

**PROPOSED REGULATION OF THE
BOARD OF MEDICAL EXAMINERS**

LCB FILE NO. R055-25I

**THE FOLLOWING DOCUMENT IS THE INITIAL DRAFT REGULATION PROPOSED
BY THE AGENCY SUBMITTED ON 09/26/2025**

NEVADA STATE BOARD OF MEDICAL EXAMINERS
DRAFT REGULATIONS FOR GENETIC COUNSELORS (SB189)

New Provision #1:

1. The most recent edition of the Code of Ethics adopted by the National Society of Genetic Counselors is hereby adopted by reference and incorporated herein, unless the Board gives notice that the most recent edition is not suitable for this State pursuant to subsection 2 and except to the extent that those provisions conflict with NRS Chapter 630 or other regulations promulgated by the Board in NAC Chapter 630, in which case the provisions contained in NRS Chapter 630 and NAC Chapter 630 are controlling. A copy of the publication may be obtained from the National Society of Genetic Counselors at 330 North Wabash Avenue, Suite 2000, Chicago, IL 60611, at the Internet address <https://www.nsgc.org/POLICY/Code-of-Ethics-Conflict-of-Interest/Code-of-Ethics>, or by telephone at 312-321-6834.

2. If the publication adopted by reference pursuant to subsection 1 is revised, the Board will review the revision to ensure its suitability for this State. If the Board determines that the revision is not suitable for this State, the Board will hold a public hearing to review its determination within 6 months after the date of publication of the revision and give notice of that hearing. If, after hearing, the Board does not revise its determination, the Board will give notice within 30 days after the hearing that the revision is not suitable for this State. If the Board does not give such notice, the revision becomes part of the publication adopted by reference pursuant to subsection 1.

New Provision #2:

Pursuant to section 6 of SB189, the Board defines “temporary basis” for purposes of subsection 3 of section 9 of SB189 as a period of time not to exceed 30 days. Further, the physician, osteopathic physician, physician assistant, advanced practice registered nurse, or genetic counselor licensed in this State with whom the person authorized by subsection 3 of section 9 of SB189 comes to this State to provide consulting services related to genetic counseling must notify the Board in writing of these consulting services and specify the date(s) of the consulting services. Further, the Nevada licensee shall comply with the provisions of Chapter 629 of the NRS governing the

preparation, retention or dissemination of any health care record resulting from these consulting services related to genetic counseling.

New Provision #3:

Of the 20 hours of continuing education required for a licensed genetic counselor to renew his or her license pursuant to section 10 of SB189, 2 of those hours must be in ethics related to genetic counseling.

New Provision #4:

If a licensed genetic counselor fails to pay the fee for biennial registration after it becomes due or fails to submit proof that the licensee completed the number of hours of continuing education required by section 10 of SB189, his or her license to practice in this State expires. Within 2 years after the date on which the license expires, the holder may be reinstated to practice as a genetic counselor if the holder:

(a) Pays twice the amount of the current fee for biennial registration to the Secretary-Treasurer of the Board;

(b) Submits proof that he or she completed the number of hours of continuing education required by section 10 of SB189 and New Provision #3;

(c) Submits proof that he or she holds a valid certification issued by the American Board of Genetic Counseling, or its successor organization; and

(d) Is found to be in good standing and qualified pursuant to NRS Chapter 630 and NAC Chapter 630.

New Provision #5:

Pursuant to section 7 of SB189, the Board will deem master's degrees or higher in genetic counseling from foreign countries to be at least as stringent at those established by the Accreditation Council for Genetic Counseling, or its successor organization, if the American Board of Genetic Counseling recognizes the applicant's education and deems that applicant eligible for examination and certification from the American Board of Genetic Counseling.

New Provision #6:

In addition to the qualifications required by SB189, an applicant for licensure as a genetic counselor must be able to communicate adequately orally and in writing in the English language.

New Provision #7:

If an applicant for licensure as a genetic counselor submits an application for licensure at least 24 months after the applicant obtained the certification required by SB189, Section 7(6), and the applicant has not practiced as a genetic counselor for at least 24 months before the date on which the application is submitted, the applicant must, at the order of the Board take and pass a competency examination or other competency assessment designated by the Board.

