REVISED PROPOSED REGULATION OF THE

BOARD OF MEDICAL EXAMINERS

LCB File No. R055-25

November 14, 2025

EXPLANATION – Matter in ***italics*** is new; matter in brackets ~~[omitted material]~~ is material to be omitted.

AUTHORITY: §§ 1, 16-19, 22-25, and 27-31, NRS 630.130 and section 6 of Senate Bill No. 189, chapter 179, Statutes of Nevada 2025, at page 1099; §§ 2, 6 and 8, NRS 630.130 and sections 6-8 of Senate Bill No. 189, chapter 179, Statutes of Nevada 2025, at pages 1099-1100; § 3, NRS 630.130 and 630.268, as amended by section 23 of Senate Bill No. 189, chapter 179, Statutes of Nevada 2025, at page 1106, and sections 6-8 of Senate Bill No. 189, chapter 179, Statutes of Nevada 2025, at pages 1099-1100; § 4, NRS 622.530, 630.130 and 630.268, as amended by section 23 of Senate Bill No. 189, chapter 179, Statutes of Nevada 2025, at page 1106, and section 6 of Senate Bill No. 189, chapter 179, Statutes of Nevada 2025, at page 1099; §§ 5 and 11-13, NRS 630.130 and sections 6 and 8 of Senate Bill No. 189, chapter 179, Statutes of Nevada 2025, at pages 1099 and 1100; § 7, NRS 630.130 and sections 6-8 and 12 of Senate Bill No. 189, chapter 179, Statutes of Nevada 2025, at pages 1099-1100 and 1102; § 9, NRS 630.130 and sections 6 and 10 of Senate Bill No. 189, chapter 179, Statutes of Nevada 2025, at pages 1099 and 1101; § 10, NRS 630.130 and 630.268, as amended by section 23 of Senate Bill No. 189, chapter 179, Statutes of Nevada 2025, at page 1106, and sections 6 and 10 of Senate Bill No. 189, chapter 179, Statutes of Nevada 2025, at pages 1099 and 1101; §§ 14 and 15, NRS 630.130 and sections 6 and 9 of Senate Bill No. 189, chapter 179, Statutes of Nevada 2025, at pages 1099 and 1101; § 20, NRS 630.130 and 630.318, as amended by section 29 of Senate Bill No. 189, chapter 179, Statutes of Nevada 2025, at page 1110, and section 6 of Senate Bill No. 189, chapter 179, Statutes of Nevada 2025, at page 1099; § 21, NRS 630.130 and sections 5.9 and 6 of Senate Bill No. 189, chapter 179, Statutes of Nevada 2025, at page 1099; § 26, NRS 630.130 and 630.336, as amended by section 32 of Senate Bill No. 189, chapter 179, Statutes of Nevada 2025, at page 1112, and section 6 of Senate Bill No. 189, chapter 179, Statutes of Nevada 2025, at page 1099.

A REGULATION relating to health care; prescribing requirements governing the issuance, renewal or change of status of a license as a genetic counselor; prescribing requirements governing the supervision and practice of temporarily licensed genetic counselors; prescribing requirements governing the practice of genetic counselors; setting forth grounds for disciplinary action against a genetic counselor; establishing certain procedures relating to the imposition of such disciplinary action; prescribing

requirements governing the Genetic Counseling Advisory Council; revising provisions governing the discipline of certain persons who are no longer actively licensed; providing for the confidentiality of certain information relating to a genetic counselor; prohibiting the reinstatement of certain retired licenses; providing for the continued existence of the Advisory Council after a certain date; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides for the licensure and regulation of physicians, physician assistants, anesthesiologist assistants, perfusionists and practitioners of respiratory care by the Board of Medical Examiners. (Chapter 630 of NRS) Senate Bill No. 189 (S.B. 189) of the 2025 Legislative Session similarly provides for the licensure of genetic counselors and requires the Board to adopt regulations establishing the requirements for such licensure. (Sections 4-40 of Senate Bill No. 189, chapter 179, Statutes of Nevada 2025, at pages 1098-1115)

S.B. 189 prescribes certain qualifications for licensure as a genetic counselor. (Section 7 of Senate Bill No. 189, chapter 179, Statutes of Nevada 2025, at page 1099) **Section 2** of this regulation prescribes the qualifications for licensure as a genetic counselor, in addition to the qualifications required by S.B. 189. **Section 3** of this regulation establishes the required contents of an application for such licensure. **Sections 4 and 5** of this regulation establish the requirements and procedure for licensure by endorsement and temporary licensure, respectively, as a genetic counselor. **Section 6** of this regulation establishes grounds for the rejection of an application for the issuance or renewal of a license as a genetic counselor. **Section 7** of this regulation authorizes the Board to deny an application for the issuance or renewal of a license as a genetic counselor if the applicant has committed any act that would constitute grounds for disciplinary action against a person who is already licensed as a genetic counselor. **Section 8** of this regulation sets forth the required contents of a license as a genetic counselor.

