

SENATE BILL NO. 357—SENATORS WIENER, SHAFFER, RAWSON, MATHEWS
AND AMODEI (BY REQUEST)

MARCH 10, 1999

Referred to Committee on Commerce and Labor

SUMMARY—Provides for regulation of athletic trainers. (BDR 54-1194)

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

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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 professions; creating the board of athletic trainers; prescribing the powers and duties of the board; requiring certain persons who engage in the practice of athletic training to be licensed by the board; prescribing the requirements for a license; providing a penalty; and providing other matters properly relating thereto.

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

- 1 **Section 1.** Title 54 of NRS is hereby amended by adding thereto a
2 new chapter to consist of the provisions set forth as sections 2 to 38,
3 inclusive, of this act.
- 4 **Sec. 2.** *As used in this chapter, unless the context otherwise requires,*
5 *the words and terms defined in sections 3 to 10, inclusive, of this act have*
6 *the meanings ascribed to them in those sections.*
- 7 **Sec. 3.** *“Athletic injury” means an injury that a person sustains as a*
8 *result of his participation in:*
- 9 1. *An athletic program conducted by a high school, college,*
10 *university or professional sports team; or*
- 11 2. *A program for the performing arts conducted by a high school,*
12 *college or university.*
- 13 **Sec. 4.** *“Athletic trainer” means a person who is licensed as an*
14 *athletic trainer pursuant to the provisions of this chapter.*
- 15 **Sec. 5.** (Deleted by amendment.)
- 16 **Sec. 6.** *“Board” means the board of athletic trainers.*

1 **Sec. 7.** *“License” means a license issued pursuant to the provisions*
2 *of this chapter.*

3 **Sec. 8.** *“Licensee” means a person who has been issued a license*
4 *pursuant to the provisions of this chapter.*

5 **Sec. 9.** *“Practice of athletic training” includes, without limitation:*

6 1. *Performing tasks and skills necessary to prevent athletic injuries;*

7 2. *Conducting tests and the interpretation of those tests to assess,*
8 *manage, treat or recondition an athletic injury;*

9 3. *Using heat, light, sound, cold, electricity, exercise, massage,*
10 *soft-tissue mobilization or joint-tissue mobilization to treat or recondition*
11 *an athletic injury;*

12 4. *Organizing and administering programs of athletic training; and*

13 5. *Providing information relating to athletic training to members of*
14 *the general public.*

15 *The term does not include the diagnosis of a physical disability or the use*
16 *of X-rays, radium or electricity for cauterization or surgery.*

17 **Sec. 10.** *(Deleted by amendment.)*

18 **Sec. 11.** *The practice of athletic training is hereby declared to be a*
19 *learned profession, affecting public health, safety and welfare, and is*
20 *subject to regulation to protect the general public from the practice of*
21 *athletic training by unqualified persons and from unprofessional conduct*
22 *by persons who are licensed to engage in the practice of athletic training.*

23 **Sec. 12.** *A license issued pursuant to the provisions of this chapter is*
24 *a revocable privilege, and the holder of the license does not acquire*
25 *thereby any vested right.*

26 **Sec. 13.** *The provisions of this chapter do not apply to:*

27 1. *A person who is licensed pursuant to chapters 630 to 637,*
28 *inclusive, 640 or 640A of NRS, if he is acting within the scope of his*
29 *license.*

30 2. *A person who is employed by the Federal Government and*
31 *engages in the practice of athletic training within the scope of that*
32 *employment.*

33 3. *A person who is employed as an athletic trainer outside this state if*
34 *he engages in the practice of athletic training within the scope of that*
35 *employment in connection with an athletic event held in this state.*

36 4. *A masseur who massages only the superficial soft tissues of the*
37 *body.*

38 5. *A student enrolled in a program of athletic training approved by*
39 *the board during his clinical training if the training is conducted under*
40 *the supervision of an athletic trainer who is immediately available in the*
41 *area where the student is working to provide aid, direction and*
42 *instruction to the student.*

1 **Sec. 14. 1. The board of athletic trainers is hereby created.**

2 **2. The governor shall appoint to the board:**

3 **(a) Four members who:**

4 **(1) Are licensed as athletic trainers pursuant to the provisions of**
5 **this chapter; and**

6 **(2) Have engaged in the practice of athletic training or taught or**
7 **conducted research concerning the practice of athletic training for the 5**
8 **years immediately preceding their appointments; and**

9 **(b) One member who is a representative of the general public.**

10 **3. Each member of the board:**

11 **(a) Must be a resident of this state; and**

12 **(b) May not serve more than two consecutive terms.**

13 **4. After the initial terms, the members of the board must be**
14 **appointed to terms of 3 years.**

15 **5. A vacancy on the board must be filled in the same manner as the**
16 **original appointment.**

17 **6. The governor may remove a member of the board for**
18 **incompetence, neglect of duty, moral turpitude or malfeasance in office.**

19 **7. No member of the board may be held liable in a civil action for**
20 **any act that he has performed in good faith in the execution of his duties**
21 **pursuant to the provisions of this chapter.**

