

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

MARCH 9, 2021

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



19 authorize the imposition of professional discipline on certain providers of health
20 care who 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
2 thereto a new section to read as follows:

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

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

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

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

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

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

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

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

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

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

32 3. *As used in this section:*

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

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

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

38 630.306 1. The following acts, among others, constitute
39 grounds for initiating disciplinary action or denying licensure:



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

4 (b) Engaging in any conduct:

5 (1) Which is intended to deceive;

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

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

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

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

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

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

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

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

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

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

34 (k) Failure by a licensee or applicant to report in writing, within
35 30 days, any disciplinary action taken against the licensee or
36 applicant by another state, the Federal Government or a foreign
37 country, including, without limitation, the revocation, suspension or
38 surrender of a license to practice medicine in another jurisdiction.
39 The provisions of this paragraph do not apply to any disciplinary
40 action taken by the Board or taken because of any disciplinary
41 action taken by the Board.

42 (l) Failure by a licensee or applicant to report in writing, within
43 30 days, any criminal action taken or conviction obtained against the
44 licensee or applicant, other than a minor traffic violation, in this
45 State or any other state or by the Federal Government, a branch of



1 the Armed Forces of the United States or any local or federal
2 jurisdiction of a foreign country.

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

6 (n) Operation of a medical facility at any time 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
9 or revocation of the license pursuant to NRS 449.160.

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

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

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

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

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

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

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

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

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

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

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

35 (u) Failure to comply with the provisions of NRS 454.217 or
36 629.086.

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

39 2. As used in this section, "investigational drug or biological
40 product" has the meaning ascribed to it in NRS 454.351.

41 **Sec. 3.** NRS 630A.370 is hereby amended to read as follows:
42 630A.370 The following acts, among others, constitute
43 grounds for initiating disciplinary action or denying the issuance of
44 a license or certificate:



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

6 2. Engaging in any:

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

9 (b) Medical practice harmful to the public or any conduct
10 detrimental to the public health, safety or morals which does not
11 constitute gross or repeated malpractice or professional
12 incompetence.

13 3. Administering, dispensing or prescribing any controlled
14 substance, except as authorized by law.

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

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

22 6. Performing any procedure without first obtaining the
23 informed consent of the patient or the patient's family or prescribing
24 any therapy which by the current standards of the practice of
25 homeopathic medicine is experimental.

26 7. Continued failure to exercise the skill or diligence or use the
27 methods ordinarily exercised under the same circumstances by
28 homeopathic physicians, advanced practitioners of homeopathy and
29 homeopathic assistants in good standing who practice homeopathy
30 and electrodiagnosis, as applicable.

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

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

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

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

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

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

41 631.3475 The following acts, among others, constitute
42 unprofessional conduct:

43 1. Malpractice;

44 2. Professional incompetence;



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

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

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

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

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

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

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

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

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

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

33 10. Failure to comply with the provisions of NRS 453.163,
34 453.164, 453.226, 639.23507, 639.23535 and 639.2391 to
35 639.23916, inclusive, and any regulations adopted by the State
36 Board of Pharmacy pursuant thereto.

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

40 12. Failure to comply with the provisions of NRS 454.217 or
41 629.086;

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

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



1 **15.** Operation of a medical facility, as defined in NRS
2 449.0151, at any time during which:

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

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

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

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

9 632.347 1. The Board may deny, revoke or suspend any
10 license or certificate applied for or issued pursuant to this chapter, or
11 take other disciplinary action against a licensee or holder of a
12 certificate, upon determining that the licensee or certificate holder:

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

15 (b) Is guilty of any offense:

16 (1) Involving moral turpitude; or

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

19 ↪ in which case the record of conviction is conclusive evidence
20 thereof.

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

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

31 (f) Is a person with mental incompetence.

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

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

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

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

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



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

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

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

7 (h) Has willfully or repeatedly violated the provisions of this
8 chapter. The voluntary surrender of a license or certificate issued
9 pursuant to this chapter is prima facie evidence that the licensee or
10 certificate holder has committed or expects to commit a violation of
11 this chapter.

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

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

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

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

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

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

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

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

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

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

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

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

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

43 (2) An act or omission occurred which resulted in the
44 suspension 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 (q) Is an advanced practice registered nurse who has failed to
4 obtain any training required by the Board pursuant to
5 NRS 632.2375.

6 (r) Is an advanced practice registered nurse who has failed to
7 comply with the provisions of NRS 453.163, 453.164, 453.226,
8 639.23507, 639.23535 and 639.2391 to 639.23916, inclusive, and
9 any regulations adopted by the State Board of Pharmacy pursuant
10 thereto.

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

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

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

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

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

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

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

27 633.511 1. The grounds for initiating disciplinary action
28 pursuant to this chapter are:

29 (a) Unprofessional conduct.

30 (b) Conviction of:

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

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

36 (3) A violation of any of the provisions of NRS 616D.200,
37 616D.220, 616D.240 or 616D.300 to 616D.440, inclusive;

38 (4) Murder, voluntary manslaughter or mayhem;

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

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

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



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

3 (9) Any offense involving moral turpitude.

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

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

8 (e) Professional incompetence.

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

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

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

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

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

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

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

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

22 (k) Signing a blank prescription form.

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

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

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

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

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

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

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

44 (o) In addition to the provisions of subsection 3 of NRS
45 633.524, making or filing a report which the licensee knows to be



1 false, failing to file a record or report that is required by law or
2 knowingly or willfully obstructing or inducing another to obstruct
3 the making or filing of such a record or report.