If a genetic counselor has received a master's degree or higher in genetic counseling from a program in a foreign country, S.B. 189 requires that program to have standards that are at least as stringent as those established by the Accreditation Council for Genetic Counseling, or its successor organization, as determined by the Board. (Section 7 of Senate Bill No. 189, chapter 179, Statutes of Nevada 2025, at page 1099) **Section 2** prescribes certain circumstances under which the Board will deem a foreign program in genetic counseling to have such standards.

S.B. 189 requires a genetic counselor to complete at least 20 hours of continuing education each biennium in order to renew his or her license. (Section 10 of Senate Bill No. 189, chapter 179, Statutes of Nevada 2025, at page 1101) **Section 9** of this regulation requires at least 2 of those hours of continuing education to pertain to ethics in genetic counseling. **Section 9** also authorizes the Board to issue credit toward the required continuing education to a genetic counselor who reviews a complaint for the Board.

Existing law and regulations provide that: (1) the failure to submit evidence of completion of required continuing education or pay the required renewal fee results in the expiration of certain licenses issued by the Board; and (2) the fee to reinstate such licenses is twice the standard renewal fee. (NRS 630.267; NAC 630.153, 630.178, 630.350, 630.530, 630.750, section 11 of LCB File No. R069-23) **Section 10** of this regulation enacts similar provisions applicable to genetic counselors.

S.B. 189: (1) requires a temporarily licensed genetic counselor to be supervised by a genetic counselor or a physician while the temporarily licensed genetic counselor is practicing

genetic counseling; and (2) requires the temporarily licensed genetic counselor and his or her supervisor to enter into a contract that prescribes the responsibilities of both parties. (Section 8 of Senate Bill No. 189, chapter 179, Statutes of Nevada 2025, at page 1100) **Section 11** of this regulation requires such a contract to include a reasonable amount of compensation for the temporarily licensed genetic counselor. **Section 11** also: (1) authorizes the contract to designate a substitute supervisor to serve if the primary supervisor is unavailable; and (2) requires a supervisor to notify the Board upon the termination of such a contract. **Sections 12 and 13** of this regulation prescribe certain limitations and requirements governing the supervision and practice of temporarily licensed genetic counselors.

S.B. 189 authorizes a student who is enrolled in certain programs in genetic counseling who does not hold a license to practice genetic counseling to assist a genetic counselor in the practice of genetic counseling if such assistance is within the scope of the education and training of the student. (Section 9 of Senate Bill No. 189, chapter 179, Statutes of Nevada 2025, at page 1101) **Section 14** of this regulation prescribes: (1) the authorized activities of such a student; and (2) the requirements governing the supervision and identification of such a student.

S.B. 189 authorizes a person who is not licensed to practice genetic counseling in this State, the District of Columbia or any state or territory of the United States but holds a valid certification issued by the American Board of Genetic Counseling, or its successor organization, to provide consulting services related to genetic counseling in this State on a temporary basis if he or she receives authorization from the Board. (Section 9 of Senate Bill No. 189, chapter 179, Statutes of Nevada 2025, at page 1101) **Section 15** of this regulation: (1) prescribes the manner in which a person must obtain such authorization; (2) requires a physician or genetic counselor to whom such a person provides consulting services to adhere to certain provisions of state law regarding the preparation, retention and dissemination of health care records; and (3) defines the term "temporary basis" for the purpose of establishing the maximum length of time that such a person may provide consulting services.

