

Amendment No. 565

Assembly Amendment to Senate Bill No. 196	(BDR 54-34)
Proposed by: Assembly Committee on Commerce and Labor	
Amends: Summary: No Title: No Preamble: No Joint Sponsorship: Yes Digest: No	

ASSEMBLY ACTION			Initial and Date		SENATE ACTION			Initial and Date		
Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____		Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____
Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____		Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____
Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____		Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) variations of green bold underlining is language proposed to be added in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill proposed to be retained in this amendment.

SES/MLS



Date: 5/13/2021

S.B. No. 196—Prohibits the performance of a pelvic examination in certain circumstances. (BDR 54-34)



SENATE BILL NO. 196—SENATORS LANGE, HARDY, HAMMOND, SCHEIBLE; DONATE, D. HARRIS, OHRENSCHALL AND SEEVERS GANSERT

MARCH 9, 2021

JOINT SPONSORS: ASSEMBLYWOMEN TOLLES; AND DICKMAN

Referred to Committee on Commerce and Labor

SUMMARY—Prohibits the performance of a pelvic examination in certain circumstances. (BDR 54-34)

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; prohibiting a provider of health care or a person supervised by a provider of health care from performing a pelvic examination under certain circumstances; authorizing the imposition of professional discipline against certain providers of health care who perform or supervise the performance of a prohibited pelvic examination; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law regulates certain professions that provide health care services. (Chapters
2 629-641C of NRS) **Section 1** of this bill prohibits a provider of health care from performing
3 or supervising the performance of a pelvic examination that the provider of health care is not
4 appropriately licensed, certified or registered to perform or is not within the scope of practice
5 of the provider of health care. **Section 1** also prohibits a provider of health care from
6 performing a pelvic examination on an anesthetized or unconscious patient who has not
7 provided informed consent unless: (1) the pelvic examination is within the scope of a
8 procedure or examination to which the patient has consented; (2) the patient is unconscious
9 and the pelvic examination is required for diagnostic purposes and is medically necessary; or
10 (3) the pelvic examination is performed as part of a forensic medical examination on an
11 alleged victim of sexual assault who is unconscious and is justified by exigent circumstances.
12 **Section 1** additionally prohibits an unlicensed person who is working under the supervision of
13 a provider of health care from: (1) performing or supervising the performance of a pelvic
14 examination that his or her supervising provider of health care is prohibited from supervising;
15 or (2) supervising the performance of a pelvic examination by any other person outside the
16 immediate presence of his or her supervising provider of health care. **Sections 2-12** of this bill
17 authorize the imposition of professional discipline on certain providers of health care who
18 perform or supervise a pelvic examination prohibited by **section 1**.

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

1 **Section 1.** Chapter 629 of NRS is hereby amended by adding thereto a new
2 section to read as follows:

3 1. *A provider of health care shall not:*

4 (a) *Perform or supervise the performance of a pelvic examination that the*
5 *provider of health care is not appropriately licensed, certified or registered to*
6 *perform or is not within the scope of practice of the provider of health care; or*

7 (b) *Perform a pelvic examination on an anesthetized or unconscious patient*
8 *or supervise the performance of a pelvic examination on such a patient without*
9 *first obtaining the informed consent of the patient unless:*

10 (1) *The pelvic examination is within the scope of a surgical procedure or*
11 *diagnostic examination to which the patient has given informed consent; or*

12 (2) *In the case of an unconscious patient:*

13 (I) *The pelvic examination is required for diagnostic purposes and is*
14 *medically necessary; or*

15 (II) *The patient is an alleged victim of a sexual assault and the*
16 *physician or physician assistant reasonably concludes that exigent circumstances*
17 *justify conducting a forensic medical examination which requires the pelvic*
18 *examination.*

19 2. *A person who is not licensed, certified or registered as a provider of*
20 *health care and is working under the supervision of a provider of health care,*
21 *including, without limitation, a student or trainee, shall not:*

