

ASSEMBLY BILL NO. 555—ASSEMBLYMAN MABEY

MARCH 29, 2005

Referred to Committee on Commerce and Labor

SUMMARY—Makes various changes relating to provisions governing medical professionals. (BDR 54-570)

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 professionals; making various changes to the provisions governing certain medical professionals; providing for the imposition of certain civil penalties; 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 630.007 is hereby amended to read as follows:
2 630.007 “Administrative physician” means a physician who is
3 licensed only to act in an administrative capacity as an:
4 1. Officer or employee of a state agency; ~~or~~
5 2. Independent contractor pursuant to a contract with the State
6 ~~or~~; *or*
7 3. *Officer, employee or independent contractor of a private*
8 *insurance company, medical facility or medical care organization,*
9 *and who does not examine or treat patients in a clinical setting.*
10 **Sec. 2.** NRS 630.103 is hereby amended to read as follows:
11 630.103 1. The Board shall employ a person as the Executive
12 ~~Secretary~~ *Director* of the Board.
13 2. The Executive ~~Secretary~~ *Director* serves as the chief
14 administrative officer of the Board at a level of compensation set by
15 the Board.
16 3. The Executive ~~Secretary~~ *Director* is an at-will employee
17 who serves at the pleasure of the Board.



1 **Sec. 3.** NRS 630.254 is hereby amended to read as follows:

2 630.254 1. *Each licensee shall maintain a permanent*
3 *mailing address with the Board to which all communications from*
4 *the Board to the licensee must be sent. A licensee who changes his*
5 *permanent mailing address shall notify the Board of his new*
6 *permanent mailing address within 14 days after the change. If a*
7 *licensee fails to notify the Board of a change in his permanent*
8 *mailing address within 14 days after the change, the Board:*

9 (a) *Shall impose upon the licensee a fine not to exceed \$500;*
10 *and*

11 (b) *May initiate disciplinary action against the licensee as*
12 *provided pursuant to subsection 9 of NRS 630.306.*

13 2. Any licensee who changes the location of his office in this
14 State shall notify the Board of the change before practicing at the
15 new location.

16 ~~2.~~ 3. Any licensee who closes his office in this State shall:

17 (a) Notify the Board of this occurrence within 14 days after the
18 closure; and

19 (b) For a period of 5 years thereafter keep the Board apprised of
20 the location of the medical records of his patients.

21 **Sec. 4.** NRS 630.255 is hereby amended to read as follows:

22 630.255 1. Any licensee who changes the location of his
23 practice of medicine from this State to another state or country, has
24 never engaged in the practice of medicine in this State after
25 licensure or has ceased to engage in the practice of medicine in this
26 State for 12 consecutive months may be placed on inactive status by
27 order of the Board.

28 2. *Each inactive registrant shall maintain a permanent*
29 *mailing address with the Board to which all communications from*
30 *the Board to the registrant must be sent. An inactive registrant*
31 *who changes his permanent mailing address shall notify the*
32 *Board of his new permanent mailing address within 14 days after*
33 *the change. If an inactive registrant fails to notify the Board of a*
34 *change in his permanent mailing address within 14 days after the*
35 *change, the Board shall impose upon the registrant a fine not to*
36 *exceed \$250.*

37 3. Before resuming the practice of medicine in this State, the
38 inactive registrant must:

39 (a) Notify the Board of his intent to resume the practice of
40 medicine in this State;

41 (b) File an affidavit with the Board describing his activities
42 during the period of his inactive status;

43 (c) Complete the form for registration for active status;

44 (d) Pay the applicable fee for biennial registration; and

45 (e) Satisfy the Board of his competence to practice medicine.



~~[3-]~~ 4. If the Board determines that the conduct or competence of the registrant during the period of inactive status would have warranted denial of an application for a license to practice medicine in this State, the Board may refuse to place the registrant on active status.

Sec. 5. NRS 630.259 is hereby amended to read as follows:

630.259 1. A person may apply to the Board to be licensed as an administrative physician if the person meets all of the statutory requirements for licensure in effect at the time of application except the requirements of paragraph (d) of subsection 2 of NRS 630.160.

2. A person who is licensed as an administrative physician pursuant to this section:

(a) May not engage in the practice of *clinical* medicine;

(b) Shall comply with all of the statutory requirements for continued licensure pursuant to this chapter; and

(c) Shall be deemed to hold a license to practice medicine in an administrative capacity only.

Sec. 6. NRS 630.299 is hereby amended to read as follows:

630.299 1. If the Board has reason to believe that a person has violated, is violating or is about to violate any provision of this chapter, the Board *or any investigative committee of the Board* may issue to the person a letter of warning, a letter of concern or a nonpunitive admonishment at any time before the Board has initiated any disciplinary proceedings against the person.

