

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

LCB File No. R116-04

June 25, 2004

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

AUTHORITY: §§1, 4, 5, 8 and 9, NRS 635.030; §§2 and 3, NRS 635.030 and 635.075; §6, NRS 635.030, 635.050, 635.082 and 635.093; §7, NRS 635.030 and 635.060.

A REGULATION relating to podiatry; establishing requirements to apply for a limited license to practice podiatry; interpreting “direct supervision” as used in NRS 635.075 for the purposes of a licensed podiatric physician supervising a limited licensee; establishing requirements for the supervision of a limited licensee by a licensed podiatric physician; exempting limited licensees from the requirement to take and pass an examination for licensure; establishing that the failure to comply with the requirements relating to the supervision of a limited licensee is unprofessional conduct; and providing other matters properly relating thereto.

Section 1. Chapter 635 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this regulation.

Sec. 2. 1. *An applicant for a limited license to practice podiatry must submit to the Board:*

(a) A certificate of good standing from the regulatory body that governs the practice of podiatry of each state, or the District of Columbia, in which the applicant has held a license to practice podiatry. Each certificate of good standing must:

(1) Certify that no action was taken against the licensee by any regulatory body in that jurisdiction concerning his podiatric license and that no investigation or disciplinary action was pending against the licensee at the time of the expiration or surrender of his license; and

(2) Include the number of years in which the license of the applicant was active in that jurisdiction.

(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 each hospital as defined in NRS 449.012 or surgical center for ambulatory patients as defined in NRS 449.019 at which the applicant held staff privileges during the immediately preceding 5 years certifying that the applicant held such staff privileges at the hospital or surgical center.

(d) A letter from a podiatric physician who is licensed pursuant to chapter 635 of NRS and who does not hold a limited license issued pursuant to NRS 635.075 certifying that the podiatric physician will directly supervise the applicant.

2. After an applicant for a limited license submits a complete application pursuant to this section and the fee required pursuant to subsection 1 of NAC 635.025, the Board will consider the application at the next regularly scheduled meeting of the Board.

Sec. 3. *For the purposes of subsection 4 of NRS 635.075:*

1. The Board will interpret “direct supervision” to mean the direction or assistance provided to a limited licensee by a podiatric physician who:

(a) Is licensed pursuant to chapter 635 of NRS;

(b) Does not hold a limited license issued pursuant to NRS 635.075; and

(c) Is present and immediately available on the premises where the podiatric care is provided by the limited licensee.

2. A limited licensee and the licensed podiatric physician who is directly supervising the limited licensee shall notify the Board in writing of any termination or cessation of the

supervision of the limited licensee by the podiatric physician not later than 5 working days after the date on which the supervision of the limited licensee terminates or ceases.

3. Except as otherwise provided in subsection 4, a limited license is void upon the termination or cessation of direct supervision of a limited licensee by a licensed podiatric physician, and the limited licensee shall return the limited license to the Board.

4. A limited license does not become void upon the termination or cessation of direct supervision of a limited licensee by a licensed podiatric physician and the limited licensee is not required to return the limited license to the Board if, before the termination or cessation of the supervision by the previous direct supervisor, another qualified licensed podiatric physician agrees to directly supervise the limited licensee and the limited licensee submits a letter from the podiatric physician certifying that the podiatric physician will directly supervise the limited licensee.

5. If a limited license is void and returned to the Board pursuant to subsection 3, the limited licensee may reinstate his limited license without submitting a new application or a fee required for an application if another licensed podiatric physician agrees to supervise the limited licensee and the limited licensee submits a letter from the podiatric physician certifying that the podiatric physician will directly supervise the limited licensee.

6. A licensed podiatric physician may not directly supervise more than one limited licensee at the same time.

Sec. 4. NAC 635.001 is hereby amended to read as follows:

635.001 As used in this chapter, unless the context otherwise requires:

1. “Board” means the State Board of Podiatry.

2. *“Limited licensee” means a person who is licensed by the Board to practice podiatry pursuant to NRS 635.075.*

3. “Presiding officer” means a member of the Board who presides at a hearing.

~~3.~~ 4. “Temporary licensee” means a person who is licensed by the Board to practice podiatry pursuant to NRS 635.082.

Sec. 5. NAC 635.020 is hereby amended to read as follows:

635.020 ~~{The}~~

1. *Except as otherwise provided in subsection 2, the* Board will not ~~{admit}~~ *issue a license to practice podiatry to* any person ~~{to practice}~~ without examination.

2. *A person who is applying for a limited license to practice podiatry pursuant to NRS 635.075 is not required to take and pass an examination to be issued a limited license by the Board.*

Sec. 6. NAC 635.025 is hereby amended to read as follows:

635.025 The fee required for:

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

Sec. 7. NAC 635.035 is hereby amended to read as follows:

635.035 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. Each applicant *for a license to practice podiatry, other than an applicant applying for a limited license to practice podiatry pursuant to NRS 635.075*, 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.

Sec. 8. NAC 635.095 is hereby amended to read as follows:

635.095 For the purposes of NRS 635.130, the Board will interpret “licensee” to include a temporary licensee ~~and~~ *and a limited licensee*.

Sec. 9. NAC 635.390 is hereby amended to read as follows:

635.390 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 comply with any applicable provisions of this chapter or chapter 635 of NRS relating to the direct supervision of a limited licensee.