

**Amendment No. 187**

Assembly Amendment to Assembly Bill No. 203

(BDR 54-1116)

**Proposed by:** Committee on Commerce and Labor**Amendment Box:****Resolves Conflicts with:** N/A**Amends:** Summary: No Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes

Adoption of this amendment will MAINTAIN a 2/3s majority vote requirement for final passage of AB203 (§ 12).

ASSEMBLY ACTION	Initial and Date	SENATE ACTION	Initial and Date
Adopted <input type="checkbox"/> Lost <input type="checkbox"/>	_____	Adopted <input type="checkbox"/> Lost <input type="checkbox"/>	_____
Concurred In <input type="checkbox"/> Not <input type="checkbox"/>	_____	Concurred In <input type="checkbox"/> Not <input type="checkbox"/>	_____
Receded <input type="checkbox"/> Not <input type="checkbox"/>	_____	Receded <input type="checkbox"/> Not <input type="checkbox"/>	_____

Amend the bill as a whole by deleting sections 1 through 3 and adding new sections designated sections 1 through 3.5, following the enacting clause, to read as follows:

**“Section 1.** Chapter 633 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 3.5, inclusive, of this act.

**Sec. 2.** *“Hearing officer” means a person to whom the Board has delegated its authority pursuant to subsection 1 of section 3 of this act.*

**Sec. 2.5.** *“Panel” means a group of persons to whom the Board has delegated its authority pursuant to subsection 2 of section 3 of this act.*

**Sec. 3.** *The Board may delegate its authority to conduct a hearing concerning the discipline of a licensee pursuant to NRS 633.621 to:*

SP/MSM

Date: 4/8/2005

A.B. No. 203—Makes various changes concerning osteopathic medicine.



*1. A person; or*

*2. A group of such members of the Board as the President of the Board may designate from time to time, which group must consist of not less than three members of the Board, at least one of whom was appointed to the Board pursuant to subsection 2 or 3 of NRS 633.191.*

*Sec. 3.5. A hearing officer or panel has the powers of the Board in connection with a hearing conducted pursuant to NRS 633.621, and shall report to the Board with findings of fact and conclusions of law within 30 days after the final hearing on the matter. The Board may take action based upon the report of the hearing officer or panel, refer the matter to the hearing officer or panel for further hearings or conduct its own hearings on the matter.”.*

Amend sec. 4, page 3, line 1, by deleting “*section 2*” and inserting:

“*sections 2 and 2.5*”.

Amend sec. 7, page 5, line 5, by deleting:

“*or a hearing officer*” and inserting:

“, *a hearing officer or panel*”.

Amend sec. 7, page 5, by deleting lines 31 and 32, and inserting:

“issued by the Board, *hearing officer or panel*, the court shall enter an order that the witness appear before the Board, *hearing officer or panel* at”.

Amend sec. 7, page 5, by deleting lines 36 through 39.

Amend sec. 12, page 9, by deleting lines 27 and 28, and inserting:

- “1. Application and initial license fee .....~~[\$500]~~ **\$800**
2. Annual license renewal fee .....~~[300]~~ **500**”.

Amend sec. 14, page 10, by deleting lines 25 through 30 and inserting:

***“2. The Board, a hearing officer or panel shall hold the formal hearing on the charges at the time and place designated in the notice of hearing. The President of the Board shall determine whether the hearing will be held before the Board, a hearing officer or panel.”.***

Amend sec. 15, page 10, by deleting lines 32 and 33, and inserting:

“633.641 In any disciplinary proceeding before the Board ~~[-]~~, ***a hearing officer or panel:***”.

Amend sec. 16, page 10, line 43, after “***officer,***” by inserting:

***“a panel of the Board,”.***

Amend the title of the bill by deleting the third through the fifth lines and inserting:

“officers or designate a panel to conduct disciplinary hearings; revising the provisions governing”.

**If this amendment is adopted, the Legislative  
Counsel's Digest will be changed to read as follows:**

**Legislative Counsel's Digest:**

Existing law defines “unprofessional conduct” for the purpose of establishing conduct of a licensed osteopathic physician which is subject to disciplinary action by the State Board of Osteopathic Medicine. (NRS 633.131, 633.511)

This bill expands that definition of “unprofessional conduct” to include other conduct that may subject a licensed osteopathic physician to disciplinary action.

Existing law establishes the procedures for initiating disciplinary action against a licensed osteopathic physician and gives the State Board of Osteopathic Medicine certain powers and the authority to investigate complaints. (NRS 633.511, 633.526-633.681)

This bill authorizes the Board to employ or appoint hearing officers, or designate a panel, and to delegate to those hearing officers or the panel its authority to conduct disciplinary hearings. Such a hearing officer or panel is required to report back to the Board with findings of fact and conclusions of law. The Board is then authorized to take action, refer the matter back to the hearing officer or panel for further hearings, or to conduct its own hearings.

Existing law authorizes the State Board of Osteopathic Medicine to issue a special license to a person who meets certain qualifications to serve as a resident medical officer in a hospital or as a professional employee of the State of Nevada or the United States. (NRS 633.411)

This bill authorizes a person who holds a special license to provide basic medical services to a patient under the supervision of a public mental health facility in certain circumstances and to charge a fee for providing those services.

Existing law provides certain requirements for a licensee to renew his license, including a requirement that the applicant submit to the State Board of Osteopathic Medicine verified evidence of completion of the required continuing medical education. (NRS 633.471)

This bill requires that an applicant submit to the Board an affidavit stating that he has completed the required continuing medical education in lieu of verified evidence. However, the Board is required to request verified evidence of completion of continuing medical education from at least one-third of the applicants for renewal of a license each year. Failure of an applicant to provide the Board with such verified evidence is grounds for disciplinary action.

This bill also authorizes a licensed osteopathic physician to have his license placed in inactive status and imposes an inactive license fee. Such a licensee is not required to annually renew his license, but may renew his license by complying with certain requirements including providing the Board with verified evidence that he has completed the required continuing medical education for the years in which his license was inactive.

Existing law imposes various fees relating to the practice of osteopathic medicine to be collected by the Board.

This bill increases each of those fees.