New Provision #8:

1. An application for licensure as a genetic counselor must be made on a form supplied by the Board. The application must state:

- (a) The date and place of the applicant's birth and his or her sex;*
- (b) Information about the applicant's postsecondary education as a genetic counselor, including, without limitation, postsecondary institutions attended, the length of time in attendance at each institution and whether he or she is a graduate of those institutions.*
- (c) Whether the applicant has ever applied for a license or certificate as a genetic counselor in another state and, if so, when and where and the results of his or her application;*
- (d) The applicant's work experience for the 5 years immediately preceding the date of his or her application;*
- (e) Whether the applicant has ever been investigated for misconduct as a genetic counselor or had a license or certificate as a genetic counselor revoked, modified, limited or suspended or whether any disciplinary action or proceedings have ever been instituted against the applicant by a licensing body in any jurisdiction;*
- (f) Whether the applicant has ever been arrested for, investigated for, charged with, convicted of or pled guilty or nolo contendere to:*
 - a. Any offense or violation of any federal, state or local law, including, without limitation, the laws of any foreign country, which is a misdemeanor, gross misdemeanor, felony or similar offense in a foreign jurisdiction, excluding any minor traffic offense; or*
 - b. Any violation of the Uniform Code of Military Justice;*
- (g) Whether the applicant has ever been arrested for, investigated for, charged with, convicted of or pled guilty or nolo contendere to any offense which is related to the manufacture, distribution,*

- prescribing or dispensing of controlled substances;*
- (h) Whether the applicant has an untreated medical condition that may affect his or her ability to safely practice as a genetic counselor;*
- (i) A public address and the mailing address at which the applicant prefers to receive correspondence from the Board.*
- 2. An applicant must submit to the Board:*
- (a) Proof of graduation from a genetic counseling program described in SB189.*
- (b) Proof of passage of a certification examination administered by the American Board of Genetic Counseling or its successor organization;*
- (c) Proof of certification issued by the American Board of Genetic Counseling or its successor organization; and*
- (d) Such further evidence and other documents or proof of qualifications as required by the Board.*
- 3. Each application must be signed by the applicant and accompanied by a signed affidavit indicating that:*
- (a) The applicant is the person named in the proof of graduation from a genetic counseling program as required by subsection 2;*
- (b) The proof of graduation from a genetics counseling program required by subsection 2 was obtained without fraud or misrepresentation or any mistake of which the applicant is aware; and*
- (c) All the information contained in the application and any accompanying material is complete and correct.*
- 4. The application must be accompanied by the applicable fee.*
- 5. An applicant shall pay the reasonable costs of any examination required for licensure.*

New Provision #9:

- 1. An application for licensure by endorsement as genetic counselor must be made on a form supplied by the Board. An application must include:*
- (a) All information required by SB189 and these regulations;*
- (b) Proof that the applicant meets the requirements of paragraphs (a) to (e), inclusive, of subsection 2 of NRS 622.530; and*
- (c) The documents described in paragraphs (g) and (h) of subsection 2 of NRS 622.530.*

2. Unless the Board denies the application for good cause, the Board will approve the application and issue a license by endorsement to practice as a genetic counselor to the applicant within the time required by subsection 4 of NRS 622.530.

3. A license by endorsement to practice as a genetic counselor issued pursuant to this section may be issued at a meeting of the Board or outside a meeting of Board by the President of the Board and the Executive Director of the Board. If the license is issued outside a meeting of the Board pursuant to this subsection, such an action shall be deemed to be an action of the Board.

4. In addition to the grounds set forth in this chapter and chapter 630 of NRS, the Board may deny an application for licensure by endorsement pursuant to this section:

(a) If the applicant does not meet the requirements of paragraphs (a) to (e), inclusive, of subsection 2 of NRS 622.530; or

(b) For the reasons set forth in subsection 6 of NRS 622.530.

5. If an applicant seeking licensure by endorsement pursuant to this section is an active member of or the surviving spouse of an active member of the Armed Forces of the United States, a veteran or the surviving spouse of a veteran, the Board will charge not more than one-half of the fee established pursuant to NRS 630.268, as amended by AB56, AB319, and SB189 in the 2025 Legislative Sessions for the initial issuance of the license.