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

8 (q) Failure by a licensee or applicant to report in writing, within
9 30 days, any criminal action taken or conviction obtained against the
10 licensee or applicant, other than a minor traffic violation, in this
11 State or any other state or by the Federal Government, a branch of
12 the Armed Forces of the United States or any local or federal
13 jurisdiction of a foreign country.

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

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

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

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

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

22 (w) Failure to comply with the provisions of NRS 453.163,
23 453.164, 453.226, 639.23507, 639.23535 and 639.2391 to
24 639.23916, inclusive, and any regulations adopted by the State
25 Board of Pharmacy pursuant thereto.

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

29 (y) Failure to comply with the provisions of NRS 454.217 or
30 629.086.

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

33 2. As used in this section, "investigational drug or biological
34 product" has the meaning ascribed to it in NRS 454.351.

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

36 634.140 The grounds for initiating disciplinary action pursuant
37 to this chapter are:

38 1. Unprofessional conduct.

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

40 3. Conviction of:

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

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



1 (c) A violation of any of the provisions of NRS 616D.200,
2 616D.220, 616D.240 or 616D.300 to 616D.440, inclusive; or

3 (d) Any offense involving moral turpitude.

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

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

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

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

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

14 ➔ This subsection applies to an owner or other principal responsible
15 for the operation of the facility.

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

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

19 634A.170 The Board may refuse to issue or may suspend or
20 revoke any license for any one or any combination of the following
21 causes:

22 1. Conviction of:

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

24 (b) Any offense involving moral turpitude;

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

28 (d) A violation of any of the provisions of NRS 616D.200,
29 616D.220, 616D.240 or 616D.300 to 616D.440, inclusive;

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

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

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

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

39 6. Habitual drunkenness or habitual addiction to the use of a
40 controlled substance;

41 7. Using any false, fraudulent or forged statement or document,
42 or engaging in any fraudulent, deceitful, dishonest or immoral
43 practice in connection with the licensing requirements of this
44 chapter;



1 8. Sustaining a physical or mental disability which renders
2 further practice dangerous;

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

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

8 11. Violating or attempting to violate, or assisting or abetting
9 the violation of, or conspiring to violate any provision of this
10 chapter;

11 12. Being adjudicated incompetent or insane;

12 13. Advertising in an unethical or unprofessional manner;

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

15 15. Willful disclosure of a privileged communication;

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

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

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

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

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

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

37 635.130 1. The Board, after notice and a hearing as required
38 by law, and upon any cause enumerated in subsection 2, may take
39 one or more of the following disciplinary actions:

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



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

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

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

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

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

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

16 (f) Conviction of violating any of the provisions of NRS
17 616D.200, 616D.220, 616D.240 or 616D.300 to 616D.440,
18 inclusive.

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

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

23 (i) Gross incompetency.

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

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

29 (l) Unethical or unprofessional conduct.

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

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

34 (o) Willful violation of the regulations adopted by the State
35 Board of Pharmacy.

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

42 (2) 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 (3) Is cannabis being used for medical purposes in
2 accordance with chapter 678C of NRS.

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

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

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

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

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

12 (s) Failure to comply with the provisions of NRS 453.163,
13 453.164, 453.226, 639.23507, 639.23535 and 639.2391 to
14 639.23916, inclusive, and any regulations adopted by the State
15 Board of Pharmacy pursuant thereto.

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

19 (u) Failure to comply with the provisions of NRS 454.217 or
20 629.086.

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

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

24 640.160 1. The Board, after notice and a hearing as required
25 by law, and upon any ground enumerated in subsection 2, may take
26 one or more of the following actions:

27 (a) Refuse to issue a license or temporary license to any
28 applicant.

29 (b) Refuse to renew the license or temporary license of any
30 person.

31 (c) Suspend or revoke the license or temporary license of any
32 person.

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

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

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

39 (a) Has an alcohol or other substance use disorder.

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

31 640A.200 1. The Board may, after notice and a hearing as
32 required by law, suspend, revoke or refuse to issue or renew a
33 license to practice as an occupational therapist or occupational
34 therapy assistant, or may impose conditions upon the use of that
35 license, if the Board determines that the holder of or applicant for
36 the license is guilty of unprofessional conduct which has endangered
37 or is likely to endanger the public health, safety or welfare. The
38 Board may reinstate a revoked license pursuant to the provisions of
39 chapter 622A of NRS upon application by the person to whom the
40 license was issued.

41 2. Notwithstanding the provisions of chapter 622A of NRS, if
42 the Board receives a report pursuant to subsection 5 of NRS
43 228.420, a disciplinary proceeding regarding the report must be
44 commenced within 30 days after the Board receives the report.



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

3 4. As used in this section, "unprofessional conduct" includes:

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

6 (b) The conviction of:

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

9 (2) Any crime involving moral turpitude;

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

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

14 (e) The operation of a medical facility, as defined in NRS
15 449.0151, at any time during which:

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

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

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

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

22 640B.700 1. The Board may refuse to issue a license to an
23 applicant or may take disciplinary action against a licensee if, after
24 notice and a hearing as required by law, the Board determines that
25 the applicant or licensee:

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

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

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

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

34 (e) Has violated the provisions of NRS 200.5093, 432B.220 or
35 432C.110;

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

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

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

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

44 (j) Has been disciplined in another state, a territory or
45 possession of the United States, or the District of Columbia for



1 conduct that would be a violation of the provisions of this chapter or
2 any regulations adopted pursuant thereto if the conduct were
3 committed in this State;

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

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

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

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

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

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

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

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

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

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

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

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

25 (d) Place the licensee on probation;

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

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

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

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

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

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