22 **Sec. 15. The Nevada Athletic Trainers Association, or its successor**
23 **organization, shall, at least 30 days before the beginning of a term of a**
24 **member of the board, or within 30 days after a position on the board**
25 **becomes vacant, submit to the governor the names of not less than three**
26 **persons or more than five persons who are qualified for membership on**
27 **the board for each position that must be filled by an athletic trainer. The**
28 **governor shall appoint new members or fill a vacancy from the list, or**
29 **request a new list. If the Nevada Athletic Trainers Association, or its**
30 **successor organization, fails to submit nominations for a position on the**
31 **board within the periods prescribed in this section, the governor may**
32 **appoint any qualified person.**

33 **Sec. 16. 1. The board shall:**

34 **(a) Meet at least two times each year at the call of the chairman of the**
35 **board, and upon the written request of at least three members of the**
36 **board; and**

37 **(b) Elect from its members a chairman at the first meeting of each**
38 **year.**

39 **2. A majority of the members of the board constitutes a quorum for**
40 **the transaction of the business of the board.**

41 **Sec. 17. 1. The board shall prepare and maintain a separate list**
42 **of:**

43 **(a) The licensees.**

1 **(b) The applicants for a license.**

2 **(c) The licensees whose licenses have been revoked or suspended**
3 **within the preceding year.**

4 **The board shall, upon request, disclose the information included in each**
5 **list and may charge a fee for a copy of a list.**

6 **2. The board shall:**

7 **(a) Prepare and maintain a record of its proceedings and**
8 **transactions;**

9 **(b) Adopt a seal of which each court in this state shall take judicial**
10 **notice; and**

11 **(c) Enforce the provisions of this chapter and any regulations adopted**
12 **pursuant thereto.**

13 **Sec. 18. The board shall adopt regulations to carry out the**
14 **provisions of this chapter, including, without limitation, regulations that**
15 **establish:**

16 **1. The passing grade for the examination required by section 24 or**
17 **26 of this act;**

18 **2. The standards of practice for athletic trainers; and**

19 **3. The requirements for continuing education for the renewal of a**
20 **license of an athletic trainer. The requirements must be at least as**
21 **stringent as the requirements for continuing education for the renewal of**
22 **a certificate of an athletic trainer issued by the National Athletic Trainers**
23 **Association Board of Certification or its successor organization.**

24 **Sec. 19. A member of the board, an employee of the board or a**
25 **person designated by the board may inspect any office or facility where a**
26 **person is engaged in the practice of athletic training to determine**
27 **whether each person who is engaged in the practice of athletic training**
28 **in that office or facility is in compliance with the provisions of this**
29 **chapter and any regulations adopted pursuant thereto.**

30 **Sec. 20. 1. The board may employ an executive secretary and any**
31 **other persons necessary to carry out its duties.**

32 **2. The members of the board are not entitled to receive a salary.**

33 **3. While engaged in the business of the board, each member and**
34 **employee of the board is entitled to receive a per diem allowance and**
35 **travel expenses at a rate fixed by the board. The rate must not exceed the**
36 **rate provided for officers and employees of this state generally.**

37 **Sec. 21. The board shall operate on the basis of a fiscal year**
38 **beginning on July 1 and ending on June 30.**

39 **Sec. 22. 1. Except as otherwise provided in subsection 4, all**
40 **reasonable expenses incurred by the board in carrying out the provisions**
41 **of this chapter must be paid from the money that it receives. No part of**
42 **the salaries or expenses of the board may be paid from the state general**
43 **fund.**

1 2. All money received by the board must be deposited in a bank or
2 other financial institution in this state and paid out on its order for its
3 expenses.

4 3. The board may delegate to a hearing officer or panel its authority
5 to take any disciplinary action pursuant to this chapter, impose and
6 collect fines and penalties therefor and deposit the money therefrom in a
7 bank or other financial institution in this state.

8 4. If a hearing officer or panel is not authorized to take disciplinary
9 action pursuant to subsection 3 and the board deposits the money
10 collected from the imposition of fines with the state treasurer for credit to
11 the state general fund, it may present a claim to the state board of
12 examiners for recommendation to the interim finance committee if
13 money is needed to pay attorney's fees or the costs of an investigation, or
14 both.

15 **Sec. 23. 1. A person shall not:**

16 (a) Engage in the practice of athletic training;

17 (b) Hold himself out as licensed or qualified to engage in the practice
18 of athletic training; or

19 (c) Use in connection with his name any title, words, letters or other
20 designation intended to imply or designate him as a licensed athletic
21 trainer,

22 unless he has been issued a license as an athletic trainer by the board
23 pursuant to the provisions of this chapter.

24 2. If the board determines that a person has engaged, or is about to
25 engage, in any act or practice that constitutes, or will constitute, a
26 violation of the provisions of this section, the board may make an
27 application to an appropriate court for an order enjoining that act or
28 practice, and upon a showing by the board that the person has engaged,
29 or is about to engage, in that act or practice, the court shall issue an
30 injunction against that act or practice. Such an injunction does not
31 prevent a criminal prosecution for that act or practice.