New Provision #10:

The Board may reject an application for licensure as a genetic counselor or a renewal application for licensure as a genetic counselor if the Board determines that:

1. The applicant is not qualified or is not of good moral character or reputation;

2. The applicant has submitted a false credential; or

3. The application is not made in proper form or is otherwise deficient.

New Provision #11:

The Board may deny an application for the issuance or renewal of a license to practice as genetic counselor if the applicant has committed any of the acts described in New Provisions 18 and 19 of this regulation.

New Provision #12:

The license issued by the Board to a genetic counselor must contain:

- 1. The name of the genetic counselor;*
- 2. The duration of the license; and*
- 3. Any other limitations or requirements which the Board prescribes.*

New Provision #13:

Within 30 days after any change to a genetic counselor's phone number, email address, mailing address or public address, the genetic counselor shall provide updated information to the Board.

New Provision #14:

The Board may issue not more than 5 hours of continuing education during a biennial licensing period to a genetic counselor who performs a complaint review for the Board. The hours issued by the Board:

- 1. May be credited against the hours of continuing education required for a biennial licensing period by New Provision #14;*
- 2. Except as otherwise provided in subsection 3, must be equal to the actual time involved in performing the medical review; and*
- 3. May not exceed 5 hours per complaint review.*

New Provision #15:

1. A student in a training program for genetic counselors, may, under direct supervision by a licensed genetic counselor:

- (a) Assist a genetic counselor in the practice of genetic counseling; and*
- (b) Review patient records and talk with patients about their test results.*

2. A student in a training program for genetic counselors must abide by Nevada and federal law with regard to confidentiality while working with a genetic counselor.

3. A student in a training program for genetic counselors must identify himself or herself as a student and identify the licensed genetic counselor that is supervising him or her in all interactions with patients and other providers of health care. The licensed genetic counselor supervising the student must provide notice to the patients that a student will be participating in their care. Before the student may participate in the patient's care, the patient must consent in writing to the student assisting the genetic counselor.

4. A student in a training program for genetic counselors shall not assist any person other than a licensed genetic counselor in the practice of genetic counseling or perform tasks delegated by a person who is not a genetic counselor.

5. The licensed genetic counselor supervising students in a training program for genetic counselors must ensure that patient records regarding the student's assistance with the practice of genetic counseling are maintained as required by NRS 629. The licensed genetic counselor must also review all records prepared by the student for accuracy and completeness and sign off on those records. The licensed genetic counselor must also ensure that the student's name is noted in the patient records for matters in which the student assists.

6. A licensed genetic counselor may not supervise more than three students in a training program for genetic counselors at one time.

7. As used in subsection 1, "direct supervision" means supervision wherein the licensed genetic counselor is located in the same room as the student or in the same electronic means wherein the patient is being provided genetic counseling services and the student is assisting, such that the licensed genetic counselor can hear, see, and directly observe the student's communications with the patients.

New Provision #16:

A genetic counselor shall:

1. Provide competent genetic counseling services and assume as his or her primary responsibility the health, safety, welfare and dignity of all patients with regard to genetic counseling services.

2. Deliver genetic counseling services to patients without regard to race, religious creed, color, age, sex, disability, sexual orientation, gender identity or expression, national origin or ancestry.

3. Adhere to all state and federal laws governing informed consent concerning the genetic counseling services provided to a patient.

4. Seek consultation with other providers of health care, as applicable and as authorized by the patient, in order to advance the welfare of the patient.

5. Become familiar with and adhere to all state and federal laws applicable to his or her practice as a genetic counselor, including, without limitation, the Health Insurance Portability and Accountability Act of 1996, Public Law 104-191, and the regulations adopted pursuant thereto, and other

federal and state laws and regulations governing the confidentiality of health information.

6. Provide only those services for which the genetic counselor is licensed and qualified by education, training and experience.

7. Avoid conflicts of professional interest, including but not limited to refraining from providing genetic counseling services to their own family or romantic partners. In such situations, the genetic counselor may provide only general education, such as how inheritance of certain genes works and shall refer the person to another genetic counselor for the provision of genetic counseling services.

