40 statement of the total charges.

41 ➤ In any case, the hospital shall include on the billing or statement
42 any copayment or deductible for which the patient is responsible.
43 The hospital shall answer any questions regarding the bill.

44 4. If the hospital is paid by the insurer of a patient a rate that is
45 based on the number of persons treated and not on the services



1 actually rendered, shall, upon the discharge of the patient, advise the
2 patient of the status of any copayment or deductible for which the
3 patient is responsible.

4 5. Shall ~~[prepare a summary of charges for common services~~
5 ~~for patients admitted to the hospital and make it available to the~~
6 ~~public.]~~ *enclose each bill for services, including, without*
7 *limitation, services provided by a provider of health care who has*
8 *staff privileges at the hospital and transportation and care*
9 *provided by a provider of emergency medical services, as defined*
10 *in NRS 450B.790, and charges for equipment used and the*
11 *supplies and medicines provided incident to the provision of those*
12 *services in one mailing to the responsible party, as defined in*
13 *NRS 449.755. Such a mailing must not be sent to the responsible*
14 *party until the hospital has received each bill from a provider of*
15 *health care who has staff privileges at the hospital pursuant to*
16 *NRS 629.071.*

17 6. Shall provide to any patient upon request a copy of the
18 billing prepared pursuant to subsection 2.

19 **Sec. 4.** NRS 449.757 is hereby amended to read as follows:

20 449.757 1. When a person receives hospital care, the hospital
21 *or a provider of health care who provided care at the hospital* must
22 not proceed with any efforts to collect on any amount owed to the
23 hospital *or provider of health care, as applicable*, for the hospital
24 care from the responsible party, other than for any copayment or
25 deductible, if the responsible party has health insurance or may be
26 eligible for Medicaid, the Children's Health Insurance Program or
27 any other public program which may pay all or part of the bill, until
28 the hospital *or provider* has submitted a bill to the health insurance
29 company or public program and the health insurance company or
30 public program has made a determination concerning payment of
31 the claim.

32 2. Collection efforts may begin and interest may begin to
33 accrue on any amount owed to the hospital *or a provider of health*
34 *care, as applicable*, for hospital care which remains unpaid by the
35 responsible party not sooner than 30 days after the responsible party
36 is sent a bill ~~[by mail]~~ *in a mailing that meets the requirements of*
37 *NRS 449.243* stating the amount that he or she is responsible to pay
38 which has been established after receiving a determination
39 concerning payment of the claim by any insurer or public program
40 and after applying any discounts.

41 3. Interest *on any amount owed to the hospital* must accrue at
42 a rate which does not exceed the prime rate at the largest bank in
43 Nevada as ascertained by the Commissioner of Financial Institutions
44 on January 1 or July 1, as the case may be, immediately preceding
45 the date on which the payment becomes due, plus 2 percent. The



1 rate must be adjusted accordingly on each January 1 and July 1
2 thereafter until the payment is satisfied.

3 ~~3.~~ 4. Except for the interest authorized pursuant to subsection
4 2 and any court costs and attorney's fees awarded by a court, no
5 other fees may be charged concerning the amount that remains
6 unpaid, including, without limitation, collection fees, other
7 attorney's fees or any other fees or costs.

8 **Sec. 5.** NRS 450B.790 is hereby amended to read as follows:

9 450B.790 1. Each hospital in this State which receives a
10 person in need of emergency services and care who has been
11 transported to the hospital by a provider of emergency medical
12 services shall ensure that the person is transferred to a bed, chair,
13 gurney or other appropriate place in the hospital to receive
14 emergency services and care as soon as practicable, but not later
15 than 30 minutes after the time at which the person arrives at the
16 hospital.

17 ~~2.~~ This ~~section~~ *subsection* does not create a duty of care and
18 is not a ground for civil or criminal liability.

19 *2. Each provider of emergency medical services who*
20 *transports a person to a hospital shall provide to the hospital each*
21 *bill for such transportation and all care provided to the person*
22 *during the transportation for inclusion in the mailing required*
23 *pursuant to NRS 449.243.*

24 *3. Collection efforts may begin and interest may begin to*
25 *accrue on any amount owed to a provider of emergency medical*
26 *services for transportation to a hospital or care during such*
27 *transportation which remains unpaid by the responsible party not*
28 *sooner than 30 days after the responsible party is sent a bill in a*
29 *mailing that meets the requirements of NRS 449.243 stating the*
30 *amount that he or she is responsible to pay.*

31 4. As used in this section:

32 (a) "Emergency services and care" has the meaning ascribed to
33 it in NRS 439B.410.

