

State Board of Podiatry

Nevada Revised Statutes Chapter 635

Board members (NRS 635.020)—The Board consists of five members, appointed by the Governor, as follows:

- Three members who are licensed podiatric physicians in Nevada;
- One member who represents the interests of persons or agencies that provide health care to indigent, uninsured, or low income patients; and
- One member who represents the general public as provided by statute.

Powers and duties of the Board—The Board:

- Shall adopt regulations to carry out the provisions of Chapter 635;
- May inspect premises where a person is licensed to practice podiatry, provided the Board may authorize an agent to inspect such premises;
- May issue subpoenas;
- Shall deposit fees in financial institutions in Nevada;
- Shall deposit money collected from the imposition of civil penalties in the State General Fund;
- May issue licenses to qualified applicants;
- May issue licenses by endorsement and expedited licenses;
- May require licensees who are registered to dispense controlled substances to complete training; and
- May take disciplinary action, provided a fine may not exceed \$5,000.

Operations of the Board—The Board:

- May fix a salary for Board members of not more than \$150 per day. Members may receive per diem allowance and travel expenses;
- May maintain offices in as many locations as it finds necessary; and
- May employ attorneys, investigators, consultants, and support personnel.

Background

Legislation:

- 1917—Assembly Bill 26 (Chapter 80, *Statutes of Nevada*)—Required applicants for a certificate to practice chiropody to file an application with the Board of Medical Examiners and pass a written examination;
- 1949—Senate Bill 69 (Chapter 149, *Statutes of Nevada*)—Established the State Board of Chiropody consisting of three licensed chiropodists appointed by the Governor; provided that an applicant must be a graduate of a school of chiropody recognized by the Board pursuant to statute; authorized the Board to discipline licensees; and established the duty of city police departments and county sheriffs to see that all practitioners of chiropody are legally registered;
- 1963—SB 60 (Chapter 117, *Statutes of Nevada*)—Established that certain boards and commissions shall obtain an audit of its fiscal records annually;
- 1969—SB 441 (Chapter 527, *Statutes of Nevada*)—Revised the name to the State Board of Podiatry;
- 1977—AB 278 (Chapter 530, *Statutes of Nevada*)—Revised the membership of the Board to include one member who represents the general public;
- 1979—AB 673 (Chapter 691, *Statutes of Nevada*)—Increased the Board from three members to five and provided that four of those members must be licensed podiatrists;
- 1985—SB 33 (Chapter 124, *Statutes of Nevada*)—Repealed the requirement that city police and county sheriffs ensure the registration of podiatrists and podiatry hygienists and required the Board to report violations of Chapter 635 to the district attorney;
- 1987—SB 178 (Chapter 748, *Statutes of Nevada*)—Provided additional grounds for discipline; and
- 2003—SB 310 (Chapter 213, *Statutes of Nevada*)—Revised Board membership to require that one member must represent the interests of persons or agencies that provide health care to indigent, uninsured, or low income patients.

Legislative history—The following legislative history has been compiled and is available on the website of the Research Library:

- AB 278 [Part 1](#), [Part 2](#), and [Part 3](#) (1977)—Sponsored by Assembly Committee on Government Affairs.

In addition, the bill pages for the following legislation are available on the Legislature's website:

- [SB 310](#) (2003)—Sponsored by Senator Maggie Carlton.

Reports to the Legislature—No reports to the Legislature are required pursuant to Chapter 635.

NRS 622.100 requires a report to the Director of the Legislative Counsel Bureau (LCB) including information relating to licensing and disciplinary actions. (Senate Bill 69 [Chapter 518, *Statutes of Nevada 2017*] revised the reporting provisions.)

Records held by LCB—The following are recent publications held by the Research Library:

- NEVADA STATE BOARD OF PODIATRY: (Summary of activities for the time period 7/1/2012 through 6/30/2014), 2015

Current contact—Carolyn J. Cramer, Executive Director

Website—<http://podiatry.nv.gov/>

STATE BOARD OF PODIATRY

NRS 635.020 Creation; number, appointment and qualifications of members; salary of members; per diem allowances and travel expenses of members and employees.

1. The State Board of Podiatry, consisting of five members appointed by the Governor, is hereby created.
2. The Governor shall appoint:
 - (a) Three members who are licensed podiatric physicians in the State of Nevada.
 - (b) One member who represents the interests of persons or agencies that regularly provide health care to patients who are indigent, uninsured or unable to afford health care. This member may be licensed under the provisions of this chapter.
 - (c) One member who is a representative of the general public. This member must not be:
 - (1) A licensed podiatric physician in the State of Nevada; or
 - (2) The spouse or the parent or child, by blood, marriage or adoption, of a licensed podiatric physician in the State of Nevada.
3. The members of the Board are entitled to receive:
 - (a) A salary of not more than \$150 per day, as fixed by the Board, while engaged in the business of the Board; and
 - (b) A per diem allowance and travel expenses at a rate fixed by the Board, while engaged in the business of the Board. The rate must not exceed the rate provided for state officers and employees generally.
4. While engaged in the business of the Board, each employee of the Board is entitled to receive a per diem allowance and travel expenses at a rate fixed by the Board. The rate must not exceed the rate provided for state officers and employees generally.

