



# Nevada State Board of Podiatry

1325 Airmotive Way, Suite 175-I • Reno, Nevada 89502 • [podiatry.nv.gov](http://podiatry.nv.gov) • Phone 775-789-2605

## **NOTICE OF INTENT TO ACT UPON A PROPOSED REGULATION R025-19**

### **NOTICE OF HEARING FOR THE ADOPTION OF A PERMANENT REGULATION OF THE NEVADA STATE BOARD OF PODIATRY**

NOTICE IS HEREBY GIVEN that the Nevada State Board of Podiatry will hold a Public Hearing at 6:00 p.m., on September 23, 2019, at:

**Nevada State Board of Podiatry  
1325 Airmotive Way  
Suite 175-I  
Reno, Nevada 89502**

The purpose of the hearing is to receive comments from all interested persons regarding the adoption of a regulation pertaining to Chapter 635 of the Nevada Administrative Code, LCB File No. R025-19. The following information is provided pursuant to the requirements of NRS 233B.0603:

1. The need for and the purpose of the proposed regulation.

*The need and purpose of the proposed regulation is to require an application for a license to include information prescribing requirements governing the training of a podiatry hygienist, authorizing a podiatry hygienist to take and develop x-rays under certain conditions.*

2. Either the terms or substance of the proposed regulation or a description of the subjects and issues involved.

See text of R025-19 (attached hereto) for specific amendment language.

3. If the proposed regulation is a permanent regulation, a statement explaining how to obtain the approved or revised text of the proposed regulation prepared by the Legislative Counsel pursuant to NRS 233B.063.

*A copy of the proposed regulation may be obtained at:*

Nevada State Board of Podiatry  
1325 Airmotive Way, Ste. 175-I  
Reno, Nevada 89502  
Telephone: (775) 789-2605  
Facsimile: (775) 786-4451  
E-mail: [nvpodiatry@bop.nv.gov](mailto:nvpodiatry@bop.nv.gov)

4. A statement of the estimated economic effect of the regulation on the business which it is to regulate and on the public. These must be stated separately and in each case must include:

- (a) Both adverse and beneficial effects.

*There are no anticipated adverse economic effects on the practices of podiatrists or the public since podiatry hygienists were already required to be licensed.*

- (b) Both immediate and long term effects.

*There are no anticipated immediate or long-term economic effects on the practices of podiatrists or the public.*

5. A statement identifying the methods used by the Nevada State Board of Podiatry in determining the impact on a small business prepared pursuant to subsection 3 of NRS 233B.0608:

*On April 1, 2019, the Board held a workshop at its regular meeting regarding the draft language that ultimately became R066-18. Comments were taken from the public attending the meeting offering comments and the Board members modified the language. On May 6, 2019, the Board held a second workshop on the amended proposed language and no public comment was offered during the workshop and no written comments were received regarding the language that ultimately became R025-19. No participant in any of the discussions presented any evidence or argument that the proposed drafts would have a positive or negative impact on small businesses. The Board sent copies of the Notice of Hearing and the proposed draft text to all the licensees it had emails for.*

6. The estimated cost to the agency for enforcement of the proposed regulation.

*There will be no significant cost to the Nevada State Board of Podiatry for enforcement of the proposed regulation.*

7. A description of any regulations of other state or local government agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary. If the regulation overlaps

or duplicates a federal regulation, the notice must include the name of the regulating federal agency.

*There are no similar regulations of other state or government agencies that the proposed regulations overlap or duplicate.*

8. If the regulation is required pursuant to federal law, a citation and description of the federal law.

*This proposed regulation is not required by federal law.*

9. If the regulation includes provisions which are more stringent than a federal regulation that regulates the same activity, a summary of such provisions.

*This proposed regulation does not include any provision that is more stringent than a federal regulation that regulates the same activity.*

10. The time when, the place where and the manner in which interested persons may present their views regarding the proposed regulation.

*Persons wishing to comment upon the proposed action of the Nevada State Board of Podiatry may appear or participate telephonically by calling in to number: 866-632-4022 access code: 5194675088 and make oral comment at the scheduled public hearing, or may address their comments, data, views or arguments, in written form, to the Nevada State Board of Podiatry, Attention: Carolyn Cramer, Executive Director, at 1325 Airmotive Way, Suite 175-I, Reno, Nevada 89502, Facsimile: (775) 786-4451, E-mail: [nvpodiatry@bop.nv.gov](mailto:nvpodiatry@bop.nv.gov). Written submissions must be received by Nevada State Board of Podiatry on or before September 11, 2019. If no person who is directly affected by the proposed action appears to request time to make an oral presentation, the Nevada State Board of Podiatry may proceed immediately to act upon any written submission.*

Copies of the notice and the regulations to be adopted or amended will be available at the Nevada State Board of Podiatry, 1325 Airmotive Way, Suite 175-I, and Reno, Nevada, 89502. A copy of this notice and the regulation to be adopted or amended has been submitted for posting for inspection by members of the public during business hours at the Nevada State Library and Archives, 100 Stewart Street, Carson City, Nevada. Copies of this notice and the proposed regulation will be mailed to members of the public upon request.

This notice and the text of the proposed regulation has been submitted to the State of Nevada Register of Administrative Regulations, which is prepared and published monthly by the Legislative Counsel Bureau pursuant to NRS 233B.0653, and on the Internet at <http://www.leg.state.nv.us>. This information is also available at the Nevada State Board of Podiatry' website at <http://podiatry.nv.gov>.