34 (b) "Hospital" has the meaning ascribed to it in NRS 449.012.

35 (c) "Provider of emergency medical services" means each
36 operator of an ambulance *or air ambulance* and each fire-fighting
37 agency which has a permit to operate pursuant to this chapter and
38 which provides transportation for persons in need of emergency
39 services and care to hospitals.

40 (d) *"Responsible party" means the person who received the*
41 *transportation to a hospital, the parent or guardian of the person*
42 *who received the transportation to a hospital or another natural*
43 *person who is legally responsible or has agreed to be responsible*
44 *for the payment to the provider of emergency medical services of*



1 *any charges incurred in connection with the transportation to a*
2 *hospital.*

3 **Sec. 6.** NRS 629.071 is hereby amended to read as follows:

4 629.071 1. Each provider of health care shall, on the bill to a
5 patient, itemize all charges for services, equipment, supplies and
6 medicines provided for the patient in terms which the patient is able
7 to understand. The bill must be timely provided after the charge is
8 incurred at no additional cost to the patient.

9 2. *Each provider of health care who has staff privileges at a*
10 *hospital shall provide to the hospital each bill for a service*
11 *provided at the hospital for inclusion in the mailing required*
12 *pursuant to NRS 449.243.*

13 **Sec. 7.** NRS 630.305 is hereby amended to read as follows:

14 630.305 1. The following acts, among others, constitute
15 grounds for initiating disciplinary action or denying licensure:

16 (a) Directly or indirectly receiving from any person, corporation
17 or other business organization any fee, commission, rebate or other
18 form of compensation which is intended or tends to influence the
19 physician's objective evaluation or treatment of a patient.

20 (b) Dividing a fee between licensees except where the patient is
21 informed of the division of fees and the division of fees is made in
22 proportion to the services personally performed and the
23 responsibility assumed by each licensee.

24 (c) Referring, in violation of NRS 439B.425, a patient to a
25 health facility, medical laboratory or commercial establishment in
26 which the licensee has a financial interest.

27 (d) Charging for visits to the physician's office which did not
28 occur or for services which were not rendered or documented in the
29 records of the patient.

30 (e) Aiding, assisting, employing or advising, directly or
31 indirectly, any unlicensed person to engage in the practice of
32 medicine contrary to the provisions of this chapter or the regulations
33 of the Board.

34 (f) Delegating responsibility for the care of a patient to a person
35 if the licensee knows, or has reason to know, that the person is not
36 qualified to undertake that responsibility.

37 (g) Failing to disclose to a patient any financial or other conflict
38 of interest.

39 (h) Failing to initiate the performance of community service
40 within 1 year after the date the community service is required to
41 begin, if the community service was imposed as a requirement of
42 the licensee's receiving loans or scholarships from the Federal
43 Government or a state or local government for the licensee's
44 medical education.



1 *(i) Failing to comply with the provisions of NRS 439B.400 or*
2 *449.757.*

3 2. Nothing in this section prohibits a physician from forming
4 an association or other business relationship with an optometrist
5 pursuant to the provisions of NRS 636.373.

6 **Sec. 8.** NRS 630A.360 is hereby amended to read as follows:

7 630A.360 The following acts, among others, constitute
8 grounds for initiating disciplinary action or denying the issuance of
9 a license:

10 1. Directly or indirectly receiving from any person any fee,
11 commission, rebate or other form of compensation which tends or is
12 intended to influence the physician's objective evaluation or
13 treatment of a patient.

14 2. Dividing a fee between homeopathic physicians, unless the
15 patient is informed of the division of fees and the division is made in
16 proportion to the services personally performed and the
17 responsibility assumed by each homeopathic physician.

18 3. Charging for visits to the homeopathic physician's office
19 which did not occur or for services which were not rendered or
20 documented in the records of the patient.

21 4. Employing, directly or indirectly, any suspended or
22 unlicensed person in the practice of homeopathic medicine, or the
23 aiding, abetting or assisting of any unlicensed person to practice
24 homeopathic medicine contrary to the provisions of this chapter or
25 the regulations adopted by the Board.

26 5. Advertising the services of an unlicensed person in the
27 practice of homeopathic medicine.

28 6. Delegating responsibility for the care of a patient to a person
29 whom the homeopathic physician knows, or has reason to know, is
30 not qualified to undertake that responsibility.

