

CHAPTER.....

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 such licenses; providing for the regulation of athletic trainers; providing a penalty; requiring the Board to hold hearings and make recommendations to the Legislature concerning the regulation of personal trainers and other fitness instructors; and providing other matters properly relating thereto.

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

Section 1. Title 54 of NRS is hereby amended by adding thereto a new chapter to consist of the provisions set forth as sections 2 to 37, inclusive, of this act.

Sec. 2. *As used in this chapter, unless the context otherwise requires, the words and terms defined in sections 2.5 to 12.3, inclusive, of this act have the meanings ascribed to them in those sections.*

Sec. 2.5. *“Assessment” includes taking the medical history of a patient, visually inspecting the injured portion of the body and the associated structures, palpating the bony landmarks and soft tissue and applying special tests to systematically assess the pathology and extent of the injury or condition.*

Sec. 3. *“Athlete” means a natural person who:*

1. Participates in an athletic activity conducted by:

(a) An intercollegiate athletic association or interscholastic athletic association; or

(b) A professional athletic organization; or

(c) An amateur athletic organization; or

2. Participates in a recreational sport activity that:

(a) Has officially designated coaches;

(b) Conducts regularly scheduled practices or workouts that are supervised by coaches; and

(c) Has established schedules for competitive events or exhibitions.

Sec. 4. *“Athletic injury” means an injury or athletic-related illness, or both, that a person sustains as a result of:*

1. His participation in an athletic activity conducted by:

(a) An intercollegiate athletic association or interscholastic athletic association; or

(b) A professional athletic organization; or

- (c) *An amateur athletic organization; or*
- 2. *His participation in a recreational sport activity that:*
 - (a) *Has officially designated coaches;*
 - (b) *Conducts regularly scheduled practices or workouts that are supervised by coaches; and*
 - (c) *Has established schedules for competitive events or exhibitions.*

Sec. 5. *“Board” means the Board of Athletic Trainers.*

Sec. 6. *“Direction” means an order issued by a physician to follow as a protocol, recommendation or oral order that is documented by the licensed athletic trainer or physician, or both.*

Sec. 6.3. *“Disposition” means the application of accepted management techniques to provide the appropriate care and resources concerning an athletic injury.*

Sec. 6.5. *“Evaluation” includes, without limitation, the use of joint range of motion, manual muscle tests, ligamentous stress tests, neurological tests and functional capacity assessments.*

Sec. 6.7. *“Grade 5 joint mobilization” means the movement of a joint beyond its physiological and capsular end point.*

Sec. 7. *“Graduate student athletic trainer” means a graduate student who:*

- 1. *Is enrolled in a graduate program of study approved by the Board; and*
- 2. *Engages in the practice of athletic training under the supervision of a licensed athletic trainer.*

Sec. 7.5. *“Joint mobilization” means a learned, skilled, passive movement of articulating surfaces of a person to relieve pain and restore functional movement of the articulating surfaces without pain to the person. The term does not include:*

- 1. *The diagnosis of a physical disability;*
- 2. *The massaging of the superficial soft tissues of the body;*
- 3. *The use of X rays or radium;*
- 4. *The use of electricity for cauterization or surgery;*
- 5. *Chiropractic adjustment as defined in NRS 634.014; or*
- 6. *Grade 5 joint mobilization.*

Sec. 8. *“License” means a license issued pursuant to the provisions of this chapter.*

Sec. 9. *“Licensee” means a person who has been issued a license as an athletic trainer pursuant to the provisions of this chapter.*

Sec. 9.2. *“Management” means the act of controlling or influencing an injury, illness or condition.*

Sec. 9.4. *“Passive joint range of motion” means any movement of an articulating surface of a person without the active assistance of that person, which is performed with equipment or by another person.*

Sec. 9.6. *“Passive range of motion” means any movement of a part of a person without the active assistance of that person, which is performed with equipment or by another person.*

Sec. 9.8. *“Physician” means:*

- 1. A physician licensed pursuant to chapter 630 of NRS;*
- 2. An osteopathic physician licensed pursuant to chapter 630A of NRS;*
- 3. A homeopathic physician licensed pursuant to chapter 633 of NRS;*
- 4. A chiropractic physician licensed pursuant to chapter 634 of NRS; or*
- 5. A podiatric physician licensed pursuant to chapter 635 of NRS.*

Sec. 10. 1. *“Practice of athletic training” means:*

(a) The prevention, recognition, assessment, management, treatment, disposition or reconditioning of the athletic injury of an athlete:

(1) Whose condition is within the professional preparation and education of the licensed athletic trainer; and

(2) That is performed under the direction of a physician;

(b) The organization and administration of programs of athletic training;

(c) The administration of an athletic training room;

(d) The provision of information relating to athletic training to members of the public; or

(e) Any combination of the activities described in paragraphs (a) to (d), inclusive.

2. The term does not include the diagnosis of a physical disability, massaging of the superficial soft tissues of the body or the use of Xrays, radium or electricity for cauterization or surgery.