Section 16 of this regulation adopts the NSGC Code of Ethics published by the National Society of Genetic Counselors as the code of ethics governing the professional conduct of genetic counselors in this State, as required by S.B. 189. (Section 6 of Senate Bill No. 189, chapter 179, Statutes of Nevada 2025, at page 1099) **Sections 17 and 18** of this regulation prescribe certain requirements and prohibitions governing the practice of a genetic counselor. **Section 19** of this regulation sets forth certain grounds for disciplinary action by the Board against a genetic counselor, which include malpractice. **Section 22** of this regulation includes within the definition of "malpractice" the failure of a genetic counselor, in treating a patient, to use the reasonable care, skill or knowledge ordinarily used under similar circumstances. **Section 20** of this regulation provides that the Board will serve notice on a genetic counselor at least 21 business days before a hearing relating to any disciplinary action. **Section 20** also provides that any investigation and subsequent disciplinary proceedings will be conducted in the same manner as provided by existing law for disciplinary actions against other licensees.

S.B. 189 authorizes the Board to require a genetic counselor to undergo an examination to determine his or her fitness to practice under certain circumstances. (NRS 630.318, as amended by section 29 of Senate Bill No. 189, chapter 179, Statutes of Nevada 2025, at page 1110) **Section 20** requires a genetic counselor whom the Board requires to undergo such an examination to pay the cost of that examination.

S.B. 189: (1) creates the Genetic Counseling Advisory Council; (2) requires the Council to advise the Board on regulations and other matters relating to the practice of genetic

counseling; and (3) provides that the Advisory Council expires by limitation on January 1, 2031. (Sections 5.9 and 62 of Senate Bill No. 189, chapter 179, Statutes of Nevada 2025, at pages 1099 and 1132) **Section 21** of this regulation: (1) requires any genetic counselor appointed to the Advisory Council after January 1, 2029, to have lived and continuously practiced in this State for at least 3 years immediately preceding the appointment; (2) provides that the Board will notify appointees to the Advisory Council of their appointment and terms of office; (3) provides that members of the Advisory Council serve until a successor is appointed; and (4) requires the council to review and make recommendations concerning matters relating to licensed genetic counselors upon the request of the Board. **Sections 29-31** of this regulation provide for the continued existence of the Advisory Council after January 1, 2031.

Existing regulations require an original signature or authenticated electronic signature on certain documents submitted to the Board by licensees or applicants for any license to practice medicine or to practice as a physician assistant, anesthesiologist assistant, practitioner of respiratory care or perfusionist. (NAC 630.045) Existing regulations prescribe procedures for the voluntary surrender of a license to practice medicine, perfusion or respiratory care, or a license to practice as an anesthesiologist assistant, while an investigation concerning the license or disciplinary proceeding concerning the licensee is pending. (NAC 630.240) Existing regulations require a committee conducting an investigation of a complaint against a physician, physician assistant, anesthesiologist assistant, practitioner of respiratory care or perfusionist to appoint a group of specialists to review the practice of the licensee and make certain recommendations if the committee finds that the licensee tests positive for exposure to the human immunodeficiency virus. (NAC 630.243) Existing regulations require the Board to keep confidential certain records relating to a program established by the Board to enable a physician, physician assistant, anesthesiologist assistant, practitioner of respiratory care or perfusionist to correct a dependence on alcohol or a controlled substance or certain other impairments. (NAC 630.275) Existing regulations prescribe procedures concerning prehearing conferences in proceedings relating to physicians, physician assistants, anesthesiologist assistants, practitioners of respiratory care and perfusionists. (NAC 630.465) Existing regulations prescribe the criteria and procedure for placing a license to practice medicine, perfusion or respiratory care or a license as an anesthesiologist assistant on retired status. (Section 1 of LCB File No. R118-21) **Sections 23-28** of this regulation make these provisions additionally applicable to genetic counselors. **Section 28** additionally prohibits the holder of a retired license to practice medicine, perfusion or respiratory care or a retired license as an anesthesiologist assistant or genetic counselor from reinstating the license.

Existing regulations provide that the voluntary surrender of a license, the failure to renew a license or the placement of a license on retired status does not preclude the Board from hearing a complaint for disciplinary action made against the licensee. (NAC 630.240) **Section 24** limits the applicability of this provision to circumstances where the license was active at the time of the relevant conduct. However, **section 24** also clarifies that, if the license was not active at that time but existing law requires a license in order to engage in the relevant conduct, the Board may take action in response to such unlicensed activity. (NRS 630.400)

Section 1. Chapter 630 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 21, inclusive, of this regulation.

Sec. 2. ***1. In addition to the qualifications required by section 7 of Senate Bill No. 189, chapter 179, Statutes of Nevada 2025, at page 1099, an applicant for licensure as a genetic counselor must:***

(a) Be able to communicate adequately orally and in writing in the English language.