8. Comply with all applicable provisions of chapter 629 of NRS and the regulations adopted pursuant thereto.

9. Ensure that all patient records are clear, legible, accurate, and complete.

New Provision #17:

1. A genetic counselor shall not:

(a) Falsify or alter patient records;

(b) Falsify or alter patient medical records to indicate that testing or counseling services were performed by him or her which were in fact not performed by him or her;

(c) Render professional services to a patient while the genetic counselor is under the influence of alcohol or any controlled substance or is in any impaired mental or physical condition;

(d) Engage in any sexual activity with a patient who is currently receiving services from the genetic counselor or who has received services from the genetic counselor within the last two years;

(e) Engage in disruptive behavior with any genetic counselor, physician, hospital personnel, patient, member of the family of a patient or other person if the behavior interferes with patient care or has an adverse impact on the quality of genetic counseling services rendered to a patient;

(f) Engage in conduct that violates the trust of a patient and exploits the relationship between the genetic counselor and the patient for financial or other personal gain;

(g) Engage in or conceal conduct which brings the profession of genetic counseling into disrepute;

(h) Engage in sexual contact with a surrogate of a patient or other key person related to a patient, including, without limitation, a spouse, parent

or legal guardian, that exploits the relationship between the genetic counselor and the patient in a sexual manner;

(i) Make or file a report that the genetic counselor knows to be false, fail to file a record or report as required by law or willfully obstruct or induce another person to obstruct such a filing;

(j) Fail to report any person that the genetic counselor knows, or has reason to know, is in violation of the provisions of this chapter or chapter 630 of NRS relating to the practice of genetic counseling;

(k) Misrepresent in any manner, either directly or indirectly, his or her skills, training, professional credentials, identity or services.

New Provision #18:

1. A genetic counselor is subject to disciplinary action by the Board if, after notice and hearing in accordance with this chapter, the Board finds that the genetic counselor:

(a) Has willfully and intentionally made a false or fraudulent statement or submitted a forged or false document in applying for a license;

(b) Has held himself or herself out as or authorized another person to represent the genetic counselor to be a licensed physician, physician assistant, or other licensed professional for which the genetic counselor does not hold such a license;

(c) Has performed genetic counseling services otherwise than as provided in NRS Chapter 630 or NAC Chapter 630;

(d) Is guilty of malpractice in the provision of genetic counseling services;

(e) Is guilty of disobedience of any order of the Board or an investigative committee of the Board or any provision of this chapter or chapter 630 of NRS;

(f) Has been convicted of a violation of any federal or state law regulating the prescribing, possession, distribution or use of a controlled substance;

(g) Is not competent to provide genetic counseling services;

(h) Has lost his or her certification issued by American Board of Genetic Counseling or its successor organization;

(i) Has failed to notify the Board of loss of certification issued by the American Board of Genetic Counseling, or its successor organization, within 48 hours after the loss of certification;

(j) Has provided genetic counseling services after his or her license as a genetic counselor expired or was revoked or suspended;

(k) Has been convicted of a felony, any offense involving moral turpitude or any offense relating to providing genetic counseling services or the ability to provide genetic counseling services;

(l) Has had a license as a genetic counselor revoked, suspended, modified or limited by any other jurisdiction or has surrendered such a license or discontinued providing genetic counseling services while under investigation by any licensing authority, a medical facility, a branch of the Armed Forces of the United States, an insurance company, an agency of the Federal Government or any employer; or

(n) Has violated any provision that would subject a licensee to discipline pursuant to NRS 630.301 to 630.3065, inclusive, or NAC 630.230.

2. To initiate disciplinary action against a genetic counselor, an investigative committee of the Board must file with the Board a written complaint, specifying the charges.

New Provision #19:

Before the Board takes disciplinary action against a genetic counselor, the Board will provide the genetic counselor with a written notice specifying the charges made against the genetic counselor and that the charges will be heard at the time and place indicated in the notice. The notice will be served on the genetic counselor at least 21 business days before the date fixed for the hearing. Service of the notice will be made, and any investigation and subsequent disciplinary proceedings will be conducted in the same manner as provided by law for disciplinary actions against other licensees.

New Provision #20:

1. If the Board or any investigative committee of the Board has reason to believe that the conduct of any genetic counselor has raised a reasonable question as to his or her competence to practice as a genetic counselor with reasonable skill and safety to patients, the Board or committee, as applicable, may order that the genetic counselor undergo a mental or physical examination or an examination testing his or her competence to practice as a genetic counselor by physicians or any other examination designated by the Board to assist the Board or committee in determining the fitness of the genetic counselor to practice as a genetic counselor.