Sec. 10.3. *“Prevention” means the application and implementation of physical conditioning programs, pre-participation screening and the monitoring of risk factors that may cause an athletic injury.*

Sec. 10.5. *“Recognition” means the application of visual, verbal or tactile skills to acknowledge the presence of an injury, illness or other condition with an understanding of the predisposing factors of injury and pathomechanics, which assists in the assessment of the injury, illness or other condition.*

Sec. 10.7. *“Reconditioning” means the application of practical and didactic knowledge and functional criteria to evaluate readiness for return to partial or full activities.*

Sec. 11. *“Student athletic trainer” means an undergraduate student who:*

- 1. Is enrolled in an undergraduate program of study approved by the Board; and*

2. *Engages in the practice of athletic training under the supervision of a licensed athletic trainer.*

Sec. 12. *“Supervision” means clinical on-site direction given by a licensed athletic trainer to a student athletic trainer or graduate student athletic trainer who is in the direct line of sight and within hearing distance of the licensed athletic trainer.*

Sec. 12.3. *“Treatment” means the application of the necessary knowledge and skills to assess an injury, illness or other condition and provide appropriate care.*

Sec. 13. *The practice of athletic training is hereby declared to be a learned profession, affecting public health, safety and welfare, and subject to regulation to protect the public from the practice of athletic training by unqualified persons and from unprofessional conduct by persons who are licensed to engage in the practice of athletic training.*

Sec. 14. *A license issued pursuant to the provisions of this chapter is a revocable privilege, and the holder of the license does not acquire thereby any vested right.*

Sec. 15. *The provisions of this chapter do not apply to:*

1. *A person who is licensed pursuant to chapters 630 to 637, inclusive, or chapter 640 or 640A of NRS, when acting within the scope of that license.*

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

3. *A person who is employed as an athletic trainer outside this state when engaging in the practice of athletic training within the scope of that employment in connection with an athletic event held in this state.*

Sec. 16. 1. *The Board of Athletic Trainers is hereby created.*

2. *The Governor shall appoint to the Board:*

(a) *Three members who:*

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

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

(b) *One member who is licensed as a physical therapist pursuant to chapter 640 of NRS and who is also licensed as an athletic trainer pursuant to this chapter; and*

(c) *One member who is a representative of the public.*

3. *Each member of the Board:*

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

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

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

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

6. *The Governor may remove a member of the Board for incompetence, neglect of duty, moral turpitude or malfeasance in office.*

7. *No member of the Board may be held liable in a civil action for any act he performs in good faith in the execution of his duties pursuant to the provisions of this chapter.*

8. *The member of the Board who is a representative of the public shall not participate in preparing or grading any examination required by the Board.*

Sec. 17. 1. *For the appointment of any member to the Board pursuant to paragraph (a) of subsection 2 of section 16 of this act, the Nevada Athletic Trainers Association, or its successor organization, shall, at least 30 days before the beginning of a term of a member of the Board, or within 30 days after a position on the Board becomes vacant, submit to the Governor the names of not less than three persons or more than five persons who are qualified for membership on the Board for each such position. The Governor shall appoint new members or fill a vacancy from the list, or request a new list.*

2. *For the appointment of a member to the Board pursuant to paragraph (b) of subsection 2 of section 16 of this act, the Nevada Physical Therapists Association, or its successor organization, and the Nevada Athletic Trainers Association, or its successor organization, shall, at least 30 days before the beginning of a term of a member of the Board, or within 30 days after a position on the Board becomes vacant, jointly prepare and submit to the Governor a list of the names of not less than three persons or more than five persons who are qualified for membership on the Board for that position. The Governor shall appoint a new member or fill a vacancy from the list, or request a new list.*

3. *If the Nevada Athletic Trainers Association or the Nevada Physical Therapists Association, or the successor of any such organization, fails to submit nominations for a position on the Board within the periods prescribed in this section, the Governor may appoint any qualified person.*

Sec. 18. 1. *The Board shall:*

(a) *Elect from its members a Chairman at the first meeting of each year; and*

(b) *Meet at least three times each year at the call of the Chairman of the Board, or upon the written request of at least three members of the Board.*

2. A majority of the members of the Board constitutes a quorum for the transaction of the business of the Board.

Sec. 19. 1. The Board shall prepare and maintain a separate list of:

- (a) The licensees.
- (b) The applicants for a license.
- (c) The licensees whose licenses have been revoked or suspended within the preceding year.

2. The Board shall, upon request, disclose the information included in each list and may charge a fee for a copy of a list.

3. The Board shall:

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

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

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

Sec. 20. The Board shall adopt regulations to carry out the provisions of this chapter, including, without limitation, regulations that establish:

1. The passing grades for the examinations required by sections 26 and 27 of this act;

2. Appropriate criteria for determining whether an entity is an intercollegiate athletic association, interscholastic athletic association, professional athletic organization or amateur athletic organization;

3. The standards of practice for athletic trainers; and

4. The requirements for continuing education for the renewal of a license of an athletic trainer. The requirements must be at least equivalent to the requirements for continuing education for the renewal of a certificate of an athletic trainer issued by the National Athletic Trainers Association Board of Certification or its successor organization.