32 **Sec. 24. 1. An applicant for a license as an athletic trainer must:**

33 (a) Be of good moral character;

34 (b) Be a citizen of the United States or lawfully entitled to remain and
35 work in the United States;

36 (c) Have at least a bachelor's degree in a course of study approved by
37 the board;

38 (d) Submit an application on a form provided by the board;

39 (e) Submit a complete set of his fingerprints and written permission
40 authorizing the board to forward the fingerprints to the central repository
41 for Nevada records of criminal history for submission to the Federal
42 Bureau of Investigation for its report;

1 (f) Pay the fees prescribed by the board pursuant to section 34 of this
2 act;

3 (g) Submit the statement required pursuant to section 28 of this act;
4 and

5 (h) Except as otherwise provided in subsection 2 and section 26 of this
6 act, pass the examination prepared by the National Athletic Trainers
7 Association Board of Certification, or its successor organization.

8 2. The board shall not approve a course of study described in
9 paragraph (c) of subsection 1 unless the course of study includes, without
10 limitation, training relating to:

11 (a) The prevention, recognition, evaluation, management, treatment,
12 disposition and rehabilitation of athletic injuries and illnesses;

13 (b) The education and counseling of athletes concerning athletic
14 injuries and illnesses; and

15 (c) The organization and administration of medical records and
16 training facilities.

17 3. An applicant who submits proof of his current certification as an
18 athletic trainer by the National Athletic Trainers Association Board of
19 Certification, or its successor organization, is not required to pass the
20 examination required by paragraph (h) of subsection 1.

21 4. An applicant who fails the examination may not reapply for a
22 license for at least 1 year after he submits his application to the board.

23 Sec. 25. (Deleted by amendment.)

24 Sec. 26. If the National Athletic Trainers Association Board of
25 Certification, or its successor organization, ceases to prepare the
26 examination required by section 24 of this act, the board shall prepare or
27 cause to be prepared an examination which must be offered not less than
28 two times each year.

29 Sec. 27. An application for a license must include the social security
30 number of the applicant.

31 Sec. 28. 1. An applicant for the issuance or renewal of a license
32 must submit to the board the statement prescribed by the welfare division
33 of the department of human resources pursuant to NRS 425.520. The
34 statement must be completed and signed by the applicant.

35 2. The board shall include the statement required pursuant to
36 subsection 1 in:

37 (a) The application or any other forms that must be submitted for the
38 issuance or renewal of the license; or

39 (b) A separate form prescribed by the board.

40 3. A license may not be issued or renewed by the board if the
41 applicant:

42 (a) Fails to submit the statement required pursuant to subsection 1; or

1 **(b) Indicates on the statement submitted pursuant to subsection 1 that**
2 **he is subject to a court order for the support of a child and is not in**
3 **compliance with the order or a plan approved by the district attorney or**
4 **other public agency enforcing the order for the repayment of the amount**
5 **owed pursuant to the order.**

6 **4. If an applicant indicates on the statement submitted pursuant to**
7 **subsection 1 that he is subject to a court order for the support of a child**
8 **and is not in compliance with the order or a plan approved by the district**
9 **attorney or other public agency enforcing the order for the repayment of**
10 **the amount owed pursuant to the order, the board shall advise the**
11 **applicant to contact the district attorney or other public agency enforcing**
12 **the order to determine the actions that the applicant may take to satisfy**
13 **the arrearage.**

14 **Sec. 29. 1. If the board receives a copy of a court order issued**
15 **pursuant to NRS 425.540 that provides for the suspension of all**
16 **professional, occupational and recreational licenses, certificates and**
17 **permits issued to a licensee, the board shall deem the license to be**
18 **suspended at the end of the 30th day after the date the court order was**
19 **issued unless the board receives a letter issued to the licensee by the**
20 **district attorney or other public agency pursuant to NRS 425.550 stating**
21 **that the licensee has complied with the subpoena or warrant or has**
22 **satisfied the arrearage pursuant to NRS 425.560.**

23 **2. The board shall reinstate a license that has been suspended by a**
24 **district court pursuant to NRS 425.540 if the board receives a letter**
25 **issued by the district attorney or other public agency pursuant to NRS**
26 **425.550 to the licensee stating that the licensee has complied with the**
27 **subpoena or warrant or has satisfied the arrearage pursuant to NRS**
28 **425.560.**

29 **Sec. 30. (Deleted by amendment.)**

30 **Sec. 31. 1. Except as otherwise provided in subsection 2, the board**
31 **shall issue a license as an athletic trainer, without examination, to an**
32 **applicant who is licensed to engage in the practice of athletic training in**
33 **another state, territory or possession of the United States or the District**
34 **of Columbia if the applicant submits to the board:**

35 **(a) An application on a form prescribed by the board;**

36 **(b) The fees prescribed by the board pursuant to section 34 of this act;**
37 **and**

38 **(c) The statement required pursuant to section 28 of this act.**

39 **2. The board shall not issue a license pursuant to this section unless**
40 **the jurisdiction in which the applicant is licensed had requirements at the**
41 **time the license was issued that the board determines are substantially**
42 **equivalent to the requirements for a license as an athletic trainer set**
43 **forth in this chapter.**

1 **Sec. 32.** *Each licensee shall display his license conspicuously at*
2 *each place where he engages in the practice of athletic training.*