[Part 2:149:1949; 1943 NCL § 1077.2]—(NRS A [1963, 153](#); [1969, 906](#); [1975, 304](#); [1977, 1253](#); [1979, 1868](#); [1981, 1993](#); [1985, 492](#); [1987, 1853](#); [1989, 1699](#); [1993, 2219](#); [2003, 1194](#); [2007, 1042](#), [2949](#))

NRS CROSS REFERENCES.

Residency requirements, qualifications of representative of general public, [NRS 232A.020, 622.205](#)
Terms of office, vacancies, [NRS 232A.020](#)

NRS 635.030 Officers; regulations; expenses; record of transactions; seal.

1. The Board shall elect from among its members a President, a Vice President, a Secretary and a Treasurer. The members may assign the duties of the Treasurer and the Secretary to one person who must be designated the Secretary-Treasurer.
 2. The Board shall adopt regulations to carry out the provisions of this chapter.
 3. The Board shall not incur any expenses which exceed the money received from time to time as fees provided by law.
 4. The Board shall keep and preserve a complete record of all its transactions.
 5. The Board may adopt a seal of which any court of this State may take judicial notice.
- [3:149:1949; 1943 NCL § 1077.3] + [Part 9:149:1949; 1943 NCL § 1077.9] + [Part 10:149:1949; 1943 NCL § 1077.10]—(NRS A [1985, 493](#); [1987, 1857](#))

REVISER'S NOTE.

The revised section (cf. subsection 3) combines the last clause of sec. 3 and the last clause of sec. 9 of the original act, both clauses being practically identical in wording.

ADMINISTRATIVE REGULATIONS.

Podiatry, [NAC ch. 635](#)

NRS 635.035 Offices and employees of Board; inspection of premises of licensee.

1. The Board may:

(a) Maintain offices in as many localities in the State as it finds necessary to carry out the provisions of this chapter.

(b) Employ attorneys, investigators and other professional consultants and clerical personnel necessary to the discharge of its duties.

2. The Board or any agent of the Board may enter any premises in this State where a person who holds a license issued pursuant to the provisions of this chapter practices podiatry or as a podiatry hygienist and inspect it to determine whether a violation of any provision of this chapter has occurred, including, without limitation, an inspection to determine whether any person at the premises is practicing podiatry or as a podiatry hygienist without the appropriate license issued pursuant to the provisions of this chapter.

(Added to NRS by [1963, 153](#); A [2013, 2230](#))

NRS CROSS REFERENCES.

Contracts for services to be in writing and approved, [NRS 284.013](#)

Employment of immediate relatives, conditions and limitations, [NRS 622.210-622.230](#)

NRS 635.037 Subpoenas: Issuance; enforcement.

1. The Board may issue subpoenas for the attendance of witnesses and the production of books and papers.

2. The district court, in and for the county in which any hearing is held, may compel the attendance of witnesses, the giving of testimony and the production of books and papers as required by any subpoena issued by the Board.

(Added to NRS by [1985, 492](#))—(Substituted in revision for NRS 635.155)

NRS 635.040 Deposit of fees; payment of salaries and expenses; deposit of money from imposition of civil penalties; claim for attorneys' fees or costs of investigation.

1. All fees provided for in this chapter must be paid to the Treasurer of the Board, who shall deposit the fees in banks, credit unions or savings and loan associations in this State. All of the salaries and expenses for the operation of the Board must be paid from the fees.

2. The Board shall deposit the money collected from the imposition of civil penalties with the State Treasurer for credit to the State General Fund, and may present a claim to the State Board of Examiners for recommendation to the Interim Finance Committee if money is needed to pay attorneys' fees or the costs of an investigation, or both.

[Part 9:149:1949; 1943 NCL § 1077.9]—(NRS A [1963, 153](#); [1987, 1858](#); [1999, 1533](#))

NRS 635.045 Fiscal year; biennial audit. The Board shall:

1. Operate on the basis of a fiscal year commencing on July 1 and terminating on June 30; and

2. Audit its fiscal records once every 2 years.

(Added to NRS by [1963, 153](#); A [1983, 378](#))

NRS CROSS REFERENCES.

Audits, [NRS 218G.400](#)

NRS 635.130 Authority of Board to take disciplinary or other action; grounds.

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

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

(b) Suspend or revoke a license.

Query:

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- (c) Place a licensee on probation.
 - (d) Impose a fine not to exceed \$5,000.
 - 2. The Board may take disciplinary action against a licensee for any of the following causes:
 - (a) The making of a false statement in any affidavit required of the applicant for application, examination or licensure pursuant to the provisions of this chapter.
 - (b) Lending the use of the holder's name to an unlicensed person.
 - (c) If the holder is a podiatric physician, permitting an unlicensed person in his or her employ to practice as a podiatry hygienist.
 - (d) Habitual indulgence in the use of alcohol or any controlled substance which impairs the intellect and judgment to such an extent as in the opinion of the Board incapacitates the holder in the performance of his or her professional duties.
 - (e) Conviction of a crime involving moral turpitude.
 - (f) Conviction of violating any of the provisions of [NRS 616D.200](#), [616D.220](#), [616D.240](#) or [616D.300](#) to [616D.440](#), inclusive.
 - (g) Conduct which in the opinion of the Board disqualifies the licensee to practice with safety to the public.
 - (h) The commission of fraud by or on behalf of the licensee regarding his or her license or practice.
 - (i) Gross incompetency.
 - (j) Affliction of the licensee with any mental or physical disorder which seriously impairs his or her competence as a podiatric physician or podiatry hygienist.
 - (k) False representation by or on behalf of the licensee regarding his or her practice.
 - (l) Unethical or unprofessional conduct.
 - (m) Failure to comply with the requirements of subsection 1 of [NRS 635.118](#).
 - (n) Willful or repeated violations of this chapter or regulations adopted by the Board.
 - (o) Willful violation of the regulations adopted by the State Board of Pharmacy.
 - (p) Knowingly procuring or administering a controlled substance or a dangerous drug as defined in [chapter 454](#) of NRS that is not approved by the United States Food and Drug Administration, unless the unapproved controlled substance or dangerous drug:
 - (1) Was procured through a retail pharmacy licensed pursuant to [chapter 639](#) of NRS;
 - (2) Was procured through a Canadian pharmacy which is licensed pursuant to [chapter 639](#) of NRS and which has been recommended by the State Board of Pharmacy pursuant to subsection 4 of [NRS 639.2328](#); or
 - (3) Is marijuana being used for medical purposes in accordance with [chapter 453A](#) of NRS.
 - (q) Operation of a medical facility, as defined in [NRS 449.0151](#), at any time during which:
 - (1) The license of the facility is suspended or revoked; or
 - (2) An act or omission occurs which results in the suspension or revocation of the license pursuant to [NRS 449.160](#).
 - This paragraph applies to an owner or other principal responsible for the operation of the facility.
 - (r) Failure to obtain any training required by the Board pursuant to [NRS 635.116](#).
 - (s) Failure to comply with the provisions of [NRS 453.163](#) and [453.164](#).
- [12:149:1949; 1943 NCL § 1077.12]—(NRS A [1969, 908](#); [1971, 1026](#), [2037](#), [2049](#); [1977, 133](#); [1979, 960](#); [1981, 595](#); [1983, 378](#); [1985, 497](#); [1987, 802](#), [1563](#), [1856](#); [1993, 789](#), [887](#), [2223](#); [1995, 870](#); [2003, 3449](#); [2005, 769](#); [2009, 888](#); [2011, 262](#), [853](#), [1871](#); [2015, 122](#), [1175](#))

NRS CROSS REFERENCES.

Computerized program to track prescriptions for controlled substances, duties, [NRS 453.163](#), [453.164](#)
 Industrial insurance, prohibited acts, penalties, [NRS ch. 616D](#)

ADMINISTRATIVE REGULATIONS.

Interpretation of "licensee," [NAC 635.095](#)
Unprofessional conduct, [NAC 635.350-635.390](#)

NRS 635.135 Suspension of license for failure to pay child support or comply with certain subpoenas or warrants; reinstatement of license. [Effective until 2 years after the date of the repeal of 42 U.S.C. § 666, the federal law requiring each state to establish procedures for withholding, suspending and restricting the professional, occupational and recreational licenses for child support arrearages and for noncompliance with certain processes relating to paternity or child support proceedings.]

1. If the Board receives a copy of a court order issued pursuant to [NRS 425.540](#) that provides for the suspension of all professional, occupational and recreational licenses, certificates and permits issued to a person who is the holder of a license to practice podiatry or to practice as a podiatry hygienist, the Board shall deem the license issued to that person to be suspended at the end of the 30th day after the date on which the court order was issued unless the Board receives a letter issued to the holder of the license by the district attorney or other public agency pursuant to [NRS 425.550](#) stating that the holder of the license has complied with the subpoena or warrant or has satisfied the arrearage pursuant to [NRS 425.560](#).

2. The Board shall reinstate a license to practice podiatry or to practice as a podiatry hygienist that has been suspended by a district court pursuant to [NRS 425.540](#) if the Board receives a letter issued by the district attorney or other public agency pursuant to [NRS 425.550](#) to the person whose license was suspended stating that the person whose license was suspended has complied with the subpoena or warrant or has satisfied the arrearage pursuant to [NRS 425.560](#).

(Added to NRS by [1997, 2134](#); A [2005, 2807](#))

NRS 635.150 Disciplinary proceedings: Majority vote of Board required; commencement required for certain violations of Industrial Insurance Act.

1. A decision by the Board in a disciplinary proceeding must be made by a majority vote of the members of the Board.

2. Notwithstanding the provisions of [chapter 622A](#) of NRS, if the Board receives a report pursuant to subsection 5 of [NRS 228.420](#), a disciplinary proceeding regarding the report must be commenced within 30 days after the Board receives the report.

[14:149:1949; 1943 NCL § 1077.14]—(NRS A [1993, 790](#); [2005, 770](#))

NRS CROSS REFERENCES.

Administrative procedure, contested cases, [NRS ch. 622A](#)
Industrial Insurance Act, reports of violations, [NRS 228.420](#)

NRS 635.155 Subpoenas: Issuance; enforcement. [Replaced in revision by [NRS 635.037](#).]

NRS 635.158 Confidentiality of certain records of Board; exceptions; retention of complaints.

1. Except as otherwise provided in this section and [NRS 239.0115](#), a complaint filed with the Board, all documents and other information filed with the complaint and all documents and other information compiled as a result of an investigation conducted to determine whether to initiate disciplinary action against a person are confidential, unless the person submits a written statement to the Board requesting that such documents and information be made public records.