Sec. 21. A member of the Board, an employee of the Board or a person designated by the Board may inspect any office or facility where a person is engaged in the practice of athletic training to determine whether each person who is engaged in the practice of athletic training in that office or facility is in compliance with the provisions of this chapter and any regulations adopted pursuant thereto.

Sec. 22. 1. The Board may employ an Executive Secretary and any other persons necessary to carry out its duties.

2. The members of the Board are not entitled to receive a salary.

3. While engaged in the business of the Board, each member and employee of the Board is entitled to receive a per diem

allowance and travel expenses at a rate fixed by the Board. The rate must not exceed the rate provided for officers and employees of this state generally.

Sec. 23. The Board shall operate on the basis of a fiscal year beginning on July 1 and ending on June 30.

Sec. 24. 1. Except as otherwise provided in subsection 4, all reasonable expenses incurred by the Board in carrying out the provisions of this chapter must be paid from the money that it receives. No part of the expenses of the Board may be paid from the State General Fund.

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

3. The Board may delegate to a hearing officer or panel its authority to take any disciplinary action pursuant to this chapter, impose and collect fines and penalties related to that disciplinary action and deposit the money from the fines and penalties in a bank or other financial institution in this state.

4. If a hearing officer or panel is not authorized to take disciplinary action pursuant to subsection 3, the Board shall deposit all money collected from the imposition of fines and penalties with the State Treasurer for credit to the State General Fund. If money has been deposited in the State General Fund pursuant to this subsection, the Board may present a claim to the State Board of Examiners for recommendation to the Interim Finance Committee if money is needed to pay attorney's fees or the costs of an investigation, or both.

Sec. 25. 1. Except as otherwise provided in subsection 2, unless he has been issued a license as an athletic trainer by the Board pursuant to the provisions of this chapter, a person shall not:

- (a) Engage in the practice of athletic training;*
- (b) Hold himself out as licensed or qualified to engage in the practice of athletic training; or*
- (c) Use in connection with his name any title, words, letters or other designation intended to imply or designate him as a licensed athletic trainer.*

2. A student athletic trainer or graduate student athletic trainer may engage in the practice of athletic training while under the supervision of a licensed athletic trainer.

3. If the Board determines that a person has engaged, or is about to engage, in any act or practice that constitutes, or will constitute, a violation of the provisions of this section, the Board may make an application to an appropriate court for an order enjoining that act or practice, and upon a showing by the Board that the person has engaged, or is about to engage, in that act or

practice, the court shall issue an injunction against that act or practice. Such an injunction does not prevent a criminal prosecution for that act or practice.

Sec. 26. *1. An applicant for a license as an athletic trainer must:*

- (a) Be of good moral character;*
- (b) Be a citizen of the United States or lawfully entitled to remain and work in the United States;*
- (c) Have at least a bachelor's degree in a program of study approved by the Board;*
- (d) Submit an application on a form provided by the Board;*
- (e) Submit a complete set of his fingerprints and written permission authorizing the Board to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report;*
- (f) Pay the fees prescribed by the Board pursuant to section 33 of this act; and*
- (g) Except as otherwise provided in subsection 2 and section 27 of this act, pass the examination prepared by the National Athletic Trainers Association Board of Certification or its successor organization.*

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

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

Sec. 27. *If the National Athletic Trainers Association Board of Certification, or its successor organization, if any, ceases to exist or ceases to prepare the examination required by section 26 of this act, the Board shall designate another appropriate national organization to prepare the test. If the Board determines that no such organization exists, the Board shall prepare or cause to be prepared a test which must be offered not less than two times each year.*

Sec. 28. *1. In addition to any other requirements for the issuance or renewal of a license set forth in this chapter, an applicant for the issuance or renewal of a license to engage in the practice of athletic training must submit to the Board:*

- (a) The social security number of the applicant; and*
- (b) The statement prescribed by the Welfare Division of the Department of Human Resources pursuant to NRS 425.520. The statement must be completed and signed by the applicant.*

2. The Board shall include the person's social security number and the statement required pursuant to subsection 1 in:

- (a) The application or any other forms that must be submitted for the issuance or renewal of the license; or
- (b) A separate form prescribed by the Board.

3. A license to practice athletic training may not be issued or renewed by the Board if the applicant:

- (a) Fails to submit his social security number required pursuant to subsection 1;
- (b) Fails to submit the statement required pursuant to subsection 1; or
- (c) Indicates on the statement submitted pursuant to subsection 1 that he is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order.

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

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

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

Sec. 30. 1. Except as otherwise provided in subsection 2, the Board shall issue a license as an athletic trainer, without examination, to an applicant who is licensed to engage in the practice of athletic training in another state, territory or

possession of the United States, or the District of Columbia if the applicant submits to the Board:

- (a) An application on a form prescribed by the Board; and*
- (b) The fees prescribed by the Board pursuant to section 33 of this act.*

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

Sec. 31. *Each person licensed to practice as an athletic trainer shall display his license conspicuously at each place where he engages in the practice of athletic training.*

Sec. 31.5. *1. A person who is licensed as an athletic trainer shall not conduct an evaluation of an athletic injury or perform joint mobilization unless the person has earned at least a master's degree in athletic training or a comparable area of study, as determined by the Board.*

2. A person who is licensed as an athletic trainer and has not earned a master's degree in athletic training or a comparable area of study, as determined by the Board, may perform passive range of motion or passive joint range of motion.