(b) At the order of the Board, take and pass a competency examination or other assessment of competency designated by the Board if the applicant has not engaged in the practice of genetic counseling for more than 24 consecutive months immediately preceding the date of the application.

2. For the purpose of paragraph (b) of subsection 4 of section 7 of Senate Bill No. 189, chapter 179, Statutes of Nevada 2025, at page 1099, the Board will deem a program in genetic counseling located in a foreign country to have educational standards that are at least as stringent as those established by the Accreditation Council for Genetic Counseling, or its successor organization, if that organization determines based on the education of the applicant that the applicant is eligible to:

(a) Take an examination described in subsection 5 of section 7 of Senate Bill No. 189, chapter 179, Statutes of Nevada 2025, at page 1099; and

(b) Receive the certification described in subsection 6 of section 7 of Senate Bill No. 189, chapter 179, Statutes of Nevada 2025, at page 1099.

Sec. 3. ***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:

(1) 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

(2) 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; and

(j) A telephone number and electronic mail address at which the applicant may be contacted.

2. An applicant must submit to the Board:

(a) Proof of graduation from a program in genetic counseling described in subsection 4 of section 7 of Senate Bill No. 189, chapter 179, Statutes of Nevada 2025, at page 1099;

(b) Proof of passage of an examination described in subsection 5 of section 7 of Senate Bill No. 189, chapter 179, Statutes of Nevada 2025, at page 1099;

(c) Proof of certification issued by the Accreditation Council for 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 program in genetic counseling as required by subsection 2;

(b) The proof of graduation from a program in genetic counseling 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 must pay the reasonable costs of any examination required for licensure.

6. Within 30 days after any change to the information provided to the Board pursuant to paragraph (i) or (j) of subsection 1, an applicant or genetic counselor shall provide updated information to the Board.

Sec. 4. *1. An application for licensure by endorsement as a genetic counselor must be made on a form supplied by the Board. An application must include:*

(a) All information required by section 3 of this regulation;

(b) Proof that the applicant:

(1) Holds a corresponding valid and unrestricted license as a genetic counselor in the District of Columbia or any state or territory of the United States; and

(2) 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 as a genetic counselor issued pursuant to this section may be issued at a meeting of the Board or outside a meeting of the 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 as a genetic counselor 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 one-half of the fee established pursuant to NRS 630.268, as amended by section 23 of Senate Bill No. 189, chapter 179, Statutes of Nevada 2025, at page 1106, for the initial issuance of the license.

Sec. 5. ***1. The Board will issue a temporary license as a genetic counselor to any qualified applicant who:***

(a) Meets the requirements of subsection 1 of section 8 of Senate Bill No. 189, chapter 179, Statutes of Nevada 2025, at page 1100; and

(b) Submits proof of registration for an examination described in subsection 5 of section 7 of Senate Bill No. 189, chapter 179, Statutes of Nevada 2025, at page 1099.

2. The holder of a temporary license as a genetic counselor may apply to the Board to renew the temporary license in the same manner as the original application. The Board may, upon the applicant's compliance with the provisions of this section and subsection 3 of section 8 of Senate Bill No. 189, chapter 179, Statutes of Nevada 2025, at page 1100, renew the temporary license once for a period of 1 additional year. A temporary license may not be renewed more than once.

Sec. 6. ***In addition to any other grounds specified in this chapter or chapter 630 of NRS, the Board may reject an application for the issuance or renewal of a license 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.

Sec. 7. ***The Board may deny an application for the issuance or renewal of a license to practice as a genetic counselor for:***

1. Failure to comply with any provision of section 17 or 18 of this regulation; or

2. Any act or omission that constitutes grounds for disciplinary action under section 12 of Senate Bill No. 189, chapter 179, Statutes of Nevada 2025, at page 1102, or section 19 of this regulation.

Sec. 8. ***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.

Sec. 9. ***1. At least 2 of the hours of continuing education required by section 10 of Senate Bill No. 189, chapter 179, Statutes of Nevada 2025, at page 1101, during each biennial licensing period must pertain to ethics in genetic counseling.***

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

(a) May be credited against the hours of continuing education required by section 10 of Senate Bill No. 189, chapter 179, Statutes of Nevada 2025, at page 1101;

(b) Except as otherwise provided in paragraph (c), must be equal to the actual time involved in performing the review; and

(c) May not exceed 5 hours per review.