2. The issuance of such a letter or admonishment:

(a) Does not preclude the Board from initiating any disciplinary proceedings against the person or taking any disciplinary action against the person based on any conduct alleged or described in the letter or admonishment or any other conduct; and

(b) Does not constitute a final decision of the Board and is not subject to judicial review.

Sec. 7. NRS 630A.230 is hereby amended to read as follows:

630A.230 1. Every person desiring to practice homeopathic medicine must, before beginning to practice, procure from the Board a license authorizing such practice.

2. Except as otherwise provided in NRS 630A.225, a license may be issued to any person who:

(a) Is a citizen of the United States or is lawfully entitled to remain and work in the United States;

(b) Has received the degree of doctor of medicine or doctor of osteopathic medicine from the school he attended during the 2 years immediately preceding the granting of the degree;

(c) ~~[Is licensed]~~ *Holds a license* to practice allopathic or osteopathic medicine in ~~[any state or country, the District of~~



~~Columbia or a territory or possession of the United States;}~~ *the State of Nevada pursuant to chapter 630 or 633 of NRS, as applicable;*

(d) Has completed 1 year of postgraduate training in allopathic or osteopathic medicine approved by the Board;

(e) Has passed all oral or written examinations required by the Board or this chapter; and

(f) Meets additional requirements established by the Board.

Sec. 8. NRS 630A.325 is hereby amended to read as follows:

630A.325 1. To renew a license other than a temporary, special or limited license issued pursuant to this chapter, each person must, on or before January 1 of each year:

(a) Apply to the Board for renewal;

(b) Submit the statement required pursuant to NRS 630A.246;

(c) Pay the annual fee for renewal set by the Board; ~~and~~

(d) Submit evidence to the Board of his completion of the requirements for continuing education ~~and~~; and

(e) Submit evidence to the Board of his continuing licensure to practice allopathic or osteopathic medicine in the State of Nevada pursuant to chapter 630 or 633 of NRS, as applicable.

2. The Board shall, as a prerequisite for the renewal or restoration of a license other than a temporary, special or limited license, require each holder of a license to comply with the requirements for continuing education adopted by the Board.

3. Any holder who fails to pay the annual fee for renewal and submit the statement required pursuant to NRS 630A.246 after they become due must be given a period of 60 days in which to pay the fee and submit the statement, and, failing to do so, automatically forfeits his right to practice homeopathic medicine, and his license to practice homeopathic medicine in this State is automatically suspended. The holder may, within 2 years after the date his license is suspended, apply for the restoration of his license.

4. The Board shall notify any holder whose license is automatically suspended pursuant to subsection 3 and send a copy of the notice to the Drug Enforcement Administration of the United States Department of Justice or its successor agency.

Sec. 9. NRS 630A.325 is hereby amended to read as follows:

630A.325 1. To renew a license other than a temporary, special or limited license issued pursuant to this chapter, each person must, on or before January 1 of each year:

(a) Apply to the Board for renewal;

(b) Pay the annual fee for renewal set by the Board; ~~and~~

(c) Submit evidence to the Board of his completion of the requirements for continuing education ~~and~~; and



1 (d) *Submit evidence to the Board of his continuing licensure to*
2 *practice allopathic or osteopathic medicine in the State of Nevada*
3 *pursuant to chapter 630 or 633 of NRS, as applicable.*

4 2. The Board shall, as a prerequisite for the renewal or
5 restoration of a license other than a temporary, special or limited
6 license, require each holder of a license to comply with the
7 requirements for continuing education adopted by the Board.

8 3. Any holder failing to pay the annual fee for renewal after it
9 becomes due must be given a period of 60 days in which to pay the
10 fee, and, failing to do so, automatically forfeits his right to practice
11 homeopathic medicine, and his license to practice homeopathic
12 medicine in Nevada is automatically suspended. The holder may,
13 within 2 years after the date his license is suspended, apply for the
14 restoration of his license.

15 4. The Board shall notify any holder whose license is
16 automatically suspended for nonpayment of the annual fee for
17 renewal and send a copy of the notice to the Drug Enforcement
18 Administration of the United States Department of Justice or its
19 successor agency.