22 (a) *Perform or supervise the performance of any pelvic examination that his*
23 *or her supervising provider of health care is prohibited by subsection 1 from*
24 *supervising; or*

25 (b) *Supervise the performance of a pelvic examination by any other person*
26 *outside the immediate presence of his or her supervising provider of health care.*

27 3. *As used in this section:*

28 (a) *“Forensic medical examination” has the meaning ascribed to it in NRS*
29 *217.300.*

30 (b) *“Sexual assault” has the meaning ascribed to it in NRS 200.366.*

31 **Sec. 2.** NRS 630.306 is hereby amended to read as follows:

32 630.306 1. The following acts, among others, constitute grounds for
33 initiating disciplinary action or denying licensure:

34 (a) Inability to practice medicine with reasonable skill and safety because of
35 illness, a mental or physical condition or the use of alcohol, drugs, narcotics or any
36 other substance.

37 (b) Engaging in any conduct:

38 (1) Which is intended to deceive;

39 (2) Which the Board has determined is a violation of the standards of
40 practice established by regulation of the Board; or

41 (3) Which is in violation of a provision of chapter 639 of NRS, or a
42 regulation adopted by the State Board of Pharmacy pursuant thereto, that is
43 applicable to a licensee who is a practitioner, as defined in NRS 639.0125.

44 (c) Administering, dispensing or prescribing any controlled substance, or any
45 dangerous drug as defined in chapter 454 of NRS, to or for himself or herself or to
46 others except as authorized by law.

47 (d) Performing, assisting or advising the injection of any substance containing
48 liquid silicone into the human body, except for the use of silicone oil to repair a
49 retinal detachment.

1 (e) Practicing or offering to practice beyond the scope permitted by law or
2 performing services which the licensee knows or has reason to know that he or she
3 is not competent to perform or which are beyond the scope of his or her training.

4 (f) Performing, without first obtaining the informed consent of the patient or
5 the patient's family, any procedure or prescribing any therapy which by the current
6 standards of the practice of medicine is experimental.

7 (g) Continual failure to exercise the skill or diligence or use the methods
8 ordinarily exercised under the same circumstances by physicians in good standing
9 practicing in the same specialty or field.

10 (h) Having an alcohol or other substance use disorder.

11 (i) Making or filing a report which the licensee or applicant knows to be false
12 or failing to file a record or report as required by law or regulation.

13 (j) Failing to comply with the requirements of NRS 630.254.

14 (k) Failure by a licensee or applicant to report in writing, within 30 days, any
15 disciplinary action taken against the licensee or applicant by another state, the
16 Federal Government or a foreign country, including, without limitation, the
17 revocation, suspension or surrender of a license to practice medicine in another
18 jurisdiction. The provisions of this paragraph do not apply to any disciplinary
19 action taken by the Board or taken because of any disciplinary action taken by the
20 Board.

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

26 (m) Failure to be found competent to practice medicine as a result of an
27 examination to determine medical competency pursuant to NRS 630.318.

28 (n) Operation of a medical facility at any time during which:

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

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

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

34 (o) Failure to comply with the requirements of NRS 630.373.

35 (p) Engaging in any act that is unsafe or unprofessional conduct in accordance
36 with regulations adopted by the Board.

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

41 (1) Was procured through a retail pharmacy licensed pursuant to chapter
42 639 of NRS;

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

46 (3) Is cannabis being used for medical purposes in accordance with chapter
47 678C of NRS; or

48 (4) Is an investigational drug or biological product prescribed to a patient
49 pursuant to NRS 630.3735 or 633.6945.

50 (r) Failure to supervise adequately a medical assistant pursuant to the
51 regulations of the Board.

52 (s) Failure to comply with the provisions of NRS 630.3745.

1 (t) Failure to obtain any training required by the Board pursuant to NRS
2 630.2535.

