

Amendment No. CA22

Conference Committee Amendment to
Senate Bill No. 294 Second Reprint

(BDR 40-16)

Proposed by: Conference Committee

Amendment Box: Replaces Amendment No. CA18.

Amends: Summary: Yes Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) *green bold italic underlining* is new language proposed in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill that is proposed to be retained in this amendment; and (6) *green bold underlining* is newly added transitory language.



SENATE BILL NO. 294—SENATORS CEGAVSKE AND LESLIE

MARCH 21, 2011

Referred to Committee on Commerce, Labor and Energy

SUMMARY—Establishes provisions governing ~~medical assistants,~~ providers of health care. (BDR 40-16)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: Yes.

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

AN ACT relating to ~~public health,~~ providers of health care; revising provisions governing persons authorized to possess and administer dangerous drugs; revising provisions regarding certain acts of physicians; revising provisions governing the practice of applied behavior analysis; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law sets forth the exclusive list of persons who may possess and administer dangerous drugs in this State. (NRS 454.213) **Section 1** of this bill authorizes medical assistants, under the supervision of a physician or physician assistant, to possess and administer ~~immunizations,~~ dangerous drugs under certain circumstances. **Section 1** also authorizes a veterinary assistant, at the direction of a supervising veterinarian, to possess and administer dangerous drugs.

Sections 4 and 10 of this bill ~~require,~~ authorize the Board of Medical Examiners and the State Board of Osteopathic Medicine to adopt regulations relating to the supervision of medical assistants, including ~~(1) limitations on the possession and administration of dangerous drugs, (2) any certification, training and educational requirements relating to the administration of immunizations; and (3) the clinical tasks which may be performed by a medical assistant.~~

Sections 6 and 12 of this bill provide that failure to supervise adequately a medical assistant is grounds for disciplinary action.

Existing law vests the Board of Psychological Examiners with jurisdiction over the licensure of behavior analysts and assistant behavior analysts and the certification of autism behavior interventionists. (NRS 641.110) Section 21 of this bill revises the requirements for licensure as a behavior analyst or assistant behavior analyst to provide that the applicant must hold current certification as a board certified behavior analyst or board certified assistant behavior analyst, as applicable, issued by the Behavior Analyst Certification Board, Inc. Section 22 of this bill expands the requirements for a certificate as an autism behavior interventionist to include the completion of a practical examination developed and approved by the Board. Sections 23 and 24 of this bill provide that certain disciplinary actions may be taken against a person who holds a certificate issued by the Board.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 454.213 is hereby amended to read as follows:

454.213 A drug or medicine referred to in NRS 454.181 to 454.371, inclusive, may be possessed and administered by:

1. A practitioner.

2. A physician assistant licensed pursuant to chapter 630 or 633 of NRS, at the direction of his or her supervising physician or a licensed dental hygienist acting in the office of and under the supervision of a dentist.

3. Except as otherwise provided in subsection 4, a registered nurse licensed to practice professional nursing or licensed practical nurse, at the direction of a prescribing physician, physician assistant licensed pursuant to chapter 630 or 633 of NRS, dentist, podiatric physician or advanced practitioner of nursing, or pursuant to a chart order, for administration to a patient at another location.

4. In accordance with applicable regulations of the Board, a registered nurse licensed to practice professional nursing or licensed practical nurse who is:

(a) Employed by a health care agency or health care facility that is authorized to provide emergency care, or to respond to the immediate needs of a patient, in the residence of the patient; and

(b) Acting under the direction of the medical director of that agency or facility who works in this State.

5. Except as otherwise provided in subsection 6, an intermediate emergency medical technician or an advanced emergency medical technician, as authorized by regulation of the State Board of Pharmacy and in accordance with any applicable regulations of:

(a) The State Board of Health in a county whose population is less than 100,000;

(b) A county board of health in a county whose population is 100,000 or more;

or
(c) A district board of health created pursuant to NRS 439.362 or 439.370 in any county.