2. The charging documents filed with the Board to initiate disciplinary action pursuant to [chapter 622A](#) of NRS and all documents and information considered by the Board when determining whether to impose discipline are public records.

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

public records.

4. The Board shall, to the extent feasible, communicate or cooperate with or provide any documents or other information to any other licensing board or any other agency that is investigating a person, including, without limitation, a law enforcement agency.

5. The Board shall retain all complaints filed with the Board for at least 10 years, including, without limitation, any complaints not acted upon.

(Added to NRS by [2003, 3448](#); A [2005, 770](#); [2007, 2138](#); [2009, 889](#); [2013, 2230](#))

NRS CROSS REFERENCES.

Administrative procedure, contested cases, [NRS ch. 622A](#)

Investigatory proceedings, Open Meeting Law inapplicable, [NRS 622.320](#)

Records open to public inspection, exception, [NRS 239.001-239.030](#), [622.310](#)

NRS 635.159 Filing of complaint. Any person who becomes aware that a person practicing podiatry or practicing as a podiatry hygienist in this State has, is or is about to become engaged in conduct which constitutes grounds for initiating disciplinary action may file a complaint with the Board. A complaint may be filed anonymously. If a complaint is filed anonymously, the Board may accept the complaint but may refuse to consider the complaint if anonymity of the complainant makes processing the complaint impossible or unfair to the person who is the subject of the complaint.

(Added to NRS by [2013, 2229](#))

NRS 635.162 Injunctive relief; order of court for limitation of practice or suspension of license; temporary restraining order.

1. In addition to any other remedy provided by law, the Board, through its President or Secretary or the Attorney General, may apply to any court of competent jurisdiction:

- (a) To enjoin any prohibited act or other conduct of a podiatric physician which is harmful to the public;
- (b) To enjoin any person who is not licensed under this chapter from practicing podiatry;
- (c) To limit the podiatric physician's practice or suspend his or her license to practice podiatry; or
- (d) To enjoin the use of the title "D.P.M.," "Podiatrist," "Podiatric Physician," "Podiatric Physician-Surgeon" or "Physician-Surgeon D.P.M." when not licensed by the Board pursuant to this chapter, unless the use is otherwise authorized by a specific statute.

2. The court in a proper case may issue a temporary restraining order or a preliminary injunction for the purposes set forth in subsection 1:

- (a) Without proof of actual damage sustained by any person;
- (b) Without relieving any person from criminal prosecution for engaging in the practice of podiatry without a license; and
- (c) Pending proceedings for disciplinary action by the Board.

(Added to NRS by [1987, 1852](#); A [1993, 2224](#))

NRS 635.167 Unlawful acts; penalties.

1. Any person who:
- (a) Presents to the Board as his or her own the diploma, license or credentials of another;
 - (b) Gives either false or forged evidence of any kind to the Board;
 - (c) Practices podiatry under a false or assumed name or falsely personates another licensee;
 - (d) Except as otherwise provided by specific statute, practices podiatry without being licensed under this chapter; or
 - (e) Uses the title "D.P.M.," "Podiatrist," "Podiatric Physician," "Podiatric Physician-Surgeon" or

“Physician-Surgeon D.P.M.” when not licensed by the Board pursuant to this chapter, unless otherwise authorized by a specific statute,

↪ is guilty of a gross misdemeanor, unless a greater penalty is provided pursuant to [NRS 200.830](#) or [200.840](#).

2. In addition to any other penalty prescribed by law, if the Board determines that a person has committed any act described in subsection 1, the Board may:

(a) Issue and serve on the person an order to cease and desist until the person obtains from the Board the proper license or otherwise demonstrates that he or she is no longer in violation of subsection 1. An order to cease and desist must include a telephone number with which the person may contact the Board.

(b) Issue a citation to the person. A citation issued pursuant to this paragraph must be in writing, describe with particularity the nature of the violation and inform the person of the provisions of this paragraph. Each activity in which the person is engaged constitutes a separate offense for which a separate citation may be issued. To appeal a citation, the person must submit a written request for a hearing to the Board not later than 30 days after the date of issuance of the citation.

(c) Assess against the person an administrative fine as provided in paragraph (d) of subsection 1 of [NRS 635.130](#).

(d) Impose any combination of the penalties set forth in paragraphs (a), (b) and (c).

(Added to NRS by [1987, 1853](#); A [1993, 2224](#); [2013, 999](#), [2230](#))

NRS 635.170 Prosecution of violation.

1. The Board shall report any violation of this chapter to the district attorney of the county wherein the violation occurs.

2. The district attorney shall promptly prosecute any person violating any provision of this chapter.

[Part 15:149:1949; 1943 NCL § 1077.15]—(NRS A [1959, 183](#); [1969, 909](#); [1971, 1027](#); [1985, 498](#))

NRS 635.180 Penalty for unauthorized practice. Except as otherwise provided in [NRS 635.167](#), every person who practices podiatry or as a podiatry hygienist without having complied with the provisions of this chapter must be fined not more than \$10,000 for each offense.

[Part 15:149:1949; 1943 NCL § 1077.15]—(NRS A [1967, 642](#); [1969, 909](#); [1971, 1027](#); [1977, 133](#); [1987, 1857](#); [1993, 887](#); [2003, 3449](#))

ATTORNEY GENERAL'S OPINIONS.