Sec. 10. *If a genetic counselor fails to pay the fee for renewal after the fee becomes due or fails to submit proof that the licensee completed the number of hours of continuing education required by section 10 of Senate Bill No. 189, chapter 179, Statutes of Nevada 2025, at page 1101, his or her license expires. Within 2 years after the date on which the license expires, the license may be reinstated if the holder:*

1. Pays twice the amount of the current fee for renewal to the Secretary-Treasurer of the Board;

2. Submits proof that he or she:

(a) Has completed the number of hours of continuing education required by section 10 of Senate Bill No. 189, chapter 179, Statutes of Nevada 2025, at page 1101; and

(b) Holds a valid certification issued by the American Board of Genetic Counseling, or its successor organization; and

3. Is found to be in good standing and qualified pursuant to this chapter.

Sec. 11. *1. A contract entered into pursuant to subsection 6 of section 8 of Senate Bill No. 189, chapter 179, Statutes of Nevada 2025, at page 1100, between a temporarily licensed genetic counselor and his or her supervising genetic counselor or supervising physician must be submitted to and approved by the Executive Director or his or her designee before the*

temporarily licensed genetic counselor practices under the supervision of the supervisor. The contract:

(a) Must include, without limitation, an amount of compensation for the temporarily licensed genetic counselor that is reasonable.

(b) May designate another physician or genetic counselor to serve as the substitute supervisor of the temporarily licensed genetic counselor if the primary supervisor of the temporarily licensed genetic counselor is unavailable.

2. A temporarily licensed genetic counselor must enter into a separate contract pursuant to subsection 6 of section 8 of Senate Bill No. 189, chapter 179, Statutes of Nevada 2025, at page 1100, for each employer of the temporarily licensed genetic counselor.

3. The supervising genetic counselor or supervising physician of a temporarily licensed genetic counselor shall, within 72 hours after the termination of the contract between the supervisor and the temporarily licensed genetic counselor, notify the Board of the termination. The temporarily licensed genetic counselor shall immediately cease practicing under the supervision of the supervisor until the Executive Director or his or her designee approves a new contract between the temporarily licensed genetic counselor and the supervisor pursuant to subsection 1.

Sec. 12. ***1. A genetic counselor or physician shall not supervise more than three temporarily licensed genetic counselors at one time.***

2. A temporarily licensed genetic counselor shall:

(a) Ensure that each patient is informed that the temporarily licensed genetic counselor holds a temporary license and the name of his or her supervisor; and

(b) Wear at all times while on duty a name badge that identifies the holder as a "Graduate Genetic Counselor."

3. The supervising genetic counselor or supervising physician of a temporarily licensed genetic counselor must be available in person or by telephone or other electronic means to consult with the temporarily licensed genetic counselor at all times while the temporarily licensed genetic counselor is providing genetic counseling. The supervisor shall:

(a) Ensure that all work completed by the temporarily licensed genetic counselor is performed in a competent and ethical manner that complies with all applicable state and federal laws and regulations.

(b) Ensure that the temporarily licensed genetic counselor possesses the knowledge, skill and training required to competently provide genetic counseling to a particular patient before allowing the temporarily licensed genetic counselor to provide genetic counseling to the patient outside of the direct supervision of the supervisor.

(c) Hold at least one meeting with the temporarily licensed genetic counselor each week to review the work of the temporarily licensed genetic counselor. Such a meeting may occur in person or by electronic means.

Sec. 13. *1. The supervising genetic counselor or supervising physician of a temporarily licensed genetic counselor and the temporarily licensed genetic counselor shall develop a method by which the temporarily licensed genetic counselor may designate specific records of patients for the review of the supervisor.*

2. The supervising genetic counselor or supervising physician of a temporarily licensed genetic counselor shall review the records of at least 10 percent of the patients to whom the temporarily licensed genetic counselor provides genetic counseling.

3. All records reviewed by the supervising genetic counselor or supervising physician of a temporarily licensed genetic counselor must include the name and signature of both the supervisor and the temporarily licensed genetic counselor.

4. A temporarily licensed genetic counselor and his or her supervising genetic counselor or supervising physician shall ensure that the records of each patient to whom the temporarily licensed genetic counselor provides genetic counseling are:

(a) Clear, legible, accurate and complete; and

(b) Maintained in accordance with chapter 629 of NRS.