6. An intermediate emergency medical technician or an advanced emergency medical technician who holds an endorsement issued pursuant to NRS 450B.1975, under the direct supervision of a local health officer or a designee of the local health officer pursuant to that section.

7. A respiratory therapist employed in a health care facility. The therapist may possess and administer respiratory products only at the direction of a physician.

8. A dialysis technician, under the direction or supervision of a physician or registered nurse only if the drug or medicine is used for the process of renal dialysis.

9. A medical student or student nurse in the course of his or her studies at an approved college of medicine or school of professional or practical nursing, at the direction of a physician and:

(a) In the presence of a physician or a registered nurse; or

(b) Under the supervision of a physician or a registered nurse if the student is authorized by the college or school to administer the drug or medicine outside the presence of a physician or nurse.

↳ A medical student or student nurse may administer a dangerous drug in the presence or under the supervision of a registered nurse alone only if the

1 circumstances are such that the registered nurse would be authorized to administer
2 it personally.

3 10. Any person designated by the head of a correctional institution.

4 11. An ultimate user or any person designated by the ultimate user pursuant to
5 a written agreement.

6 12. A nuclear medicine technologist, at the direction of a physician and in
7 accordance with any conditions established by regulation of the Board.

8 13. A radiologic technologist, at the direction of a physician and in
9 accordance with any conditions established by regulation of the Board.

10 14. A chiropractic physician, but only if the drug or medicine is a topical drug
11 used for cooling and stretching external tissue during therapeutic treatments.

12 15. A physical therapist, but only if the drug or medicine is a topical drug
13 which is:

14 (a) Used for cooling and stretching external tissue during therapeutic
15 treatments; and

16 (b) Prescribed by a licensed physician for:

17 (1) Iontophoresis; or

18 (2) The transmission of drugs through the skin using ultrasound.

19 16. In accordance with applicable regulations of the State Board of Health, an
20 employee of a residential facility for groups, as defined in NRS 449.017, pursuant
21 to a written agreement entered into by the ultimate user.

22 17. A veterinary technician *or a veterinary assistant* at the direction of his or
23 her supervising veterinarian.

24 18. In accordance with applicable regulations of the Board, a registered
25 pharmacist who:

26 (a) Is trained in and certified to carry out standards and practices for
27 immunization programs;

28 (b) Is authorized to administer immunizations pursuant to written protocols
29 from a physician; and

30 (c) Administers immunizations in compliance with the “Standards ~~for~~ *for*
31 Immunization Practices” recommended and approved by the ~~[United States Public~~
32 ~~Health Service]~~ Advisory Committee on Immunization Practices.

33 19. A person who is enrolled in a training program to become a physician
34 assistant licensed pursuant to chapter 630 or 633 of NRS, dental hygienist,
35 intermediate emergency medical technician, advanced emergency medical
36 technician, respiratory therapist, dialysis technician, nuclear medicine technologist,
37 radiologic technologist, physical therapist or veterinary technician if the person
38 possesses and administers the drug or medicine in the same manner and under the
39 same conditions that apply, respectively, to a physician assistant licensed pursuant
40 to chapter 630 or 633 of NRS, dental hygienist, intermediate emergency medical
41 technician, advanced emergency medical technician, respiratory therapist, dialysis
42 technician, nuclear medicine technologist, radiologic technologist, physical
43 therapist or veterinary technician who may possess and administer the drug or
44 medicine, and under the direct supervision of a person licensed or registered to
45 perform the respective medical art or a supervisor of such a person.

46 20. ~~[If the drug or medicine is an immunization, a]~~ *A medical assistant, in*
47 *accordance with applicable regulations of the:*

48 (a) *Board of Medical Examiners, at the direction of the prescribing*
49 *physician and under the supervision of a physician or physician assistant.*

50 (b) *State Board of Osteopathic Medicine, at the direction of the prescribing*
51 *physician and under the supervision of a physician or physician assistant.*

1 **Sec. 2.** Chapter 630 of NRS is hereby amended by adding thereto the
2 provisions set forth as sections 3 and 4 of this act.

