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Business Associations and Professions; Physicians- Unprofessional Conduct

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of the hearing in addition to the fine.²⁸

28. NEV. REV. STAT. §636.420(2) (amended by 1983 Nev. Stat. c. 72, §4(2), at 233).

Business Associations and Professions; physicians— unprofessional conduct

NEV. REV. STAT. §630.030 (repealed); §630.— (new); §§630.005, 630.140, 630.170, 630.195, 630.290, 630.301, 630.311, 630.339 (amended).

SB 53 (Committee on Commerce and Labor); 1983 STAT. Ch 120

Chapter 120 expands the definition of unprofessional conduct by physicians¹ and physicians' assistants² in addition to expanding the grounds for initiating review of complaints justifying disciplinary action by the Board of Medical Examiners (hereinafter the referred to as Board).³ Chapter 120 also changes the requirements of specified applicants for obtaining a license to practice medicine.⁴

Unprofessional Conduct

Chapter 120 specifies acts deemed unprofessional conduct by physicians and physicians' assistants.⁵ The Board may impose penalties for the violation of these provisions⁶ or, in certain circumstances, seek criminal sanctions.⁷

Existing law specifies various acts that constitute unprofessional con-

1. NEV. REV. STAT. §630.014 (definition of physician).

2. *Id.* §630.015 (definition of physician's assistant); see 1983 Nev. Stat. c. 120, §§3-6, at 301.

3. See NEV. REV. STAT. §630.140(1) (amended by 1983 Nev. Stat. c. 120, §8(1), at 302) (duties of the Board of Medical Examiners of the State of Nevada). Compare NEV. REV. STAT. §630.301 (amended by 1983 Nev. Stat. c. 120, §12, at 305) with 1981 Nev. Stat. c. 327, §3, at 590 (amending NEV. REV. STAT. §630.301).

4. See 1983 Nev. Stat. c. 120, §9, at 303 (amending NEV. REV. STAT. §630.170); *id.* c. 120, §10, at 304 (amending NEV. REV. STAT. §630.195). Under existing law, the board is empowered to collect fees from each applicant for a license to practice medicine. Chapter 120 establishes a specific fee schedule and provides for refunds upon rejection of a license application. Compare 1981 Nev. Stat. c. 535, §2, at 1132 (amending NEV. REV. STAT. §630.290) with 1983 Nev. Stat. c. 120, §11(1)-(2), at 304.

5. 1983 Nev. Stat. c. 120, §§3-6, at 301.

6. NEV. REV. STAT. §630.352 (penalties include probation, limiting the guilty party's practice, or suspension or revocation of the license).

7. *Id.* §630.400. Persons who give false or forged evidence of any kind to the Board in connection with an application for a license to practice medicine and uncertified persons who hold themselves out as physicians' assistants are subject to sanctions including imprisonment in the state prison for not less than one year nor more than six years, and a fine of not more than \$5000. *Id.*

duct.⁸ Chapter 120 expands the definition of unprofessional conduct to include the failure to maintain health records⁹ containing information relating to the patient's medical history, examination, diagnosis, and treatment.¹⁰ Failure to make the health records of a patient available for inspection and copying in accordance with existing procedures is punishable as a misdemeanor.¹¹ Moreover, Chapter 120 prohibits the willful disclosure of privileged communications¹² or the willful disobedience of regulations prescribed by (1) the State Board of Health,¹³ (2) the State Board of Pharmacy¹⁴ or (3) the Board of Medical Examiners.¹⁵ Violations, attempted violations, or conspiracies to violate these provisions will also be considered unprofessional conduct.¹⁶

Disciplinary Review

Existing law provides specified grounds for initiating disciplinary action against physicians and physicians' assistants.¹⁷ Chapter 120 expands these grounds¹⁸ to include the surrender of a license to practice medicine in another jurisdiction as the result of an investigation or disciplinary action initiated in that jurisdiction.¹⁹ When a complaint is filed with the Board and either the complaint or another record shows that a reasonable basis exists for the complaint, the secretary of the Board will order an investigation to determine whether the complaint warrants disciplinary action.²⁰ Prior law required complaints of gross or repeated malpractice or professional incompetence to be sent to the Attorney General.²¹ With the enactment of Chapter 120, the decision of whether to forward a complaint to the Attorney General is left to the discretion of the Board.²²

8. 1983 Nev. Stat. c. 120, §§3-6, at 301. Compare *id.* with 1977 Nev. Stat. c. 428, §2, at 821 (amending NEV. REV. STAT. §630.030).