Sec. 32. *1. Each license to engage in the practice of athletic training expires on June 30 of each year and may be renewed if, before the license expires, the licensee submits to the Board:*

- (a) An application on a form prescribed by the Board;*
- (b) Proof of his completion of the requirements for continuing education prescribed by the Board pursuant to section 20 of this act; and*
- (c) The fee for the renewal of his license prescribed by the Board pursuant to section 33 of this act.*

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

- (a) Complies with the provisions of subsection 1;*
- (b) Submits to the Board proof of his ability to engage in the practice of athletic training; and*
- (c) Submits to the Board:*
 - (1) The fee for the restoration of an expired license; and*
 - (2) For each year that the license was expired, the fee for the renewal of a license prescribed by the Board pursuant to section 33 of this act.*

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

- (a) Pass an examination prescribed by the Board; and*

(b) Engage in the practice of athletic training under the supervision of a person designated by the Board for a period prescribed by the Board.

Sec. 33. *The Board shall, by regulation, prescribe the following fees which must not exceed:*

<i>Application for a license</i>	<i>\$250</i>
<i>Examination for a license</i>	<i>350</i>
<i>Application for a license without examination</i>	<i>350</i>
<i>Annual renewal of a license.....</i>	<i>350</i>
<i>Restoration of an expired license.....</i>	<i>350</i>
<i>Issuance of a duplicate license</i>	<i>50</i>

Sec. 34. 1. *The Board may refuse to issue a license to an applicant, or may take disciplinary action against a licensee, if, after notice and a hearing, the Board determines that the applicant or licensee:*

(a) Has submitted false or misleading information to the Board or any agency of this state, any other state, the Federal Government or the District of Columbia;

(b) Has violated any provision of this chapter or any regulation adopted pursuant thereto;

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

(d) Is addicted to alcohol or any controlled substance;

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

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

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

(h) Has failed to provide information requested by the Board within 60 days after he received the request;

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

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

(k) Has solicited or received compensation for services that he did not provide;

(l) If the licensee is on probation, has violated the terms of his probation; or

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

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

- (a) Refuse to issue a license to the applicant;*
- (b) Refuse to renew or restore the license of the licensee;*
- (c) Suspend or revoke the license of the licensee;*
- (d) Place the licensee on probation;*
- (e) Impose an administrative fine of not more than \$5,000;*
- (f) Require the applicant or licensee to pay the costs incurred by the Board to conduct the investigation and hearing; or*
- (g) Impose any combination of actions set forth in paragraphs (a) to (f), inclusive.*

Sec. 35. *1. The Board may conduct investigations and hold hearings to carry out its duties pursuant to the provisions of this chapter.*

2. In such a hearing:

(a) Any member of the Board may administer oaths and examine witnesses; and

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

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

4. If any person fails to comply with the subpoena within 10 days after it is issued, the Chairman of the Board may petition a court of competent jurisdiction for an order of the court compelling compliance with the subpoena.

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

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

Sec. 36. *1. Any records or information obtained during the course of an investigation by the Board are confidential until the investigation is completed. Upon completion of the investigation, the records and information are public records if:*

(a) Disciplinary action was taken by the Board as a result of the investigation; or

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

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

Sec. 37. *1. A person who violates any provision of this chapter is guilty of a gross misdemeanor and shall be punished by a fine of not more than \$2,000 for each offense.*

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

Sec. 38. NRS 622.010 is hereby amended to read as follows:

622.010 As used in this chapter, unless the context otherwise requires, “occupational licensing board” includes, without limitation:

1. The State Board of Architecture, Interior Design and Residential Design.

2. The State Board of Landscape Architecture.

3. The State Contractors’ Board.

4. The State Board of Professional Engineers and Land Surveyors.

5. The Board of Registered Environmental Health Specialists.

6. The Nevada State Board of Accountancy.

7. The Board of Medical Examiners.

8. The Board of Homeopathic Medical Examiners.

9. The Board of Dental Examiners of Nevada.

10. The State Board of Nursing.

11. The State Board of Osteopathic Medicine.

12. The Chiropractic Physicians’ Board of Nevada.

13. The State Board of Oriental Medicine.

14. The State Board of Podiatry.

15. The Nevada State Board of Optometry.

16. The Board of Dispensing Opticians.

17. The Board of Hearing Aid Specialists.

18. The Board of Examiners for Audiology and Speech Pathology.

19. The Nevada State Board of Veterinary Medical Examiners.

20. The State Board of Pharmacy.

21. The State Board of Physical Therapy Examiners.

22. The Board of Occupational Therapy.
23. The Board of Psychological Examiners.
24. The Board of Examiners for Marriage and Family Therapists.
25. The Board of Examiners for Social Workers.
26. The Board of Examiners for Alcohol and Drug Abuse Counselors.
27. The State Board of Funeral Directors, Embalmers and Operators of Cemeteries and Crematories.
28. The State Barbers' Health and Sanitation Board.
29. The State Board of Cosmetology.
30. The Real Estate Division of the Department of Business and Industry.
31. The Commissioner of Financial Institutions.
32. The Private Investigator's Licensing Board.
33. The Health Division of the Department of Human Resources.
34. The Nevada State Board of Examiners for Administrators of Facilities for Long-Term Care.
35. The Certified Court Reporters' Board of Nevada.

