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FIRST REPRINT

S.B. 288

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SENATE BILL NO. 288—SENATORS DENIS; AND WOODHOUSE

MARCH 16, 2015

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JOINT SPONSORS: ASSEMBLYMEN ARAUJO AND SPRINKLE

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Referred to Committee on Health and Human Services

SUMMARY—Revises provisions relating to prescribing controlled substances. (BDR 40-889)

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.

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AN ACT relating to controlled substances; requiring each person who is authorized to prescribe or dispense a controlled substance to be provided access to the database of the computerized program to track prescriptions for certain controlled substances that are filled by pharmacies; requiring each person who is authorized to prescribe controlled substances to access the database, review certain information and verify to the Board that he or she continues to have access to the database; authorizing various professional licensing boards to take disciplinary action against a person who fails to comply with these requirements; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

1 Existing law requires the State Board of Pharmacy and the Investigation  
2 Division of the Department of Public Safety to cooperatively develop a  
3 computerized program to track each prescription for a controlled substance. Persons  
4 who prescribe or dispense controlled substances can choose to access the database  
5 of the program and are given access to the database after receiving a course of  
6 training developed by the Board and the Division. (NRS 453.1545) **Section 2** of  
7 this bill requires any person who is authorized to prescribe or dispense controlled  
8 substances to receive such training and be given access to the database of the  
9 computer program. **Section 2** also requires each person who is authorized to  
10 prescribe controlled substances to access the database of the computer program at  
11 least once every 6 months, review the information concerning the person in the



\* S B 2 8 8 R 1 \*

12 database and verify to the Board that the person continues to have access to the  
13 database. **Sections 7.1-7.7** of this bill authorize various professional licensing  
14 boards to take disciplinary action against a person who is authorized to prescribe  
15 controlled substances and fails to comply with these requirements.

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

1 **Section 1.** (Deleted by amendment.)

2 **Sec. 2.** NRS 453.1545 is hereby amended to read as follows:

3 453.1545 1. The Board and the Division shall cooperatively  
4 develop a computerized program to track each prescription for a  
5 controlled substance listed in schedule II, III or IV that is filled by a  
6 pharmacy that is registered with the Board or that is dispensed by  
7 a practitioner who is registered with the Board. The program must:

8 (a) Be designed to provide information regarding:

9 (1) The inappropriate use by a patient of controlled  
10 substances listed in schedules II, III and IV to pharmacies,  
11 practitioners and appropriate state agencies to prevent the improper  
12 or illegal use of those controlled substances; and

13 (2) Statistical data relating to the use of those controlled  
14 substances that is not specific to a particular patient.

15 (b) Be administered by the Board, the Investigation Division,  
16 the Division of Public and Behavioral Health of the Department and  
17 various practitioners, representatives of professional associations for  
18 practitioners, representatives of occupational licensing boards and  
19 prosecuting attorneys selected by the Board and the Investigation  
20 Division.

21 (c) Not infringe on the legal use of a controlled substance for the  
22 management of severe or intractable pain.

23 (d) Include the contact information of each person who ~~elects~~  
24 ~~to~~ *is provided* access *to* the database of the program pursuant to  
25 ~~[subsection 2.]~~ *this section*, including, without limitation:

26 (1) The name of the person;

27 (2) The physical address of the person;

28 (3) The telephone number of the person; and

29 (4) If the person maintains an electronic mail address, the  
30 electronic mail address of the person.

31 2. ~~The Board shall provide Internet access to the database of~~  
32 ~~the program established pursuant to subsection 1 to each~~ *Each*  
33 practitioner who is authorized to write prescriptions for and each  
34 person who is authorized to dispense controlled substances listed in  
35 schedule II, III or IV ~~who:~~

36 ~~—(a) Elects to access the database of the program; and~~



1 ~~—(b) Completes]~~ shall complete the course of instruction  
2 described in subsection ~~[7.]~~ 8. *The Board shall provide Internet*  
3 *access to the database of the program established pursuant to*  
4 *subsection 1 to each such practitioner or other person who*  
5 *completes the course of instruction.*

6 3. The Board and the Division must have access to the program  
7 established pursuant to subsection 1 to identify any suspected  
8 fraudulent or illegal activity related to the dispensing of controlled  
9 substances.

