

LCB File No. R180-08

PROPOSED REGULATION OF THE STATE BOARD OF PODIATRY

Proposed deletions in the regulations are noted in brackets, with a strikethrough ~~[example]~~. Proposed amendments and additions to the regulations are in *italics*. Only those sections of the NAC with proposed changes are included.

CHAPTER 635 - PODIATRY

GENERAL PROVISIONS

NAC 635.001 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]~~ *Provisional* licensee" means a person who is licensed by the board to practice podiatry pursuant to NRS 635.082.

~~[NAC 635.020 No admission to practice without examination. The board will not admit any person to practice without examination.]~~

NAC 635.023 Photographs and fingerprints required with application. (NRS 635.030)

1. An applicant for ~~[examination]~~ *licensure* must provide two photographs of himself in full face which were taken within the previous 6 months. Each photograph must measure 2 inches by 2 inches.

2.. An applicant for ~~[examination]~~ *licensure* must provide a complete set of fingerprints, *applicable fee for fingerprint processing*, and written permission authorizing the board to forward those fingerprints to the *Central Repository for Nevada Records of Criminal History for submission to the* Federal Bureau of Investigation for its report. The board may exchange with the Federal Bureau of Investigation any information relating to the fingerprints of an applicant pursuant to this section.

NAC 635.025 Fees for applications and ~~[examination]~~ *licensure*. (NRS 635.030, 635.050, 635.082, 635.093) The fee required for:

1. An application for a license to practice as a podiatrist is \$600;
- ~~[2. An examination for a license to practice as a podiatrist is \$200;]~~
- ~~[3]~~ 2. 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]~~ *provisional* licensee is \$400.

NAC 635.030 Refund of fee for application for ~~[examination]~~ *licensure* as podiatrist. The board will refund to an unqualified applicant for ~~[examination]~~ *licensure* as a podiatrist ~~[who is not examined by the board]~~ all of the fees paid in connection with his application except \$100.

NAC 635.035 Examination: Designation; passage; eligibility. (NRS 635.030, 635.060)

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 must take and pass the examination conducted by the board in Nevada.}~~

~~{3. To pass the examination,}~~ 2. ~~{a}~~ An applicant must receive a ~~{scaled score of at least 75 as}~~ **passing score 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.}~~

~~[NAC 635.040 Time of examination. (NRS 635.030, 635.060) The examination for licensure as a podiatrist or a podiatry hygienist will be held at least once each year on a date set by the board. The applications must be delivered to the secretary no later than 75 days before the date of the examination.]~~

NAC 635.065 Additional requirement for ~~{temporary}~~ **provisional license.** In addition to the requirements set forth in NRS 635.082, an applicant for a ~~{temporary}~~ **provisional** license to practice podiatry must submit to the board satisfactory proof that he has been accepted into a residency program which has been approved or provisionally approved by the board and is located within the State of Nevada.

NAC 635.075 Performance by ~~{temporary}~~ **provisional licensee of duty, task or function; limitation.**

1. A ~~{temporary}~~ **provisional** licensee who participates in a residency program which has been approved or provisionally approved by the board may perform any duty, task or function that his supervising podiatrist determines to be appropriate for his educational advancement.

2. A ~~{temporary}~~ **provisional** licensee shall not practice podiatry in a manner not specifically authorized by the residency program in which he participates.

NAC 635.080 Provisional approval of residency program: Submission of documents to board; review of program.

1. The board will provisionally approve a residency program if the director of the residency program submits to the board, not later than 3 months before the projected date of commencement of the residency program:

(a) Proof that the residency program has received the preliminary approval of the Council on Podiatric Medical Education of the American Podiatric Medical Association.

(b) An outline of the residency program which includes, without limitation:

(1) The name of the director of the residency program;

(2) The name of each medical facility associated with the residency program;

(3) The name of each provider of health care associated with the residency program;

(4) The projected number of times that a resident will provide to a patient each of the medical services set forth in subsection 1 of NRS 635.085; and

(5) A description of the rotations required of each resident in the residency program, including, without limitation, the location of each rotation and the length of time that a resident must spend in each rotation.