36. *The Board of Athletic Trainers.*

Sec. 39. NRS 629.031 is hereby amended to read as follows:

629.031 1. "Provider of health care" means a physician licensed pursuant to chapter 630, 630A or 633 of NRS, dentist, licensed nurse, dispensing optician, optometrist, practitioner of respiratory care, registered physical therapist, podiatric physician, licensed psychologist, licensed marriage and family therapist, chiropractor, *athletic trainer*, doctor of Oriental medicine in any form, medical laboratory director or technician, pharmacist or a licensed hospital as the employer of any such person.

2. For the purposes of NRS 629.051, 629.061 and 629.065, the term includes a facility that maintains the health care records of patients.

Sec. 40. NRS 640.029 is hereby amended to read as follows:

640.029 This chapter does not apply to an occupational therapist , ~~or~~ occupational therapy assistant *or athletic trainer* who:

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

Sec. 41. NRS 640A.070 is hereby amended to read as follows:

640A.070 This chapter does not apply to a person:

1. Holding a current license or certificate issued pursuant to chapter 391, 630 to 637B, inclusive, 640, 641, 641A or 641B of

NRS, *or sections 2 to 37, inclusive, of this act* who practices within the scope of that license or certificate.

2. Employed by the Federal Government who practices occupational therapy within the scope of that employment.

3. Enrolled in an educational program approved by the Board which is designed to lead to a certificate or degree in occupational therapy, if he is designated by a title which clearly indicates that he is a student.

4. Obtaining the supervised experience necessary to satisfy the requirements of subsection 3 of NRS 640A.120.

5. Practicing occupational therapy in this state in association with an occupational therapist licensed pursuant to this chapter if the person:

(a) Practices in this state for not more than 45 days in a calendar year;

(b) Is licensed to practice occupational therapy in another state where the requirements for such a license are equivalent to the requirements of this chapter; and

(c) Meets the requirements for certification as an “occupational therapist registered” or “certified occupational therapy assistant” established by the American Occupational Therapy Certification Board.

Sec. 42. NRS 200.5093 is hereby amended to read as follows:

200.5093 1. Any person who is described in subsection 4 and who, in his professional or occupational capacity, knows or has reasonable cause to believe that an older person has been abused, neglected, exploited or isolated shall:

(a) Except as otherwise provided in subsection 2, report the abuse, neglect, exploitation or isolation of the older person to:

(1) The local office of the Aging Services Division of the Department of Human Resources;

(2) A police department or sheriff’s office;

(3) The county’s office for protective services, if one exists in the county where the suspected action occurred; or

(4) A toll-free telephone service designated by the Aging Services Division of the Department of Human Resources; and

(b) Make such a report as soon as reasonably practicable but not later than 24 hours after the person knows or has reasonable cause to believe that the older person has been abused, neglected, exploited or isolated.

2. If a person who is required to make a report pursuant to subsection 1 knows or has reasonable cause to believe that the abuse, neglect, exploitation or isolation of the older person involves an act or omission of the Aging Services Division, another division of the Department of Human Resources or a law enforcement

agency, the person shall make the report to an agency other than the one alleged to have committed the act or omission.

3. Each agency, after reducing a report to writing, shall forward a copy of the report to the Aging Services Division of the Department of Human Resources.

4. A report must be made pursuant to subsection 1 by the following persons:

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

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

(c) A coroner.

(d) Every clergyman, practitioner of Christian Science or religious healer, unless he acquired the knowledge of abuse, neglect, exploitation or isolation of the older person from the offender during a confession.

(e) Every person who maintains or is employed by an agency to provide nursing in the home.

(f) Every attorney, unless he has acquired the knowledge of abuse, neglect, exploitation or isolation of the older person from a client who has been or may be accused of such abuse, neglect, exploitation or isolation.

(g) Any employee of the Department of Human Resources.

(h) Any employee of a law enforcement agency or a county's office for protective services or an adult or juvenile probation officer.

(i) Any person who maintains or is employed by a facility or establishment that provides care for older persons.

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

(k) Every social worker.

(l) Any person who owns or is employed by a funeral home or mortuary.

5. A report may be made by any other person.

6. If a person who is required to make a report pursuant to subsection 1 knows or has reasonable cause to believe that an older person has died as a result of abuse, neglect or isolation, the person shall, as soon as reasonably practicable, report this belief to the appropriate medical examiner or coroner, who shall investigate the cause of death of the older person and submit to the appropriate local law enforcement agencies, the appropriate prosecuting attorney and the Aging Services Division of the Department of Human Resources his written findings. The written findings must include the information required pursuant to the provisions of NRS 200.5094, when possible.

7. A division, office or department which receives a report pursuant to this section shall cause the investigation of the report to commence within 3 working days. A copy of the final report of the investigation conducted by a division, office or department, other than the Aging Services Division of the Department of Human Resources, must be forwarded to the Aging Services Division within 90 days after the completion of the report.