10 4. *Each person who is authorized to write prescriptions for*  
11 *controlled substances listed in schedule II, III or IV shall access*  
12 *the database of the program established pursuant to subsection 1*  
13 *at least once each 6 months and shall:*

14 (a) *Review the information concerning the person that is listed*  
15 *in the database and notify the Board if any such information is not*  
16 *correct; and*

17 (b) *Verify to the Board that he or she continues to have access*  
18 *to and has accessed the database as required by this subsection.*

19 5. The Board or the Division shall report any activity it  
20 reasonably suspects may be fraudulent or illegal to the appropriate  
21 law enforcement agency or occupational licensing board and  
22 provide the law enforcement agency or occupational licensing board  
23 with the relevant information obtained from the program for further  
24 investigation.

25 ~~[5.]~~ 6. The Board and the Division may cooperatively enter  
26 into a written agreement with an agency of any other state to  
27 provide, receive or exchange information obtained by the program  
28 with a program established in that state which is substantially  
29 similar to the program established pursuant to subsection 1,  
30 including, without limitation, providing such state access to the  
31 database of the program or transmitting information to and receiving  
32 information from such state. Any information provided, received or  
33 exchanged as part of an agreement made pursuant to this section  
34 may only be used in accordance with the provisions of this chapter.

35 ~~[6.]~~ 7. Information obtained from the program relating to a  
36 practitioner or a patient is confidential and, except as otherwise  
37 provided by this section and NRS 239.0115, must not be disclosed  
38 to any person. That information must be disclosed:

39 (a) Upon the request of a person about whom the information  
40 requested concerns or upon the request on behalf of that person by  
41 his or her attorney; or

42 (b) Upon the lawful order of a court of competent jurisdiction.

43 ~~[7.]~~ 8. The Board and the Division shall cooperatively develop  
44 a course of training for persons who ~~[elect]~~ *are required to receive*  
45 *access to* the database of the program pursuant to subsection 2 and



1 require each such person to complete the course of training before  
2 the person is provided with Internet access to the database pursuant  
3 to subsection 2.

4 ~~§~~ 9. A practitioner who is authorized to write prescriptions  
5 for and each person who is authorized to dispense controlled  
6 substances listed in schedule II, III or IV who acts with reasonable  
7 care when transmitting to the Board or the Division a report or  
8 information required by this section or a regulation adopted pursuant  
9 thereto is immune from civil and criminal liability relating to such  
10 action.

11 ~~§~~ 10. The Board and the Division may apply for any  
12 available grants and accept any gifts, grants or donations to assist in  
13 developing and maintaining the program required by this section.

14 **Sec. 3.** (Deleted by amendment.)

15 **Sec. 4.** (Deleted by amendment.)

16 **Sec. 5.** (Deleted by amendment.)

17 **Sec. 6.** (Deleted by amendment.)

18 **Sec. 7.** (Deleted by amendment.)

19 **Sec. 7.1.** NRS 630.3062 is hereby amended to read as follows:  
20 630.3062 The following acts, among others, constitute grounds  
21 for initiating disciplinary action or denying licensure:

22 1. Failure to maintain timely, legible, accurate and complete  
23 medical records relating to the diagnosis, treatment and care of a  
24 patient.

25 2. Altering medical records of a patient.

26 3. Making or filing a report which the licensee knows to be  
27 false, failing to file a record or report as required by law or willfully  
28 obstructing or inducing another to obstruct such filing.

29 4. Failure to make the medical records of a patient available for  
30 inspection and copying as provided in NRS 629.061.

31 5. Failure to comply with the requirements of NRS 630.3068.

32 6. Failure to report any person the licensee knows, or has  
33 reason to know, is in violation of the provisions of this chapter or  
34 the regulations of the Board within 30 days after the date the  
35 licensee knows or has reason to know of the violation.

36 **7. *Failure to comply with the requirements of NRS 453.1545.***

37 **Sec. 7.2.** NRS 631.3475 is hereby amended to read as follows:  
38 631.3475 The following acts, among others, constitute  
39 unprofessional conduct:

40 1. Malpractice;

41 2. Professional incompetence;

42 3. Suspension or revocation of a license to practice dentistry,  
43 the imposition of a fine or other disciplinary action by any agency of  
44 another state authorized to regulate the practice of dentistry in that  
45 state;



1 4. More than one act by the dentist or dental hygienist  
2 constituting substandard care in the practice of dentistry or dental  
3 hygiene;

4 5. Administering, dispensing or prescribing any controlled  
5 substance or any dangerous drug as defined in chapter 454 of NRS,  
6 if it is not required to treat the dentist's patient;

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

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

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

17 (c) Is marijuana being used for medical purposes in accordance  
18 with chapter 453A of NRS;