2. Every genetic counselor who applies for or is issued a license and who accepts the privilege of providing genetic counseling services in this State shall be deemed to have given his or her consent to submit to an examination pursuant to subsection 1 when the genetic counselor is directed to do so in writing by the Board or committee, as applicable.

3. For the purposes of this section, the report of testimony or examination by the examining physicians does not constitute a privileged communication.

4. Except in extraordinary circumstances, as determined by the Board, the failure of a licensed genetic counselor to submit to an examination when he or she is directed to do so pursuant to this section constitutes an admission of the charges against him or her. A default and final order may be entered without the taking of testimony or presentation of evidence.

5. A genetic counselor who is subject to an examination pursuant to this section shall pay the costs of the examination.

New Provision #21:

If a genetic counselor loses certification issued by the American Board of Genetic Counseling, or its successor organization, his or her license to assist in the practice of medicine is automatically suspended until further order of the Board.

New Provision #22:

1. Any person whose practice as a genetic counselor has been limited or whose license as a genetic counselor has been suspended until further order of the Board may petition the Board for removal of the limitation or suspension.

2. In hearing a petition made pursuant to subsection 1, the Board:

(a) May require the person to submit to a mental or physical examination or an examination testing his or her competence to practice as a genetic counselor, or any other examination it designates, and submit such other evidence of changed conditions and of fitness as it deems proper;

(b) Will determine whether, under all circumstances, the time of the petition is reasonable; and

(c) May deny the petition or modify or rescind its order as it deems the evidence and the public safety warrants.

2. The licensee has the burden of proving by clear and convincing evidence that the requirements for removal of the limitation or suspension have been met.

3. The Board will not remove a limitation or suspension unless it is satisfied that the licensee has complied with all of the terms and conditions set forth in the final order of the Board and that the licensee is capable of practicing as a genetic counselor in a safe manner.

New Provision #23:

1. The Board will appoint three licensed genetic counselors to the Genetic Counseling Advisory Council created by SB189. If appointed on or after January 1, 2029, the genetic counselors appointed pursuant to this subsection must have lived in and actively and continuously practiced in this State as licensed genetic counselors for at least 3 years before their appointment.

2. The Board will give all appointees to the Genetic Counseling Advisory Council written notice of their appointment and terms of office. A member of the Genetic Counseling Advisory Council must continue to serve until the Board appoints a replacement as his or her successor.

3. At the request of the Board in addition to the requirements for the committee in SB189, the Genetic Counseling Advisory Council shall review and make recommendations to the Board concerning any matters relating to licensed genetic counselors.

New Provision #24:

If an applicant for a license to practice as a genetic counselor has not engaged in the practice of genetic counseling for more than 24 consecutive months before the date of his or her application and the applicant is currently certified by the American Board of Genetic Counseling, the Board may require the applicant to take an examination that is comparable to the examination given by the American Board of Genetic Counseling for certification or otherwise demonstrate his or her competency to provide genetic counseling services. If an applicant for a license to practice as a genetic counselor has not engaged in the practice of genetic counseling for more than 24 consecutive months before the date of his or her application and the applicant is not currently certified by the American Board of Genetic Counseling, the applicant is not eligible for temporary licensure and must take and pass the examination given by the American Board of Genetic Counseling and obtain certification from the American Board of Genetic Counseling prior to obtaining licensure.

New Provision #25:

1. Upon submission of an application and payment of the required fee, the Board may issue a temporary license to practice genetic counseling to an applicant providing the applicant shows:

(a) Written evidence, verified by oath, that the applicant is a graduate of an approved genetic counseling program; and

(b) That he or she is scheduled to sit for the national exam administered by the American Board of Genetic Counseling or its successor organization.

2. Temporary licenses issued to genetic counselors are valid for one year and may be renewed one time upon the show of good cause.

3. While working under a temporary license, the applicant shall wear a name badge that prominently displays the phrase "Graduate Genetic Counselor" while providing genetic counseling services.

4. Temporarily licensed genetic counselors must be supervised by a genetic counselor licensed in this State and in good standing.