31 7. Failing to disclose to a patient any financial or other conflict
32 of interest affecting the care of the patient.

33 *8. Failing to comply with the provisions of NRS 439B.400 or*
34 *449.757.*

35 **Sec. 9.** NRS 631.3485 is hereby amended to read as follows:

36 631.3485 The following acts, among others, constitute
37 unprofessional conduct:

38 1. Willful or repeated violations of the provisions of this
39 chapter;

40 2. Willful or repeated violations of the regulations of the State
41 Board of Health, the State Board of Pharmacy or the Board of
42 Dental Examiners of Nevada;

43 3. Failure to pay the fees for a license; or

44 4. Failure to make the health care records of a patient available
45 for inspection and copying as provided in NRS 629.061.



1 **5. Failure to comply with the provisions of NRS 439B.400 or**
2 **449.757.**

3 **Sec. 10.** NRS 632.320 is hereby amended to read as follows:

4 632.320 1. The Board may deny, revoke or suspend any
5 license or certificate applied for or issued pursuant to this chapter, or
6 take other disciplinary action against a licensee or holder of a
7 certificate, upon determining that the licensee or certificate holder:

8 (a) Is guilty of fraud or deceit in procuring or attempting to
9 procure a license or certificate pursuant to this chapter.

10 (b) Is guilty of any offense:

11 (1) Involving moral turpitude; or

12 (2) Related to the qualifications, functions or duties of a
13 licensee or holder of a certificate,
14 ➤ in which case the record of conviction is conclusive evidence
15 thereof.

16 (c) Has been convicted of violating any of the provisions of
17 NRS 616D.200, 616D.220, 616D.240 or 616D.300 to 616D.440,
18 inclusive.

19 (d) Is unfit or incompetent by reason of gross negligence or
20 recklessness in carrying out usual nursing functions.

21 (e) Uses any controlled substance, dangerous drug as defined in
22 chapter 454 of NRS, or intoxicating liquor to an extent or in a
23 manner which is dangerous or injurious to any other person or
24 which impairs his or her ability to conduct the practice authorized
25 by the license or certificate.

26 (f) Is a person with mental incompetence.

27 (g) Is guilty of unprofessional conduct, which includes, but is
28 not limited to, the following:

29 (1) Conviction of practicing medicine without a license in
30 violation of chapter 630 of NRS, in which case the record of
31 conviction is conclusive evidence thereof.

32 (2) Impersonating any applicant or acting as proxy for an
33 applicant in any examination required pursuant to this chapter for
34 the issuance of a license or certificate.

35 (3) Impersonating another licensed practitioner or holder of a
36 certificate.

37 (4) Permitting or allowing another person to use his or her
38 license or certificate to practice as a licensed practical nurse,
39 registered nurse, nursing assistant or medication aide - certified.

40 (5) Repeated malpractice, which may be evidenced by claims
41 of malpractice settled against the licensee or certificate holder.

42 (6) Physical, verbal or psychological abuse of a patient.

43 (7) Conviction for the use or unlawful possession of a
44 controlled substance or dangerous drug as defined in chapter 454 of
45 NRS.



1 (h) Has willfully or repeatedly violated the provisions of this
2 chapter. The voluntary surrender of a license or certificate issued
3 pursuant to this chapter is prima facie evidence that the licensee or
4 certificate holder has committed or expects to commit a violation of
5 this chapter.

6 (i) Is guilty of aiding or abetting any person in a violation of this
7 chapter.

8 (j) Has falsified an entry on a patient's medical chart concerning
9 a controlled substance.

10 (k) Has falsified information which was given to a physician,
11 pharmacist, podiatric physician or dentist to obtain a controlled
12 substance.

13 (l) Has knowingly procured or administered a controlled
14 substance or a dangerous drug as defined in chapter 454 of NRS that
15 is not approved by the United States Food and Drug Administration,
16 unless the unapproved controlled substance or dangerous drug:

17 (1) Was procured through a retail pharmacy licensed
18 pursuant to chapter 639 of NRS;

19 (2) Was procured through a Canadian pharmacy which is
20 licensed pursuant to chapter 639 of NRS and which has been
21 recommended by the State Board of Pharmacy pursuant to
22 subsection 4 of NRS 639.2328; or

23 (3) Is marijuana being used for medical purposes in
24 accordance with chapter 453A of NRS.

