

PROPOSED REGULATION OF THE NEVADA BOARD OF PODIATRY

**NAC 635.390 Conduct interpreted to be unprofessional conduct. ([NRS 635.030](#), [635.130](#));  
Sec. 42 of AB 474 (2017 Legislative Session)**

**Section 1.** NAC 635.390 is hereby amended as follows:

The Board will interpret the following conduct by a podiatrist 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 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 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](#).
11. Violating any provision of NRS or NAC chapters 453, 454, 639 and 585.