3 **Sec. 3.** 1. *“Medical assistant” means a person who:*

4 (a) *Performs clinical tasks under the supervision of a physician or physician*
5 *assistant; and*

6 (b) *Does not hold a license, certificate or registration issued by a professional*
7 *licensing or regulatory board in this State to perform such clinical tasks.*

8 2. *The term does not include a person who performs only administrative,*
9 *clerical, executive or other nonclinical tasks.*

10 **Sec. 4.** *The Board ~~shall~~ may adopt regulations governing the supervision*
11 *of a medical assistant, including, without limitation, regulations which prescribe*
12 *~~the~~*

13 *~~1. Limitations~~ limitations on the possession and administration of a*
14 *dangerous drug by a medical assistant.*

15 *~~2. Any certification, training or educational requirements for a medical~~*
16 *~~assistant to administer immunizations.~~*

17 *~~3. The clinical tasks that may be performed by a medical assistant, which~~*
18 *~~must not include any invasive procedure other than the administration of an~~*
19 *~~immunization.~~*

20 **Sec. 5.** NRS 630.005 is hereby amended to read as follows:

21 630.005 As used in this chapter, unless the context otherwise requires, the
22 words and terms defined in NRS 630.007 to 630.026, inclusive, *and section 3 of*
23 *this act* have the meanings ascribed to them in those sections.

24 **Sec. 6.** NRS 630.306 is hereby amended to read as follows:

25 630.306 The following acts, among others, constitute grounds for initiating
26 disciplinary action or denying licensure:

27 1. Inability to practice medicine with reasonable skill and safety because of
28 illness, a mental or physical condition or the use of alcohol, drugs, narcotics or any
29 other substance.

30 2. Engaging in any conduct:

31 (a) Which is intended to deceive;

32 (b) Which the Board has determined is a violation of the standards of practice
33 established by regulation of the Board; or

34 (c) Which is in violation of a regulation adopted by the State Board of
35 Pharmacy.

36 3. Administering, dispensing or prescribing any controlled substance, or any
37 dangerous drug as defined in chapter 454 of NRS, to or for himself or herself or to
38 others except as authorized by law.

39 4. Performing, assisting or advising the injection of any substance containing
40 liquid silicone into the human body, except for the use of silicone oil to repair a
41 retinal detachment.

42 5. Practicing or offering to practice beyond the scope permitted by law or
43 performing services which the licensee knows or has reason to know that he or she
44 is not competent to perform or which are beyond the scope of his or her training.

45 6. Performing, without first obtaining the informed consent of the patient or
46 the patient’s family, any procedure or prescribing any therapy which by the current
47 standards of the practice of medicine is experimental.

48 7. Continual failure to exercise the skill or diligence or use the methods
49 ordinarily exercised under the same circumstances by physicians in good standing
50 practicing in the same specialty or field.

51 8. Habitual intoxication from alcohol or dependency on controlled substances.

1 9. Making or filing a report which the licensee or applicant knows to be false
2 or failing to file a record or report as required by law or regulation.

3 10. Failing to comply with the requirements of NRS 630.254.

4 11. Failure by a licensee or applicant to report in writing, within 30 days, any
5 disciplinary action taken against the licensee or applicant by another state, the
6 Federal Government or a foreign country, including, without limitation, the
7 revocation, suspension or surrender of a license to practice medicine in another
8 jurisdiction.

9 12. Failure by a licensee or applicant to report in writing, within 30 days, any
10 criminal action taken or conviction obtained against the licensee or applicant, other
11 than a minor traffic violation, in this State or any other state or by the Federal
12 Government, a branch of the Armed Forces of the United States or any local or
13 federal jurisdiction of a foreign country.

14 13. Failure to be found competent to practice medicine as a result of an
15 examination to determine medical competency pursuant to NRS 630.318.

16 14. Operation of a medical facility at any time during which:

17 (a) The license of the facility is suspended or revoked; or

18 (b) An act or omission occurs which results in the suspension or revocation of
19 the license pursuant to NRS 449.160.

