

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; 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.
11 5. Contract with individual physicians or private medical
12 associations for the provision of certain medical services as may be
13 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) Professional fee billing; and

(d) 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



1 emergency or while transporting an injured or ill person to or from
2 any clinic, doctor's office or other medical facility, is not liable for
3 any civil damages as a result of any act or omission, not amounting
4 to gross negligence, by him in rendering the emergency care or
5 assistance, or as a result of any act or failure to act, not amounting to
6 gross negligence, to provide or arrange for further medical treatment
7 for the injured or ill person.

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

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

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

33 6. Any person who:

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

37 (b) Has successfully completed the training requirements of a
38 course in basic emergency care of a person in cardiac arrest
39 conducted in accordance with the standards of the American Heart
40 Association; or

41 (c) Is directed by the instructions of a dispatcher for an
42 ambulance, air ambulance or other agency that provides emergency
43 medical services before its arrival at the scene of the emergency,
44 ➤ and who in good faith renders cardiopulmonary resuscitation in
45 accordance with his training or the direction, other than in the



1 course of his regular employment or profession, is not liable for any
2 civil damages as a result of any act or omission, not amounting to
3 gross negligence, by that person in rendering that care.

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

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

7 (b) In good faith renders cardiopulmonary resuscitation on the
8 property of a public school or in connection with a transportation of
9 pupils to or from a public school or while on activities that are part
10 of the program of a public school,

11 ➔ shall be presumed to have acted other than in the course of his
12 regular employment or profession.

13 8. Any person who ~~f~~:

14 ~~—(a) Has successfully completed a course in cardiopulmonary~~
15 ~~resuscitation and training in the operation and use of an automated~~
16 ~~external defibrillator that were conducted in accordance with the~~
17 ~~standards of the American Heart Association or the American~~
18 ~~National Red Cross; and~~

19 ~~—(b) Gratuitously~~ **gratuitously** and in good faith renders
20 emergency medical care involving the use of an automated external
21 defibrillator ~~[in accordance with his training;~~

22 ➔] is not liable for any civil damages as a result of any act or
23 omission, not amounting to gross negligence, by that person in
24 rendering that care.

25 9. ~~[A person or governmental entity that provided the requisite~~
26 ~~training set forth in subsection 8 to a person who renders emergency~~
27 ~~care in accordance with subsection 8 is not liable for any civil~~
28 ~~damages as a result of any act or omission, not amounting to gross~~
29 ~~negligence, by the person rendering such care.~~

30 ~~—10.]~~ A business or organization that has placed an automated
31 external defibrillator for use on its premises is not liable for any
32 civil damages as a result of any act or omission, not amounting to
33 gross negligence, by the person rendering such care or for providing
34 the automated external defibrillator to the person for the purpose of
35 rendering such care if the business or organization:

36 (a) Complies with all current federal and state regulations
37 governing the use and placement of an automated external
38 defibrillator;

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

42 ~~—(c)]~~ Ensures that the automated external defibrillator is
43 maintained and tested according to the operational guidelines
44 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. 1. This act becomes effective on July 1, 2005.

2. The amendatory provisions of section 3 of this act apply only to a cause of action that accrues on or after July 1, 2005.



