

SENATE BILL NO. 294—SENATORS CEGAVSKE AND LESLIE

MARCH 21, 2011

Referred to Committee on Commerce, Labor and Energy

SUMMARY—Establishes provisions governing 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 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:**

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

7 **Sections 4 and 10** of this bill authorize the Board of Medical Examiners and  
8 the State Board of Osteopathic Medicine to adopt regulations relating to the  
9 supervision of medical assistants, including limitations on the possession and  
10 administration of dangerous drugs.

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

13 Existing law vests the Board of Psychological Examiners with jurisdiction over  
14 the licensure of behavior analysts and assistant behavior analysts and the  
15 certification of autism behavior interventionists. (NRS 641.110) **Section 21** of this  
16 bill revises the requirements for licensure as a behavior analyst or assistant  
17 behavior analyst to provide that the applicant must hold current certification as a  
18 board certified behavior analyst or board certified assistant behavior analyst, as  
19 applicable, issued by the Behavior Analyst Certification Board, Inc. **Section 22** of  
20 this bill expands the requirements for a certificate as an autism behavior  
21 interventionist to include the completion of a practical examination developed and  
22 approved by the Board. **Sections 23 and 24** of this bill provide that certain



\* S B 2 9 4 R 3 \*

23 disciplinary actions may be taken against a person who holds a certificate issued by  
24 the Board.

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

1       **Section 1.** NRS 454.213 is hereby amended to read as follows:  
2       454.213 A drug or medicine referred to in NRS 454.181 to  
3       454.371, inclusive, may be possessed and administered by:  
4       1. A practitioner.  
5       2. A physician assistant licensed pursuant to chapter 630 or  
6       633 of NRS, at the direction of his or her supervising physician or a  
7       licensed dental hygienist acting in the office of and under the  
8       supervision of a dentist.  
9       3. Except as otherwise provided in subsection 4, a registered  
10      nurse licensed to practice professional nursing or licensed practical  
11      nurse, at the direction of a prescribing physician, physician assistant  
12      licensed pursuant to chapter 630 or 633 of NRS, dentist, podiatric  
13      physician or advanced practitioner of nursing, or pursuant to a chart  
14      order, for administration to a patient at another location.  
15      4. In accordance with applicable regulations of the Board, a  
16      registered nurse licensed to practice professional nursing or licensed  
17      practical nurse who is:  
18      (a) Employed by a health care agency or health care facility that  
19      is authorized to provide emergency care, or to respond to the  
20      immediate needs of a patient, in the residence of the patient; and  
21      (b) Acting under the direction of the medical director of that  
22      agency or facility who works in this State.  
23      5. Except as otherwise provided in subsection 6, an  
24      intermediate emergency medical technician or an advanced  
25      emergency medical technician, as authorized by regulation of the  
26      State Board of Pharmacy and in accordance with any applicable  
27      regulations of:  
28      (a) The State Board of Health in a county whose population is  
29      less than 100,000;  
30      (b) A county board of health in a county whose population is  
31      100,000 or more; or  
32      (c) A district board of health created pursuant to NRS 439.362  
33      or 439.370 in any county.  
34      6. An intermediate emergency medical technician or an  
35      advanced emergency medical technician who holds an endorsement  
36      issued pursuant to NRS 450B.1975, under the direct supervision of a  
37      local health officer or a designee of the local health officer pursuant  
38      to that section.



