

**LCB File No. R116-04**

**PROPOSED REGULATION OF THE  
STATE BOARD OF PODIATRY**

**Authority: NRS 635.030(2) and NRS 635.075**

NOTE: Matter italicized is new; matter in brackets is material to be repealed or omitted.

**SECTION 1. Amend NAC 635.001 as follows:**

**Definitions.** As used in this chapter, unless the context otherwise requires:

1. "Board" means the state board of podiatry.
2. "Presiding officer" means a member of the board who presides at a hearing.
3. "Temporary licensee" means a person who is licensed by the board to practice podiatry pursuant to NRS 635.082.
4. *"Good standing" means no action has been taken against the licensee by any regulatory body concerning the licensee's podiatric license nor was any investigation or discipline pending against the license at the time of the expiration or surrender of the license.*

**SECTION 2. Amend NAC 635.020 as follows:**

**No admission to practice without examination.** *Except as provided by NRS 635.075, ~~77~~* the board will not admit any person to practice without examination.

**SECTION 3. Amend NAC 635.035 as follows:**

**Examination: Designation; passage; eligibility.**

1. The board designates the podiatry licensing examination prepared under the sponsorship of the National Board of Podiatric Medical Examiners as the licensing examination for podiatrists in this state.
2. *Except as provided by NRS 635.075, ~~77~~* each applicant must take and pass the examination conducted by the board in Nevada.
3. To pass the examination, an applicant must receive a scaled score of at least ~~75~~ 78 as established by the National Board of Podiatric Medical Examiners.
4. To become eligible to take the examination in Nevada, the applicant must file a completed application and provide proof satisfactory to the board that he meets all of the qualifications for licensure other than passage of the examination.

**SECTION 4. Amend NAC 635.390 as follows:**

**Conduct interpreted to be unprofessional conduct.** The board will interpret the following conduct by a podiatrist to be unprofessional conduct:

1. The falsification of any record involving health care, including records of his attendance on the patient and of any medical procedures.

2. The writing of prescriptions for controlled substances in amounts which constitute a departure from the prevailing standards of acceptable medical practice.
3. Incompetent or negligent performance of services which results in injury to a patient or which creates an unreasonable risk that a patient may be harmed.
4. Consistent use of medical procedures, services or treatments which constitute a departure from the prevailing standards of acceptable medical practice but which do not constitute malpractice or gross malpractice.
5. The rendering of professional services to a patient while the podiatrist or podiatry hygienist is under the influence of alcohol or any controlled substance or while his mental or physical condition is impaired.
6. The use of misrepresentation, fraud, deception or subterfuge to obtain controlled substances.
7. Writing a prescription for a controlled substance for any person without an examination which confirms the medical necessity for the controlled substance.
8. Receipt of remuneration of any kind, directly or indirectly, from any:
  - (a) Hospital for admitting a patient to the hospital; or
  - (b) Person furnishing medical services to a patient, including services of a laboratory, radiology and physiotherapy services, services of a pharmacy or services of a company which supplies surgical and medical merchandise.
9. Charging an unreasonable additional fee for tests by a laboratory, radiology services or other testing which are ordered by the podiatrist and not performed in his office.
- 10. Failure to supervise a limited licensee as provided in NAC 635.\_\_\_\_. (Section 6 herein).*

**SECTION 5. Amend NAC 635.025 as follows:**

**Fees for applications and examination.**

The fee required for:

1. An application for a license to practice as a podiatrist is ~~[\$600]~~ 200;
2. ~~[An examination for a license to practice as a podiatrist is \$200;]~~
- ~~[3]~~ 3. An application for a license to practice as a podiatry hygienist is \$100; and
- ~~[4]~~ 3. An application for a license to practice as a temporary licensee is \$400.

**SECTION 6. Adopt the following section:**

*“Direct supervision” interpreted.*

- 1. The board will interpret “direct supervision” to mean the direction or assistance provided to a limited licensee by a supervising licensed podiatrist who is present and immediately available on the premises where the podiatry is performed.*
- 2. A licensee acting as a direct supervisor must notify the Board within 5 days of the cessation of supervision.*
- 3. Upon cessation of supervision, a limited licensee must surrender his license to the Board.*
- 4. A limited licensee may transfer to the supervision of another licensed podiatrist upon submission of a letter in accordance with NAC 635.\_\_\_\_. (Section 7 herein).*
- 5. A licensed podiatrist may act as supervisor to only one limited licensee during any given period.*

**SECTION 7. Adopt the following section:**

*Application for limited license to practice podiatry:*

*1. An applicant for a limited license to practice podiatry shall submit to the Board:*

*a. A certificate of good standing from each state the applicant has held a podiatric license. The certificate shall include the years in which applicant held an active license.*

*b. An affidavit signed by the applicant stating that he has not committed any act described in subsection 2 of NRS 635.130.*

*c. A letter from every hospital or surgical center where the applicant has held privileges during the most recent 5 years of practice.*

*d. A letter from a podiatrist licensed in Nevada certifying that the licensee agrees to act as applicant's direct supervisor.*

*2. Upon submission of a complete application, including the appropriate fee, the Board will consider the application at its next regularly scheduled meeting.*