3 (u) Failure to comply with the provisions of NRS 454.217 or 629.086.

4 ***(v) Performing or supervising the performance of a pelvic examination in***
5 ***violation of section 1 of this act.***

6 2. As used in this section, “investigational drug or biological product” has the
7 meaning ascribed to it in NRS 454.351.

8 **Sec. 3.** NRS 630A.370 is hereby amended to read as follows:

9 630A.370 The following acts, among others, constitute grounds for initiating
10 disciplinary action or denying the issuance of a license or certificate:

11 1. Inability to practice homeopathic medicine or to practice as an advanced
12 practitioner of homeopathy or as a homeopathic assistant, as applicable, with
13 reasonable skill and safety because of an illness, a mental or physical condition or
14 an alcohol or other substance use disorder.

15 2. Engaging in any:

16 (a) Professional conduct which is intended to deceive or which the Board by
17 regulation has determined is unethical.

18 (b) Medical practice harmful to the public or any conduct detrimental to the
19 public health, safety or morals which does not constitute gross or repeated
20 malpractice or professional incompetence.

21 3. Administering, dispensing or prescribing any controlled substance, except
22 as authorized by law.

23 4. Performing, assisting or advising an unlawful abortion or in the injection of
24 any liquid substance into the human body to cause an abortion.

25 5. Practicing or offering to practice beyond the scope permitted by law, or
26 performing services which the homeopathic physician, advanced practitioner of
27 homeopathy or homeopathic assistant knows or has reason to know he or she is not
28 competent to perform.

29 6. Performing any procedure without first obtaining the informed consent of
30 the patient or the patient’s family or prescribing any therapy which by the current
31 standards of the practice of homeopathic medicine is experimental.

32 7. Continued failure to exercise the skill or diligence or use the methods
33 ordinarily exercised under the same circumstances by homeopathic physicians,
34 advanced practitioners of homeopathy and homeopathic assistants in good standing
35 who practice homeopathy and electrodiagnosis, as applicable.

36 8. Operation of a medical facility, as defined in NRS 449.0151, at any time
37 during which:

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

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

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

43 ***9. Performing or supervising the performance of a pelvic examination in***
44 ***violation of section 1 of this act.***

45 **Sec. 4.** NRS 631.3475 is hereby amended to read as follows:

46 631.3475 The following acts, among others, constitute unprofessional
47 conduct:

48 1. Malpractice;

49 2. Professional incompetence;

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

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

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

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

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

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

16 (c) Is cannabis being used for medical purposes in accordance with chapter
17 678C of NRS;

18 7. Having an alcohol or other substance use disorder to such an extent as to
19 render the person unsafe or unreliable as a practitioner, or such gross immorality as
20 tends to bring reproach upon the dental profession;

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

24 9. Conviction of violating any of the provisions of NRS 616D.200, 616D.220,
25 616D.240 or 616D.300 to 616D.440, inclusive;

26 10. Failure to comply with the provisions of NRS 453.163, 453.164, 453.226,
27 639.23507, 639.23535 and 639.2391 to 639.23916, inclusive, and any regulations
28 adopted by the State Board of Pharmacy pursuant thereto.

29 11. Fraudulent, illegal, unauthorized or otherwise inappropriate prescribing,
30 administering or dispensing of a controlled substance listed in schedule II, III or IV;

31 12. Failure to comply with the provisions of NRS 454.217 or 629.086;

32 13. Failure to obtain any training required by the Board pursuant to NRS
33 631.344; ~~for~~

34 14. *The performance or supervision of the performance of a pelvic
35 examination in violation of section 1 of this act; or*

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

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

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

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

43 **Sec. 5.** NRS 632.347 is hereby amended to read as follows:

44 632.347 1. The Board may deny, revoke or suspend any license or
45 certificate applied for or issued pursuant to this chapter, or take other disciplinary
46 action against a licensee or holder of a certificate, upon determining that the
47 licensee or certificate holder:

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

50 (b) Is guilty of any offense:

51 (1) Involving moral turpitude; or

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

1 ↳ in which case the record of conviction is conclusive evidence thereof.

