

**ADOPTED REGULATION OF
THE STATE BOARD OF PODIATRY**

LCB File No. R066-18

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

AUTHORITY: §1, NRS 635.030 and 635.116; §§2-13, NRS 635.030.

A REGULATION relating to podiatry; requiring podiatric physicians who are registered to dispense controlled substances to complete certain continuing education; replacing the term “podiatrist” with the term “podiatric physician”; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law requires a podiatric physician to complete at least 50 hours of continuing education biennially. (NRS 635.115) Existing law also: (1) requires the State Board of Podiatry to require, by regulation, each holder of a license to practice podiatry who is registered to dispense controlled substances to complete at least 2 hours of training relating specifically to the misuse and abuse of controlled substances, the prescribing of opioids or addiction during each period of licensure; and (2) authorizes any such holder of a license to use such training to satisfy 2 hours of any continuing education requirement established by the Board. (NRS 635.116) Accordingly, **section 1** of this regulation provides that if a podiatric physician is registered to dispense controlled substances, he or she: (1) must complete at least 2 hours of training relating specifically to the misuse and abuse of controlled substances, the prescribing of opioids or addiction during each period of licensure; and (2) may use such training to satisfy 2 hours of the 50 hours of continuing education that are required to be completed biennially.

Sections 2-13 of this regulation replace the term “podiatrist” with the term “podiatric physician” to conform with chapter 635 of the Nevada Revised Statutes.

Section 1. Chapter 635 of NAC is hereby amended by adding thereto a new section to read as follows:

If a podiatric physician is registered to dispense controlled substances pursuant to NRS 453.231, he or she must complete at least 2 hours of training relating specifically to the misuse and abuse of controlled substances, the prescribing of opioids or addiction during each period

of licensure. In accordance with NRS 635.116, the podiatric physician may use such training to satisfy 2 hours of the continuing education required pursuant to NRS 635.115.

Sec. 2. NAC 635.025 is hereby amended to read as follows:

635.025 The fee required for:

1. An application for a license to practice as a ~~{podiatrist}~~ *podiatric physician* is \$600;
2. An application for a license to practice as a podiatry hygienist is \$100; and
3. An application for a license to practice as a provisional licensee is \$400.

Sec. 3. NAC 635.030 is hereby amended to read as follows:

635.030 The Board will refund to an unqualified applicant for licensure as a ~~{podiatrist}~~ *podiatric physician* all of the fees paid in connection with his or her application except \$100.

Sec. 4. NAC 635.050 is hereby amended to read as follows:

635.050 1. The Board may, if it deems it appropriate, deny the application to practice podiatry of a person who has had a similar license to practice revoked or suspended in another state.

2. The Board may, if it deems it appropriate, take disciplinary action against a ~~{podiatrist}~~ *podiatric physician* licensed in this state if he or she holds a similar license to practice in another state and that license is revoked or suspended.

Sec. 5. NAC 635.055 is hereby amended to read as follows:

635.055 1. The fee for the annual renewal of a license of a:

- (a) ~~{Podiatrist}~~ *Podiatric physician* is \$400; and
- (b) Podiatry hygienist is \$100.

2. If a license is delinquent, an additional annual fee for delinquency equal to 50 percent of the annual renewal fee must be paid before the license will be reinstated.

Sec. 6. NAC 635.075 is hereby amended to read as follows:

635.075 1. A 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 or her supervising ~~{podiatrist}~~ *podiatric physician* determines to be appropriate for his or her educational advancement.

2. A provisional licensee shall not practice podiatry in a manner not specifically authorized by the residency program in which he or she participates.

Sec. 7. NAC 635.360 is hereby amended to read as follows:

635.360 A ~~{podiatrist,}~~ *podiatric physician*, podiatry hygienist, provisional licensee or holder of a limited license to practice podiatry shall promptly report to the Board any violation of NRS 635.130, by a ~~{podiatrist,}~~ *podiatric physician*, podiatry hygienist, provisional licensee or holder of a limited license to practice podiatry, which may be harmful to the public.

Sec. 8. NAC 635.365 is hereby amended to read as follows:

635.365 A ~~{podiatrist}~~ *podiatric physician* 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 completing the course or training; and

2. Except as otherwise provided in NRS 635.115, submit a copy of the certificate to the Board as the proof of completion of the hours of continuing education required for renewal of a license pursuant to NRS 635.110.

Sec. 9. NAC 635.370 is hereby amended to read as follows:

635.370 A ~~{podiatrist}~~ *podiatric physician* or podiatry hygienist shall consult with another ~~{podiatrist}~~ *podiatric physician* or another provider of health care for the patient if:

1. It appears that consultation will improve the quality of medical care for that patient; or
2. If a consultation is requested by the patient or the patient's family.

Sec. 10. NAC 635.375 is hereby amended to read as follows:

635.375 1. A ~~podiatrist~~ *podiatric physician* shall not advertise the practice of podiatry in such a manner that the advertising:

(a) Includes a statement which he or she knows to be false, or through the exercise of reasonable care should have known to be false, deceptive, misleading or harmful, to induce a person to use his or her services;

(b) Includes an extravagant claim, aggrandizement of his or her abilities, or self-laudatory statement which is calculated to attract a patient and has a tendency to mislead the public or produce unrealistic expectations;

(c) Is a false, deceptive or misleading statement or representation regarding the price, cost, charge or fee for services or regarding the services he or she has performed or will perform; or

(d) Includes a certification from an entity that is not approved by the Board, unless the advertising also includes a disclaimer clearly stating that the certification was received from an entity that is not approved by the Board.

2. Disciplinary action may be commenced against a ~~podiatrist~~ *podiatric physician* whose statement or other advertising described in subsection 1 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, 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.

Sec. 11. NAC 635.380 is hereby amended to read as follows:

635.380 A ~~podiatrist~~ *podiatric physician* shall not neglect a patient and shall not discontinue his or her professional services unless he or she has been discharged or has given the patient notice that he or she is discontinuing his or her services.

Sec. 12. NAC 635.385 is hereby amended to read as follows:

635.385 1. An applicant for a license to practice as a ~~podiatrist~~ *podiatric physician*, podiatry hygienist, provisional licensee or holder of a limited license to practice podiatry shall file with the Board the current address of his or her place of residence and place of business or proposed place of business and shall notify the Board within 15 days of a change in such information. Failure to comply with the provisions of this subsection shall be deemed unprofessional conduct and is grounds for disciplinary action pursuant to NRS 635.130.

2. If the Board is required by law or by the provisions of this chapter to deliver notice by mail to a ~~podiatrist~~ *podiatric physician*, podiatry hygienist, provisional licensee or holder of a limited license to practice podiatry, the notice will be mailed to the address of his or her place of residence which he or she last filed with the Board.

Sec. 13. NAC 635.390 is hereby amended to read as follows:

635.390 The Board will interpret the following conduct by a ~~podiatrist~~ *podiatric physician* to be unprofessional conduct:

1. The falsification of any record involving health care, including records of his or her 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~~ *podiatric physician* or podiatry hygienist is under the influence of alcohol or any controlled substance or while his or her 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 tests which are ordered by the ~~podiatrist~~ *podiatric physician* and not performed in his or her office.
10. Violating a provision of the *Code of Ethics* adopted by reference pursuant to NAC 635.098.