2. After the first ~~[temporary]~~ *provisional* licensee completes his residency in a residency program which has received ~~[provisional]~~ *conditional* approval from the board, the board will review the program to ensure that the program is being operated in accordance with the outline of the program submitted pursuant to subsection 1. In reviewing the program, the board will emphasize the number of times a resident provides to a patient each of the medical services set forth in subsection 1 of NRS 635.085.

NAC 635.085 Final approval of residency program. The board will give final approval of a residency program which:

1. Is conducted in a medical facility which conforms to the minimum standards for residency training established and approved by the board;
2. Is offered by a medical facility within the State of Nevada which is accredited by the American Podiatric Medical Association;
3. Is given ~~[provisional]~~ *conditional* approval and is operated in accordance with the outline of the program established pursuant to NAC 635.080; and
4. Is approved by the Council on Podiatric Medical Education of the American Podiatric Medical Association.

~~[NAC 635.090 Time limit for reinstatement of delinquent license. When a license issued by the board is delinquent pursuant to NRS 635.110, the board will not reinstate the license more than 6 months after it expires.]~~

NAC 635.092 Interpretation of “residency approved by the board.” For the purposes of NRS 635.050, the board will interpret a “residency approved by the board” to include a program which has received ~~[provisional]~~ *conditional* approval pursuant to NAC 635.080 only after the board approves the program pursuant to NAC 635.085.

UNPROFESSIONAL CONDUCT

NAC 635.350 Violations interpreted as unprofessional conduct. The board will interpret a violation of NRS 629.051, 629.061 or 629.065 or NAC 635.360 to 635.390, inclusive, as unprofessional conduct.

NAC 635.360 Reporting of act which is ground for disciplinary action. A podiatrist, podiatry hygienist, ~~[temporary]~~ *provisional* licensee, *and limited licensee* ~~[or the president or chief executive officer of any podiatric medical association or society within this state]~~ shall promptly report to the board any violation of NRS 635.130, by a podiatrist, podiatry hygienist or ~~[temporary]~~ *provisional* licensee, *or limited licensee* which may be harmful to the public.

NAC 635.365 Continuing education: Retention and submission of certificate of completion. A podiatrist shall:

1. Retain a certificate of completion received for completing a course of study or training to satisfy the requirement of continuing education pursuant to NRS 635.115 for not less than 4 years after he completes the course or training; and
2. Submit a copy of the certificate to the board upon ~~[request]~~ *renewal* to verify completion of the course of study or training.

NAC 635.385 Filing of address of residence and business; delivery of notice to address of residence.

1. An applicant for a license to practice as a podiatrist, podiatry hygienist ~~[or temporary]~~, *provisional* licensee, *or limited licensee* shall file with the board the current address of his place of residence and place of business or proposed place of business and shall notify the board within ~~[30]~~ 15 days of a change in such information. *Failure to comply with this section is deemed unprofessional conduct and grounds for disciplinary action.*

2. If the board is required by law or by the provisions of this chapter to deliver notice by mail to a podiatrist, podiatry hygienist ~~[or temporary]~~, *provisional* licensee, *or limited licensee*, the notice will be mailed to the address of his place of residence which he last filed with the board.

NAC 635.390 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.

NAC 635.391 Adoption by reference of code of ethics and standards of practice.

1. *The Board hereby adopts by reference the Code of Ethics of the American Podiatric Medical Association, Inc. as it existed on April 2005, as a standard for professional conduct in the State of Nevada for podiatrists, excluding those provisions which apply exclusively to the American Podiatry Medical Association, Inc.. A violation of the provisions of a code of ethics adopted by reference pursuant to this section constitutes cause for disciplinary action.*

2. *The Code of Ethics of the American Podiatric Medical Association, Inc., is available from the Board office.*