3 **Sec. 33. 1.** *Each license to engage in the practice of athletic*
4 *training expires on June 30 of each year and may be renewed if, before*
5 *the license expires, the licensee submits to the board:*

6 *(a) An application on a form prescribed by the board;*

7 *(b) If he is an athletic trainer, proof of his completion of the*
8 *requirements for continuing education prescribed by the board pursuant*
9 *to section 18 of this act;*

10 *(c) The fee for the renewal of his license prescribed by the board*
11 *pursuant to section 34 of this act; and*

12 *(d) The statement required pursuant to section 28 of this act.*

13 **2.** *A license that expires pursuant to the provisions of this section*
14 *may be restored if the applicant:*

15 *(a) Complies with the provisions of subsection 1;*

16 *(b) Submits to the board proof of his ability to engage in the practice*
17 *of athletic training; and*

18 *(c) Submits to the board:*

19 *(1) The fee for the restoration of an expired license; and*

20 *(2) For each year that the license was expired, the fee for the*
21 *renewal of a license,*
22 *prescribed by the board pursuant to section 34 of this act.*

23 **3.** *If the board determines that an applicant has not submitted*
24 *satisfactory proof of his ability to engage in the practice of athletic*
25 *training, the board may require the applicant to:*

26 *(a) Pass an examination prescribed by the board; and*

27 *(b) Engage in the practice of athletic training for a period prescribed*
28 *by the board under the supervision of a person designated by the board*
29 *who is immediately available in the area where the applicant is working*
30 *to provide aid, direction and instruction to the applicant.*

31 **Sec. 34.** *The board shall, by regulation, prescribe the fees for:*

32 **1.** *An examination for a license.*

33 **2.** *An application for a license.*

34 **3.** *An application for a license without examination.*

35 **4.** *The initial issuance of a license.*

36 **5.** *The annual renewal of a license.*

37 **6.** *The restoration of an expired license.*

38 **7.** *A duplicate license.*

39 **Sec. 35. 1.** *The board may refuse to issue a license to an applicant,*
40 *or may take disciplinary action against a licensee, if, after notice and a*
41 *hearing, the board determines that the applicant or licensee:*

1 (a) Has submitted false or misleading information to the board or any
2 agency of this state, any other state, the Federal Government or the
3 District of Columbia.

4 (b) Has violated any provision of this chapter or any regulation
5 adopted pursuant thereto.

6 (c) Has been convicted of a felony, a crime relating to a controlled
7 substance or a crime involving moral turpitude.

8 (d) Is addicted to alcohol or any controlled substance.

9 (e) Has violated the provisions of NRS 200.5093 or 432B.220.

10 (f) Is guilty of gross negligence in his practice as an athletic trainer.

11 (g) Is not competent to engage in the practice of athletic training.

12 (h) Has failed to provide information requested by the board within 60
13 days after he received the request.

14 (i) Has engaged in unethical or unprofessional conduct as it relates to
15 the practice of athletic training.

16 (j) Has been disciplined in another state, a territory or possession of
17 the United States or the District of Columbia for conduct that would be a
18 violation of the provisions of this chapter or any regulations adopted
19 pursuant thereto if the conduct were committed in this state.

20 (k) Has solicited or received compensation for services that he did not
21 provide.

22 (l) If the licensee is on probation, has violated the terms of his
23 probation.

24 (m) Has terminated his professional services to a client in a manner
25 that detrimentally affected that client.

26 2. The board may, if it determines that an applicant for a license or a
27 licensee has committed any of the acts set forth in subsection 1, after
28 notice and a hearing:

29 (a) Refuse to issue a license to the applicant;

30 (b) Refuse to renew or restore the license of the licensee;

31 (c) Suspend or revoke the license of the licensee;

32 (d) Place the licensee on probation;

33 (e) Impose an administrative fine of not more than \$5,000;

34 (f) Require the applicant or licensee to pay the costs incurred by the
35 board to conduct the investigation and hearing; or

36 (g) Impose any combination of actions set forth in paragraphs (a) to
37 (f), inclusive.

38 **Sec. 36. 1.** The board may conduct investigations and hold
39 hearings to carry out its duties pursuant to the provisions of this chapter.

40 2. In such a hearing:

41 (a) Any member of the board may administer oaths and examine
42 witnesses; and

1 **(b) The board or any member thereof may issue subpoenas to compel**
2 **the attendance of witnesses and the production of books and papers.**

3 **3. Each witness who is subpoenaed to appear before the board is**
4 **entitled to receive for his attendance the same fees and mileage allowed**
5 **by law to a witness in a civil case. The amount must be paid by the party**
6 **who requested the subpoena. If any witness who has not been required to**
7 **attend at the request of any party is subpoenaed by the board, his fees**
8 **and mileage must be paid from the money of the board.**

9 **4. If any person fails to comply with the subpoena within 10 days**
10 **after it is issued, the chairman of the board may petition a court of**
11 **competent jurisdiction for an order of the court compelling compliance**
12 **with the subpoena.**

