

**PROPOSED REGULATION OF THE
BOARD OF MEDICAL EXAMINERS**

LCB File No. R138-11

February 7, 2012

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

AUTHORITY: §1, NRS 630.130 and 630.304.

A REGULATION relating to advertising; revising provisions relating to prohibitions on certain advertising by persons licensed by the Board of Medical Examiners; and providing other matters properly relating thereto.

Section 1. NAC 630.190 is hereby amended to read as follows:

630.190 1. A ~~[physician]~~ *licensee* shall not advertise ~~[the practice of medicine]~~ in such a manner that the advertising:

- (a) Claims that a manifestly incurable disease can be permanently cured;
- (b) Includes any false claim of a licensee's medical skill, or the efficacy or value of his or her medicine or treatment;
- (c) Claims or implies professional superiority of the performance of any professional service in a manner superior to that of other practitioners;
- (d) Guarantees any professional service or the results of any course of treatment or surgical procedure, or the performance of any operation painlessly;
- (e) Includes any statement which is known to be false, or through the exercise of reasonable care should be known to be false, deceptive, misleading or harmful, in order to induce any person to purchase, utilize or acquire any professional services or to enter into any obligation or transaction relating thereto;

(f) Includes any extravagant claim, aggrandizement of abilities or self-laudatory statement calculated to attract patients, and which has a tendency to mislead the public or produce unrealistic expectations in particular cases; or

(g) Is false, deceptive or misleading in regard to the price, cost, charge, fee or terms of credit or services performed or to be performed.

2. It is sufficient for disciplinary purposes that any statement or other advertising described in paragraph (e), (f) or (g) has a tendency to:

(a) Deceive, mislead or harm the public because of its false, deceptive, misleading or harmful character; or

(b) Produce unrealistic expectations in particular cases, even though no member of the public is actually deceived, misled or harmed, or no unrealistic expectations are actually produced by the statement or other advertising.