Upon adoption of any regulation, the agency, if requested to do so by an interested person either before adoption

or within 30 days thereafter, will issue a concise statement of the principal reasons for and against its adoption and incorporate therein its reason for overruling the consideration urged against its adoption.

This Notice of Hearing has been deposited at the following locations:

**Nevada State Library and Archives** - 100 North Stewart Street, Carson City, Nevada 89701

**Nevada State Board of Podiatry** – 1325 Airmotive Way, Suite 175-I, Reno, Nevada 89502

**Carson City Library** – 900 N. Roop Street, Carson City, Nevada 89701

**Churchill County Library** - 553 S. Maine Street, Fallon, Nevada 89406

**Clark County Library** – 1401 E. Flamingo Road, Las Vegas, Nevada 89119

**Douglas County Public Library** - 1625 Library Lane, Minden, Nevada 89423

**Elko County Library** - 720 Court Street, Elko, Nevada 89801

**Esmeralda County Library** - 10 Montezuma Way, Silverpeak, Nevada 89047

**Eureka Branch Library** - 210 S. Monroe, Eureka, Nevada 89316

**Humboldt County Library** – 85 E. 5<sup>th</sup> Street, Winnemucca, Nevada 89445

**Lincoln County Library** – 63 Main Street, Pioche, Nevada 89043

**Lyon County Central Library** – 20 Nevin Way, Yerington, Nevada 89447

**Mineral County Library** – 110 1<sup>st</sup> Street, Hawthorne, Nevada 89415

**Pershing County Library** – 1125 Central Avenue, Lovelock, Nevada 89419

**Storey County Library** - 95 South R Street, Virginia City, Nevada 89440

**Tonopah Library** – 167 S. Central Street, Tonopah, Nevada 89049

**Washoe County Library** – 301 S. Center Street, Reno, Nevada 89505

**White Pine County Library** – 950 Campton Street, Ely, Nevada 89301

A copy of this notice of intent to act upon a regulation has been e-mailed to all licensees of the Nevada State Board of Podiatry for whom the Board has addresses for and all persons on its mailing list.

**PROPOSED REGULATION OF THE  
STATE BOARD OF PODIATRY**

**LCB File No. R025-19**

July 17, 2019

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

AUTHORITY: §1, NRS 635.030 and section 62 of Senate Bill No. 130, chapter 435, Statutes of Nevada 2019, at page 2735.

A REGULATION relating to podiatry hygienists; requiring an application for a license as a podiatry hygienist to include certain information; prescribing requirements governing the training of a podiatry hygienist; authorizing a podiatry hygienist to take and develop X-rays under certain conditions; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Existing law: (1) prohibits a person from practicing as a podiatry hygienist without a license issued by the State Board of Podiatry; and (2) establishes certain requirements to obtain such a license. Those requirements include completing a course for podiatry hygienists approved by the Board or 6 months or more of training in a podiatric physician's office. (NRS 635.093, 635.167, 635.180) This regulation prescribes the requirements for such a course and for such training.

Existing law authorizes a podiatry hygienist to take and develop X-rays. (NRS 635.098) Beginning on January 1, 2020, Senate Bill No. 130 of the 2019 Legislative Session generally prohibits a person from engaging in radiation therapy or radiologic imaging unless the person obtains a license to engage in such activity from the Division of Public and Behavioral Health of the Department of Health and Human Services. (Section 35 of Senate Bill No. 130, chapter 435, Statutes of Nevada 2019, at page 2724) However, Senate Bill No. 130 authorizes a podiatry hygienist to take and develop X-rays within the practice of podiatry and under the direction of a podiatric physician if the podiatry hygienist: (1) has completed training prescribed by the Board; or (2) is working under the direct supervision of a podiatric physician. (Sections 62 and 72.6 of Senate Bill No. 130, chapter 435, Statutes of Nevada 2019, at pages 2735 and 2741) This regulation prescribes the conditions under which a podiatry hygienist or person training to be a podiatry hygienist may take and develop X-rays.

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

*1. A person who wishes to obtain a license as a podiatry hygienist must apply to the Board in the form prescribed by the Board. The application must include, without limitation, proof that the applicant meets the requirements set forth in NRS 635.093, including, if applicable, the certification described in subsection 3.*

*2. The Board will post on its Internet website a list of courses for podiatry hygienists that may be taken to satisfy the course requirement set forth in paragraph (c) of subsection 1 of NRS 635.093.*

*3. To satisfy the requirement for training in a podiatric physician's office set forth in paragraph (c) of subsection 1 of NRS 635.093, a person must complete at least 960 hours of supervised training that includes, without limitation, training concerning the performance of each task described in NRS 635.098. Performance of any such task by a trainee must be at the direction and under the supervision of the supervising podiatric physician. Training concerning taking and developing X-rays must include, without limitation, training concerning the manner in which to minimize exposure to radiation to a dose that is as low as reasonably achievable. Upon completion of the training described in this subsection, the supervising podiatric physician must certify completion of the training and that the trainee is competent to perform each task described in NRS 635.098.*

*4. A podiatry hygienist or person receiving training described in subsection 3 may take and develop X-rays only upon the request of a supervising podiatric physician after the podiatric physician has determined that the X-rays are appropriate for the patient. The*

*podiatry hygienist or person receiving training, as applicable, shall take any necessary action to minimize exposure to radiation to himself or herself, the patient and any other person to a dose that is as low as reasonably achievable.*