Unlicensed manicurist not to practice chiropody. A manicurist has no right to practice chiropody without a license. [AGO 5 \(2-3-1931\)](#)

NRS 635.190 Practicing or offering to practice without license: Reporting requirements of Board. Unless the Board determines that extenuating circumstances exist, the Board shall forward to the appropriate law enforcement agency any substantiated information submitted to the Board concerning a person who practices or offers to practice podiatry or as a podiatry hygienist without the appropriate license issued pursuant to the provisions of this chapter.

(Added to NRS by [2013, 2229](#))

Follow these instructions when filling out the form:

1. Download the form to your personal computer.
2. Complete the downloaded form using Adobe Reader.
3. Save the completed form to your personal computer.
4. Then send the saved form and any additional documents in PDF format to cstonefield@lcb.state.nv.us

**Information Concerning Board or Commission
Subject to Review by the
Sunset Subcommittee of the Legislative Commission**
as required by Nevada Revised Statutes 232B.230



Board or commission name:

Nevada State Board of Podiatry

Members' names with expiration date of term, and indicate the number of vacancies:

Douglas S. Stacey, D.P.M. 6/30/2020
Kenneth M. Jarvis, D.P.M. 6/30/2020
Christine C. Clark, D.P.M. 10/31/2020
Katheryne Glantz, D.P.M. 6/30/2020
Donna Baushke 10/31/2019

Physical address:

1325 Airmotive Way, Suite 175 - I, Reno, NV 89502

Mailing address:

1325 Airmotive Way, Suite 175 - I, Reno, NV 89502

Web site address (if any):

podiatry.nv.gov

Web site developer (if not EITS, please indicate if EITS approved the web site):

Enterprise Information Technology Services

Executive director's name and contact information:

Carolyn J. Cramer
1325 Airmotive Way, Suite 175 I I
Reno, NV 89502
Email: nvpodiatry@bop.nv.gov

Staff members' names including titles and status as full-time or part-time (attach additional pages as necessary):

Carolyn J. Cramer, Executive Director, part-time

Days and hours of operation:

Mondays and Tuesdays 9:00 a.m. - 3:00 p.m. / Wednesdays 9:00 a.m. to noon

Created by what authority:

NRS chapter 635 and NAC chapter 635

Authority to adopt regulations (NRS) and citation to regulations (NAC), if applicable:

NRS 635.030(2)

**Information Concerning Board or Commission
Subject to Review by the
Sunset Subcommittee of the Legislative Commission**

List by LCB File No. and date of adoption the five regulations most recently adopted by the board or commission, with any applicable deadline for the adoption of any such regulation:

LCB #180-08
LCB #092-02
LCB #195-97

Note: The two regulations that may have preceded the above three regulations are too old to locate on LCB's website.

List any required regulations that have not been adopted, with any applicable deadline for the adoption of any such regulation. Please identify each such regulation by LCB File No., if available, or by reference to the provision of NRS or Statutes of Nevada requiring adoption of the regulation:

AB 474, SB 69, and SB 101

Governing structure of the board or commission pursuant to statute:

The Board's governing structure is provided for in NRS 635.020. All Board members are appointed by the Governor. The Board is comprised of three members who are podiatric physicians, one member who represents the interests of persons or agencies that regularly provide health care to patients who are indigent, uninsured or unable to afford health care.

Duties of the board or commission:

NRS Chapter 635 provides various duties for the Board to perform, which include:
Initial Licensing of podiatric physicians
Annual renewal of licensing of podiatric physicians
Initial Licensing of podiatry hygienists
Annual renewal of podiatry hygienists
Licensing of limited license podiatric physicians
Annual renewal of limited license podiatric physicians
Conducting disciplinary proceedings

Statement of the objectives and programs of the board or commission:

See attached narrative report.

**Information Concerning Board or Commission
Subject to Review by the
Sunset Subcommittee of the Legislative Commission**

**Itemized list of services offered
by the board or commission:**

See attached narrative report.

**Dates of the immediately
preceding six meetings and
the online location where the
minutes can be found:**

March 12, 2018, January 22, 2018, November 13, 2017, September 18, 2017, July 17, 2017
and May 22, 2017

The Board minutes can be viewed on its website

**Statutory tax exemptions,
abatements, or money set aside
for the board or commission:**

None

**Description of the manner in
which the board or commission
is funded, including all funding
sources:**

The Board is not a general fund agency and receives no funding from the State of Nevada.
The sole revenue of the Board is derived from application fees and renewal fees.

**Please identify any forms
required by the board or
commission to be used by
members of the public which
are not available for
downloading from the web site
of the board or commission:**

DPS fingerprint card

Information Concerning Board or Commission
Subject to Review by the
Sunset Subcommittee of the Legislative Commission

Does the board or commission have any recommendations for consolidation with another board or commission? If so, which one(s) could be revised to include the charge to the board or commission that is the subject of this review?

The Board does not have any recommendations for consolidation.

Does the board or commission believe that its objectives and programs have been effective in accomplishing the purposes for which the board or commission was created? Please explain the response with any information the board or commission believes is relevant:

See attached narrative report.

