

ASSEMBLY BILL NO. 327—COMMITTEE ON
HEALTH AND HUMAN SERVICES

MARCH 21, 2005

Referred to Committee on Health and Human Services

SUMMARY—Makes various changes concerning provision of medical services. (BDR 40-928)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: 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 medical services; authorizing the board of hospital trustees of a county hospital to compensate physicians for providing certain services to indigent persons; revising the provisions relating to limiting the liability of a person who renders gratuitous medical care involving the use of an automated external defibrillator; revising the provisions limiting the liability of certain medical providers who render gratuitous care or assistance for certain entities; 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.** NRS 450.180 is hereby amended to read as follows:
2 450.180 The board of hospital trustees may:
3 1. Appoint a chief executive officer and necessary assistants,
4 and fix their compensations.
5 2. Employ physicians and interns, either full-time or part-time,
6 as the board determines necessary, and fix their compensations.
7 3. Remove those appointees and employees.
8 4. Control the admission of physicians and interns to the staff
9 by promulgating appropriate rules, regulations and standards
10 governing those appointments.



5. Contract with individual physicians or private medical associations for the provision of certain medical services as may be required by the hospital. ~~[The compensation provided for in the contract must not include compensation to the physician for services rendered to indigent patients.]~~

Sec. 2. NRS 450.440 is hereby amended to read as follows:

450.440 1. The board of hospital trustees shall organize a staff of physicians composed of each regular practicing physician, podiatric physician and dentist in the county in which the hospital is located who requests staff membership and meets the standards set forth in the regulations prescribed by the board of hospital trustees.

2. The staff shall organize in a manner prescribed by the board so that there is a rotation of service among the members of the staff to give proper medical and surgical attention and service to the indigent sick, injured or maimed who may be admitted to the hospital for treatment.

3. ~~[No member of the staff or any other physician who attends an indigent patient may receive any compensation for his services except as otherwise provided in NRS 450.180 or to the extent that the medical care is paid for by any governmental authority or any private medical care program.~~

~~—4.]~~ The board of hospital trustees or the board of county commissioners may offer the following assistance to members of the staff to attract and retain them:

(a) Establishment of clinic or group practice;

(b) Malpractice insurance coverage under the hospital's policy of professional liability insurance;

(c) *Information concerning the provisions of law pertaining to immunity from liability with respect to physicians pursuant to chapter 41 of NRS and limitations on damages in actions involving medical malpractice pursuant to chapter 41A of NRS;*

(d) Professional fee billing; and

~~[(d)]~~ (e) The opportunity to rent office space in facilities owned or operated by the hospital, as the space is available, if this opportunity is offered to all members of the staff on the same terms and conditions.

Sec. 3. NRS 41.500 is hereby amended to read as follows:

41.500 1. Except as otherwise provided in NRS 41.505, any person in this State who renders emergency care or assistance in an emergency, gratuitously and in good faith, is not liable for any civil damages as a result of any act or omission, not amounting to gross negligence, by him in rendering the emergency care or assistance or as a result of any act or failure to act, not amounting to gross negligence, to provide or arrange for further medical treatment for the injured person.



2. Any person in this State who acts as a driver of an ambulance or attendant on an ambulance operated by a volunteer service or as a volunteer driver or attendant on an ambulance operated by a political subdivision of this State, or owned by the Federal Government and operated by a contractor of the Federal Government, and who in good faith renders emergency care or assistance to any injured or ill person, whether at the scene of an emergency or while transporting an injured or ill person to or from any clinic, doctor's office or other medical facility, is not liable for any civil damages as a result of any act or omission, not amounting to gross negligence, by him in rendering the emergency care or assistance, or as a result of any act or failure to act, not amounting to gross negligence, to provide or arrange for further medical treatment for the injured or ill person.

3. Any appointed member of a volunteer service operating an ambulance or an appointed volunteer serving on an ambulance operated by a political subdivision of this State, other than a driver or attendant, of an ambulance, is not liable for any civil damages as a result of any act or omission, not amounting to gross negligence, by him whenever he is performing his duties in good faith.