13 **5. Upon such a petition, the court shall enter an order directing the**
14 **person subpoenaed to appear before the court at a time and place to be**
15 **fixed by the court in its order, the time to be not more than 10 days after**
16 **the date of the order, and to show cause why he has not complied with**
17 **the subpoena. A certified copy of the order must be served upon the**
18 **person subpoenaed.**

19 **6. If it appears to the court that the subpoena was regularly issued by**
20 **the board, the court shall enter an order compelling compliance with the**
21 **subpoena. The failure of the person to obey the order is a contempt of the**
22 **court that issued the order.**

23 **Sec. 37. 1. Any records or information obtained during the course**
24 **of an investigation by the board are confidential until the investigation is**
25 **completed. Upon completion of the investigation, the records and**
26 **information are public records if:**

27 **(a) Disciplinary action was taken by the board as a result of the**
28 **investigation; or**

29 **(b) The person who was investigated submits a written request to the**
30 **board asking that the information and records be made public records.**

31 **2. The provisions of this section do not prohibit the board from**
32 **cooperating with another licensing board or any agency that is**
33 **investigating a licensee, including, without limitation, a law enforcement**
34 **agency.**

35 **Sec. 38. 1. A person who violates any provision of this chapter is**
36 **guilty of a misdemeanor.**

37 **2. If the board has reason to believe that a person has violated a**
38 **provision of this chapter or a regulation adopted pursuant thereto, the**
39 **board shall report the facts to the district attorney of the county where the**
40 **violation occurred, who may cause appropriate criminal proceedings to**
41 **be brought against that person.**

1 **Sec. 39.** NRS 640.029 is hereby amended to read as follows:
2 640.029 ~~[This chapter does]~~ *The provisions of this chapter do* not
3 apply to an occupational therapist , ~~or~~ occupational therapy assistant *or*
4 *athletic trainer* who:

- 5 1. Is licensed to practice in this state;
- 6 2. Practices within the scope of that license; and
- 7 3. Does not represent that he is a physical therapist or physical
8 therapist's assistant, or that he practices physical therapy.

9 **Sec. 40.** NRS 200.5093 is hereby amended to read as follows:

10 200.5093 1. A person required to make a report pursuant to this
11 section shall make the report immediately, but in no event later than 24
12 hours after there is reason to believe that an older person has been abused,
13 neglected, exploited or isolated. The report must be made to:

- 14 (a) The local office of the welfare or aging services division of the
15 department of human resources;
- 16 (b) A police department or sheriff's office;
- 17 (c) The county's office for protective services, if one exists in the county
18 where the suspected action occurred; or
- 19 (d) A toll-free telephone service designated by the aging services
20 division of the department of human resources.

21 If the report of abuse, neglect, exploitation or isolation of an older person
22 involves an act or omission of the welfare division, aging services division
23 or a law enforcement agency, the report must be made to an agency other
24 than the one alleged to have committed the act or omission. Each agency,
25 after reducing the report to writing, shall forward a copy of the report to the
26 aging services division of the department of human resources.

27 2. Reports must be made by the following persons who, in their
28 professional or occupational capacities, know or have reason to believe that
29 an older person is being or has been abused, neglected, exploited or
30 isolated:

31 (a) Every physician, dentist, dental hygienist, chiropractor, optometrist,
32 podiatric physician, medical examiner, resident, intern, professional or
33 practical nurse, physician's assistant, psychiatrist, psychologist, marriage
34 and family therapist, alcohol or drug abuse counselor, *athletic trainer*,
35 driver of an ambulance, advanced emergency medical technician or other
36 person providing medical services licensed or certified to practice in this
37 state, who examines, attends or treats an older person who appears to have
38 been abused, neglected, exploited or isolated.

39 (b) Any personnel of a hospital or similar institution engaged in the
40 admission, examination, care or treatment of persons or an administrator,
41 manager or other person in charge of a hospital or similar institution upon
42 notification of the suspected abuse, neglect, exploitation or isolation of an
43 older person by a member of the staff of the hospital.

- 1 (c) A coroner.
- 2 (d) Every clergyman, practitioner of Christian Science or religious
3 healer, unless he acquired the knowledge of abuse, neglect, exploitation or
4 isolation of the older person from the offender during a confession.
- 5 (e) Every person who maintains or is employed by an agency to provide
6 nursing in the home.
- 7 (f) Every attorney, unless he has acquired the knowledge of abuse,
8 neglect, exploitation or isolation of the older person from a client who has
9 been or may be accused of such abuse, neglect, exploitation or isolation.
- 10 (g) Any employee of the department of human resources.
- 11 (h) Any employee of a law enforcement agency or a county's office for
12 protective services or an adult or juvenile probation officer.
- 13 (i) Any person who maintains or is employed by a facility or
14 establishment that provides care for older persons.
- 15 (j) Any person who maintains, is employed by or serves as a volunteer
16 for an agency or service which advises persons regarding the abuse,
17 neglect, exploitation or isolation of an older person and refers them to
18 persons and agencies where their requests and needs can be met.
- 19 (k) Every social worker.
- 20 (l) Any person who owns or is employed by a funeral home or mortuary.
- 21 3. A report may be filed by any other person.
- 22 4. A person required to make a report pursuant to this section who has
23 reasonable cause to believe that an older person has died as a result of
24 abuse, neglect or isolation shall report this belief to the appropriate medical
25 examiner or coroner, who shall investigate the cause of death of the older
26 person and submit to the appropriate local law enforcement agencies, the
27 appropriate prosecuting attorney and the aging services division of the
28 department of human resources his written findings. The written findings
29 must include the information required pursuant to the provisions of NRS
30 200.5094, when possible.
- 31 5. A division, office or department which receives a report pursuant to
32 this section shall cause the investigation of the report to commence within 3
33 working days. A copy of the final report of the investigation conducted by a
34 division, office or department, other than the aging services division of the
35 department of human resources, must be forwarded to the aging services
36 division within 90 days after the completion of the report.
- 37 6. If the investigation of the report results in the belief that the older
38 person is abused, neglected, exploited or isolated, the welfare division of
39 the department of human resources or the county's office for protective
40 services may provide protective services to the older person if he is able
41 and willing to accept them.
- 42 7. A person who knowingly and willfully violates any of the provisions
43 of this section is guilty of a misdemeanor.