19 7. Chronic or persistent inebriety or addiction to a controlled  
20 substance, to such an extent as to render the person unsafe or  
21 unreliable as a practitioner, or such gross immorality as tends to  
22 bring reproach upon the dental profession;

23 8. Conviction of a felony or misdemeanor involving moral  
24 turpitude or which relates to the practice of dentistry in this State, or  
25 conviction of any criminal violation of this chapter;

26 9. Conviction of violating any of the provisions of NRS  
27 616D.200, 616D.220, 616D.240 or 616D.300 to 616D.440,  
28 inclusive; or

29 10. Operation of a medical facility, as defined in NRS  
30 449.0151, at any time during which:

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

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

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

36 ***11. Failure to comply with the provisions of NRS 453.1545.***

37 **Sec. 7.3.** NRS 632.320 is hereby amended to read as follows:

38 632.320 1. The Board may deny, revoke or suspend any  
39 license or certificate applied for or issued pursuant to this chapter, or  
40 take other disciplinary action against a licensee or holder of a  
41 certificate, upon determining that the licensee or certificate holder:

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

44 (b) Is guilty of any offense:

45 (1) Involving moral turpitude; or



1 (2) Related to the qualifications, functions or duties of a  
2 licensee or holder of a certificate,

3 ➔ in which case the record of conviction is conclusive evidence  
4 thereof.

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

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

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

15 (f) Is a person with mental incompetence.

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

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

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

24 (3) Impersonating another licensed practitioner or holder of a  
25 certificate.

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

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

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

32 (7) Conviction for the use or unlawful possession of a  
33 controlled substance or dangerous drug as defined in chapter 454 of  
34 NRS.

35 (h) Has willfully or repeatedly violated the provisions of this  
36 chapter. The voluntary surrender of a license or certificate issued  
37 pursuant to this chapter is prima facie evidence that the licensee or  
38 certificate holder has committed or expects to commit a violation of  
39 this chapter.

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

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



1 (k) Has falsified information which was given to a physician,  
2 pharmacist, podiatric physician or dentist to obtain a controlled  
3 substance.

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

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

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

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

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

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

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

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

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

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

28 ➔ This paragraph applies to an owner or other principal responsible  
29 for the operation of the facility.

30 *(q) Is an advanced practice registered nurse who has failed to*  
31 *comply with the provisions of NRS 453.1545.*

32 2. For the purposes of this section, a plea or verdict of guilty or  
33 guilty but mentally ill or a plea of nolo contendere constitutes a  
34 conviction of an offense. The Board may take disciplinary action  
35 pending the appeal of a conviction.

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

39 **Sec. 7.4.** NRS 633.511 is hereby amended to read as follows:

40 633.511 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 osteopathic medicine or  
5 practice as a physician assistant;

6 (c) A violation of any of the provisions of NRS 616D.200,  
7 616D.220, 616D.240 or 616D.300 to 616D.440, inclusive;

8 (d) Murder, voluntary manslaughter or mayhem;

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

11 (f) Assault with intent to kill or to commit sexual assault or  
12 mayhem;

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

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

16 (i) Any offense involving moral turpitude.

17 3. The suspension of a license to practice osteopathic medicine  
18 or to practice as a physician assistant by any other jurisdiction.

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

21 5. Professional incompetence.

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

23 7. Failure to comply with the requirements of subsection 3 of  
24 NRS 633.471.

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

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

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

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

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

33 10. Failure to comply with the provisions of subsection 2 of  
34 NRS 633.322.

35 11. Signing a blank prescription form.

36 12. Knowingly procuring or administering a controlled  
37 substance or a dangerous drug as defined in chapter 454 of NRS that  
38 is not approved by the United States Food and Drug Administration,  
39 unless the unapproved controlled substance or dangerous drug:

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

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





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

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

6 14. Terminating the medical care of a patient without adequate  
7 notice or without making other arrangements for the continued care  
8 of the patient.

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

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

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

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

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

27 20. Failure to supervise adequately a medical assistant pursuant  
28 to the regulations of the Board.

29 ***21. Failure to comply with the provisions of NRS 453.1545.***

30 **Sec. 7.5.** NRS 635.130 is hereby amended to read as follows:

31 635.130 1. The Board, after notice and a hearing as required  
32 by law, and upon any cause enumerated in subsection 2, may take  
33 one or more of the following disciplinary actions:

34 (a) Deny an application for a license or refuse to renew a  
35 license.

36 (b) Suspend or revoke a license.

37 (c) Place a licensee on probation.

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

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

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

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



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

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

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

9 (f) Conviction of violating any of the provisions of NRS  
10 616D.200, 616D.220, 616D.240 or 616D.300 to 616D.440,  
11 inclusive.