8. If the investigation of a report results in the belief that an older person is abused, neglected, exploited or isolated, the Aging Services Division of the Department of Human Resources or the county's office for protective services may provide protective services to the older person if he is able and willing to accept them.

9. A person who knowingly and willfully violates any of the provisions of this section is guilty of a misdemeanor.

Sec. 43. NRS 200.5095 is hereby amended to read as follows:

200.5095 1. Reports made pursuant to NRS 200.5093 and 200.5094, and records and investigations relating to those reports, are confidential.

2. A person, law enforcement agency or public or private agency, institution or facility who willfully releases data or information concerning the reports and investigation of the abuse, neglect, exploitation or isolation of older persons, except:

(a) Pursuant to a criminal prosecution;

(b) Pursuant to NRS 200.50982; or

(c) To persons or agencies enumerated in subsection 3 of this section,
is guilty of a misdemeanor.

3. Except as otherwise provided in subsection 2 and NRS 200.50982, data or information concerning the reports and investigations of the abuse, neglect, exploitation or isolation of an older person is available only to:

(a) A physician who is providing care to an older person who may have been abused, neglected, exploited or isolated;

(b) An agency responsible for or authorized to undertake the care, treatment and supervision of the older person;

(c) A district attorney or other law enforcement official who requires the information in connection with an investigation of the abuse, neglect, exploitation or isolation of the older person;

(d) A court which has determined, in camera, that public disclosure of such information is necessary for the determination of an issue before it;

(e) A person engaged in bona fide research, but the identity of the subjects of the report must remain confidential;

(f) A grand jury upon its determination that access to such records is necessary in the conduct of its official business;

(g) Any comparable authorized person or agency in another jurisdiction;

(h) A legal guardian of the older person, if the identity of the person who was responsible for reporting the alleged abuse, neglect, exploitation or isolation of the older person to the public agency is protected, and the legal guardian of the older person is not the person suspected of such abuse, neglect, exploitation or isolation;

(i) If the older person is deceased, the executor or administrator of his estate, if the identity of the person who was responsible for reporting the alleged abuse, neglect, exploitation or isolation of the older person to the public agency is protected, and the executor or administrator is not the person suspected of such abuse, neglect, exploitation or isolation; or

(j) The older person named in the report as allegedly being abused, neglected, exploited or isolated, if that person is not legally incompetent.

4. If the person who is reported to have abused, neglected, exploited or isolated an older person is the holder of a license or certificate issued pursuant to chapters 449, 630 to 641B, inclusive, or 654 of NRS, *or sections 2 to 37, inclusive, of this act*, information contained in the report must be submitted to the board that issued the license.

Sec. 44. NRS 218.825 is hereby amended to read as follows:

218.825 1. Each of the boards and commissions created by the provisions of chapters 623 to 625A, inclusive, 628 to 644, inclusive, and ~~[641C,]~~ 654 and 656 of NRS *and sections 2 to 37, inclusive, of this act* shall engage the services of a certified public accountant or public accountant, or firm of either of such accountants, to audit all its fiscal records once each year for the preceding fiscal year or once every other year for the 2 preceding fiscal years. The cost of the audit must be paid by the board or commission audited.

2. A report of each such audit must be filed by the board or commission with the Legislative Auditor and the ~~[Director]~~ *Chief* of the Budget *Division of the Department of Administration* on or before December 1 of each year in which an audit is conducted. All audits must be conducted in accordance with generally accepted auditing standards and all financial statements must be prepared in accordance with generally accepted principles of accounting for special revenue funds.

3. The Legislative Auditor shall audit the fiscal records of any such board or commission whenever directed to do so by the Legislative Commission. When the Legislative Commission directs such an audit, it shall also determine who is to pay the cost of the audit.

Sec. 45. NRS 284.013 is hereby amended to read as follows:

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

(a) Agencies, bureaus, commissions, officers or personnel in the Legislative Department or the Judicial Department of State Government, including the Commission on Judicial Discipline;

(b) Any person who is employed by a 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 37, inclusive, of this act;* or

(c) Officers or employees of any agency of the Executive Department of the State Government who are exempted by specific statute.

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

3. Except as otherwise provided in this subsection, leaves of absence prescribed pursuant to subsection 2 must not be of lesser duration than those provided for other state officers and employees pursuant to the provisions of this chapter. The provisions of this subsection do not govern the Legislative Commission with respect to the personnel of the Legislative 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 37, 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. 46. NRS 353.005 is hereby amended to read as follows:

353.005 The provisions of this chapter do not apply to boards created pursuant to chapters 623 to 625A, inclusive, 628, 630 to 640A, inclusive, 641 to 644, inclusive, 654 and 656 of NRS *and sections 2 to 37, inclusive, of this act* and the officers and employees thereof.

Sec. 47. NRS 353A.020 is hereby amended to read as follows:

353A.020 1. The Director, in consultation with the Committee and Legislative Auditor, shall adopt a uniform system of internal accounting and administrative control for agencies. The elements of the system must include, without limitation:

(a) A plan of organization which provides for a segregation of duties appropriate to safeguard the assets of the agency;

(b) A plan which limits access to assets of the agency to persons who need the assets to perform their assigned duties;

(c) Procedures for authorizations and recordkeeping which effectively control accounting of assets, liabilities, revenues and expenses;

(d) A system of practices to be followed in the performance of the duties and functions of each agency; and

(e) An effective system of internal review.