25 (m) Has been disciplined in another state in connection with a
26 license to practice nursing or a certificate to practice as a nursing
27 assistant or medication aide - certified, or has committed an act in
28 another state which would constitute a violation of this chapter.

29 (n) Has engaged in conduct likely to deceive, defraud or
30 endanger a patient or the general public.

31 (o) Has willfully failed to comply with a regulation, subpoena or
32 order of the Board.

33 (p) Has operated a medical facility at any time during which:

34 (1) The license of the facility was suspended or revoked; or

35 (2) An act or omission occurred which resulted in the
36 suspension or revocation of the license pursuant to NRS 449.160.

37 ➤ This paragraph applies to an owner or other principal responsible
38 for the operation of the facility.

39 ***(q) Has failed to comply with the provisions of NRS 439B.400***
40 ***or 449.757.***

41 2. For the purposes of this section, a plea or verdict of guilty or
42 guilty but mentally ill or a plea of nolo contendere constitutes a
43 conviction of an offense. The Board may take disciplinary action
44 pending the appeal of a conviction.



1 3. A licensee or certificate holder is not subject to disciplinary
2 action solely for administering auto-injectable epinephrine pursuant
3 to a valid order issued pursuant to NRS 630.374 or 633.707.

4 **Sec. 11.** 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 or
13 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 a license to practice osteopathic medicine
26 or to practice as a physician assistant by any other jurisdiction.

27 4. Malpractice or gross malpractice, which may be evidenced
28 by a claim of malpractice settled against a licensee.

29 5. Professional incompetence.

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

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

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

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

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

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

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

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

43 11. Signing a blank prescription form.

44 12. Knowingly procuring or administering a controlled
45 substance or a dangerous drug as defined in chapter 454 of NRS that



1 is not approved by the United States Food and Drug Administration,
2 unless the unapproved controlled substance or dangerous drug:

3 (a) Was procured through a retail pharmacy licensed pursuant to
4 chapter 639 of NRS;

5 (b) Was procured through a Canadian pharmacy which is
6 licensed pursuant to chapter 639 of NRS and which has been
7 recommended by the State Board of Pharmacy pursuant to
8 subsection 4 of NRS 639.2328; or

9 (c) Is marijuana being used for medical purposes in accordance
10 with chapter 453A of NRS.

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

14 14. Terminating the medical care of a patient without adequate
15 notice or without making other arrangements for the continued care
16 of the patient.

17 15. In addition to the provisions of subsection 3 of NRS
18 633.524, making or filing a report which the licensee knows to be
19 false, failing to file a record or report that is required by law or
20 willfully obstructing or inducing another to obstruct the making or
21 filing of such a record or report.

22 16. Failure to report any person the licensee knows, or has
23 reason to know, is in violation of the provisions of this chapter or
24 the regulations of the Board within 30 days after the date the
25 licensee knows or has reason to know of the violation.

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

32 18. Engaging in any act that is unsafe in accordance with
33 regulations adopted by the Board.

34 19. Failure to comply with the provisions of NRS 633.165.

35 20. Failure to supervise adequately a medical assistant pursuant
36 to the regulations of the Board.

37 **21. *Failure to comply with the provisions of NRS 439B.400 or***
38 ***449.757.***

39 **Sec. 12.** NRS 634.140 is hereby amended to read as follows:

40 634.140 The grounds for initiating disciplinary action pursuant
41 to this chapter are:

42 1. Unprofessional conduct.

43 2. Conviction of:



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

4 (b) A felony relating to the practice of chiropractic;

5 (c) A violation of any of the provisions of NRS 616D.200,
6 616D.220, 616D.240 or 616D.300 to 616D.440, inclusive; or

7 (d) Any offense involving moral turpitude.

8 3. Suspension or revocation of the license to practice
9 chiropractic by any other jurisdiction.

10 4. Gross or repeated malpractice.

11 5. Referring, in violation of NRS 439B.425, a patient to a
12 health facility, medical laboratory or commercial establishment in
13 which the licensee has a financial interest.

14 6. Operation of a medical facility, as defined in NRS 449.0151,
15 at any time during which:

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

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

19 ↪ This subsection applies to an owner or other principal responsible
20 for the operation of the facility.