20 ➤ This subsection applies to an owner or other principal responsible for the
21 operation of the facility.

22 15. Failure to comply with the requirements of NRS 630.373.

23 16. Engaging in any act that is unsafe or unprofessional conduct in
24 accordance with regulations adopted by the Board.

25 *17. Failure to supervise adequately a medical assistant pursuant to the
26 regulations of the Board.*

27 **Sec. 7.** (Deleted by amendment.)

28 **Sec. 8.** Chapter 633 of NRS is hereby amended by adding thereto the
29 provisions set forth as sections 9 and 10 of this act.

30 **Sec. 9. 1. “Medical assistant” means a person who:**

31 (a) *Performs clinical tasks under the supervision of an osteopathic physician
32 or physician assistant; and*

33 (b) *Does not hold a license, certificate or registration issued by a professional
34 licensing or regulatory board in this State to perform such clinical tasks.*

35 **2. The term does not include a person who performs only administrative,
36 clerical, executive or other nonclinical tasks.**

37 **Sec. 10. The Board ~~[shall]~~ may adopt regulations governing the
38 supervision of a medical assistant, including, without limitation, regulations
39 which prescribe ~~[-~~**

40 ~~*1. Limitations*~~ limitations *on the possession and administration of a
41 dangerous drug by a medical assistant.*

42 ~~*[- 2. Any certification, training or educational requirements for a medical
43 assistant to administer immunizations.*~~

44 ~~*3. The clinical tasks that may be performed by a medical assistant, which
45 must not include any invasive procedure other than the administration of an
46 immunization.*~~

47 **Sec. 11.** NRS 633.011 is hereby amended to read as follows:

48 633.011 As used in this chapter, unless the context otherwise requires, the
49 words and terms defined in NRS 633.021 to 633.131, inclusive, *and section 9 of
50 this act* have the meanings ascribed to them in those sections.

1 **Sec. 12.** NRS 633.511 is hereby amended to read as follows:

2 633.511 The grounds for initiating disciplinary action pursuant to this chapter
3 are:

4 1. Unprofessional conduct.

5 2. Conviction of:

6 (a) A violation of any federal or state law regulating the possession,
7 distribution or use of any controlled substance or any dangerous drug as defined in
8 chapter 454 of NRS;

9 (b) A felony relating to the practice of osteopathic medicine;

10 (c) A violation of any of the provisions of NRS 616D.200, 616D.220,
11 616D.240 or 616D.300 to 616D.440, inclusive;

12 (d) Murder, voluntary manslaughter or mayhem;

13 (e) Any felony involving the use of a firearm or other deadly weapon;

14 (f) Assault with intent to kill or to commit sexual assault or mayhem;

15 (g) Sexual assault, statutory sexual seduction, incest, lewdness, indecent
16 exposure or any other sexually related crime;

17 (h) Abuse or neglect of a child or contributory delinquency; or

18 (i) Any offense involving moral turpitude.

19 3. The suspension of the license to practice osteopathic medicine by any other
20 jurisdiction.

21 4. Malpractice or gross malpractice, which may be evidenced by a claim of
22 malpractice settled against a practitioner.

23 5. Professional incompetence.

24 6. Failure to comply with the requirements of NRS 633.527.

25 7. Failure to comply with the requirements of subsection 3 of NRS 633.471.

26 8. Failure to comply with the provisions of NRS 633.694.

27 9. Operation of a medical facility, as defined in NRS 449.0151, at any time
28 during which:

29 (a) The license of the facility is suspended or revoked; or

30 (b) An act or omission occurs which results in the suspension or revocation of
31 the license pursuant to NRS 449.160.

32 ↪ This subsection applies to an owner or other principal responsible for the
33 operation of the facility.

34 10. Failure to comply with the provisions of subsection 2 of NRS 633.322.

35 11. Signing a blank prescription form.

36 12. Attempting, directly or indirectly, by intimidation, coercion or deception,
37 to obtain or retain a patient or to discourage the use of a second opinion.

38 13. Terminating the medical care of a patient without adequate notice or
39 without making other arrangements for the continued care of the patient.