2 (c) Has been convicted of violating any of the provisions of NRS 616D.200,
3 616D.220, 616D.240 or 616D.300 to 616D.440, inclusive.

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

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

10 (f) Is a person with mental incompetence.

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

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

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

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

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

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

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

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

28 (h) Has willfully or repeatedly violated the provisions of this chapter. The
29 voluntary surrender of a license or certificate issued pursuant to this chapter is
30 prima facie evidence that the licensee or certificate holder has committed or expects
31 to commit a violation of this chapter.

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

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

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

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

41 (1) Was procured through a retail pharmacy licensed pursuant to chapter
42 639 of NRS;

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

46 (3) Is cannabis being used for medical purposes in accordance with chapter
47 678C of NRS; or

48 (4) Is an investigational drug or biological product prescribed to a patient
49 pursuant to NRS 630.3735 or 633.6945.

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

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

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

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

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

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

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

11 (q) Is an advanced practice registered nurse who has failed to obtain any
12 training required by the Board pursuant to NRS 632.2375.

13 (r) Is an advanced practice registered nurse who has failed to comply with the
14 provisions of NRS 453.163, 453.164, 453.226, 639.23507, 639.23535 and 639.2391
15 to 639.23916, inclusive, and any regulations adopted by the State Board of
16 Pharmacy pursuant thereto.

17 (s) Has engaged in the fraudulent, illegal, unauthorized or otherwise
18 inappropriate prescribing, administering or dispensing of a controlled substance
19 listed in schedule II, III or IV.

20 (t) Has violated the provisions of NRS 454.217 or 629.086.

21 *(u) Has performed or supervised the performance of a pelvic examination in*
22 *violation of section 1 of this act.*

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

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

29 4. As used in this section, "investigational drug or biological product" has the
30 meaning ascribed to it in NRS 454.351.

31 **Sec. 6.** NRS 633.511 is hereby amended to read as follows:

32 633.511 1. The grounds for initiating disciplinary action pursuant to this
33 chapter are:

34 (a) Unprofessional conduct.

35 (b) Conviction of:

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

39 (2) A felony relating to the practice of osteopathic medicine or practice as
40 a physician assistant;

41 (3) A violation of any of the provisions of NRS 616D.200, 616D.220,
42 616D.240 or 616D.300 to 616D.440, inclusive;

43 (4) Murder, voluntary manslaughter or mayhem;

44 (5) Any felony involving the use of a firearm or other deadly weapon;

45 (6) Assault with intent to kill or to commit sexual assault or mayhem;

46 (7) Sexual assault, statutory sexual seduction, incest, lewdness, indecent
47 exposure or any other sexually related crime;

48 (8) Abuse or neglect of a child or contributory delinquency; or

49 (9) Any offense involving moral turpitude.

50 (c) The suspension of a license to practice osteopathic medicine or to practice
51 as a physician assistant by any other jurisdiction.

52 (d) Malpractice or gross malpractice, which may be evidenced by a claim of
53 malpractice settled against a licensee.

1 (e) Professional incompetence.

2 (f) Failure to comply with the requirements of NRS 633.527.

3 (g) Failure to comply with the requirements of subsection 3 of NRS 633.471.

4 (h) Failure to comply with the provisions of NRS 633.694.

5 (i) Operation of a medical facility, as defined in NRS 449.0151, at any time
6 during which:

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

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

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

12 (j) Failure to comply with the provisions of subsection 2 of NRS 633.322.

13 (k) Signing a blank prescription form.