- 1 7. A respiratory therapist employed in a health care facility.  
2 The therapist may possess and administer respiratory products only  
3 at the direction of a physician.
- 4 8. A dialysis technician, under the direction or supervision of a  
5 physician or registered nurse only if the drug or medicine is used for  
6 the process of renal dialysis.
- 7 9. A medical student or student nurse in the course of his or her  
8 studies at an approved college of medicine or school of professional  
9 or practical nursing, at the direction of a physician and:
  - 10 (a) In the presence of a physician or a registered nurse; or
  - 11 (b) Under the supervision of a physician or a registered nurse if  
12 the student is authorized by the college or school to administer the  
13 drug or medicine outside the presence of a physician or nurse.
- 14 ➤ A medical student or student nurse may administer a dangerous  
15 drug in the presence or under the supervision of a registered nurse  
16 alone only if the circumstances are such that the registered nurse  
17 would be authorized to administer it personally.
- 18 10. Any person designated by the head of a correctional  
19 institution.
- 20 11. An ultimate user or any person designated by the ultimate  
21 user pursuant to a written agreement.
- 22 12. A nuclear medicine technologist, at the direction of a  
23 physician and in accordance with any conditions established by  
24 regulation of the Board.
- 25 13. A radiologic technologist, at the direction of a physician  
26 and in accordance with any conditions established by regulation of  
27 the Board.
- 28 14. A chiropractic physician, but only if the drug or medicine  
29 is a topical drug used for cooling and stretching external tissue  
30 during therapeutic treatments.
- 31 15. A physical therapist, but only if the drug or medicine is a  
32 topical drug which is:
  - 33 (a) Used for cooling and stretching external tissue during  
34 therapeutic treatments; and
  - 35 (b) Prescribed by a licensed physician for:
    - 36 (1) Iontophoresis; or
    - 37 (2) The transmission of drugs through the skin using  
38 ultrasound.
- 39 16. In accordance with applicable regulations of the State  
40 Board of Health, an employee of a residential facility for groups, as  
41 defined in NRS 449.017, pursuant to a written agreement entered  
42 into by the ultimate user.
- 43 17. A veterinary technician *or a veterinary assistant* at the  
44 direction of his or her supervising veterinarian.



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

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

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

7 (c) Administers immunizations in compliance with the  
8 “Standards ~~of~~ for Immunization Practices” recommended and  
9 approved by the ~~[United States Public Health Service]~~ Advisory  
10 Committee on Immunization Practices.

11 19. A person who is enrolled in a training program to become a  
12 physician assistant licensed pursuant to chapter 630 or 633 of NRS,  
13 dental hygienist, intermediate emergency medical technician,  
14 advanced emergency medical technician, respiratory therapist,  
15 dialysis technician, nuclear medicine technologist, radiologic  
16 technologist, physical therapist or veterinary technician if the person  
17 possesses and administers the drug or medicine in the same manner  
18 and under the same conditions that apply, respectively, to a  
19 physician assistant licensed pursuant to chapter 630 or 633 of NRS,  
20 dental hygienist, intermediate emergency medical technician,  
21 advanced emergency medical technician, respiratory therapist,  
22 dialysis technician, nuclear medicine technologist, radiologic  
23 technologist, physical therapist or veterinary technician who may  
24 possess and administer the drug or medicine, and under the direct  
25 supervision of a person licensed or registered to perform the  
26 respective medical art or a supervisor of such a person.

27 ***20. A medical assistant, in accordance with applicable  
28 regulations of the:***

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

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

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

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

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

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

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



1     **Sec. 4.** *The Board may adopt regulations governing the*  
2 *supervision of a medical assistant, including, without limitation,*  
3 *regulations which prescribe limitations on the possession and*  
4 *administration of a dangerous drug by a medical assistant.*

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

6     630.005 As used in this chapter, unless the context otherwise  
7 requires, the words and terms defined in NRS 630.007 to 630.026,  
8 inclusive, *and section 3 of this act* have the meanings ascribed to  
9 them in those sections.

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

11    630.306 The following acts, among others, constitute grounds  
12 for initiating disciplinary action or denying licensure:

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

16    2. Engaging in any conduct:

17    (a) Which is intended to deceive;

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

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

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

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

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

32    6. Performing, without first obtaining the informed consent of  
33 the patient or the patient's family, any procedure or prescribing any  
34 therapy which by the current standards of the practice of medicine is  
35 experimental.

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

39    8. Habitual intoxication from alcohol or dependency on  
40 controlled substances.

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

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



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

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

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

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

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

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

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

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

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

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

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

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

29 **Sec. 9. 1. "Medical assistant" means a person who:**

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

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

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

37 **Sec. 10.** *The Board may adopt regulations governing the*  
38 *supervision of a medical assistant, including, without limitation,*  
39 *regulations which prescribe limitations on the possession and*  
40 *administration of a dangerous drug by a medical assistant.*