Sec. 14. *1. A student who is assisting a genetic counselor in the practice of genetic counseling pursuant to subsection 1 of section 9 of Senate Bill No. 189, chapter 179, Statutes of Nevada 2025, at page 1101:*

(a) May review patient records and talk with a patient about the results of a genetic test;

(b) Shall abide by all state and federal laws concerning the confidentiality of health care records and information relating to patients;

(c) In any interaction with a patient or another provider of health care, shall:

(1) Identify himself or herself as a student; and

(2) Provide the name of the genetic counselor whom the student is assisting; and

(d) Shall not assist any person other than a genetic counselor in the practice of genetic counseling or perform tasks delegated by a person who is not a genetic counselor.

2. Before a student assists a genetic counselor in the practice of genetic counseling pursuant to subsection 1 of section 9 of Senate Bill No. 189, chapter 179, Statutes of Nevada 2025, at page 1101, the genetic counselor must:

(a) Notify the patient that the student will be participating in the care of the patient; and

(b) Obtain the informed consent of the patient to the participation of the student and document such consent in the medical record of the patient.

3. A genetic counselor who receives assistance from a student shall:

(a) Provide appropriate supervision of all tasks performed by the student in accordance with subsection 5;

(b) Ensure that the records of each patient in whose care the student assists:

(1) Are clear, legible, accurate and complete;

(2) Are maintained in accordance with chapter 629 of NRS; and

(3) Include the name of the student for each task in which the student has provided assistance; and

(c) Sign the records of each patient in whose care the student assists.

4. A genetic counselor shall not receive assistance from more than three students at one time.

5. A genetic counselor shall supervise a student in accordance with the standards set forth by the Accreditation Council for Genetic Counseling, or its successor organization, for graduate level training programs for genetic counseling. Such supervision:

(a) Must include, without limitation, monitoring the knowledge, skill and ability of the student;

(b) May include, without limitation, the use of a progressive model of supervision that provides less direct supervision as the student gains more knowledge;

(c) Must meet the needs of the student; and

(d) Must ensure the protection of the patient.

Sec. 15. ***1. A person who is not licensed to practice genetic counseling in this State, the District of Columbia or any state or territory of the United States but holds a valid certification issued by the American Board of Genetic Counseling, or its successor organization, who wishes to receive the approval of the Board to provide counseling services related to genetic counseling in this State pursuant to subsection 3 of section 9 of Senate Bill No. 189, chapter 179, Statutes of Nevada 2025, at page 1101, must notify the Board in writing of:***

(a) His or her name and contact information;

(b) The name and contact information of each physician, physician assistant, advanced practice registered nurse or genetic counselor licensed in this State with whom he or she will be consulting;

(c) The dates on which the person wishes to provide consulting services relating to genetic counseling in this State; and

(d) The nature of the consulting services that the person wishes to provide.

2. A physician, physician assistant or genetic counselor to whom a person provides consulting services related to genetic counseling in this State pursuant to subsection 3 of section 9 of Senate Bill No. 189, chapter 179, Statutes of Nevada 2025, at page 1101, shall comply with the provisions of chapter 629 of NRS regarding the preparation, retention and dissemination of any records of the consulting services.

3. As used in subsection 3 of section 9 of Senate Bill No. 189, chapter 179, Statutes of Nevada 2025, at page 1101, "temporary basis" means a period of not more than 30 days.

Sec. 16. ***1. Pursuant to subsection 1 of section 6 of Senate Bill No. 189, chapter 179, Statutes of Nevada 2025, at page 1099, the Board hereby adopts by reference the NSGC Code of Ethics published by the National Society of Genetic Counselors as the code of ethics***

governing the professional conduct of genetic counselors in this State. The Code is available from the National Society of Genetic Counselors free of charge at https://www.nsgc.org/POLICY/Code-of-Ethics-Conflict-of-Interest/Code-of-Ethics or, if that Internet website ceases to exist, from the Board.

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

Sec. 17. ***1. A genetic counselor shall:***

(a) Provide competent genetic counseling and assume as his or her primary responsibility the health, safety, welfare and dignity of all patients with regard to genetic counseling;

(b) Deliver genetic counseling to patients without regard to race, religious creed, color, age, sex, disability, sexual orientation, gender identity or expression, national origin or ancestry;

(c) Adhere to all state and federal laws governing informed consent concerning the genetic counseling of a patient;

(d) Seek consultation with other providers of health care as necessary and authorized by the patient whenever the welfare of a patient will be safeguarded or advanced by such consultation;

(e) 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;

(f) Provide only those services for which the genetic counselor is licensed and qualified by education, training and experience;

(g) Avoid conflicts of professional interest, including, without limitation, by refraining from providing genetic counseling to family members or romantic partners;

(h) Comply with all applicable provisions of chapter 629 of NRS and the regulations adopted pursuant thereto;

(i) Comply with the NSGC Code of Ethics adopted by reference in section 16 of this regulation, except to the extent that the provisions of the Code conflict with any provision of this chapter or state or federal law; and

(j) Ensure that the records of all patients are clear, legible, accurate and complete.