5. Prior to the temporary licensed genetic counselor beginning work, the temporary licensed genetic counselor and the supervising genetic counselor must enter into an agreement for this supervision that is approved by the Executive Director of the Board or his or designee. This agreement must provide for compensation to the temporary licensed genetic counselor at an amount that is appropriate and as approved by the Executive Director of the Board or his or her designee. This agreement must be submitted to the Board and approved prior to the temporary licensed genetic counselor beginning work. A backup supervising genetic counselor may be designated in the agreement. If the temporary licensed genetic counselor will work for more than one employer, he or she must have a separate supervision agreements approved by the Board and on file for each of those employers prior to working. If the supervising agreement is terminated, the parties must notify the Board within 72 hours, and the temporary licensed genetic counselor may not provide genetic counseling services until a new agreement is in place.

6. Supervisors must ensure that all work completed by the temporary licensed genetic counselor is done in a competent and ethical matter that complies with NRS Chapter 630, NAC Chapter 630, and other relevant state and federal laws. The supervisor must ensure that the temporary licensed genetic counselor possesses the knowledge, skill, and training to perform genetic counseling services with the patients he or she is assigned to work with prior to allowing the temporary licensed genetic counselor to work with those patients without direct supervision.

7. Supervisors must regularly review the work done by the temporary licensed genetic counselor, having at least one meeting per week with the temporary licensed genetic counselor in-person or by electronic means.

8. Supervisors and temporary licensed genetic counselors must establish a method to ensure that specified patient records are able to be flagged by the temporary licensed genetic counselor for the supervising genetic counselor to review.

9. Supervising genetic counselors must review a minimum of 10% of the patient cases on which the temporary genetic counselor provides services. All charts reviewed by the supervisor shall have the name and signature of both the supervisor genetic counselor and the temporary licensed genetic counselor.

10. The supervising genetic counselor and temporary licensed genetic counselor must ensure that patient records worked on by the temporary licensed genetic counselor are clear, legible, accurate, and complete, and maintained as required by NRS 629.

11. A licensed genetic counselor may not supervise more than three temporary licensed genetic counselors at one time.

12. All patients with whom the temporary licensed genetic counselor works must be informed that the temporary licensed genetic counselor has a temporary license and given the name of the supervising genetic counselor.

13. The supervising genetic counselor must be available in-person, by telephone, or other electronic means for consultation with the temporary licensed genetic counselor while the temporary licensed genetic counselor is providing genetic counseling services.

NAC 630.040 is hereby amended to read as follows:

For the purposes of this chapter and chapter 630 of NRS, “malpractice” means the failure of a physician, physician assistant, anesthesiologist assistant, ***genetic counselor***, practitioner of respiratory care or perfusionist, in treating a patient, to use the reasonable care, skill, or knowledge ordinarily used under similar circumstances.

NAC 630.045 is hereby amended to read as follows:

1. Any document submitted to the Board by a licensee or an applicant for a license to practice medicine, to practice as a physician assistant, to practice as an anesthesiologist assistant, ***to practice as a genetic counselor***, to practice as a practitioner of respiratory care or to practice as a perfusionist must bear the original signature or an authenticated electronic signature of the licensee or applicant.

2. The Board may refuse to accept any document submitted by a licensee or an applicant for a license that does not comply with the requirements of subsection 1.

3. As used in this section, “document” means any written submission, notification or communication, including, without limitation:

- (a) An application for a license;
- (b) A request for renewal of a license;
- (c) A request for a change of status; or
- (d) A notification of a change of address.

NAC 630.240 is hereby amended to read as follows:

1. If a licensee desires to surrender his or her license to practice medicine, practice as an anesthesiologist assistant, *practice as a genetic counselor*, practice perfusion or practice respiratory care while an investigation concerning the license or disciplinary proceedings concerning the licensee are pending, the licensee shall submit to the Board a sworn written statement of surrender of the license accompanied by delivery to the Board of the actual license issued to him or her.

2. The voluntary surrender of a license is not effective until it is accepted by the Board in a public meeting. An order accepting such a surrender must prescribe a period of at least 1 year but not more than 10 years during which the holder of the surrendered license is prohibited from applying for reinstatement of the license.

3. The Board will:

- (a) Make the voluntary surrender of a license public; and
- (b) Deem the voluntary surrender of a license to be disciplinary action and report the surrender to applicable national databases.