2. The Director, in consultation with the Committee and Legislative Auditor, may modify the system whenever he considers it necessary.

3. Each agency shall develop written procedures to carry out the system of internal accounting and administrative control adopted pursuant to this section.

4. For the purposes of this section, “agency” does not include:

(a) A board created by the provisions of chapters 623 to 625A, inclusive, 628, 630 to 640A, inclusive, 641 to 644, inclusive, 654 and 656 of NRS ~~H~~ *and sections 2 to 37, inclusive, of this act*.

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

(c) The Public Employees’ Retirement System.

(d) The Housing Division of the Department of Business and Industry.

(e) The Colorado River Commission of Nevada.

Sec. 48. NRS 353A.025 is hereby amended to read as follows:

353A.025 1. The head of each agency shall periodically review the agency’s system of internal accounting and administrative control to determine whether it is in compliance with the uniform system of internal accounting and administrative control for agencies adopted pursuant to subsection 1 of NRS 353A.020.

2. On or before July 1 of each even-numbered year, the head of each agency shall report to the Director whether the agency’s system of internal accounting and administrative control is in compliance with the uniform system adopted pursuant to subsection

1 of NRS 353A.020. The reports must be made available for inspection by the members of the Legislature.

3. For the purposes of this section, “agency” does not include:

(a) A board created by the provisions of chapters 623 to 625A, inclusive, 628, 630 to 640A, inclusive, 641 to 644, inclusive, 654 and 656 of NRS ~~H~~ *and sections 2 to 37, inclusive, of this act.*

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

(c) The Public Employees’ Retirement System.

(d) The Housing Division of the Department of Business and Industry.

(e) The Colorado River Commission of Nevada.

4. The Director shall, on or before the first Monday in February of each odd-numbered year, submit a report on the status of internal accounting and administrative controls in agencies to the:

(a) Director of the Legislative Counsel Bureau for transmittal to the:

(1) Senate Standing Committee on Finance; and

(2) Assembly Standing Committee on Ways and Means;

(b) Governor; and

(c) Legislative Auditor.

5. The report submitted by the Director pursuant to subsection 4 must include, without limitation:

(a) The identification of each agency that has not complied with the requirements of subsections 1 and 2;

(b) The identification of each agency that does not have an effective method for reviewing its system of internal accounting and administrative control; and

(c) The identification of each agency that has weaknesses in its system of internal accounting and administrative control, and the extent and types of such weaknesses.

Sec. 49. NRS 353A.045 is hereby amended to read as follows:

353A.045 The Chief shall:

1. Report to the Director.

2. Develop long-term and annual work plans to be based on the results of periodic documented risk assessments. The annual work plan must list the agencies to which the Division will provide training and assistance and be submitted to the Director for approval. Such agencies must not include:

(a) A board created by the provisions of chapters 623 to 625A, inclusive, 628, 630 to 640A, inclusive, 641 to 644, inclusive, 654 and 656 of NRS ~~H~~ *and sections 2 to 37, inclusive, of this act.*

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

(c) The Public Employees’ Retirement System.

(d) The Housing Division of the Department of Business and Industry.

(e) The Colorado River Commission of Nevada.

3. Provide a copy of the approved annual work plan to the Legislative Auditor.

4. In consultation with the Director, prepare a plan for auditing executive branch agencies for each fiscal year and present the plan to the Committee for its review and approval. Each plan for auditing must:

(a) State the agencies which will be audited, the proposed scope and assignment of those audits and the related resources which will be used for those audits; and

(b) Ensure that the internal accounting, administrative controls and financial management of each agency are reviewed periodically.

5. Perform the audits of the programs and activities of the agencies in accordance with the plan approved pursuant to subsection 5 of NRS 353A.038 and prepare audit reports of his findings.

6. Review each agency that is audited pursuant to subsection 5 and advise those agencies concerning internal accounting, administrative controls and financial management.

7. Submit to each agency that is audited pursuant to subsection 5 analyses, appraisals and recommendations concerning:

(a) The adequacy of the internal accounting and administrative controls of the agency; and

(b) The efficiency and effectiveness of the management of the agency.

8. Report any possible abuses, illegal actions, errors, omissions and conflicts of interest of which the Division becomes aware during the performance of an audit.

9. Adopt the standards of the Institute of Internal Auditors for conducting and reporting on audits.

10. Consult with the Legislative Auditor concerning the plan for auditing and the scope of audits to avoid duplication of effort and undue disruption of the functions of agencies that are audited pursuant to subsection 5.

11. Appoint a Manager of Internal Controls.

Sec. 50. NRS 432B.220 is hereby amended to read as follows:

432B.220 1. Any person who is described in subsection 3 and who, in his professional or occupational capacity, knows or has reasonable cause to believe that a child has been abused or neglected shall:

(a) Except as otherwise provided in subsection 2, report the abuse or neglect of the child to an agency which provides child welfare services or to a law enforcement agency; and

(b) Make such a report as soon as reasonably practicable but not later than 24 hours after the person knows or has reasonable cause to believe that the child has been abused or neglected.

