
ASSEMBLY BILL NO. 187—COMMITTEE ON
HEALTH AND HUMAN SERVICES

(ON BEHALF OF THE LEGISLATIVE COMMITTEE ON HEALTH CARE)

FEBRUARY 27, 2007

Referred to Committee on Health and Human Services

SUMMARY—Provides for regulation of certified medication aides.
(BDR 54-302)

FISCAL NOTE: Effect on Local Government: Increases or Newly
Provides for Term of Imprisonment in County or City
Jail or Detention Facility.

Effect on the State: Yes.

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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 nursing; providing for the certification by the State Board of Nursing of nursing assistants as certified medication aides; authorizing a certified medication aide to possess and administer certain drugs and medications to patients in certain medical facilities; authorizing the Board to establish certain fees and charges; prohibiting certain acts relating to certified medication aides; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 Existing law provides for the regulation of nursing assistants. (NRS 632.285-
2 632.286) **Section 6** of this bill provides for the certification by the State Board of
3 Nursing of nursing assistants as certified medication aides. **Sections 8 and 31** of
4 this bill authorize certified medication aides to possess and administer drugs and
5 medications other than controlled substances to patients in certain medical facilities
6 designated by the Board. **Section 12** of this bill extends the authority of the
7 Advisory Committee on Nursing Assistants to certified medication aides. **Sections**
8 **14 and 22** of this bill authorize the Board to establish certain fees and charges
9 applicable to certified medication aides. **Section 19** of this bill authorizes the Board
10 to take certain disciplinary action against certified medication aides. **Sections 27-30**



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11 of this bill expand the applicability of certain provisions that are currently
12 applicable to nursing assistants to certified medication aides.

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

1 **Section 1.** Chapter 632 of NRS is hereby amended by adding
2 thereto the provisions set forth as sections 2 to 9, inclusive, of this
3 act.

4 **Sec. 2.** *“Authorized medications” means all prescription and*
5 *nonprescription drugs and medications other than controlled*
6 *substances.*

7 **Sec. 3.** *“Certified medication aide” means a nursing*
8 *assistant who is certified by the Board to administer authorized*
9 *medications in designated facilities.*

10 **Sec. 4.** *“Designated facility” means a type of medical facility*
11 *designated by the Board as a facility in which certified medication*
12 *aides may practice.*

13 **Sec. 5. 1.** *Any person who practices or offers to practice as*
14 *a certified medication aide in this State shall submit evidence that*
15 *he is qualified to practice and must be certified to practice as a*
16 *certified medication aide as provided in this chapter.*

17 **2.** *It is unlawful for any person to practice or to offer to*
18 *practice as a certified medication aide in this State or to use any*
19 *title, abbreviation, sign, card or device to indicate that he is*
20 *practicing as a certified medication aide in this State unless he has*
21 *been so certified pursuant to the provisions of this chapter.*

22 **3.** *The Executive Director of the Board may, on behalf of the*
23 *Board, issue an order to cease and desist to any person who*
24 *practices or offers to practice as a certified medication aide*
25 *without a certificate to practice as a certified medication aide*
26 *issued pursuant to the provisions of this chapter.*

27 **4.** *The Executive Director shall forward to the appropriate*
28 *law enforcement agency any information submitted to the Board*
29 *concerning a person who practices or offers to practice as a*
30 *certified medication aide without a certificate to practice as a*
31 *certified medication aide issued pursuant to the provisions of this*
32 *chapter.*

33 **Sec. 6. 1.** *An applicant for a certificate to practice as a*
34 *certified medication aide must submit to the Board satisfactory*
35 *evidence that he:*

36 **(a)** *Holds a certificate to practice as a nursing assistant in this*
37 *State;*



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(b) Has completed at least 1 year of continuous full-time employment as a nursing assistant in a medical facility in this State and is currently employed at a medical facility;

(c) Has a high school diploma or its equivalent;

(d) Has successfully completed a literacy and reading comprehension screening process approved by the Board;

(e) Has successfully completed a training course for certified medication aides that is approved by the Board;

(f) Has passed an examination on such subjects as are required by the Board; and

(g) Meets such other reasonable requirements as the Board prescribes.

2. The Board shall issue a certificate to practice as a certified medication aide to each applicant who meets the requirements of this section.

Sec. 7. 1. The Board shall designate the types of medical facilities that may use certified medication aides.

2. If a designated facility elects to use certified medication aides, the facility shall notify the Board in the manner prescribed by the Board.

Sec. 8. 1. A certified medication aide may only administer authorized medications and perform related tasks at a designated facility under the supervision of an advanced practitioner of nursing or a registered nurse and in accordance with standard written protocols developed by the Board.

