

# PROPOSED REGULATION OF THE BOARD OF MEDICAL EXAMINERS

LCB File No. R057-14

NAC 630.230

**Authority:** NRS 630.130, NRS 630.275

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

**NAC 630.230 Prohibited professional conduct.** (NRS 630.130, 630.275)

1. A person who is licensed as a physician or physician assistant shall not:
  - (a) Falsify records of health care;
  - (b) Falsify the medical records of a hospital so as to indicate his or her presence at a time when he or she was not in attendance or falsify those records to indicate that procedures were performed by him or her which were in fact not performed by him or her;
  - (c) Render professional services to a patient while the physician or physician assistant is under the influence of alcohol or any controlled substance or is in any impaired mental or physical condition;
  - (d) Acquire any controlled substances from any pharmacy or other source by misrepresentation, fraud, deception or subterfuge;
  - (e) Prescribe anabolic steroids for any person to increase muscle mass for competitive or athletic purposes;
  - (f) Make an unreasonable additional charge for tests in a laboratory, radiological services or other services for testing which are ordered by the physician or physician assistant and performed outside his or her own office;
  - (g) Allow any person to act as a medical assistant in the treatment of a patient of the physician or physician assistant, unless the medical assistant has sufficient training to provide the assistance;
  - (h) Fail to provide adequate supervision of a medical assistant who is employed or supervised by the physician or physician assistant, including, without limitation, supervision provided in the manner described in NAC 630.810 or 630.820;
  - (i) If the person is a physician, fail to provide adequate supervision of a physician assistant or an advanced practitioner of nursing;
  - (j) Fail to honor the advance directive of a patient without informing the patient or the surrogate or guardian of the patient, and without documenting in the patient's records the reasons for failing to honor the advance directive of the patient contained therein; or
  - (k) Engage in the practice of writing prescriptions for controlled substances to treat acute pain or chronic pain in a manner that deviates from the policies set forth in the *Model Policy for the Use of Controlled Substances for the Treatment of Pain* adopted by reference in NAC 630.187;
  - (l) Engage in the administration or use of, or allow a person under his or her direction or control to administer or use, a single-use medical device in more than one instance, or on more than one patient; or administer or use, or allow a person under his or her direction or*

*control to administer or use, a single-use medical device in a manner inconsistent with the manufacturer's packaging instructions or directions included with the medical device.*

2. As used in this section:

(a) "Acute pain" has the meaning ascribed to it in section 3 of the *Model Policy for the Use of Controlled Substances for the Treatment of Pain* adopted by reference in NAC 630.187.

(b) "Chronic pain" has the meaning ascribed to it in section 3 of the *Model Policy for the Use of Controlled Substances for the Treatment of Pain* adopted by reference in NAC 630.187.

(c) "Single-use medical device" includes, but is not limited to blades, clips, catheters, implants, insufflators, lancets, needles, sleeves, syringes and single-dose vials of medication.