21 **7. *Failure to comply with the provisions of NRS 439B.400 or***
22 ***449.757.***

23 **Sec. 13.** NRS 634A.170 is hereby amended to read as follows:

24 634A.170 The Board may refuse to issue or may suspend or
25 revoke any license for any one or any combination of the following
26 causes:

27 1. Conviction of:

28 (a) A felony relating to the practice of Oriental medicine;

29 (b) Any offense involving moral turpitude;

30 (c) A violation of any state or federal law regulating the
31 possession, distribution or use of any controlled substance, as shown
32 by a certified copy of the record of the court; or

33 (d) A violation of any of the provisions of NRS 616D.200,
34 616D.220, 616D.240 or 616D.300 to 616D.440, inclusive;

35 2. The obtaining of or any attempt to obtain a license or
36 practice in the profession for money or any other thing of value, by
37 fraudulent misrepresentations;

38 3. Gross or repeated malpractice, which may be evidenced by
39 claims of malpractice settled against a practitioner;

40 4. Advertising by means of a knowingly false or deceptive
41 statement;

42 5. Advertising, practicing or attempting to practice under a
43 name other than one's own;

44 6. Habitual drunkenness or habitual addiction to the use of a
45 controlled substance;



1 7. Using any false, fraudulent or forged statement or document,
2 or engaging in any fraudulent, deceitful, dishonest or immoral
3 practice in connection with the licensing requirements of this
4 chapter;

5 8. Sustaining a physical or mental disability which renders
6 further practice dangerous;

7 9. Engaging in any dishonorable, unethical or unprofessional
8 conduct which may deceive, defraud or harm the public, or which is
9 unbecoming a person licensed to practice under this chapter;

10 10. Using any false or fraudulent statement in connection with
11 the practice of Oriental medicine or any branch thereof;

12 11. Violating or attempting to violate, or assisting or abetting
13 the violation of, or conspiring to violate any provision of this
14 chapter;

15 12. Being adjudicated incompetent or insane;

16 13. Advertising in an unethical or unprofessional manner;

17 14. Obtaining a fee or financial benefit for any person by the
18 use of fraudulent diagnosis, therapy or treatment;

19 15. Willful disclosure of a privileged communication;

20 16. Failure of a licensee to designate the nature of his or her
21 practice in the professional use of his or her name by the term doctor
22 of Oriental medicine;

23 17. Willful violation of the law relating to the health, safety or
24 welfare of the public or of the regulations adopted by the State
25 Board of Health;

26 18. Administering, dispensing or prescribing any controlled
27 substance, except for the prevention, alleviation or cure of disease or
28 for relief from suffering;

29 19. *Failure to comply with the provisions of NRS 439B.400 or*
30 *449.757;*

31 20. Performing, assisting or advising in the injection of any
32 liquid silicone substance into the human body; and

33 ~~20.~~ 21. Operation of a medical facility, as defined in NRS
34 449.0151, at any time during which:

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

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

38 ↪ This subsection applies to an owner or other principal responsible
39 for the operation of the facility.

40 **Sec. 14.** NRS 635.130 is hereby amended to read as follows:

41 635.130 1. The Board, after notice and a hearing as required
42 by law, and upon any cause enumerated in subsection 2, may take
43 one or more of the following disciplinary actions:

44 (a) Deny an application for a license or refuse to renew a
45 license.



- 1 (b) Suspend or revoke a license.
2 (c) Place a licensee on probation.
3 (d) Impose a fine not to exceed \$5,000.
- 4 2. The Board may take disciplinary action against a licensee for
5 any of the following causes:
6 (a) The making of a false statement in any affidavit required of
7 the applicant for application, examination or licensure pursuant to
8 the provisions of this chapter.
9 (b) Lending the use of the holder's name to an unlicensed
10 person.
11 (c) If the holder is a podiatric physician, permitting an
12 unlicensed person in his or her employ to practice as a podiatry
13 hygienist.
14 (d) Habitual indulgence in the use of alcohol or any controlled
15 substance which impairs the intellect and judgment to such an extent
16 as in the opinion of the Board incapacitates the holder in the
17 performance of his or her professional duties.
18 (e) Conviction of a crime involving moral turpitude.
19 (f) Conviction of violating any of the provisions of NRS
20 616D.200, 616D.220, 616D.240 or 616D.300 to 616D.440,
21 inclusive.
22 (g) Conduct which in the opinion of the Board disqualifies the
23 licensee to practice with safety to the public.
24 (h) The commission of fraud by or on behalf of the licensee
25 regarding his or her license or practice.
26 (i) Gross incompetency.
27 (j) Affliction of the licensee with any mental or physical
28 disorder which seriously impairs his or her competence as a
29 podiatric physician or podiatry hygienist.
30 (k) False representation by or on behalf of the licensee regarding
31 his or her practice.
32 (l) Unethical or unprofessional conduct.
33 (m) Failure to comply with the requirements of subsection 1 of
34 NRS 635.118.
35 (n) Willful or repeated violations of this chapter or regulations
36 adopted by the Board.
37 (o) Willful violation of the regulations adopted by the State
38 Board of Pharmacy.
39 (p) Knowingly procuring or administering a controlled
40 substance or a dangerous drug as defined in chapter 454 of NRS that
41 is not approved by the United States Food and Drug Administration,
42 unless the unapproved controlled substance or dangerous drug:
43 (1) Was procured through a retail pharmacy licensed
44 pursuant to chapter 639 of NRS;