9. NEV. REV. STAT. §629.021 (definition of health care records).

10. 1983 Nev. Stat. c. 120, §5(5), at 302.

11. *Id.* c. 120, §§2, 5(6), at 302; see NEV. REV. STAT. §629.061 (inspection of health care records).

12. 1983 Nev. Stat. c. 120, §6(1), at 302.

13. See generally NEV. REV. STAT. §§439.030-080 (State Board of Health).

14. See generally *id.* §§639.020-070 (State Board of Pharmacy).

15. 1983 Nev. Stat. c. 120, §6(2), at 302.

16. *Id.* c. 120, §6(3), at 302 (incorporating 1977 Nev. Stat. c. 428, §2(1), at 822 (amending NEV. REV. STAT. §630.030)).

17. NEV. REV. STAT. §630.301 (amended by 1983 NEV. REV. STAT. c. 120, §12, at 305).

18. Compare NEV. REV. STAT. §630.301(3) (amended by 1983 Nev. Stat. c. 120, §12, at 305) with 1981 Nev. Stat. c. 327, §3(3), at 590 (amending NEV. REV. STAT. §630.301).

19. NEV. REV. STAT. §630.301(3) (amended by 1983 Nev. Stat. c. 120, §12(3), at 305).

20. *Id.* §630.311 (amended by 1983 Nev. Stat. c. 120, §13(2)(a), at 305)(if an action is warranted, the Board shall proceed to impose the appropriate remedy).

21. 1977 Nev. Stat. c. 428, §8, at 824 (enacting NEV. REV. STAT. §630.311).

22. NEV. REV. STAT. §630.311 (amended by 1983 Nev. Stat. c. 120, §13(2)(b), at 306). If the disciplinary action is based on a complaint reported by the Attorney General, the formal com-

Application for License

Prior law required that an applicant for a license to practice medicine be a graduate of a medical school that met requirements specified by the American Medical Association.²³ Chapter 120 provides, however, that the applicant must be a graduate of a United States or Canadian medical school accredited by either the Liaison Committee on Medical Education or the Committee for the Accreditation of Canadian Medical Schools.²⁴

Prior to the enactment of Chapter 120, applicants who were both graduates of foreign medical schools and diplomats of approved specialty boards recognized by the American Medical Association, were exempt from meeting specified prerequisites for licensing.²⁵ These exemptions are eliminated by Chapter 120²⁶ and consequently, applicants must now show that they have completed three years of postgraduate training and passed an examination designated by the Board.²⁷

plaint must be signed by the secretary of the Board. *Id.* §630.339 (amended by 1983 Nev. Stat. c. 120, §14(2), at 306).

23. 1973 Nev. Stat. c. 386, §15(1)(a), at 508 (amending NEV. REV. STAT. §630.170).

24. NEV. REV. STAT. §630.170 (amended by 1983 Nev. Stat. c. 120, §9(1)(a), at 303).

25. 1977 Nev. Stat. c. 591, §3(3), at 1564 (amending NEV. REV. STAT. §630.195).

26. *Compare* NEV. REV. STAT. §630.195 (amended by 1983 Nev. Stat. c. 120, §10(3), at 304) with 1977 Nev. Stat. c. 591, §3, at 1564 (amending NEV. REV. STAT. §630.195).

27. *Id.* §§630.195(1)(c)-(d) (amended by 1983 Nev. Stat. c. 120, §10, at 304).

Business Associations and Professions; boxing or wrestling licensing fees.

NEV. REV. STAT. §467.— (new).

SB 355 (Committee on Judiciary); 1983 STAT. Ch. 387

Under existing law, every promoter¹ of a boxing contest, wrestling match, wrestling exhibition or combination of these events (hereinafter referred to as contest), is required to procure a license from the Nevada Athletic Commission² (hereinafter referred to as Commission).³ In addition to any other fees,⁴ the promoter is required to pay the Commission a license fee based on a percentage of the total gross receipts from the sale, lease or other exploitation (hereinafter referred to as sale) of

1. NEV. REV. STAT. §467.010(7) (definition of promoter).

2. *Id.* §467.020 (creation of Nevada Athletic Commission).

3. *Id.* §467.100.

4. *Id.* §§467.080(2), 467.100(2), 467.104(2), 467.105(2) (fees for license to conduct contests, promoter's license, license for closed circuit telecasts and motion pictures, and promoter's permit).