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

42 633.011 As used in this chapter, unless the context otherwise  
43 requires, the words and terms defined in NRS 633.021 to 633.131,  
44 inclusive, *and section 9 of this act* have the meanings ascribed to  
45 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  
3 to this chapter are:  
4     1. Unprofessional conduct.  
5     2. Conviction of:  
6       (a) A violation of any federal or state law regulating the  
7 possession, distribution or use of any controlled substance or any  
8 dangerous drug as defined in 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,  
11 616D.220, 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  
14 weapon;  
15      (f) Assault with intent to kill or to commit sexual assault or  
16 mayhem;  
17      (g) Sexual assault, statutory sexual seduction, incest, lewdness,  
18 indecent exposure or any other sexually related crime;  
19      (h) Abuse or neglect of a child or contributory delinquency; or  
20      (i) Any offense involving moral turpitude.  
21     3. The suspension of the license to practice osteopathic  
22 medicine by any other jurisdiction.  
23     4. Malpractice or gross malpractice, which may be evidenced  
24 by a claim of malpractice settled against a practitioner.  
25     5. Professional incompetence.  
26     6. Failure to comply with the requirements of NRS 633.527.  
27     7. Failure to comply with the requirements of subsection 3 of  
28 NRS 633.471.  
29     8. Failure to comply with the provisions of NRS 633.694.  
30     9. Operation of a medical facility, as defined in NRS 449.0151,  
31 at any time during which:  
32       (a) The license of the facility is suspended or revoked; or  
33       (b) An act or omission occurs which results in the suspension or  
34 revocation of the license pursuant to NRS 449.160.  
35     ➔ This subsection applies to an owner or other principal responsible  
36 for the operation of the facility.  
37     10. Failure to comply with the provisions of subsection 2 of  
38 NRS 633.322.  
39     11. Signing a blank prescription form.  
40     12. Attempting, directly or indirectly, by intimidation, coercion  
41 or deception, to obtain or retain a patient or to discourage the use of  
42 a second opinion.  
43     13. Terminating the medical care of a patient without adequate  
44 notice or without making other arrangements for the continued care  
45 of the patient.



1 14. In addition to the provisions of subsection 3 of NRS  
2 633.524, making or filing a report which the licensee knows to be  
3 false, failing to file a record or report that is required by law or  
4 willfully obstructing or inducing another to obstruct the making or  
5 filing of such a record or report.

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

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

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

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

20 **Sec. 13.** (Deleted by amendment.)

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

24 **Sec. 15.** *“Assistant behavior analyst” means a person who*  
25 *holds current certification or meets the standards to be certified as*  
26 *a board certified assistant behavior analyst by the Behavior*  
27 *Analyst Certification Board, Inc., or any successor in interest to*  
28 *that organization, and who is licensed as an assistant behavior*  
29 *analyst by the Board.*

30 **Sec. 16.** *“Autism behavior interventionist” means a person*  
31 *who is certified as an autism behavior interventionist by the*  
32 *Board.*

33 **Sec. 17.** *“Behavior analyst” means a person who holds*  
34 *current certification or meets the standards to be certified as a*  
35 *board certified behavior analyst or a board certified assistant*  
36 *behavior analyst by the Behavior Analyst Certification Board,*  
37 *Inc., or any successor in interest to that organization, and who is*  
38 *licensed as a behavior analyst by the Board.*

39 **Sec. 18.** *“Practice of applied behavior analysis” means the*  
40 *design, implementation and evaluation of environmental*  
41 *modifications using behavioral stimuli and consequences to*  
42 *produce socially significant improvement in human behavior,*  
43 *including, without limitation, the use of direct observation,*  
44 *measurement and functional analysis of the relations between*  
45 *environment and behavior. The term includes the provision of*





1 *behavioral therapy by a behavior analyst, assistant behavior*  
2 *analyst or autism behavior interventionist.*

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

4 641.020 As used in this chapter, unless the context otherwise  
5 requires, the words and terms defined in NRS 641.021 to 641.027,  
6 inclusive, *and sections 15 to 18, inclusive, of this act* and  
7 689A.0435 have the meanings ascribed to them in those sections.

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

9 641.100 The Board may make and promulgate rules and  
10 regulations not inconsistent with the provisions of this chapter  
11 governing its procedure, the examination, licensure and certification  
12 of applicants, the granting, refusal, revocation or suspension of  
13 licenses and certificates , ~~and~~ the practice of psychology ~~and~~  
14 *the practice of applied behavior analysis.*

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

16 641.170 1. Each application for licensure as a psychologist  
17 must be accompanied by evidence satisfactory to the Board that the  
18 applicant:

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

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

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

23 (d) Has earned a doctorate in psychology from an accredited  
24 educational institution approved by the Board, or has other  
25 doctorate-level training from an accredited educational institution  
26 deemed equivalent by the Board in both subject matter and extent of  
27 training.