1 **Sec. 41.** NRS 218.825 is hereby amended to read as follows:

2 218.825 1. Each of the boards and commissions created by the
3 provisions of chapters 623 to 625A, inclusive, ~~chapters~~ 628 to 644,
4 inclusive, and ~~chapters~~ 654 and 656 of NRS *and sections 2 to 38,*
5 *inclusive, of this act* shall engage the services of a certified public
6 accountant or public accountant, or firm of either of such accountants, to
7 audit all of its fiscal records once each year for the preceding fiscal year or
8 once every other year for the 2 preceding fiscal years. The cost of the audit
9 must be paid by the board or commission audited.

10 2. A report of each such audit must be filed by the board or
11 commission with the legislative auditor and the director of the budget on or
12 before December 1 of each year in which an audit is conducted. All audits
13 must be conducted in accordance with generally accepted auditing
14 standards , and all financial statements must be prepared in accordance with
15 generally accepted principles of accounting for special revenue funds.

16 3. The legislative auditor shall audit the fiscal records of any such
17 board or commission whenever directed to do so by the legislative
18 commission. When the legislative commission directs such an audit, it shall
19 also determine who is to pay the cost of the audit.

20 **Sec. 42.** NRS 284.013 is hereby amended to read as follows:

21 284.013 1. Except as otherwise provided in subsection 4, this chapter
22 does not apply to:

23 (a) Agencies, bureaus, commissions, officers or personnel in the
24 legislative department or the judicial department of state government,
25 including the commission on judicial discipline;

26 (b) Any person who is employed by a board, commission, committee or
27 council created in chapters 590, 623 to 625A, inclusive, 628, 630 to 644,
28 inclusive, 648, 652, 654 and 656 of NRS ~~§~~ *and sections 2 to 38,*
29 *inclusive, of this act;* or

30 (c) Officers or employees of any agency of the executive department of
31 the state government who are exempted by specific statute.

32 2. Except as otherwise provided in subsection 3, the terms and
33 conditions of employment of all persons referred to in subsection 1,
34 including salaries not prescribed by law and leaves of absence, including,
35 without limitation, annual leave and sick and disability leave, must be fixed
36 by the appointing or employing authority within the limits of legislative
37 appropriations or authorizations.

38 3. Except as otherwise provided in this subsection, leaves of absence
39 prescribed pursuant to subsection 2 must not be of lesser duration than
40 those provided for other state officers and employees pursuant to the
41 provisions of this chapter. The provisions of this subsection do not govern
42 the legislative commission with respect to the personnel of the legislative
43 counsel

bureau.

4. Any board, commission, committee or council created in chapters 590, 623 to 625A, inclusive, 628, 630 to 644, inclusive, 648, 652, 654 and 656 of NRS *and sections 2 to 38, inclusive, of this act* which contracts for the services of a person, shall require the contract for those services to be in writing. The contract must be approved by the state board of examiners before those services may be provided.

Sec. 43. NRS 353A.010 is hereby amended to read as follows:
353A.010 As used in this chapter, unless the context otherwise requires:

1. "Agency" means every agency, department, division, board, commission or similar body, or elected officer, of the executive branch of the state, except:

(a) A board or commission created by the provisions of chapters 623 to 625, inclusive, 628 to 644, inclusive, 654 and 656 of NRS ~~H~~ *and sections 2 to 38, inclusive, of this act.*

(b) The University and Community College System of Nevada.

(c) The public employees' retirement system.

(d) The state industrial insurance system.

(e) The housing division of the department of business and industry.

(f) The Colorado River commission.

2. "Director" means the director of the department of administration.

3. "Internal accounting and administrative control" means a method through which agencies can safeguard assets, check the accuracy and reliability of their accounting information, promote efficient operations and encourage adherence to prescribed managerial policies.

Sec. 44. NRS 432B.220 is hereby amended to read as follows:

432B.220 1. A report must be made to an agency which provides protective services or to a law enforcement agency immediately, but in no event later than 24 hours after there is reason to believe that a child has been abused or neglected. If the report of abuse or neglect of a child involves the acts or omissions of:

(a) A person directly responsible or serving as a volunteer for or an employee of a public or private home, institution or facility where the child is receiving child care outside of his home for a portion of the day, the report must be made to a law enforcement agency.

