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FIRST REPRINT

S.B. 196

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.
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



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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.*



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

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

4 630.306 1. The following acts, among others, constitute
5 grounds for initiating disciplinary action or denying licensure:

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

9 (b) Engaging in any conduct:

10 (1) Which is intended to deceive;

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

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

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

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

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

27 (f) Performing, without first obtaining the informed consent of
28 the patient or the patient’s family, any procedure or prescribing any
29 therapy which by the current standards of the practice of medicine is
30 experimental.

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

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

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

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

39 (k) Failure by a licensee or applicant to report in writing, within
40 30 days, any disciplinary action taken against the licensee or
41 applicant by another state, the Federal Government or a foreign
42 country, including, without limitation, the revocation, suspension or
43 surrender of a license to practice medicine in another jurisdiction.

44 The provisions of this paragraph do not apply to any disciplinary



1 action taken by the Board or taken because of any disciplinary
2 action taken by the Board.

3 (l) Failure by a licensee or applicant to report in writing, within
4 30 days, any criminal action taken or conviction obtained against the
5 licensee or applicant, other than a minor traffic violation, in this
6 State or any other state or by the Federal Government, a branch of
7 the Armed Forces of the United States or any local or federal
8 jurisdiction of a foreign country.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

4 630A.370 The following acts, among others, constitute
5 grounds for initiating disciplinary action or denying the issuance of
6 a license or certificate:

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

12 2. Engaging in any:

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

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

19 3. Administering, dispensing or prescribing any controlled
20 substance, except as authorized by law.

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

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

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

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

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

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

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

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

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



1 **Sec. 4.** NRS 631.3475 is hereby amended to read as follows:
2 631.3475 The following acts, among others, constitute
3 unprofessional conduct:

4 1. Malpractice;
5 2. Professional incompetence;
6 3. Suspension or revocation of a license to practice dentistry,
7 the imposition of a fine or other disciplinary action by any agency of
8 another state authorized to regulate the practice of dentistry in that
9 state;

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

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

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

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

22 (b) 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; or

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

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

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

35 9. Conviction of violating any of the provisions of NRS
36 616D.200, 616D.220, 616D.240 or 616D.300 to 616D.440,
37 inclusive;

38 10. Failure to comply with the provisions of NRS 453.163,
39 453.164, 453.226, 639.23507, 639.23535 and 639.2391 to
40 639.23916, inclusive, and any regulations adopted by the State
41 Board of Pharmacy pursuant thereto.

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



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

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

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

7 **15.** Operation of a medical facility, as defined in NRS
8 449.0151, at any time during which:

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

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

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

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

15 632.347 1. The Board may deny, revoke or suspend any
16 license or certificate applied for or issued pursuant to this chapter, or
17 take other disciplinary action against a licensee or holder of a
18 certificate, upon determining that the licensee or certificate holder:

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

21 (b) Is guilty of any offense:

22 (1) Involving moral turpitude; or

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

25 ↪ in which case the record of conviction is conclusive evidence
26 thereof.

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

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

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

37 (f) Is a person with mental incompetence.

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

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

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



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

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

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

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

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

12 (h) Has willfully or repeatedly violated the provisions of this
13 chapter. The voluntary surrender of a license or certificate issued
14 pursuant to this chapter is prima facie evidence that the licensee or
15 certificate holder has committed or expects to commit a violation of
16 this chapter.

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

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

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

24 (l) Has knowingly procured or administered a controlled
25 substance or a dangerous drug as defined in chapter 454 of NRS that
26 is not approved by the United States Food and Drug Administration,
27 unless the unapproved controlled substance or 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) Has been disciplined in another state in connection with a
39 license to practice nursing or a certificate to practice as a nursing
40 assistant or medication aide - certified, or has committed an act in
41 another state which would constitute a violation of this chapter.

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

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



1 (p) Has operated a medical facility at any time during which:
2 (1) The license of the facility was suspended or revoked; or
3 (2) An act or omission occurred which resulted in the
4 suspension or revocation of the license pursuant to NRS 449.160.