1 (2) Was procured through a Canadian pharmacy which is
2 licensed pursuant to chapter 639 of NRS and which has been
3 recommended by the State Board of Pharmacy pursuant to
4 subsection 4 of NRS 639.2328; or

5 (3) Is marijuana being used for medical purposes in
6 accordance with chapter 453A of NRS.

7 (q) Operation of a medical facility, as defined in NRS 449.0151,
8 at any time during which:

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

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

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

14 (r) *Failure to comply with the provisions of NRS 439B.400 or*
15 *449.757.*

16 **Sec. 15.** NRS 636.295 is hereby amended to read as follows:

17 636.295 The following acts, conduct, omissions, or mental or
18 physical conditions, or any of them, committed, engaged in,
19 omitted, or being suffered by a licensee, constitute sufficient cause
20 for disciplinary action:

21 1. Affliction of the licensee with any communicable disease
22 likely to be communicated to other persons.

23 2. Commission by the licensee of a felony relating to the
24 practice of optometry or a gross misdemeanor involving moral
25 turpitude of which the licensee has been convicted and from which
26 he or she has been sentenced by a final judgment of a federal or
27 state court in this or any other state, the judgment not having been
28 reversed or vacated by a competent appellate court and the offense
29 not having been pardoned by executive authority.

30 3. Conviction of any of the provisions of NRS 616D.200,
31 616D.220, 616D.240 or 616D.300 to 616D.440, inclusive.

32 4. Commission of fraud by or on behalf of the licensee in
33 obtaining a license or a renewal thereof, or in practicing optometry
34 thereunder.

35 5. Habitual drunkenness or addiction to any controlled
36 substance.

37 6. Gross incompetency.

38 7. Affliction with any mental or physical disorder or
39 disturbance seriously impairing his or her competency as an
40 optometrist.

41 8. Making false or misleading representations, by or on behalf
42 of the licensee, with respect to optometric materials or services.

43 9. Practice by the licensee, or attempting or offering so to do,
44 while in an intoxicated condition.



1 10. Perpetration of unethical or unprofessional conduct in the
2 practice of optometry.

3 11. Knowingly procuring or administering a controlled
4 substance or a dangerous drug as defined in chapter 454 of NRS that
5 is not approved by the United States Food and Drug Administration,
6 unless the unapproved controlled substance or dangerous drug:

7 (a) Was procured through a retail pharmacy licensed pursuant to
8 chapter 639 of NRS;

9 (b) Was procured through a Canadian pharmacy which is
10 licensed pursuant to chapter 639 of NRS and which has been
11 recommended by the State Board of Pharmacy pursuant to
12 subsection 4 of NRS 639.2328; or

13 (c) Is marijuana being used for medical purposes in accordance
14 with chapter 453A of NRS.

15 12. Any violation of the provisions of this chapter or any
16 regulations adopted pursuant thereto.

17 13. Operation of a medical facility, as defined in NRS
18 449.0151, at any time during which:

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

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

22 ↪ This subsection applies to an owner or other principal responsible
23 for the operation of the facility.