Any recommendations for statutory changes which are necessary for the board or commission to carry out its objectives and programs:

The Board is in discussion of potential revisions, but the Board has no recommendations at this time.

If additional space is necessary, please attach additional pages and refer to the attachments on the form.

Please include with this form:

1. The operating budget of the board or commission.
2. A statement setting forth the income and expenses of the board or commission for at least 3 years immediately preceding the date on which the board or commission submits this form, including the balances of any fund or account maintained by or on behalf of the board or commission.
3. The most recent legislative audit or other audit of the board or commission, and any efficiency studies or constituent or staff surveys conducted in the past 3 years.
4. Any reports required to be filed with the Legislative or Executive Branch over the past 3 years. Please indicate if any reports were filed late or have not been filed.
5. A copy of the organizational chart showing the governing structure of the board or commission and its staff.
6. A copy of the most recent strategic plan of the board or commission.

For occupational and professional licensing boards and commissions, please provide the following additional information:

1. Statement of the fee charged for each license, certificate, registration, permit, or other similar authorization issued by the board or commission.
2. Statement of how frequently each license, certificate, registration, permit, or other similar authorization issued by the board or commission must be renewed and the fee charged for such renewal.
3. For each license, certificate, registration, permit, or other similar authorization issued by the board or commission, list the fee charged for an equivalent license, certificate, registration, permit, or other similar authorization in each of the following states: Arizona, California, Idaho, Oregon, and Utah.
4. For each license, certificate, registration, permit, or other similar authorization issued by the board or commission, provide a statement of how frequently an equivalent license, certificate, registration, permit, or other similar authorization must be renewed and the fee charged for such renewal in the following states: Arizona, California, Idaho, Oregon, and Utah.

STATE OF NEVADA



NEVADA STATE BOARD OF PODIATRY

REPORT PREPARED FOR THE SUNSET SUBCOMMITTEE OF THE LEGISLATIVE COMMISSION

2017-2018 INTERIM

STATE OF NEVADA



Nevada State Board of Podiatry
1325 Airmotive Way, Suite 175-I
Reno, Nevada
Phone (775) 789-2605 Fax (775) 786-4451
Website: podiatry.nv.gov
E-mail: nvpodiatry@bop.nv.gov

April 6, 2018

Dear Members of the Sunset Subcommittee of the Legislative Commission:

On behalf of the public we serve and the learned profession we represent, the Nevada State Board of Podiatry has compiled this report to give the Subcommittee the information its needs to help it understand how the Board meets its responsibility affecting the public safety and welfare.

Since 1949 the Nevada Board of Podiatry has been a part of Nevada's healthcare and we look forward as an agency to working with this Subcommittee as we work towards providing foot care in Nevada.

Sincerely,

Carolyn J. Cramer, Esq.
Executive Director

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Introduction

Our Mission: The practice of podiatry is hereby declared to be a learned profession, affecting public safety and welfare and charged with the public interest and therefore subject to protection and regulation by the state.

I. The Nevada State Board of Podiatry

Since 1949, the Nevada Board of Podiatry has been acting in the public interest by licensing and regulating the podiatric care provided by Nevada's Podiatric Physicians and Podiatry Hygienists to the standards established by the Nevada Legislature.

II. Present Board Members

The present members of the Board are listed in the following table:

Member Name	Term	Status
Douglas S. Stacey, D.P.M.	Term Expires 6/30/2020	Podiatric Physician President
Kenneth M. Jarvis, D.P.M.	Term Expires 6/30/2020	Podiatric Physician Vice-President
Christine C. Clark, D.P.M.	Term Expires 10/31/2020	Podiatric Physician Secretary-Treasurer
Katheryne Glantz, D.P.M.	Term Expires 6/30/2020	Podiatric Physician Member
Donna Baushke	Term Expires 10/31/2019	Consumer Member

III. The Board's Website

The Board's website is: www.podiatry.nv.gov. The website was constructed and is maintained by Nevada's Enterprise Information Technology Services.

IV. The Board's Executive Director

The Board employs a part-time Executive Director, Ms. Carolyn J. Cramer, Esq. Ms. Cramer has served the Board as its Executive Director since July of 2017. Her contact information is:

Carolyn J. Cramer, Executive Director
Nevada State Board of Podiatry
1325 Airmotive Way, Suite 175-I
Reno, NV 89502
Telephone: (775) 789-2605
Facsimile: (775) 786-4451
E-mail: nvpodiatry@bop.nv.gov

V. The Board's Staff

Position	Name	Address	Telephone	E-Mail address web-site:
Executive Director	Carolyn J. Cramer	1325 Airmotive Way, Suite 175-I, Reno, NV 89502	(775)789-2605	nvpodiatry@bop.nv.gov

VI. Created by What Authority

In 1949, the Nevada Legislature created the Nevada State Board of Chiropractic and the Board held its first meeting in Reno, Nevada on June 6th and 7th of that year. At that first meeting, a three-member Board was elected and the first rules and regulations were adopted and the Board's first attorney rendered legal advice on the scope of practice. As time went on the professional training and focus of the profession evolved, and by the 1970s, the Nevada Legislature, through amendments, established the State Board of Podiatry. The new amendments expanded the practice to include Podiatry Physicians and, as physician extenders, Podiatry Hygienists. As a statutory creature of the Nevada Legislature the practice of podiatry under NRS chapter 635 and NAC 635 is a learned profession, affecting public safety and welfare and charged with the public interest and therefore subject to protection and regulation by the state.