40 14. In addition to the provisions of subsection 3 of NRS 633.524, making or
41 filing a report which the licensee knows to be false, failing to file a record or report
42 that is required by law or willfully obstructing or inducing another to obstruct the
43 making or filing of such a record or report.

44 15. Failure to report any person the licensee knows, or has reason to know, is
45 in violation of the provisions of this chapter or the regulations of the Board within
46 30 days after the date the licensee knows or has reason to know of the violation.

47 16. Failure by a licensee or applicant to report in writing, within 30 days, any
48 criminal action taken or conviction obtained against the licensee or applicant, other
49 than a minor traffic violation, in this State or any other state or by the Federal
50 Government, a branch of the Armed Forces of the United States or any local or
51 federal jurisdiction of a foreign country.

1 17. Engaging in any act that is unsafe in accordance with regulations adopted
2 by the Board.

3 *18. Failure to supervise adequately a medical assistant pursuant to the*
4 *regulations of the Board.*

5 Sec. 13. (Deleted by amendment.)

6 Sec. 14. Chapter 641 of NRS is hereby amended by adding thereto the
7 provisions set forth as sections 15 to 18, inclusive, of this act.

8 Sec. 15. "Assistant behavior analyst" means a person who holds current
9 certification or meets the standards to be certified as a board certified assistant
10 behavior analyst by the Behavior Analyst Certification Board, Inc., or any
11 successor in interest to that organization, and who is licensed as an assistant
12 behavior analyst by the Board.

13 Sec. 16. "Autism behavior interventionist" means a person who is certified
14 as an autism behavior interventionist by the Board.

15 Sec. 17. "Behavior analyst" means a person who holds current
16 certification or meets the standards to be certified as a board certified behavior
17 analyst or a board certified assistant behavior analyst by the Behavior Analyst
18 Certification Board, Inc., or any successor in interest to that organization, and
19 who is licensed as a behavior analyst by the Board.

20 Sec. 18. "Practice of applied behavior analysis" means the design,
21 implementation and evaluation of environmental modifications using behavioral
22 stimuli and consequences to produce socially significant improvement in human
23 behavior, including, without limitation, the use of direct observation,
24 measurement and functional analysis of the relations between environment and
25 behavior. The term includes the provision of behavioral therapy by a behavior
26 analyst, assistant behavior analyst or autism behavior interventionist.

27 Sec. 19. NRS 641.020 is hereby amended to read as follows:

28 641.020 As used in this chapter, unless the context otherwise requires, the
29 words and terms defined in NRS 641.021 to 641.027, inclusive, and sections 15 to
30 18, inclusive, of this act and 689A.0435 have the meanings ascribed to them in
31 those sections.

32 Sec. 20. NRS 641.100 is hereby amended to read as follows:

33 641.100 The Board may make and promulgate rules and regulations not
34 inconsistent with the provisions of this chapter governing its procedure, the
35 examination, licensure and certification of applicants, the granting, refusal,
36 revocation or suspension of licenses and certificates, ~~and~~ the practice of
37 psychology, ~~and~~ and the practice of applied behavior analysis.

38 Sec. 21. NRS 641.170 is hereby amended to read as follows:

39 641.170 1. Each application for licensure as a psychologist must be
40 accompanied by evidence satisfactory to the Board that the applicant:

41 (a) Is at least 21 years of age.

42 (b) Is of good moral character as determined by the Board.

43 (c) Is a citizen of the United States, or is lawfully entitled to remain and work
44 in the United States.

45 (d) Has earned a doctorate in psychology from an accredited educational
46 institution approved by the Board, or has other doctorate-level training from an
47 accredited educational institution deemed equivalent by the Board in both subject
48 matter and extent of training.

49 (e) Has at least 2 years of experience satisfactory to the Board, 1 year of which
50 must be postdoctoral experience in accordance with the requirements established by
51 regulations of the Board.

1 2. Each application for licensure as a behavior analyst must be accompanied
2 by evidence satisfactory to the Board that the applicant:

3 (a) Is at least 21 years of age.