2. A genetic counselor may provide general information concerning genetics, including, without limitation, general information concerning the mechanics of inheritance of certain genes, to a family member or romantic partner. If the family member or romantic partner desires genetic counseling, the genetic counselor shall refer the family member or romantic partner, as applicable, to a physician or genetic counselor who can provide genetic counseling without a conflict of interest.

Sec. 18. *A genetic counselor shall not:*

1. Falsify or alter records of health care;

2. Falsify or alter the records of a patient so as to indicate that testing or genetic counseling was performed by him or her which was in fact not performed by him or her;

3. 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;

4. Engage in sexual activity with a patient who is currently receiving genetic counseling from the genetic counselor or who has received genetic counseling from the genetic counselor within the immediately preceding 2 years;

5. 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 care rendered to a patient;

6. 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;

7. Engage in or conceal conduct which brings the profession of genetic counseling into disrepute;

8. 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;

9. 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;

10. 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; or

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

Sec. 19. *In addition to the grounds specified in section 12 of Senate Bill No. 189, chapter 179, Statutes of Nevada 2025, at page 1102, 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:*

1. Has held himself or herself out as or authorized another person to represent the genetic counselor to be a licensed physician or physician assistant or licensed to practice another profession for which the genetic counselor does not hold a license;

2. Has performed genetic counseling other than as authorized in this chapter and chapter 630 of NRS;

3. Is guilty of malpractice in genetic counseling;

4. Is guilty of disobedience of any order of the Board or an investigative committee of the Board or any provision in the regulations of the State Board of Health or the State Board of Pharmacy;

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

6. Has assisted in the practice of genetic counseling after his or her license as a genetic counselor expired or was revoked or suspended;

7. Has been convicted of a felony; or

8. Has violated any provision that would subject a practitioner of medicine to discipline pursuant to NRS 630.301 to 630.3065, inclusive, or NAC 630.230.

Sec. 20. ***1. Before the Board takes disciplinary action against a genetic counselor, the Board will provide to the genetic counselor a written notice pursuant to NRS 233B.121. 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.***

2. If the Board orders a genetic counselor to undergo an examination pursuant to NRS 630.318, as amended by section 29 of Senate Bill No. 189, chapter 179, Statutes of Nevada 2025, at page 1110, the genetic counselor shall pay the cost of the examination.

NEW FIRST PARALLEL SECTION

Sec. 21. ***1. In addition to the qualifications required by section 5.9 of Senate Bill No. 189, chapter 179, Statutes of Nevada 2025, at page 1099, any member appointed on or after January 1, 2029, to the Genetic Counseling Advisory Council pursuant to paragraph (b) of subsection 2 of that section must have resided in and continually practiced as a licensed genetic counselor in this State for at least 3 years immediately preceding the appointment.***

2. The Board will give appointees to the Genetic Counseling Advisory Council created by section 5.9 of Senate Bill No. 189, chapter 179, Statutes of Nevada 2025, at page 1099, written notice of their appointment and terms of office.

3. Each member of the Advisory Council serves until the Board appoints a successor.

4. At the request of the Board, the Advisory Council shall review and make recommendations to the Board concerning any matters relating to licensed genetic counselors.

Sec. 22. NAC 630.040 is hereby amended to read as follows:

630.040 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.

Sec. 23. NAC 630.045 is hereby amended to read as follows:

630.045 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.

Sec. 24. NAC 630.240 is hereby amended to read as follows:

630.240 1. If a licensee desires to surrender his or her license to practice medicine, practice as an anesthesiologist assistant, ***to 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 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 ~~[.]~~ ***if the conduct included in the complaint occurred while the license was active.***

5. If a complaint for disciplinary action is made against a person for conduct that occurred after the voluntary surrender of a license, the failure to renew a license or the placement of a license on retired status pursuant to section 1 of LCB File No. R118-21 and that conduct constitutes a violation of NRS 630.400, the Board may take any action authorized in response to such a violation.

Sec. 25. NAC 630.243 is hereby amended to read as follows:

630.243 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.