14 (l) Knowingly or willfully procuring or administering a controlled substance or
15 a dangerous drug as defined in chapter 454 of NRS that is not approved by the
16 United States Food and Drug Administration, unless the unapproved controlled
17 substance or dangerous drug:

18 (1) Was procured through a retail pharmacy licensed pursuant to chapter
19 639 of NRS;

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

23 (3) Is cannabis being used for medical purposes in accordance with chapter
24 678C of NRS; or

25 (4) Is an investigational drug or biological product prescribed to a patient
26 pursuant to NRS 630.3735 or 633.6945.

27 (m) Attempting, directly or indirectly, by intimidation, coercion or deception,
28 to obtain or retain a patient or to discourage the use of a second opinion.

29 (n) Terminating the medical care of a patient without adequate notice or
30 without making other arrangements for the continued care of the patient.

31 (o) In addition to the provisions of subsection 3 of NRS 633.524, making or
32 filing a report which the licensee knows to be false, failing to file a record or report
33 that is required by law or knowingly or willfully obstructing or inducing another to
34 obstruct the making or filing of such a record or report.

35 (p) Failure to report any person the licensee knows, or has reason to know, is in
36 violation of the provisions of this chapter or the regulations of the Board within 30
37 days after the date the licensee knows or has reason to know of the violation.

38 (q) Failure by a licensee or applicant to report in writing, within 30 days, any
39 criminal action taken or conviction obtained against the licensee or applicant, other
40 than a minor traffic violation, in this State or any other state or by the Federal
41 Government, a branch of the Armed Forces of the United States or any local or
42 federal jurisdiction of a foreign country.

43 (r) Engaging in any act that is unsafe in accordance with regulations adopted
44 by the Board.

45 (s) Failure to comply with the provisions of NRS 629.515.

46 (t) Failure to supervise adequately a medical assistant pursuant to the
47 regulations of the Board.

48 (u) Failure to obtain any training required by the Board pursuant to NRS
49 633.473.

50 (v) Failure to comply with the provisions of NRS 633.6955.

51 (w) Failure to comply with the provisions of NRS 453.163, 453.164, 453.226,
52 639.23507, 639.23535 and 639.2391 to 639.23916, inclusive, and any regulations
53 adopted by the State Board of Pharmacy pursuant thereto.

1 (x) Fraudulent, illegal, unauthorized or otherwise inappropriate prescribing,
2 administering or dispensing of a controlled substance listed in schedule II, III or IV.

3 (y) Failure to comply with the provisions of NRS 454.217 or 629.086.

4 ***(z) Performing or supervising the performance of a pelvic examination in***
5 ***violation of section 1 of this act.***

6 2. As used in this section, “investigational drug or biological product” has the
7 meaning ascribed to it in NRS 454.351.

8 **Sec. 7.** NRS 634.140 is hereby amended to read as follows:

9 634.140 The grounds for initiating disciplinary action pursuant to this chapter
10 are:

11 1. Unprofessional conduct.

12 2. Incompetence or negligence in the practice of chiropractic.

13 3. Conviction of:

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

17 (b) A crime relating to the practice of chiropractic;

18 (c) A violation of any of the provisions of NRS 616D.200, 616D.220,
19 616D.240 or 616D.300 to 616D.440, inclusive; or

20 (d) Any offense involving moral turpitude.

21 4. Suspension or revocation of the license to practice chiropractic by any
22 other jurisdiction.

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

26 6. Operation of a medical facility, as defined in NRS 449.0151, at any time
27 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 revocation of
30 the license pursuant to NRS 449.160.