VII. Authority to Adopt Regulations and Citation to Regulations

The Board's authority to adopt regulations is found at NRS 635.030(2). Pursuant to this authority, the Board has created a set of regulations presently codified as NAC chapter 635.

VIII. Five Most Recently Adopted Regulations

Presently, the Board is in the process of submitting to the LCB proposed regulations it adopted at its first workshop for the continuing education requirements and disciplinary requirements required by AB 474 enacted by the 2017 Legislature. The most recent preceding regulation was R180-08 with an effective date of February 11, 2009.

IX. Any Required Regulations That Have Not Been Adopted

The Board is presently working on regulations to meet the requirements of AB 474. Research is also underway to meet the regulatory requirements of SB 69 and the new Botox legislation.

X. Governing Structure of the Board

The Board's governing structure is provided for in NRS 635.020. All Board members are appointed by the Governor. The Board is comprised of three members who are podiatric physicians, one member who represents the interests of persons or agencies that regularly provide health care to patients who are indigent, uninsured or unable to afford health care (this person maybe another podiatry physician), and one representative of the general public.

The Board meets approximately six times a year by telephone conference. The Board will hold special in-person meetings as needed, usually to conduct disciplinary hearings. Travel is kept to a minimum to conserve Board resources.

XI. Duties of the Board

NRS chapter 635 provides various duties for the Board to perform, which include:

DUTY	NRS	NAC
Initial Licensing of podiatric physicians	635.050 – 635.073	635.023 – 635.030
Annual renewal of licensing of podiatric physicians	635.110 – 635.115	635.055
Licensing of podiatry hygienists	635.093 – 635.110	635.023 – 635.025
Annual renewal of licensing of podiatry hygienists	635.110	635.055
Licensing of limited license podiatric physicians	635.075	635.023 – 635.030
Annual renewal of limited license podiatric physicians	635.110	635.055
Conducting disciplinary proceedings	635.130 – 635.159	635.100 – 635.330
Investigating and prosecuting unlicensed activity	635.167 – 635.190	
Audit of Continuing Education courses	635.110 – 635.365	635.365
Setting and enforcing practice standards	635.130	635.350 -635.390
Administration and public information	635.030	

XII. Statement of the Objectives and Programs of the Board

The objective of the Board is to fulfill its mission as established by the Nevada Legislature to act in the public interest at all times and protect the safety and welfare of Nevada. To that end the Board offers a brief explanation of its regulatory programs that meet that end.

LICENSING

STATEMENT OF OBJECTIVE: The Board's objective regarding licensure is to license all qualified applicants promptly.

The Board licenses podiatric physicians and podiatry hygienists. Presently there are 144 podiatric physicians and nine podiatry hygienists licensed by the Board. So far three applications have been received by the Board in 2018. Spring sees an increase in activity as residencies are completed and practice decisions are made. Once the Board has a complete application, a license is issued within hours. It is the Board's intention to attract as many qualified podiatric physicians and podiatric hygienists as possible to be taking care of Nevada's patients.

RENEWAL OF LICENSE

STATEMENT OF OBJECTIVE: The Board's objective is to renew licenses as quickly as possible.

All licenses expire October 31 every year, so Fall is renewal time at the Board. With license renewal, every other year all podiatric physicians are required to submit all 50 hours of continuing education to the Board at time of renewal. If a podiatric physician fails to provide proof of the completed continuing education and the licensee has not obtained a waiver from the Board, the license will not be renewed. Because of the Board's limited resources and size, the renewal process is labor intensive. Board staff works very hard during the Fall ensuring that podiatric physicians and podiatric hygienists are renewed timely.

DISCIPLINARY PROCESS

STATEMENT OF OBJECTIVE: The Board's objective regarding its disciplinary process is to make the filing of a complaint by the public as simple as possible, to investigate every case thoroughly and in a timely manner, and to address all meritorious complaints openly and publicly.

Presently the Board has not received any complaints in 2018. There are a few complaints from previous years that are under investigation. Typically, a complaint comes to the Board via a complaint taken from a patient. The complaint is logged and checked by Board staff to make sure that there is a signed release for medical information. Once all necessary information is gathered, the complaint and release are forwarded to the subject podiatric physician so the evidence can be collected. The podiatric physician is given 30 days to respond. Once the documents are in the Board's possession, the case is assigned to an investigating board member for review. Generally, if all the information is available, the investigating board member will complete the review in 30 days. If more information is needed or if other issues come up, the Board's attorney may get involved. At this time the Board's disciplinary process is under review to make sure it is fair, fast, and meets constitutional minimums as well as Nevada law.

UNLICENSED ACTIVITY

STATEMENT OF OBJECTIVE: The Board's objective regarding unlicensed activity is to investigate and take appropriate action quickly.

The Board has statutory authority to address unlicensed activity but thankfully there has been no such activity against which to take action.

ADMINISTRATIVE OBJECTIVES

STATEMENT OF OBJECTIVE: The Board' objectives regarding its administrative function is to wisely use its regulatory powers to protect the patients who use podiatric physicians while making its services available to all with the lowest possible cost to its licensees.