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

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

10 (r) Is an advanced practice registered nurse who has failed to
11 comply with the provisions of NRS 453.163, 453.164, 453.226,
12 639.23507, 639.23535 and 639.2391 to 639.23916, inclusive, and
13 any regulations adopted by the State Board of Pharmacy pursuant
14 thereto.

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

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

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

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

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

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

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

31 633.511 1. The grounds for initiating disciplinary action
32 pursuant to this chapter are:

33 (a) Unprofessional conduct.

34 (b) Conviction of:

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

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

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

42 (4) Murder, voluntary manslaughter or mayhem;

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



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

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

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

7 (9) Any offense involving moral turpitude.

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

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

12 (e) Professional incompetence.

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

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

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

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

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

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

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

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

26 (k) Signing a blank prescription form.

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

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

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

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

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

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



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

4 (o) In addition to the provisions of subsection 3 of NRS
5 633.524, making or filing a report which the licensee knows to be
6 false, failing to file a record or report that is required by law or
7 knowingly or willfully obstructing or inducing another to obstruct
8 the making or filing of such a record or report.

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

13 (q) Failure by a licensee or applicant to report in writing, within
14 30 days, any criminal action taken or conviction obtained against the
15 licensee or applicant, other than a minor traffic violation, in this
16 State or any other state or by the Federal Government, a branch of
17 the Armed Forces of the United States or any local or federal
18 jurisdiction of a foreign country.

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

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

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

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

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

27 (w) Failure to comply with the provisions of NRS 453.163,
28 453.164, 453.226, 639.23507, 639.23535 and 639.2391 to
29 639.23916, inclusive, and any regulations adopted by the State
30 Board of Pharmacy pursuant thereto.

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

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

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

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

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

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

43 1. Unprofessional conduct.

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

45 3. 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 crime relating to the practice of chiropractic;

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

7 (d) Any offense involving moral turpitude.

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

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

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

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

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

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

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

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

23 634A.170 The Board may refuse to issue or may suspend or
24 revoke any license for any one or any combination of the following
25 causes:

26 1. Conviction of:

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

28 (b) Any offense involving moral turpitude;

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

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

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

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

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

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

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



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

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

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

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

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

15 12. Being adjudicated incompetent or insane;

16 13. Advertising in an unethical or unprofessional manner;

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

19 15. Willful disclosure of a privileged communication;

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

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

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

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

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

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

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

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

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

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

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

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



- 1 (b) Suspend or revoke a license.
- 2 (c) Place a licensee on probation.
- 3 (d) Impose a fine not to exceed \$5,000.

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

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

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

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

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

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

19 (f) Conviction of violating any of the provisions of NRS
20 616D.200, 616D.220, 616D.240 or 616D.300 to 616D.440,
21 inclusive.

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

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

26 (i) Gross incompetency.

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

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

32 (l) Unethical or unprofessional conduct.

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

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

37 (o) Willful violation of the regulations adopted by the State
38 Board of Pharmacy.

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

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



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

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

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

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

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

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

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

16 (s) Failure to comply with the provisions of NRS 453.163,
17 453.164, 453.226, 639.23507, 639.23535 and 639.2391 to
18 639.23916, inclusive, and any regulations adopted by the State
19 Board of Pharmacy pursuant thereto.

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

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

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

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

28 640.160 1. The Board, after notice and a hearing as required
29 by law, and upon any ground enumerated in subsection 2, may take
30 one or more of the following actions:

31 (a) Refuse to issue a license or temporary license to any
32 applicant.

33 (b) Refuse to renew the license or temporary license of any
34 person.

35 (c) Suspend or revoke the license or temporary license of any
36 person.

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

44 2. Notwithstanding the provisions of chapter 622A of NRS, if
45 the Board receives a report pursuant to subsection 5 of NRS



1 228.420, a disciplinary proceeding regarding the report must be
2 commenced within 30 days after the Board receives the report.

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

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

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

8 (b) The conviction of:

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

11 (2) Any crime involving moral turpitude;

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

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

16 (e) The operation of a medical facility, as defined in NRS
17 449.0151, at any time during which:

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

27 (d) Place the licensee on probation;

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

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

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

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

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

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