4 (b) Is of good moral character as determined by the Board.

5 (c) Is a citizen of the United States, or is lawfully entitled to remain and work
6 in the United States.

7 (d) Has earned a master's degree from an accredited college or university in a
8 field of social science or special education ~~[approved by the Board.]~~ and holds a
9 current certification as a Board Certified Behavior Analyst by the Behavior
10 Analyst Certification Board, Inc., or any successor in interest to that
11 organization.

12 (e) Has completed other education, training or experience in accordance with
13 the requirements established by regulations of the Board.

14 (f) Has completed satisfactorily a written examination in Nevada law and
15 ethical practice as administered by the Board.

16 3. Each application for licensure as an assistant behavior analyst must be
17 accompanied by evidence satisfactory to the Board that the applicant:

18 (a) Is at least 21 years of age.

19 (b) Is of good moral character as determined by the Board.

20 (c) Is a citizen of the United States, or is lawfully entitled to remain and work
21 in the United States.

22 (d) Has earned a bachelor's degree from an accredited college or university in
23 a field of social science or special education approved by the Board, ~~[]~~ and holds a
24 current certification as a Board Certified Behavior Analyst by the Behavior
25 Analyst Certification Board, Inc., or any successor in interest to that
26 organization.

27 (e) Has completed other education, training or experience in accordance with
28 the requirements established by regulations of the Board.

29 (f) Has completed satisfactorily a written examination in Nevada law and
30 ethical practice as administered by the Board.

31 4. Within 120 days after receiving an application and the accompanying
32 evidence from an applicant, the Board shall:

33 (a) Evaluate the application and accompanying evidence and determine
34 whether the applicant is qualified pursuant to this section for licensure; and

35 (b) Issue a written statement to the applicant of its determination.

36 5. The written statement issued to the applicant pursuant to subsection 4 must
37 include:

38 (a) If the Board determines that the qualifications of the applicant are
39 insufficient for licensure, a detailed explanation of the reasons for that
40 determination.

41 (b) If the applicant for licensure as a psychologist has not earned a doctorate in
42 psychology from an accredited educational institution approved by the Board and the
43 Board determines that the doctorate-level training from an accredited
44 educational institution is not equivalent in subject matter and extent of training, a
45 detailed explanation of the reasons for that determination.

46 **Sec. 22. NRS 641.172 is hereby amended to read as follows:**

47 641.172 1. Each application for certification as an autism behavior
48 interventionist must be accompanied by evidence satisfactory to the Board that the
49 applicant:

50 (a) Is at least 18 years of age.

51 (b) Is of good moral character as determined by the Board.

1 (c) Is a citizen of the United States, or is lawfully entitled to remain and work
2 in the United States.

3 (d) Has completed satisfactorily a written examination in Nevada law and
4 ethical practice as administered by the Board.

5 (e) Has completed satisfactorily a standardized practical examination
6 developed and approved by the Board. The examination must be conducted by the
7 applicant's supervisor, who shall make a videotape or other audio and visual
8 recording of the applicant's performance of the examination for submission to
9 the Board. The Board may review the recording as part of its evaluation of the
10 applicant's qualifications.

11 2. Within 120 days after receiving an application and the accompanying
12 evidence from an applicant, the Board shall:

13 (a) Evaluate the application and accompanying evidence and determine
14 whether the applicant is qualified pursuant to this section for certification as an
15 autism behavior interventionist; and

16 (b) Issue a written statement to the applicant of its determination.

17 3. If the Board determines that the qualifications of the applicant are
18 insufficient for certification, the written statement issued to the applicant pursuant
19 to subsection 2 must include a detailed explanation of the reasons for that
20 determination.