BOARD FUNDING – The only funding the Board receives comes from its licensees. The initial application fee for podiatric physicians is \$600 and for podiatry hygienists is \$100. The annual renewal fee for podiatric physicians is \$400 and \$100 for podiatry hygienists. The Board does **not** charge for address changes, public information, license verifications, labels, fingerprint cards, mailing lists or any other basic function.

The Board has its books independently audited annually. Even though the Board's annual revenues are low enough that they do not require an audit, the Board is committed to conducting future audits to give itself, licensees, and staff peace of mind that nothing is overlooked and that there are no financial irregularities. The Board has had only one audit, and the results were provided to the Department of Administration and to the Legislative Counsel Bureau. In the past the Board had not adopted a budget but the Board adopted its first ever budget for FY '16-17 and it came in on budget. Its second budget, for FY '17-18, was recently adopted. Pursuant to the request of the Committee, attached is the audit and the two budgets for the Board. (Tab 1. – The budget for FY '16-17 and '17-18); (Tab 2. - Income/Expense Reports for 2016, 2017, and 2018); (Tab 3. – The Audit).

PUBLIC ACCESSIBILITY – The Board attempts to make its processes and resources available to the public it serves. All applications and renewal can be found on the Board's website. The only document for applicants that is not available is the Department of Public Safety fingerprint cards which can be mailed to applicants free of charge. For the public, a list of licensees is available as well as forms for a consumer complaint and the medical information release. The website is updated for compliance with the Open Meeting Law, and proposed regulations are also on the site.

XIII. Itemized List of Services Offered By the Board

The Board responds to the public, its applicants, and its licensees by telephone, e-mail, and mail, and holds office hours Monday 9:00 a.m. to 3:00 p.m., Tuesday 9:00 a.m. to 3:00 p.m., and Wednesday 9:00 a.m. to noon. The Board's telephone is answered by the Executive Director during posted office hours. Some of the services offered by the Board include:

- Initial licensure
- Renewal of licenses
- Receipt of and investigation of consumer complaints regarding podiatric physicians
- Receipt of and investigation of complaints regarding unlicensed practice
- Prosecuting disciplinary matters as needed
- Answering routine questions from licensees regarding their practices

XIV. Dates of the Immediately Preceding Six Meetings

- March 12, 2018
- January 22, 2018
- November 13, 2017
- September 18, 2017
- July 17, 2017
- May 22, 2017

The Boards' meeting minutes can be viewed on the Board's website.

XV. Statutory Tax Exemptions, Abatements, or Money Set Aside

STATUTORY TAX EXEMPTIONS -

- Pursuant to NRS 372.325, the Board is exempt from paying Nevada sales/use tax.
- Pursuant to §115 of the Internal Revenue Code, income of states and municipalities is not subject to federal income tax.
- According to the Internal Revenue Codes, gross income does not include: (1) income derived from any public utility or the exercise of any governmental function and accruing to a state or any political subdivision thereof, or the District of Columbia, or (2) income accruing to the government of any possession of the United States, or any political subdivision thereof.
- Pursuant to §1001 of the Internal Revenue Code, state and local governments are exempt from Social Security, except that beginning July 2, 1991, Social Security and Medicare HI coverage is mandatory for State and local government employees who meet the following conditions:
 - They are not members of a public retirement system; and
 - They are not covered under a Section 218 agreement, unless excluded by law.

MONEY SET ASIDE FOR THE BOARD - The Board is funded from fees collected from podiatric physicians and podiatric hygienists. The Board does not receive funds from the State General Fund.

XVI. Funding of the Board

The Board is not a general fund agency and receives no funding from the State of Nevada. The sole revenue of the Board is derived from application fees and renewal fees.

XVII. Publicly Available or Unavailable Forms

The following forms can be found on the Board's website:

- Licensing Information and applicants for podiatric physicians and podiatry hygienists
- Active Renewal Application for podiatric physicians and podiatry hygienists
- Complaint Form and Medical Authorization form

XVIII. Recommendation for Consolidation

The Board does not have any recommendations for consolidation.

XIX. Effectiveness of the Board in Meeting Its Objectives

The Board is diligent in meeting its objectives in all respects. The Board issues new licenses and renewals as quickly as possible. The Board investigates the consumer complaints it receives promptly and fairly for all parties involved. In the past the Board had been the victim of an embezzlement, but the Board's giving additional attention to financial matters has resulted in clean audits and the Board operating within a budget it sets annually.

XX. Recommendations for Statutory Changes

The Board is in discussion of potential revisions, but the Board has no recommendations at this time.

Licensing Fee Structure (2014-17)

Application for a license to practice as a podiatrist is \$600

Application for a license to practice as a podiatry hygienist is \$100

Application for a license to practice as a provisional license podiatrist is \$400

Annual renewal of a podiatrist is \$400

Annual renewal of a podiatry hygienist is \$100

Podiatric Physician Comparison of Fees by State

State	Initial Licensure	Annual Renewal
Arizona(423)	\$675.00	\$275.00
California(2527)	\$900.00	\$912.00
Idaho(73)	\$600.00	\$500.00
Oregon(173)	\$924.00	\$656.00
Utah(231)	\$200.00	\$103.00

Nevada Podiatric Physician Initial Licensure \$600.00 Annual Renewal \$400.00

Note: Podiatry Hygienist are not licensed in other states so there is no comparison