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

33 ***7. The performance or supervision of the performance of a pelvic***
34 ***examination in violation of section 1 of this act.***

35 **Sec. 8.** NRS 634A.170 is hereby amended to read as follows:

36 634A.170 The Board may refuse to issue or may suspend or revoke any
37 license for any one or any combination of the following causes:

38 1. Conviction of:

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

40 (b) Any offense involving moral turpitude;

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

44 (d) A violation of any of the provisions of NRS 616D.200, 616D.220,
45 616D.240 or 616D.300 to 616D.440, inclusive;

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

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

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

51 5. Advertising, practicing or attempting to practice under a name other than
52 one’s own;

1 6. Habitual drunkenness or habitual addiction to the use of a controlled
2 substance;

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

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

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

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

13 11. Violating or attempting to violate, or assisting or abetting the violation of,
14 or conspiring to violate any provision of this 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 use of fraudulent
18 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 practice in the
21 professional use of his or her name by the term doctor of Oriental medicine;

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

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

26 19. Performing, assisting or advising in the injection of any liquid silicone
27 substance into the human body; ~~and~~

28 20. *Performing or supervising the performance of a pelvic examination in*
29 *violation of section 1 of this act; and*

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

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

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

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

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

38 635.130 1. The Board, after notice and a hearing as required by law, and
39 upon any cause enumerated in subsection 2, may take one or more of the following
40 disciplinary actions:

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

42 (b) Suspend or revoke a license.

43 (c) Place a licensee on probation.

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

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

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

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

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

1 (d) Having an alcohol or other substance use disorder which impairs the
2 intellect and judgment to such an extent as in the opinion of the Board incapacitates
3 the holder in the performance of his or her professional duties.

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

5 (f) Conviction of violating any of the provisions of NRS 616D.200, 616D.220,
6 616D.240 or 616D.300 to 616D.440, inclusive.

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

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

11 (i) Gross incompetency.

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

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

17 (l) Unethical or unprofessional conduct.

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

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

21 (o) Willful violation of the regulations adopted by the State Board of
22 Pharmacy.

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

27 (1) Was procured through a retail pharmacy licensed pursuant to chapter
28 639 of NRS;

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

32 (3) Is cannabis being used for medical purposes in accordance with chapter
33 678C of NRS.

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

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

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

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

41 (r) Failure to obtain any training required by the Board pursuant to NRS
42 635.116.

43 (s) Failure to comply with the provisions of NRS 453.163, 453.164, 453.226,
44 639.23507, 639.23535 and 639.2391 to 639.23916, inclusive, and any regulations
45 adopted by the State Board of Pharmacy pursuant thereto.

46 (t) Fraudulent, illegal, unauthorized or otherwise inappropriate prescribing,
47 administering or dispensing of a controlled substance listed in schedule II, III or IV.

48 (u) Failure to comply with the provisions of NRS 454.217 or 629.086.

49 (v) *Performing or supervising the performance of a pelvic examination in*
50 *violation of section 1 of this act.*

1 **Sec. 10.** NRS 640.160 is hereby amended to read as follows:

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

- 5 (a) Refuse to issue a license or temporary license to any applicant.
6 (b) Refuse to renew the license or temporary license of any person.
7 (c) Suspend or revoke the license or temporary license of any person.
8 (d) Place any person who has been issued a license or temporary license on
9 probation.

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

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

- 14 (a) Has an alcohol or other substance use disorder.
15 (b) Has been convicted of violating any state or federal law relating to
16 controlled substances.
17 (c) Is, in the judgment of the Board, guilty of immoral or unprofessional
18 conduct.

19 (d) Has been convicted of any crime involving moral turpitude.
20 (e) Has been convicted of violating any of the provisions of NRS 616D.200,
21 616D.220, 616D.240 or 616D.300 to 616D.440, inclusive.

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

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

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

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

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

33 (k) Has had a license to practice physical therapy suspended, revoked or in any
34 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 regulations.

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

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

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

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

44 (o) *Has performed or supervised the performance of a pelvic examination in
45 violation of section 1 of this act.*

46 **Sec. 11.** NRS 640A.200 is hereby amended to read as follows:

47 640A.200 1. The Board may, after notice and a hearing as required by law,
48 suspend, revoke or refuse to issue or renew a license to practice as an occupational
49 therapist or occupational therapy assistant, or may impose conditions upon the use
50 of that license, if the Board determines that the holder of or applicant for the license
51 is guilty of unprofessional conduct which has endangered or is likely to endanger
52 the public health, safety or welfare. The Board may reinstate a revoked license

1 pursuant to the provisions of chapter 622A of NRS upon application by the person
2 to whom the license was issued.

