

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.

~

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 30 days after the change. If a*
7 *licensee fails to notify the Board of a change in his permanent*
8 *mailing address within 30 days after the change, the Board:*

9 (a) *Shall impose upon the licensee a fine not to exceed \$100;*
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 ~~12-1~~ 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 30 days after*
33 *the change. If an inactive registrant fails to notify the Board of a*
34 *change in his permanent mailing address within 30 days after the*
35 *change, the Board shall impose upon the registrant a fine not to*
36 *exceed \$100.*

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.



~~13-1~~ 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 652.210 is hereby amended to read as follows:

652.210 No person other than a licensed physician, a licensed optometrist, a licensed practical nurse, a registered nurse, a licensed physician assistant, a certified osteopathic physician's assistant, a certified intermediate emergency medical technician, a certified advanced emergency medical technician, *a practitioner of respiratory care licensed pursuant to chapter 630 of NRS* or a licensed dentist may manipulate a person for the collection of specimens, except that technical personnel of a laboratory may collect blood, remove stomach contents, perform certain diagnostic skin tests or field blood tests or collect material for smears and cultures.



1 **Sec. 8.** NRS 440.415 is hereby amended to read as follows:

2 440.415 1. A physician who anticipates the death of a patient
3 because of an illness, infirmity or disease may authorize a specific
4 registered nurse *or physician assistant* or the registered nurses *or*
5 *physician assistants* employed by a medical facility or program for
6 hospice care to make a pronouncement of death if they attend the
7 death of the patient.

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

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

11 (b) State the name of the registered nurse or nurses *or physician*
12 *assistant or assistants* authorized to make the pronouncement of
13 death; and

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

15 3. If the patient is in a medical facility or under the care of a
16 program for hospice care, the physician may authorize the registered
17 nurses *or physician assistants* employed by the facility or program
18 to make pronouncements of death without specifying the name of
19 each nurse *H or assistant, as applicable.*

20 4. If a pronouncement of death is made by a registered nurse *H*
21 *or physician assistant*, the physician who authorized that action
22 shall sign the medical certificate of death within 24 hours after being
23 presented with the certificate.

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

31 6. The Board may adopt regulations concerning the
32 authorization of a registered nurse *or physician assistant* to make
33 pronouncements of death.

34 7. As used in this section:

35 (a) "Medical facility" means:

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

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

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

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

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

43 (b) *"Physician assistant" means a person who holds a license*
44 *as a physician assistant pursuant to chapter 630 of NRS or a*



1 *certificate as an osteopathic physician's assistant pursuant to*
2 *chapter 633 of NRS.*

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

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

10 **Sec. 9.** This act becomes effective on July 1, 2005.