4. Any person who is a member of a search and rescue organization in this State under the direct supervision of any county sheriff who in good faith renders care or assistance in an emergency to any injured or ill person, whether at the scene of an emergency or while transporting an injured or ill person to or from any clinic, doctor's office or other medical facility, is not liable for any civil damages as a result of any act or omission, not amounting to gross negligence, by him in rendering the emergency care or assistance, or as a result of any act or failure to act, not amounting to gross negligence, to provide or arrange for further medical treatment for the injured or ill person.

5. Any person who is employed by or serves as a volunteer for a public fire-fighting agency and who is authorized pursuant to chapter 450B of NRS to render emergency medical care at the scene of an emergency is not liable for any civil damages as a result of any act or omission, not amounting to gross negligence, by that person in rendering that care or as a result of any act or failure to act, not amounting to gross negligence, to provide or arrange for further medical treatment for the injured or ill person.

6. Any person who:

(a) Has successfully completed a course in cardiopulmonary resuscitation according to the guidelines of the American National Red Cross or American Heart Association;

(b) Has successfully completed the training requirements of a course in basic emergency care of a person in cardiac arrest



1 conducted in accordance with the standards of the American Heart
2 Association; or

3 (c) Is directed by the instructions of a dispatcher for an
4 ambulance, air ambulance or other agency that provides emergency
5 medical services before its arrival at the scene of the emergency,
6 ➤ and who in good faith renders cardiopulmonary resuscitation in
7 accordance with his training or the direction, other than in the
8 course of his regular employment or profession, is not liable for any
9 civil damages as a result of any act or omission, not amounting to
10 gross negligence, by that person in rendering that care.

11 7. For the purposes of subsection 6, a person who:

12 (a) Is required to be certified in the administration of
13 cardiopulmonary resuscitation pursuant to NRS 391.092; and

14 (b) In good faith renders cardiopulmonary resuscitation on the
15 property of a public school or in connection with a transportation of
16 pupils to or from a public school or while on activities that are part
17 of the program of a public school,

18 ➤ shall be presumed to have acted other than in the course of his
19 regular employment or profession.

20 8. Any person who ~~f~~

21 ~~—(a) Has successfully completed a course in cardiopulmonary~~
22 ~~resuscitation and training in the operation and use of an automated~~
23 ~~external defibrillator that were conducted in accordance with the~~
24 ~~standards of the American Heart Association or the American~~
25 ~~National Red Cross; and~~

26 ~~—(b) Gratuitously}~~ *gratuitously* and in good faith renders
27 emergency medical care involving the use of an automated external
28 defibrillator ~~{in accordance with his training,~~

29 ~~➤}~~ is not liable for any civil damages as a result of any act or
30 omission, not amounting to gross negligence, by that person in
31 rendering that care.

32 9. ~~{A person or governmental entity that provided the requisite~~
33 ~~training set forth in subsection 8 to a person who renders emergency~~
34 ~~care in accordance with subsection 8 is not liable for any civil~~
35 ~~damages as a result of any act or omission, not amounting to gross~~
36 ~~negligence, by the person rendering such care.~~

37 ~~—10.}~~ A business or organization that has placed an automated
38 external defibrillator for use on its premises is not liable for any
39 civil damages as a result of any act or omission, not amounting to
40 gross negligence, by the person rendering such care or for providing
41 the automated external defibrillator to the person for the purpose of
42 rendering such care if the business or organization:

43 (a) Complies with all current federal and state regulations
44 governing the use and placement of an automated external
45 defibrillator;



~~(b) [Ensures that only a person who has at least the qualifications set forth in subsection 8 uses the automated external defibrillator to provide care;~~

~~—(e)]~~ Ensures that the automated external defibrillator is maintained and tested according to the operational guidelines established by the manufacturer; and

~~[(d) Establishes and maintains a program to ensure compliance with current regulations, requirements for training.]~~

(c) *Establishes* requirements for *the* notification of emergency medical assistance and guidelines for the maintenance of the equipment.

10. As used in this section, “gratuitously” means that the person receiving care or assistance is not required or expected to pay any compensation or other remuneration for receiving the care or assistance.