4. The voluntary surrender of a license, the failure to renew a license or the placement of a license on *inactive or* retired status pursuant to section 1 of LCB File No. R118-21 does not preclude the Board from hearing a complaint for disciplinary action made against the licensee *as long as the complaint concerns conduct that occurred while the licensee’s license was active. If a complaint is made against a licensee for conduct that occurred after the voluntary surrender of the license, the failure to renew the license or the placement of the license on inactive or retired status, and the conduct required an active license the Board will deem that conduct unlicensed activity and proceed accordingly.*

NAC 630.243 is hereby amended to read as follows:

If a committee conducting an investigation pursuant to NRS 630.311 becomes aware that the physician, physician assistant, anesthesiologist assistant, *genetic counselor*, practitioner of respiratory care or perfusionist who is subject to the investigation has tested positive for exposure to the human immunodeficiency virus, the committee shall appoint a group of specialists in the fields of public health and infectious diseases who shall:

1. Review all the circumstances of the practice of the physician, physician assistant, anesthesiologist assistant, *genetic counselor*, practitioner of respiratory care or perfusionist; and

2. Advise the committee, in accordance with the most recent guidelines on the exposure of health care workers to the human immunodeficiency virus established by the Centers for Disease Control and Prevention, on the action, if any, the committee should take concerning the physician, physician assistant, *genetic counselor*, anesthesiologist assistant, practitioner of respiratory care or perfusionist.

NAC 630.275 is hereby amended to read as follows:

1. The Board will, pursuant to subsection 3 of NRS 630.336, keep confidential all records relating to a program established by the Board to enable a physician, physician assistant, anesthesiologist assistant, *genetic counselor*, practitioner of respiratory care or perfusionist to correct:

(a) A dependence upon alcohol or a controlled substance; or

(b) Any other impairment which could result in the revocation of his or her license.

2. The Board will, pursuant to subsection 4 of NRS 622.330, keep confidential a consent or settlement agreement between the Board and a licensee that provides for the licensee to enter a diversionary program for the treatment of an alcohol or other substance use disorder.

NAC 630.465 is hereby amended to read as follows:

1. At least 30 days before a hearing but not earlier than 30 days after the date of service upon the physician, physician assistant, anesthesiologist assistant, *genetic counselor*, practitioner of respiratory care or perfusionist of a formal complaint that has been filed with the Board pursuant to NRS 630.311, unless a different time is agreed to by the parties, the presiding member of the Board or panel of members of the Board or the hearing officer shall conduct a prehearing conference with the parties and their attorneys. All documents presented at the prehearing conference are not evidence, are not part of the record and may not be filed with the Board.

2. Each party shall provide to every other party a copy of the list of proposed witnesses and their qualifications and a summary of the testimony of each proposed witness. A witness whose name does not appear on the list of proposed witnesses may not testify at the hearing unless good cause is shown.

3. In addition to the requirements of NRS 622A.330, each party shall provide to every other party any evidence that the party proposes to introduce at a hearing. All evidence, except rebuttal evidence, which is not provided to each party at the prehearing conference may not be introduced or admitted at the hearing unless good cause is shown.

4. Each party shall submit to the presiding member of the Board or panel or to the hearing officer conducting the conference each issue which has been resolved by negotiation or stipulation and an estimate, to the nearest hour, of the time required for presentation of its oral argument.

Section 1 of LCB File No. R118-21 is hereby amended to read as follows:

1. A licensee may apply to the Board to change the status of his or her license to practice medicine, practice as an anesthesiologist assistant, *practice as a genetic counselor*, practice perfusion or practice respiratory care to retired by filing with the Board a notice in writing that states the intention of the licensee to retire from active practice. Upon the provision of such notice, the Board will change the status of the license to retired if:

1. The licensee is otherwise in good standing;
2. There are no complaints or investigations pending against the licensee; and
3. No disciplinary action is pending against the licensee.

2. If an applicant wishes reinstate a license that has been retired pursuant to this section, the applicant must submit a new application for licensure, as if he or she had not been previously licensed and meet all licensing requirements contained in Nevada law at that time. In such a situation, if the applicant has not practiced clinically in the 24 months preceding his or her application, the applicant may be required to prove his or her competency to the Board pursuant to NRS 630.257.