20 **Sec. 10.** NRS 652.217 is hereby amended to read as follows:

21 652.217 1. A licensed nurse who is employed by a medical
22 facility which is licensed pursuant to chapter 449 of NRS may
23 perform any laboratory test which is classified as a waived test
24 pursuant to Subpart A of Part 493 of Title 42 of the Code of Federal
25 Regulations if the laboratory director or a person he has designated:

26 (a) Verifies that the nurse is competent to perform the test;

27 (b) Ensures that the test is performed in accordance with any
28 manufacturer's instructions; and

29 (c) Validates and verifies the manner in which the test is
30 performed through the use of controls which ensure accurate and
31 reliable results of the test.

32 2. Licensed or certified personnel of a laboratory licensed
33 pursuant to this chapter may perform any laboratory test which is
34 classified as a waived test pursuant to Subpart A of Part 493 of Title
35 42 of the Code of Federal Regulations on the premises of an
36 outpatient center of the laboratory or at a patient's residence if the
37 laboratory director or a person he has designated:

38 (a) Verifies that the person is competent to perform the test;

39 (b) Ensures that the test is performed in accordance with any
40 manufacturer's instructions;

41 (c) Validates and verifies the manner in which the test is
42 performed through the use of controls which ensure accurate and
43 reliable results of the test; and

44 (d) Ensures compliance with any requirements for safety
45 adopted by the Board.



1 3. A practitioner of respiratory care licensed pursuant to
2 chapter 630 of NRS is not required to be licensed under the
3 provisions of this chapter to draw and analyze blood for arterial
4 blood gases.

5 **Sec. 11.** NRS 440.415 is hereby amended to read as follows:

6 440.415 1. A physician who anticipates the death of a patient
7 because of an illness, infirmity or disease may authorize a specific
8 registered nurse *or licensed physician assistant* or the registered
9 nurses *or licensed physician assistants* employed by a medical
10 facility or program for hospice care to make a pronouncement of
11 death if they attend the death of the patient.

12 2. Such an authorization is valid for 120 days. Except as
13 otherwise provided in subsection 3, the authorization must:

14 (a) Be a written order entered on the chart of the patient;

15 (b) State the name of the registered nurse or nurses *or licensed*
16 *physician assistant or assistants* authorized to make the
17 pronouncement of death; and

18 (c) Be signed and dated by the physician.

19 3. If the patient is in a medical facility or under the care of a
20 program for hospice care, the physician may authorize the registered
21 nurses *or licensed physician assistants* employed by the facility or
22 program to make pronouncements of death without specifying the
23 name of each nurse ~~or~~ *or assistant, as applicable.*

24 4. If a pronouncement of death is made by a registered nurse ~~or~~
25 *or licensed physician assistant*, the physician who authorized that
26 action shall sign the medical certificate of death within 24 hours
27 after being presented with the certificate.

28 5. If a patient in a medical facility is pronounced dead by a
29 registered nurse *or licensed physician assistant* employed by the
30 facility, the registered nurse *or licensed physician assistant* may
31 release the body of the patient to a licensed funeral director pending
32 the completion of the medical certificate of death by the attending
33 physician if the physician or the medical director or chief of the
34 medical staff of the facility has authorized the release in writing.

35 6. The Board may adopt regulations concerning the
36 authorization of a registered nurse *or licensed physician assistant* to
37 make pronouncements of death.

38 7. As used in this section:

39 (a) *“Licensed physician assistant” means a person licensed as*
40 *a physician assistant pursuant to chapter 630 of NRS.*

41 (b) *“Medical facility” means:*

42 (1) A facility for skilled nursing as defined in NRS 449.0039;

43 (2) A facility for hospice care as defined in NRS 449.0033;

44 (3) A hospital as defined in NRS 449.012;



(4) An agency to provide nursing in the home as defined in NRS 449.0015; or

(5) A facility for intermediate care as defined in NRS 449.0038.

~~(b)~~ (c) "Program for hospice care" means a program for hospice care licensed pursuant to chapter 449 of NRS.

~~(e)~~ (d) "Pronouncement of death" means a declaration of the time and date when the cessation of the cardiovascular and respiratory functions of a patient occurs as recorded in the patient's medical record by the attending provider of health care in accordance with the provisions of chapter 440 of NRS.

Sec. 12. The amendatory provisions of sections 7, 8 and 9 of this act do not apply to any person who is licensed to practice homeopathic medicine in this State on or before July 1, 2005.

Sec. 13. 1. This section and sections 1 to 8, inclusive, 10, 11 and 12 of this act become effective on July 1, 2005.

2. Section 8 of this act expires 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:

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

(b) Are in arrears in the payment for the support of one or more children,

➤ are repealed by the Congress of the United States.

3. Section 9 of this act becomes effective 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:

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

(b) Are in arrears in the payment for the support of one or more children,

➤ are repealed by the Congress of the United States.