3 2. Notwithstanding the provisions of chapter 622A of NRS, if the Board
4 receives a report pursuant to subsection 5 of NRS 228.420, a disciplinary
5 proceeding regarding the report must be commenced within 30 days after the Board
6 receives the report.

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

9 4. As used in this section, “unprofessional conduct” includes:

10 (a) The obtaining of a license by fraud or through the misrepresentation or
11 concealment of a material fact;

12 (b) The conviction of:

13 (1) A felony or gross misdemeanor relating to the practice of occupational
14 therapy; or

15 (2) Any crime involving moral turpitude;

16 (c) The violation of any provision of this chapter or regulation of the Board
17 adopted pursuant to this chapter; ~~and~~

18 (d) *The performance or supervision of the performance of a pelvic*
19 *examination in violation of section 1 of this act; and*

20 (e) The operation of a medical facility, as defined in NRS 449.0151, at any
21 time during which:

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

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

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

27 **Sec. 12.** NRS 640B.700 is hereby amended to read as follows:

28 640B.700 1. The Board may refuse to issue a license to an applicant or may
29 take disciplinary action against a licensee if, after notice and a hearing as required
30 by law, the Board determines that the applicant or licensee:

31 (a) Has submitted false or misleading information to the Board or any agency
32 of this State, any other state, the Federal Government or the District of Columbia;

33 (b) Has violated any provision of this chapter or any regulation adopted
34 pursuant thereto;

35 (c) Has been convicted of a felony, a crime relating to a controlled substance or
36 a crime involving moral turpitude;

37 (d) Has an alcohol or other substance use disorder;

38 (e) Has violated the provisions of NRS 200.5093, 432B.220 or 432C.110;

39 (f) Is guilty of gross negligence in his or her practice as an athletic trainer;

40 (g) Is not competent to engage in the practice of athletic training;

41 (h) Has failed to provide information requested by the Board within 60 days
42 after receiving the request;

43 (i) Has engaged in unethical or unprofessional conduct as it relates to the
44 practice of athletic training;

45 (j) Has been disciplined in another state, a territory or possession of the United
46 States, or the District of Columbia for conduct that would be a violation of the
47 provisions of this chapter or any regulations adopted pursuant thereto if the conduct
48 were committed in this State;

49 (k) Has solicited or received compensation for services that he or she did not
50 provide;

51 (l) If the licensee is on probation, has violated the terms of the probation;

52 (m) Has terminated professional services to a client in a manner that
53 detrimentally affected that client; ~~or~~

1 (n) *Has performed or supervised the performance of a pelvic examination in*
2 *violation of section 1 of this act; or*

3 (o) Has operated a medical facility, as defined in NRS 449.0151, at any time
4 during which:

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

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

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

10 2. The Board may, if it determines that an applicant for a license or a licensee
11 has committed any of the acts set forth in subsection 1, after notice and a hearing as
12 required by law:

13 (a) Refuse to issue a license to the applicant;

14 (b) Refuse to renew or restore the license of the licensee;

15 (c) Suspend or revoke the license of the licensee;

16 (d) Place the licensee on probation;

17 (e) Impose an administrative fine of not more than \$5,000;

18 (f) Require the applicant or licensee to pay the costs incurred by the Board to
19 conduct the investigation and hearing; or

20 (g) Impose any combination of actions set forth in paragraphs (a) to (f),
21 inclusive.

22 3. The Board shall not issue a private reprimand to a licensee.

23 4. An order that imposes discipline and the findings of fact and conclusions of
24 law supporting that order are public records.

25 **Sec. 13.** This act becomes effective on July 1, 2021.