24 ***14. Failure to comply with the provisions of NRS 439B.400 or***
25 ***449.757.***

26 **Sec. 16.** NRS 637.150 is hereby amended to read as follows:

27 637.150 1. Upon proof by substantial evidence that an
28 applicant or holder of a license:

29 (a) Has been adjudicated insane;

30 (b) Habitually uses any controlled substance or intoxicant;

31 (c) Has been convicted of a crime involving moral turpitude;

32 (d) Has been convicted of violating any of the provisions of
33 NRS 616D.200, 616D.220, 616D.240 or 616D.300 to 616D.440,
34 inclusive;

35 (e) Has advertised in any manner which would tend to deceive,
36 defraud or mislead the public;

37 (f) Has presented to the Board any diploma, license or certificate
38 that has been signed or issued unlawfully or under fraudulent
39 representations, or obtains or has obtained a license to practice in
40 this State through fraud of any kind;

41 (g) Has been convicted of a violation of any federal or state law
42 relating to a controlled substance;

43 (h) Has, without proper verification, dispensed a lens, frame,
44 specially fabricated optical device or other ophthalmic device that



1 does not satisfy the minimum standards established by the Board
2 pursuant to NRS 637.073;

3 (i) Has violated any regulation of the Board;

4 (j) Has violated any provision of this chapter;

5 (k) Is incompetent;

6 (l) Is guilty of unethical or unprofessional conduct as
7 determined by the Board;

8 (m) Is guilty of repeated malpractice, which may be evidenced
9 by claims of malpractice settled against a practitioner;

10 (n) *Has failed to comply with the provisions of NRS 439B.400*
11 *or 449.757;*

12 (o) Is guilty of a fraudulent or deceptive practice as determined
13 by the Board; or

14 ~~(p)~~ (p) Has operated a medical facility, as defined in NRS
15 449.0151, at any time during which:

16 (1) The license of the facility was suspended or revoked; or

17 (2) An act or omission occurred which resulted in the
18 suspension or revocation of the license pursuant to NRS 449.160,
19 ↪ the Board may, in the case of an applicant, refuse to grant the
20 applicant a license, or may, in the case of a holder of a license, place
21 the holder on probation, reprimand the holder publicly, require the
22 holder to pay an administrative fine of not more than \$10,000,
23 suspend or revoke the holder's license, or take any combination of
24 these disciplinary actions.

25 2. The Board shall not privately reprimand a holder of a
26 license.

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

29 4. The provisions of paragraph ~~(p)~~ (p) of subsection 1 apply
30 to an owner or other principal responsible for the operation of the
31 medical facility.

32 **Sec. 17.** NRS 639.2802 is hereby amended to read as follows:

33 639.2802 1. In addition to any applicable requirements set
34 forth in NRS 439.900 to 439.940, inclusive, prescription price
35 information must be made available, upon request, by a pharmacist
36 or practitioner who dispenses drugs.

37 2. *The failure to comply with the provisions of NRS 439B.400*
38 *or 449.757 is grounds for suspension of and disciplinary action*
39 *relating to any license issued pursuant to NRS 639.233.*

40 **Sec. 18.** NRS 640.160 is hereby amended to read as follows:

41 640.160 1. The Board, after notice and a hearing as required
42 by law, and upon any ground enumerated in subsection 2, may take
43 one or more of the following actions:

44 (a) Refuse to issue a license or temporary license to any
45 applicant.



1 (b) Refuse to renew the license or temporary license of any
2 person.

3 (c) Suspend or revoke the license or temporary license of any
4 person.

5 (d) Place any person who has been issued a license or temporary
6 license on probation.

7 (e) Impose an administrative fine which does not exceed \$5,000
8 on any person who has been issued a license.

9 2. The Board may take action pursuant to subsection 1 if an
10 applicant or person who has been licensed pursuant to this chapter:

11 (a) Is habitually drunk or is addicted to the use of a controlled
12 substance.

13 (b) Has been convicted of violating any state or federal law
14 relating to controlled substances.

15 (c) Is, in the judgment of the Board, guilty of immoral or
16 unprofessional conduct.

17 (d) Has been convicted of any crime involving moral turpitude.

18 (e) Has been convicted of violating any of the provisions of
19 NRS 616D.200, 616D.220, 616D.240 or 616D.300 to 616D.440,
20 inclusive.

21 (f) Is guilty, in the judgment of the Board, of gross negligence in
22 his or her practice as a physical therapist which may be evidenced
23 by claims of malpractice settled against a practitioner.

24 (g) Has obtained or attempted to obtain a license by fraud or
25 material misrepresentation.

26 (h) Has been declared insane by a court of competent
27 jurisdiction and has not thereafter been lawfully declared sane.

28 (i) Has entered into any contract or arrangement which provides
29 for the payment of an unearned fee to any person following his or
30 her referral of a patient.

31 (j) Has employed as a physical therapist any unlicensed physical
32 therapist or physical therapist whose license has been suspended.