2. If a person who is required to make a report pursuant to subsection 1 knows or has reasonable cause to believe that the abuse or neglect of the child involves an act or omission 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 person shall make the report to a law enforcement agency.

(b) An agency which provides child welfare services or a law enforcement agency, the person shall make the report to an agency other than the one alleged to have committed the act or omission, and the investigation of the abuse or neglect of the child must be made by an agency other than the one alleged to have committed the act or omission.

3. A report must be made pursuant to subsection 1 by the following persons:

(a) A physician, dentist, dental hygienist, chiropractor, optometrist, podiatric physician, medical examiner, resident, intern, professional or practical nurse, physician assistant, psychiatrist, psychologist, marriage and family therapist, alcohol or drug abuse counselor, *athletic trainer*, advanced emergency medical technician or other person providing medical services licensed or certified in this state;

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

(c) A coroner;

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

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

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

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

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

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

(j) Any person who maintains, is employed by or serves as a volunteer for an agency or service which advises persons regarding

abuse or neglect of a child and refers them to persons and agencies where their requests and needs can be met; and

(k) Any person who is employed by or serves as a volunteer for an approved youth shelter. As used in this paragraph, “approved youth shelter” has the meaning ascribed to it in NRS 244.422.

4. A report may be made by any other person.

5. If a person who is required to make a report pursuant to subsection 1 knows or has reasonable cause to believe that a child has died as a result of abuse or neglect, the person shall, as soon as reasonably practicable, report this belief to the appropriate medical examiner or coroner, who shall investigate the report and submit to an agency which provides child welfare services his written findings. The written findings must include, if obtainable, the information required pursuant to the provisions of subsection 2 of NRS 432B.230.

Sec. 51. NRS 608.0116 is hereby amended to read as follows:

608.0116 “Professional” means pertaining to an employee who is licensed or certified by the State of Nevada for and engaged in the practice of law or any of the professions regulated by chapters 623 to 645, inclusive, and 656A of NRS ~~§~~ *and sections 2 to 37, inclusive, of this act.*

Sec. 52. Notwithstanding the provisions of sections 2 to 37, inclusive, of this act, a person who engages in the practice of athletic training is not required to be licensed as such pursuant to the provisions of this act before July 1, 2004.

Sec. 53. 1. Notwithstanding the provisions of sections 2 to 37, inclusive, of this act, a person may be licensed as an athletic trainer, if he is employed or otherwise working as an athletic trainer on October 1, 2003, he is qualified for a license as an athletic trainer pursuant to the provisions of subsection 2 and, before April 1, 2004, he submits to the Board of Athletic Trainers created pursuant to section 16 of this act:

(a) An application for a license on a form provided by the Board;

(b) The fee for the license prescribed by the Board pursuant to section 33 of this act; and

(c) The statement required pursuant to section 28 of this act unless after January 1, 2003, the provisions of 42 U.S.C. § 666 requiring each state to establish procedures under which the state has authority to withhold or suspend, or to restrict the use of professional, occupational and recreational licenses of persons who:

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

(2) Are in arrears in the payment for the support of one or more children,
are repealed by the Congress of the United States.

2. An applicant is qualified for a license pursuant to this section as an athletic trainer if he:

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

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

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

Sec. 54. 1. Notwithstanding the provisions of section 16 of this act, each athletic trainer who is appointed to the Board of Athletic Trainers to an initial term pursuant to subsection 2 is not required to be licensed pursuant to sections 2 to 37, inclusive, of this act, at the time of appointment but must be eligible for a license as such at the time of appointment.

2. As soon as practicable after October 1, 2003, the Governor shall appoint to the Board of Athletic Trainers:

(a) Two members whose terms expire on September 30, 2005; and

(b) Three members whose terms expire on September 30, 2006.

Sec. 55. 1. On or before January 1, 2004, the Board of Athletic Trainers shall:

(a) Identify the personal trainers and other fitness instructors in this state and establish a registry of the names and addresses of those personal trainers and other fitness instructors to provide notice of the time and place of the public hearings held by the Board pursuant to this section; and

(b) Hold not less than five public hearings for the purpose of establishing recommendations concerning the regulation of personal trainers and other fitness instructors in this state.

2. On or before January 15, 2005, the Board shall submit a report of its findings and recommendations concerning the regulation of personal trainers and other fitness instructors in this state to the 73rd Session of the Nevada Legislature. The recommendations may include, without limitation, appropriate:

(a) Educational qualifications and experience requirements for licensure;

(b) Fees for the issuance and renewal of licenses;

(c) Requirements for continuing education; and

(d) Grounds for disciplinary action.

Sec. 56. Sections 28 and 29 of this act expire by limitation on the date on which the provisions of 42 U.S.C. § 666 requiring each state to establish procedures under which the state has authority to

withhold or suspend, or to restrict the use of professional, occupational and recreational licenses of persons who:

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

2. Are in arrears in the payment for the support of one or more children,

are repealed by the Congress of the United States.