
ASSEMBLY BILL NO. 9—COMMITTEE ON JUDICIARY

(ON BEHALF OF THE DIVISION OF MENTAL HEALTH
AND DEVELOPMENTAL SERVICES)

PREFILED JANUARY 26, 2005

Referred to Committee on Judiciary

SUMMARY—Limits liability of certain persons, corporations and associations that contract to provide medical services for Division of Mental Health and Developmental Services of Department of Human Resources. (BDR 3-237)

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 civil liability; limiting the liability of certain persons, corporations and associations that contract to provide medical services for the Division of Mental Health and Developmental Services of the Department of Human Resources; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 Existing law limits the civil liability of employees, public officers and certain
2 independent contractors of the State of Nevada and provides certain protections
3 against civil liability for such persons. (NRS 41.0305-41.039) The only
4 independent contractors to whom this limitation and protection currently applies are
5 those who contract to provide medical services for the Department of Corrections,
6 which are defined in existing law as “immune contractors.” (NRS 41.0307)
7 Existing law provides total immunity from liability for certain acts or omissions of
8 immune contractors, meaning that no damages may be recovered for those acts or
9 omissions of immune contractors. (NRS 41.032, 41.0321, 41.03365) In addition,
10 existing law provides a maximum of \$50,000 that may be recovered as damages
11 against an immune contractor in a civil action based on other acts or omissions of
12 the immune contractor. (NRS 41.035) Existing law further requires the State to
13 provide representation to and, in certain circumstances, indemnification of an
14 immune contractor by the State if a civil action is brought against the immune
15 contractor. (NRS 41.0338-41.0349, 41.745) Finally, existing law sets forth certain



procedures that must be followed when a civil action is brought against an immune contractor. (NRS 41.0337, 41.036-41.039)

This bill amends the definition of “immune contractor” to include independent contractors who contract to provide medical services for the Division of Mental Health and Developmental Services of the Department of Human Resources. Therefore, this bill provides these independent contractors with the same limitations on civil liability and protections afforded to independent contractors who provide medical services for the Department of Corrections.

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

Section 1. NRS 41.0307 is hereby amended to read as follows:
41.0307 As used in NRS 41.0305 to 41.039, inclusive:

1. “Employee” includes an employee of a:

(a) Part-time or full-time board, commission or similar body of the State or a political subdivision of the State which is created by law.

(b) Charter school.

2. “Employment” includes any services performed by an immune contractor.

3. “Immune contractor” means any natural person, professional corporation or professional association ~~{which}~~ **that:**

(a) Is an independent contractor with the State pursuant to NRS 284.173; and

(b) Contracts to provide medical services for the Department of Corrections ~~H~~ **or the Division of Mental Health and Developmental Services of the Department of Human Resources.**

➡ As used in this subsection, “professional corporation” and “professional association” have the meanings ascribed to them in NRS 89.020.

4. “Public officer” or “officer” includes:

(a) A member of a part-time or full-time board, commission or similar body of the State or a political subdivision of the State which is created by law.

(b) A public defender and any deputy or assistant attorney of a public defender or an attorney appointed to defend a person for a limited duration with limited jurisdiction.

(c) A district attorney and any deputy or assistant district attorney or an attorney appointed to prosecute a person for a limited duration with limited jurisdiction.

Sec. 2. This act becomes effective upon passage and approval.