33 (k) Has had a license to practice physical therapy suspended,
34 revoked or in any way limited by another jurisdiction.

35 (l) Is determined to be professionally incompetent by the Board.

36 (m) Has violated any provision of this chapter or the Board's
37 regulations.

38 (n) Has operated a medical facility, as defined in NRS 449.0151,
39 at any time during which:

40 (1) The license of the facility was suspended or revoked; or

41 (2) An act or omission occurred which resulted in the
42 suspension or revocation of the license pursuant to NRS 449.160.

43 ➤ This paragraph applies to an owner or other principal responsible
44 for the operation of the facility.



1 *(o) Has failed to comply with the provisions of NRS 439B.400*
2 *or 449.757.*

3 **Sec. 19.** NRS 641.230 is hereby amended to read as follows:

4 641.230 The Board may suspend or revoke a person's license
5 as a psychologist, behavior analyst or assistant behavior analyst or
6 certificate as an autism behavior interventionist, place the person on
7 probation, require remediation for the person or take any other
8 action specified by regulation if the Board finds by substantial
9 evidence that the person has:

10 1. Been convicted of a felony relating to the practice of
11 psychology or the practice of applied behavior analysis.

12 2. Been convicted of any crime or offense that reflects the
13 inability of the person to practice psychology or applied behavior
14 analysis with due regard for the health and safety of others.

15 3. Been convicted of violating any of the provisions of NRS
16 616D.200, 616D.220, 616D.240 or 616D.300 to 616D.440,
17 inclusive.

18 4. Engaged in gross malpractice or repeated malpractice or
19 gross negligence in the practice of psychology or the practice of
20 applied behavior analysis.

21 5. Aided or abetted the practice of psychology by a person not
22 licensed by the Board.

23 6. Made any fraudulent or untrue statement to the Board.

24 7. Violated a regulation adopted by the Board.

25 8. Had a license to practice psychology or a license or
26 certificate to practice applied behavior analysis suspended or
27 revoked or has had any other disciplinary action taken against the
28 person by another state or territory of the United States, the District
29 of Columbia or a foreign country, if at least one of the grounds for
30 discipline is the same or substantially equivalent to any ground
31 contained in this chapter.

32 9. Failed to report to the Board within 30 days the revocation,
33 suspension or surrender of, or any other disciplinary action taken
34 against, a license or certificate to practice psychology or applied
35 behavior analysis issued to the person by another state or territory of
36 the United States, the District of Columbia or a foreign country.

37 10. Violated or attempted to violate, directly or indirectly, or
38 assisted in or abetted the violation of or conspired to violate a
39 provision of this chapter.

40 11. Performed or attempted to perform any professional service
41 while impaired by alcohol, drugs or by a mental or physical illness,
42 disorder or disease.

43 12. Engaged in sexual activity with a patient or client.

44 13. Been convicted of abuse or fraud in connection with any
45 state or federal program which provides medical assistance.



1 14. Been convicted of submitting a false claim for payment to
2 the insurer of a patient or client.

3 15. Operated a medical facility, as defined in NRS 449.0151, at
4 any time during which:

5 (a) The license of the facility was suspended or revoked; or

6 (b) An act or omission occurred which resulted in the
7 suspension or revocation of the license pursuant to NRS 449.160.

8 ↪ This subsection applies to an owner or other principal responsible
9 for the operation of the facility.

10 ***16. Failed to comply with the provisions of NRS 439B.400 or***
11 ***449.757.***

12 **Sec. 20.** NRS 652.220 is hereby amended to read as follows:

13 652.220 A license may be denied, suspended or revoked if the
14 laboratory, laboratory director or any technical employee of the
15 laboratory:

16 1. Violates any provision of this chapter;

17 2. Makes any misrepresentation in obtaining a license;

18 3. Has been convicted of a felony relating to the position for
19 which the applicant has applied or the licensee has been licensed
20 pursuant to this chapter;

21 4. Has been convicted of violating any of the provisions of
22 NRS 616D.200, 616D.220, 616D.240 or 616D.300 to 616D.440,
23 inclusive;

24 5. Is guilty of unprofessional conduct;

25 6. ***Fails to comply with the provisions of NRS 439B.400 or***
26 ***449.757;***

27 7. Knowingly permits the use of the name of a licensed
28 laboratory or its director by an unlicensed laboratory; or

29 ~~7.~~ **8.** Fails to meet the minimum standards prescribed by the
30 Board.