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

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

16 (i) Gross incompetency.

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

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

22 (l) Unethical or unprofessional conduct.

23 (m) Failure to comply with the requirements of subsection 1 of  
24 NRS 635.118.

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

27 (o) Willful violation of the regulations adopted by the State  
28 Board of Pharmacy.

29 (p) Knowingly procuring or administering a controlled  
30 substance or a dangerous drug as defined in chapter 454 of NRS that  
31 is not approved by the United States Food and Drug Administration,  
32 unless the unapproved controlled substance or dangerous drug:

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

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

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

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

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

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



1   ↳ This paragraph applies to an owner or other principal responsible  
2 for the operation of the facility.

3   *(r) Failure to comply with the provisions of NRS 453.1545.*

4   **Sec. 7.6.** NRS 636.295 is hereby amended to read as follows:

5   636.295 The following acts, conduct, omissions, or mental or  
6 physical conditions, or any of them, committed, engaged in,  
7 omitted, or being suffered by a licensee, constitute sufficient cause  
8 for disciplinary action:

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

11   2. Commission by the licensee of a felony relating to the  
12 practice of optometry or a gross misdemeanor involving moral  
13 turpitude of which the licensee has been convicted and from which  
14 he or she has been sentenced by a final judgment of a federal or  
15 state court in this or any other state, the judgment not having been  
16 reversed or vacated by a competent appellate court and the offense  
17 not having been pardoned by executive authority.

18   3. Conviction of any of the provisions of NRS 616D.200,  
19 616D.220, 616D.240 or 616D.300 to 616D.440, inclusive.

20   4. Commission of fraud by or on behalf of the licensee in  
21 obtaining a license or a renewal thereof, or in practicing optometry  
22 thereunder.

23   5. Habitual drunkenness or addiction to any controlled  
24 substance.

25   6. Gross incompetency.

26   7. Affliction with any mental or physical disorder or  
27 disturbance seriously impairing his or her competency as an  
28 optometrist.

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

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

33   10. Perpetration of unethical or unprofessional conduct in the  
34 practice of optometry.

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

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

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



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

3 12. Any violation of the provisions of this chapter or any  
4 regulations adopted pursuant thereto.

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

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

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

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

12 ***14. Failure to comply with the provisions of NRS 453.1545.***

13 **Sec. 7.7.** NRS 638.140 is hereby amended to read as follows:

14 638.140 The following acts, among others, are grounds for  
15 disciplinary action:

16 1. Violation of a regulation adopted by the State Board of  
17 Pharmacy or the Nevada State Board of Veterinary Medical  
18 Examiners;

19 2. Habitual drunkenness;

20 3. Addiction to the use of a controlled substance;

21 4. Conviction of or a plea of nolo contendere to a felony related  
22 to the practice of veterinary medicine, or any offense involving  
23 moral turpitude;

24 5. Incompetence;

25 6. Negligence;

26 7. Malpractice pertaining to veterinary medicine as evidenced  
27 by an action for malpractice in which the holder of a license is found  
28 liable for damages;

29 8. Conviction of a violation of any law concerning the  
30 possession, distribution or use of a controlled substance or a  
31 dangerous drug as defined in chapter 454 of NRS;

32 9. Willful failure to comply with any provision of this chapter,  
33 a regulation, subpoena or order of the Board, the standard of care  
34 established by the American Veterinary Medical Association or an  
35 order of a court;

36 10. Prescribing, administering or dispensing a controlled  
37 substance to an animal to influence the outcome of a competitive  
38 event in which the animal is a competitor;

39 11. Willful failure to comply with a request by the Board for  
40 medical records within 14 days after receipt of a demand letter  
41 issued by the Board;

42 12. Willful failure to accept service by mail or in person from  
43 the Board;



1 13. Failure of a supervising veterinarian to provide immediate  
2 or direct supervision to licensed or unlicensed personnel if the  
3 failure results in malpractice or the death of an animal; and

4 14. Failure of a supervising veterinarian to ensure that a  
5 licensed veterinarian is on the premises of a facility or agency when  
6 medical treatment is administered to an animal if the treatment  
7 requires direct or immediate supervision by a licensed veterinarian.

8 ***15. Failure to comply with the provisions of NRS 453.1545.***

9 **Sec. 8.** This act becomes effective:

10 1. Upon passage and approval for the purpose of performing  
11 any preparatory administrative tasks necessary to carry out the  
12 provisions of this act; and

13 2. On January 1, 2016, for all other purposes.