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

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

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

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

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

38 (d) Has earned a master's degree from an accredited college or  
39 university in a field of social science or special education ~~approved~~  
40 ~~by the Board.~~ *and holds a current certification as a Board*  
41 *Certified Behavior Analyst by the Behavior Analyst Certification*  
42 *Board, Inc., or any successor in interest to that organization.*

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



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

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

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

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

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

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

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

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

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

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

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

27 5. The written statement issued to the applicant pursuant to  
28 subsection 4 must include:

29 (a) If the Board determines that the qualifications of the  
30 applicant are insufficient for licensure, a detailed explanation of the  
31 reasons for that determination.

32 (b) If the applicant for licensure as a psychologist has not earned  
33 a doctorate in psychology from an accredited educational institution  
34 approved by the Board and the Board determines that the doctorate-  
35 level training from an accredited educational institution is not  
36 equivalent in subject matter and extent of training, a detailed  
37 explanation of the reasons for that determination.

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

39 641.172 1. Each application for certification as an autism  
40 behavior interventionist must be accompanied by evidence  
41 satisfactory to the Board that the applicant:

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

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

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



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

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

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

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

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

17 3. If the Board determines that the qualifications of the  
18 applicant are insufficient for certification, the written statement  
19 issued to the applicant pursuant to subsection 2 must include a  
20 detailed explanation of the reasons for that 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*  
23 *license ~~{of}~~ as a psychologist, behavior analyst or assistant*  
24 *behavior analyst or certificate as an autism behavior*  
25 *interventionist, place ~~{a psychologist}~~ the person* on probation,  
26 ~~{revoke the license of a psychologist,}~~ require remediation for ~~{a~~  
27 ~~psychologist}~~ *the person* or take any other action specified by  
28 regulation if the Board finds by substantial evidence that the  
29 ~~{psychologist}~~ *person* has:

30 1. Been convicted of a felony relating to the practice of  
31 psychology ~~{}~~ *or the practice of applied behavior analysis.*

32 2. Been convicted of any crime or offense that reflects the  
33 inability of the ~~{psychologist}~~ *person* to practice psychology *or*  
34 *applied behavior analysis* with due regard for the health and safety  
35 of others.

36 3. Been convicted of violating any of the provisions of NRS  
37 616D.200, 616D.220, 616D.240 or 616D.300 to 616D.440,  
38 inclusive.

39 4. Engaged in gross malpractice or repeated malpractice or  
40 gross negligence in the practice of psychology ~~{}~~ *or the practice of*  
41 *applied behavior analysis.*

42 5. Aided or abetted the practice of psychology by a person not  
43 licensed by the Board.

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

45 7. Violated a regulation adopted by the Board.



1 8. Had a license to practice psychology *or a license or*  
2 *certificate to practice applied behavior analysis* suspended or  
3 revoked or has had any other disciplinary action taken against the  
4 ~~psychologist~~ *person* by another state or territory of the United  
5 States, the District of Columbia or a foreign country, if at least one  
6 of the grounds for discipline is the same or substantially equivalent  
7 to any ground contained in this chapter.

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

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

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

20 12. Engaged in sexual activity with a patient ~~or~~ *or client*.

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

23 14. Been convicted of submitting a false claim for payment to  
24 the insurer of a patient ~~or~~ *or client*.

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

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

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

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

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

33 641.240 1. If the Board, a panel of its members or a hearing  
34 officer appointed by the Board finds a person guilty in a disciplinary  
35 proceeding, it may:

36 (a) Administer a public reprimand.

37 (b) Limit the person's practice.

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

40 (d) Revoke the *person's* license ~~or~~ *or certificate*.

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

42 (f) Revoke or suspend the *person's* license *or certificate* and  
43 impose a monetary penalty.



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

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

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

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

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

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

15 **Sec. 25.** This act becomes effective upon passage and approval  
16 for the purpose of adopting regulations and on January 1, 2012, for  
17 all other purposes.