Sec. 26. NAC 630.275 is hereby amended to read as follows:

630.275 1. The Board will, pursuant to subsection 3 of NRS 630.336, ***as amended by section 6 of Assembly Bill No. 56, chapter 18, Statutes of Nevada 2025, at page 94, and section 32 of Senate Bill No. 189, chapter 179, Statutes of Nevada 2025, at page 1112,*** 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.

Sec. 27. NAC 630.465 is hereby amended to read as follows:

630.465 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 in the case which has been resolved by negotiation or stipulation and an estimate, to the nearest hour, of the time required for presentation of its arguments at the hearing.

Sec. 28. Section 1 of LCB File No. R118-21 is hereby amended to read as follows:

Section 1. ***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.]~~ ***(a)*** The licensee is otherwise in good standing;

~~[2.]~~ ***(b)*** There are no complaints or investigations pending against the licensee; and

~~[3.]~~ ***(c)*** No disciplinary action is pending against the licensee.

2. A holder of a retired license may not reinstate the license. If the holder of a retired license wishes to be licensed, he or she must apply for a new license and is subject to all requirements that apply to an applicant for a new license.

NEW SECOND PARALLEL SECTION

Sec. 29. Section 21 of this regulation is hereby amended to read as follows:

Sec. 21. 1. ~~[In addition to the qualifications required by section 5.9 of Senate Bill No. 189, chapter 179, Statutes of Nevada 2025, at page 1099, any member appointed on or after January 1, 2029, to the Genetic Counseling Advisory Council pursuant to paragraph (b) of subsection 2 of that section must have resided in and continually practiced as a licensed genetic counselor in this State for at least 3 years immediately preceding the appointment.]~~ ***The Genetic Counseling Advisory Council is hereby created.***

2. ***The Board will appoint to the Advisory Council:***

(a) One physician licensed in this State who has experience in the field of genetics;

(b) Three members who are actively engaged in the practice of genetic counseling and have lived and continuously practiced in this State as a licensed genetic counselor for at least 3 years immediately preceding the appointment; and

(c) One member who is a representative of the public.

3. Each member of the Advisory Council must be a resident of this State.

4. Except as otherwise provided in this section, the members of the Advisory Council must be appointed to terms of 2 years. Members may be reappointed.

5. A vacancy on the Advisory Council must be filled in the same manner as the original appointment for the remainder of the unexpired term.

6. The Board will give appointees to the ~~[Genetic Counseling]~~ Advisory Council ~~[created by section 5.9 of Senate Bill No. 189, chapter 179, Statutes of Nevada 2025, at page 1099,]~~ written notice of their appointment and terms of office.

~~[3.]~~ ***7.*** Each member of the Advisory Council serves until the Board appoints a successor.

~~[4.]~~ ***8. The Board may remove a member of the Advisory Council for incompetence, neglect of duty, moral turpitude or malfeasance in office.***

9. The members of the Advisory Council are not entitled to compensation.

10. The Advisory Council shall:

(a) Elect from its members a Chair and any other officers determined necessary by the members of the Advisory Council at the first meeting of each year;

(b) Meet at least two times each year at the call of the Chair of the Advisory Council;

(c) Advise the Board on the adoption of regulations concerning the practice of genetic counseling and other matters related to the practice of genetic counseling; and

(d) At the request of the Board, ~~[the Advisory Council shall]~~ review and make recommendations to the Board concerning any matters relating to licensed genetic counselors.

11. A majority of the members of the Advisory Council constitutes a quorum for the transaction of the business of the Advisory Council.

Sec. 30. This regulation is hereby amended by adding thereto the following transitory language which has the force and effect of law but which will not be codified in the Nevada Administrative Code:

Any member who, on December 31, 2030, is serving on the Genetic Counseling Advisory Council created by section 5.9 of Senate Bill No. 189, chapter 179, Statutes of Nevada 2025, at page 1099, shall, on January 1, 2031, be deemed to have been appointed to the Genetic Counseling Advisory Council created by section 21 of this regulation, as amended by section 29 of this regulation. Any such member whose term does not expire on January 1, 2031, serves the remainder of his or her unexpired term, so long as he or she continues to possess the qualifications required by section 21 of this regulation, as amended by section 29 of this regulation, for his or her position on the Advisory Council.

Sec. 31. 1. This section and sections 1 to 28, inclusive, of this regulation become effective upon filing with the Secretary of State.

2. Sections 29 and 30 of this regulation become effective on January 1, 2031.