Sec. 4. NRS 41.505 is hereby amended to read as follows:

41.505 1. Any physician or registered nurse who in good faith gives instruction or provides supervision to an emergency medical attendant or registered nurse, at the scene of an emergency or while transporting an ill or injured person from the scene of an emergency, is not liable for any civil damages as a result of any act or omission, not amounting to gross negligence, in giving that instruction or providing that supervision. An emergency medical attendant, registered nurse or licensed practical nurse who obeys an instruction given by a physician, registered nurse or licensed practical nurse and thereby renders emergency care, at the scene of an emergency or while transporting an ill or injured person from the scene of an emergency, is not liable for any civil damages as a result of any act or omission, not amounting to gross negligence, in rendering that emergency care.

2. Except as otherwise provided in subsection 3, any person licensed under the provisions of chapter 630, 632 or 633 of NRS and any person who holds an equivalent license issued by another state, who renders emergency care or assistance in an emergency, gratuitously and in good faith, is not liable for any civil damages as a result of any act or omission, not amounting to gross negligence, by him in rendering the emergency care or assistance or as a result of any failure to act, not amounting to gross negligence, to provide or arrange for further medical treatment for the injured or ill person. This section does not excuse a physician or nurse from liability for damages resulting from his acts or omissions which occur in a licensed medical facility relative to any person with whom there is a preexisting relationship as a patient.

3. Any person licensed under the provisions of chapter 630, 632 or 633 of NRS and any person who holds an equivalent license



1 issued by another state who renders emergency obstetrical care or
2 assistance to a pregnant woman during labor or the delivery of the
3 child is not liable for any civil damages as a result of any act or
4 omission by him in rendering that care or assistance if:

5 (a) The care or assistance is rendered in good faith and in a
6 manner not amounting to gross negligence or reckless, willful or
7 wanton conduct;

8 (b) The person has not previously provided prenatal or
9 obstetrical care to the woman; and

10 (c) The damages are reasonably related to or primarily caused
11 by a lack of prenatal care received by the woman.

12 ➤ A licensed medical facility in which such care or assistance is
13 rendered is not liable for any civil damages as a result of any act or
14 omission by the person in rendering that care or assistance if that
15 person is not liable for any civil damages pursuant to this subsection
16 and the actions of the medical facility relating to the rendering of
17 that care or assistance do not amount to gross negligence or
18 reckless, willful or wanton conduct.

19 4. Any person licensed under the provisions of chapter 630,
20 632 or 633 of NRS and any person who holds an equivalent license
21 issued by another state who:

22 (a) Is retired or otherwise does not practice on a full-time basis;
23 and

24 (b) Gratuitously and in good faith, renders medical care within
25 the scope of his license to an indigent person,

26 ➤ is not liable for any civil damages as a result of any act or
27 omission by him, not amounting to gross negligence or reckless,
28 willful or wanton conduct, in rendering that care.

29 5. Any person licensed to practice medicine under the
30 provisions of chapter 630 or 633 of NRS or licensed to practice
31 dentistry under the provisions of chapter 631 of NRS who renders
32 care or assistance to a patient ~~[at a health care facility of]~~ **for** a
33 governmental entity or a nonprofit organization is not liable for any
34 civil damages as a result of any act or omission by him in rendering
35 that care or assistance if the care or assistance is rendered
36 gratuitously, in good faith and in a manner not amounting to gross
37 negligence or reckless, willful or wanton conduct.

38 6. As used in this section:

39 (a) "Emergency medical attendant" means a person licensed as
40 an attendant or certified as an emergency medical technician,
41 intermediate emergency medical technician or advanced emergency
42 medical technician pursuant to chapter 450B of NRS.

43 (b) "Gratuitously" has the meaning ascribed to it in NRS 41.500.

44 ~~[(c) "Health care facility" has the meaning ascribed to it in~~
45 ~~NRS 449.800.]~~



- 1 **Sec. 5.** 1. This act becomes effective on July 1, 2005.
2 2. The amendatory provisions of sections 3 and 4 of this act
3 apply only to a cause of action that accrues on or after July 1, 2005.