(b) An agency which provides protective services or a law enforcement agency, the report must be made to and the investigation made by an agency other than the one alleged to have committed the acts or omissions.

2. Reports must be made by the following persons who, in their professional or occupational capacities, know or have reason to believe that a child has been abused or neglected:

(a) A physician, dentist, dental hygienist, chiropractor, optometrist, podiatric physician, medical examiner, resident, intern, professional or

1 practical nurse, physician's assistant, psychiatrist, psychologist, marriage
2 and family therapist, alcohol or drug abuse counselor, *athletic trainer*,
3 advanced emergency medical technician or other person providing medical
4 services licensed or certified in this state;

5 (b) Any personnel of a hospital or similar institution engaged in the
6 admission, examination, care or treatment of persons or an administrator,
7 manager or other person in charge of a hospital or similar institution upon
8 notification of suspected abuse or neglect of a child by a member of the
9 staff of the hospital;

10 (c) A coroner;

11 (d) A clergyman, practitioner of Christian Science or religious healer,
12 unless he has acquired the knowledge of the abuse or neglect from the
13 offender during a confession;

14 (e) A social worker and an administrator, teacher, librarian or counselor
15 of a school;

16 (f) Any person who maintains or is employed by a facility or
17 establishment that provides care for children, children's camp or other
18 public or private facility, institution or agency furnishing care to a child;

19 (g) Any person licensed to conduct a foster home;

20 (h) Any officer or employee of a law enforcement agency or an adult or
21 juvenile probation officer;

22 (i) An attorney, unless he has acquired the knowledge of the abuse or
23 neglect from a client who is or may be accused of the abuse or neglect; and

24 (j) Any person who maintains, is employed by or serves as a volunteer
25 for an agency or service which advises persons regarding abuse or neglect
26 of a child and refers them to persons and agencies where their requests and
27 needs can be met.

28 3. A report may be made by any other person.

29 4. Any person required to report under this section who has reasonable
30 cause to believe that a child has died as a result of abuse or neglect shall
31 report this belief to the appropriate medical examiner or coroner, who shall
32 investigate the report and submit to an agency which provides protective
33 services his written findings, which must include the information required
34 under the provisions of subsection 2 of NRS 432B.230.

35 **Sec. 45.** NRS 608.0116 is hereby amended to read as follows:

36 608.0116 "Professional" means pertaining to an employee who is
37 licensed or certified by the State of Nevada for and engaged in the practice
38 of law or any of the professions regulated by chapters 623 to 645, inclusive,
39 of NRS ~~1~~ *and sections 2 to 38, inclusive, of this act.*

40 **Sec. 46.** Section 24 of this act is hereby amended to read as follows:

41 Sec. 24. 1. An applicant for a license as an athletic trainer
42 must:

43 (a) Be of good moral character;

1 (b) Be a citizen of the United States or lawfully entitled to
2 remain and work in the United States;

3 (c) Have at least a bachelor's degree in a course of study
4 approved by the board;

5 (d) Submit an application on a form provided by the board;

6 (e) Submit a complete set of his fingerprints and written
7 permission authorizing the board to forward the fingerprints to the
8 central repository for Nevada records of criminal history for
9 submission to the Federal Bureau of Investigation for its report;

10 (f) Pay the fees prescribed by the board pursuant to section 34 of
11 this act; *and*

12 (g) ~~Submit the statement required pursuant to section 28 of this~~
13 ~~act; and~~

14 ~~—(h)—~~ Except as otherwise provided in subsection 2 and section 26
15 of this act, pass the examination prepared by the National Athletic
16 Trainers Association Board of Certification, or its successor
17 organization.

18 2. An applicant who submits proof of his current certification
19 as an athletic trainer by the National Athletic Trainers Association
20 Board of Certification, or its successor organization, is not required
21 to pass the examination required by paragraph ~~(h)~~ (g) of
22 subsection 1.

23 3. An applicant who fails the examination may not reapply for a
24 license for at least 1 year after he submits his application to the
25 board.

26 **Secs. 47 and 48.** (Deleted by amendment.)

27 **Sec. 49.** Section 31 of this act is hereby amended to read as follows:

28 Sec. 31. 1. Except as otherwise provided in subsection 2, the
29 board shall issue a license as an athletic trainer, without
30 examination, to an applicant who is licensed to engage in the
31 practice of athletic training in another state, territory or possession
32 of the United States or the District of Columbia if the applicant
33 submits to the board:

34 (a) An application on a form prescribed by the board; *and*

35 (b) The fees prescribed by the board pursuant to section 34 of
36 this act. ~~;~~ *and*

37 ~~—(c)— The statement required pursuant to section 28 of this act.~~

38 2. The board shall not issue a license pursuant to this section
39 unless the jurisdiction in which the applicant is licensed had
40 requirements at the time the license was issued that the board
41 determines are substantially equivalent to the requirements for a
42 license as an athletic trainer set forth in this chapter.

