

SENATE BILL NO. 373—SENATOR SCHNEIDER

MARCH 11, 1999

Referred to Committee on Judiciary

SUMMARY—Provides immunity from civil liability for certain persons who provide assistance to agency, board or commission that regulates occupations or professions. (BDR 3-1237)

FISCAL NOTE: Effect on Local Government: No.
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 civil liability; providing in skeleton form immunity from civil liability for certain persons who assist an agency, board or commission that regulates an occupation or profession; 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.** Chapter 41 of NRS is hereby amended by adding thereto a
2 new section to read as follows:
3 *A person who, without compensation, assists an agency, board or*
4 *commission that regulates an occupation or profession pursuant to Title*
5 *54, 55 or 56 of NRS in the investigation or prosecution of a person within*
6 *the jurisdiction of the agency, board or commission is immune from civil*
7 *liability for any decision or action taken in good faith and without*
8 *malicious intent while assisting the agency, board or commission.*
9 **Sec. 2.** NRS 623.335 is hereby amended to read as follows:
10 623.335 1. Any person who furnishes information concerning an
11 applicant for registration or a holder of a certificate of registration in good
12 faith and without malicious intent is immune from any civil action for
13 furnishing that information.
14 2. The board, any member, employee or committee of the board,
15 ~~{counsel, investigator, expert, hearing officer, registrant or other}~~ *or any*
16 person who ~~{assists}~~ *is compensated for assisting* the board in the
17 investigation or prosecution of an alleged violation of a provision of this

chapter, a proceeding concerning licensure or reissuance of a license or a criminal prosecution is immune from any civil liability for:

(a) Any decision or action taken in good faith and without malicious intent in response to information acquired by the board.

(b) Disseminating information concerning an applicant for registration or a registrant to any other licensing board, national association of registered boards, an agency of the Federal Government or of the state, the attorney general or any law enforcement agency.

Sec. 3. NRS 625.405 is hereby amended to read as follows:

625.405 1. Any person who furnishes information concerning a licensee, an applicant for licensure, an intern or an applicant for certification as an intern in good faith and without malicious intent is immune from any civil action for furnishing that information.

2. The board, any member, employee or committee of the board, ~~{counsel, investigator, expert, hearing officer, licensee, intern or other}~~ or any person who ~~{assists}~~ *is compensated for assisting* the board in the investigation or prosecution of an alleged violation of a provision of this chapter, a proceeding concerning licensure or reissuance of a license or a criminal prosecution is immune from any civil liability for:

(a) Any decision or action taken in good faith and without malicious intent in response to information acquired by the board.

(b) Disseminating information concerning a licensee, an applicant for licensure, an intern or an applicant for certification as an intern to any other licensing board, national association of registered boards, an agency of the Federal Government or of the state, the attorney general or any law enforcement agency.

Sec. 4. NRS 630.364 is hereby amended to read as follows:

630.364 1. Any person or organization who furnishes information concerning an applicant for a license or a licensee in good faith and without malicious intent in accordance with the provisions of this chapter is immune from any civil action for furnishing that information.

2. The board ~~{and any of its members and its staff, counsel, investigators, experts, committees, panels, hearing officers and consultants}~~ *, any member, employee or committee of the board, or any person who is compensated for assisting the board* are immune from any civil liability for:

(a) Any decision or action taken in good faith and without malicious intent in response to information acquired by the board.

(b) Disseminating information concerning an applicant for a license or a licensee to other boards or agencies of the state, the attorney general, any hospitals, medical societies, insurers, employers, patients and their families or any law enforcement agency.

1 3. A screening panel or any of its members, acting pursuant to NRS
2 41A.003 to 41A.069, inclusive, that initiates or assists in any proceeding
3 concerning a claim of malpractice against a physician is immune from any
4 civil action for that initiation or assistance or any consequential damages, if
5 the panel or members acted without malicious intent.

6 **Sec. 5.** NRS 630A.540 is hereby amended to read as follows:

7 630A.540 1. Any person who furnishes information to the board, in
8 good faith and without malicious intent in accordance with the provisions
9 of this chapter, concerning a person who is licensed or certified or applies
10 for a license or certificate under this chapter is immune from civil liability
11 for furnishing that information.

12 2. The board ~~[and its members, staff, counsel, investigators, experts,~~
13 ~~committees, panels, hearing officers and consultants]~~, *any member,*
14 *employee or committee of the board, or any person who is compensated*
15 *for assisting the board* are immune from civil liability for any decision or
16 action taken in good faith and without malicious intent in response to
17 information received by the board.

18 3. The board and any of its members are immune from civil liability for
19 disseminating information concerning a person who is licensed or certified
20 or applies for a license or certificate under this chapter to the attorney
21 general or any board or agency of the state, hospital, medical society,
22 insurer, employer, patient or his family or law enforcement agency.

23 **Sec. 6.** This act becomes effective on July 1, 1999.