21 **Sec. 23. NRS 641.230 is hereby amended to read as follows:**

22 641.230 The Board may suspend ~~the~~ or revoke a person's license ~~of~~ as a
23 psychologist, behavior analyst or assistant behavior analyst or certificate as an
24 autism behavior interventionist, place ~~a psychologist~~ the person on probation,
25 ~~revoke the license of a psychologist,~~ require remediation for ~~a psychologist~~ the
26 person or take any other action specified by regulation if the Board finds by
27 substantial evidence that the ~~psychologist~~ person has:

28 1. Been convicted of a felony relating to the practice of psychology ~~or~~ or the
29 practice of applied behavior analysis.

30 2. Been convicted of any crime or offense that reflects the inability of the
31 ~~psychologist~~ person to practice psychology or applied behavior analysis with due
32 regard for the health and safety of others.

33 3. Been convicted of violating any of the provisions of NRS 616D.200,
34 616D.220, 616D.240 or 616D.300 to 616D.440, inclusive.

35 4. Engaged in gross malpractice or repeated malpractice or gross negligence
36 in the practice of psychology ~~or~~ or the practice of applied behavior analysis.

37 5. Aided or abetted the practice of psychology by a person not licensed by the
38 Board.

39 6. Made any fraudulent or untrue statement to the Board.

40 7. Violated a regulation adopted by the Board.

41 8. Had a license to practice psychology or a license or certificate to practice
42 applied behavior analysis suspended or revoked or has had any other disciplinary
43 action taken against the ~~psychologist~~ person by another state or territory of the
44 United States, the District of Columbia or a foreign country, if at least one of the
45 grounds for discipline is the same or substantially equivalent to any ground
46 contained in this chapter.

47 9. Failed to report to the Board within 30 days the revocation, suspension or
48 surrender of, or any other disciplinary action taken against, a license or certificate
49 to practice psychology or applied behavior analysis issued to the ~~psychologist~~
50 person by another state or territory of the United States, the District of Columbia or
51 a foreign country.

1 10. Violated or attempted to violate, directly or indirectly, or assisted in or
2 abetted the violation of or conspired to violate a provision of this chapter.

3 11. Performed or attempted to perform any professional service while
4 impaired by alcohol, drugs or by a mental or physical illness, disorder or disease.

5 12. Engaged in sexual activity with a patient ~~+~~ or client.

6 13. Been convicted of abuse or fraud in connection with any state or federal
7 program which provides medical assistance.

8 14. Been convicted of submitting a false claim for payment to the insurer of a
9 patient ~~+~~ or client.

10 15. Operated a medical facility, as defined in NRS 449.0151, at any time
11 during which:

12 (a) The license of the facility was suspended or revoked; or

13 (b) An act or omission occurred which resulted in the suspension or revocation
14 of the license pursuant to NRS 449.160.

15 ~~↳~~ This subsection applies to an owner or other principal responsible for the
16 operation of the facility.

17 **Sec. 24. NRS 641.240 is hereby amended to read as follows:**

18 641.240 1. If the Board, a panel of its members or a hearing officer
19 appointed by the Board finds a person guilty in a disciplinary proceeding, it may:

20 (a) Administer a public reprimand.

21 (b) Limit the person's practice.

22 (c) Suspend the person's license or certificate for a period of not more than 1
23 year.

24 (d) Revoke the person's license ~~+~~ or certificate.

25 (e) Impose a fine of not more than \$5,000.

26 (f) Revoke or suspend the person's license or certificate and impose a
27 monetary penalty.

28 (g) Suspend the enforcement of any penalty by placing the person on
29 probation. The Board may revoke the probation if the person does not follow any
30 conditions imposed.

31 (h) Require the person to submit to the supervision of or counseling or
32 treatment by a person designated by the Board. The person named in the complaint
33 is responsible for any expense incurred.

34 (i) Impose and modify any conditions of probation for the protection of the
35 public or the rehabilitation of the probationer.

36 (j) Require the person to pay for the costs of remediation or restitution.

37 2. The Board shall not administer a private reprimand.

38 3. An order that imposes discipline and the findings of fact and conclusions of
39 law supporting that order are public records.

40 ~~[Sec. 14.]~~ **Sec. 25.**

41 This act becomes effective upon passage and approval
42 for the purpose of adopting regulations and on January 1, 2012, for all other
purposes.