1 **Sec. 50.** Section 33 of this act is hereby amended to read as follows:

2 Sec. 33. 1. Each license to engage in the practice of athletic
3 training expires on June 30 of each year and may be renewed if,
4 before the license expires, the licensee submits to the board:

- 5 (a) An application on a form prescribed by the board;
6 (b) If he is an athletic trainer, proof of his completion of the
7 requirements for continuing education prescribed by the board
8 pursuant to section 18 of this act; **and**
9 (c) The fee for the renewal of his license prescribed by the board
10 pursuant to section 34 of this act . ~~}; and~~

11 ~~—(d) The statement required pursuant to section 28 of this act.}~~

12 2. A license that expires pursuant to the provisions of this
13 section may be restored if the applicant:

- 14 (a) Complies with the provisions of subsection 1;
15 (b) Submits to the board proof of his ability to engage in the
16 practice of athletic training; and
17 (c) Submits to the board:
18 (1) The fee for the restoration of an expired license; and
19 (2) For each year that the license was expired, the fee for the
20 renewal of a license,
21 prescribed by the board pursuant to section 34 of this act.

22 3. If the board determines that an applicant has not submitted
23 satisfactory proof of his ability to engage in the practice of athletic
24 training, the board may require the applicant to:

- 25 (a) Pass an examination prescribed by the board; and
26 (b) Engage in the practice of athletic training for a period
27 prescribed by the board under the supervision of a person
28 designated by the board who is immediately available in the area
29 where the applicant is working to provide aid, direction and
30 instruction to the applicant.

31 **Sec. 51.** Notwithstanding the provisions of sections 2 to 38, inclusive,
32 of this act, a person who engages in the practice of athletic training is not
33 required to be licensed as an athletic trainer pursuant to the provisions of
34 this act before July 1, 2000.

35 **Sec. 52.** 1. Notwithstanding the provisions of sections 2 to 38,
36 inclusive, of this act, a person may be licensed as an athletic trainer, if he is
37 employed as an athletic trainer on October 1, 1999, and, before April 1,
38 2000, he submits to the board of athletic trainers created pursuant to section
39 14 of this act:

- 40 (a) An application for a license on a form provided by the board;
41 (b) The fee for the license prescribed by the board pursuant to section
42 34 of this act;

1 (c) The statement required pursuant to section 28 of this act unless after
2 October 1, 1999, the provisions of 42 U.S.C. § 666 requiring each state to
3 establish procedures under which the state has authority to withhold or
4 suspend, or to restrict the use of professional, occupational and recreational
5 licenses of persons who:

6 (1) Have failed to comply with a subpoena or warrant relating to a
7 procedure to determine the paternity of a child or to establish or enforce an
8 obligation for the support of a child; or

9 (2) Are in arrears in the payment for the support of one or more
10 children,

11 are repealed by the Congress of the United States; and

12 (d) Is qualified for a license as an athletic trainer pursuant to the
13 provisions of subsection 2.

14 2. An applicant is qualified for a license as an athletic trainer if he:

15 (a) Is certified as an athletic trainer by the National Athletic Trainers
16 Association Board of Certification;

17 (b) Has a bachelor's degree in a course of study approved by the board;
18 or

19 (c) Has education, training, experience or other qualifications that the
20 board determines qualify him to engage in the practice of athletic training.

21 **Sec. 53.** 1. Notwithstanding the provisions of section 14 of this act,
22 each athletic trainer who is appointed to the board of athletic trainers to an
23 initial term pursuant to section 14 of this act must be eligible for a license
24 as an athletic trainer at the time he is appointed to the board.

25 2. As soon as practicable after October 1, 1999, the governor shall
26 appoint to the board of athletic trainers:

27 (a) One member whose term expires on September 30, 2000.

28 (b) Two members whose terms expire on September 30, 2001.

29 (c) Two members whose terms expire on September 30, 2002.

30 **Sec. 54.** The amendatory provisions of this act do not apply to
31 offenses that were committed before October 1, 1999.

32 **Sec. 55.** 1. This section and sections 1 to 45, inclusive, and 51 to 54,
33 inclusive, of this act become effective on October 1, 1999.

34 2. Sections 46 to 50, inclusive, of this act become effective on the date
35 on which the provisions of 42 U.S.C. § 666 requiring each state to establish
36 procedures under which the state has authority to withhold or suspend, or to
37 restrict the use of professional, occupational and recreational licenses of
38 persons who:

39 (a) Have failed to comply with a subpoena or warrant relating to a
40 procedure to determine the paternity of a child or to establish or enforce an
41 obligation for the support of a child; or

- 1 (b) Are in arrears in the payment for the support of one or more
2 children,
3 are repealed by the Congress of the United States.
- 4 3. Sections 27, 28 and 29 of this act expire by limitation on the date on
5 which the provisions of 42 U.S.C. § 666 requiring each state to establish
6 procedures under which the state has authority to withhold or suspend, or to
7 restrict the use of professional, occupational and recreational licenses of
8 persons who:
- 9 (a) Have failed to comply with a subpoena or warrant relating to a
10 procedure to determine the paternity of a child or to establish or enforce an
11 obligation for the support of a child; or
- 12 (b) Are in arrears in the payment for the support of one or more
13 children,
14 are repealed by the Congress of the United States.

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