2. A certified medication aide may only administer authorized medications by the following methods:

(a) Orally;

(b) Topically;

(c) By the use of drops in the eye, ear or nose;

(d) Vaginally;

(e) Rectally;

(f) Transdermally; and

(g) By the use of an oral inhaler.

3. A certified medication aide shall not:

(a) Receive, have access to or administer any controlled substance;

(b) Administer parenteral or enteral medications;

(c) Administer any substances by nasogastric or gastronomy tubes;

(d) Calculate drug dosages;

(e) Destroy medication;

(f) Receive orders, either in writing or verbally, for new or changed medication;

(g) Transcribe orders from medical records;



- (h) *Order initial medications;*
- (i) *Evaluate reports of medication errors;*
- (j) *Perform treatments;*
- (k) *Conduct patient assessments or evaluations; or*
- (l) *Engage in teaching activities for patients.*

4. As used in this section, “supervision” means active oversight of the patient care services provided by a certified medication aide while on the premises of a designated facility.

Sec. 9. *It is unlawful for any person:*

1. *To sell or fraudulently obtain or furnish a certificate to practice as a certified medication aide;*

2. *To practice as a certified medication aide pursuant to a certificate that was illegally or fraudulently obtained or was signed or issued unlawfully or under fraudulent representation; or*

3. *To conduct a training course for certified medication aides unless the training course has been approved by the Board.*

Sec. 10. NRS 632.010 is hereby amended to read as follows:

632.010 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 632.011 to 632.0195, inclusive, *and sections 2, 3 and 4 of this act* have the meanings ascribed to them in those sections.

Sec. 11. NRS 632.0135 is hereby amended to read as follows:

632.0135 “Certificate” means [a]:

1. *A document which authorizes a person to practice as a nursing assistant [H]; or*

2. *A document which authorizes a person to practice as a certified medication aide.*

Sec. 12. NRS 632.072 is hereby amended to read as follows:

632.072 1. The Advisory Committee on Nursing Assistants [H] *and Certified Medication Aides*, consisting of 10 members appointed by the Board, is hereby created.

2. The Board shall appoint to the Advisory Committee:

(a) One representative of facilities for long-term care;

(b) One representative of medical facilities which provide acute care;

(c) One representative of agencies to provide nursing in the home;

(d) One representative of the Health Division of the Department of Health and Human Services;

(e) One representative of the Division of Health Care Financing and Policy of the Department of Health and Human Services;

(f) One representative of the Aging Services Division of the Department of Health and Human Services;

(g) One representative of the American Association of Retired Persons or a similar organization;



- (h) A nursing assistant;
- (i) A registered nurse; and
- (j) A licensed practical nurse.

3. The Advisory Committee shall advise the Board with regard to matters relating to nursing assistants ~~H~~ *and certified medication aides*.

Sec. 13. NRS 632.073 is hereby amended to read as follows:

632.073 1. In addition to the Advisory Committee on Nursing Assistants *and Certified Medication Aides* created by NRS 632.072, the Board may appoint such other advisory committees as it deems appropriate.

2. The members of any advisory committee appointed pursuant to subsection 1 are not entitled to be paid a salary or to receive per diem allowances for conducting the business of the advisory committee, but the Board may authorize reimbursement for the actual expenses incurred by a member for traveling to and from a meeting of the advisory committee.

Sec. 14. NRS 632.120 is hereby amended to read as follows:

632.120 1. The Board shall:

(a) Adopt regulations establishing reasonable standards:

(1) For the denial, renewal, suspension and revocation of, and the placement of conditions, limitations and restrictions upon, a license to practice professional or practical nursing or a certificate to practice as a nursing assistant ~~H~~ *or certified medication aide*.

(2) Of professional conduct for the practice of nursing.

(3) For prescribing and dispensing controlled substances and dangerous drugs in accordance with applicable statutes.

(b) Prepare and administer examinations for the issuance of a license or certificate under this chapter.

(c) Investigate and determine the eligibility of an applicant for a license or certificate under this chapter.

(d) Carry out and enforce the provisions of this chapter and the regulations adopted pursuant thereto.

2. The Board may adopt regulations establishing reasonable:

(a) Qualifications for the issuance of a license or certificate under this chapter.

(b) Standards for the continuing professional competence of licensees or holders of a certificate. The Board may evaluate licensees or holders of a certificate periodically for compliance with those standards.

3. The Board may adopt regulations establishing a schedule of reasonable fees and charges, in addition to those set forth in NRS 632.345, for:

(a) Investigating licensees or holders of a certificate and applicants for a license or certificate under this chapter;



(b) Evaluating the professional competence of licensees or holders of a certificate;

(c) Conducting hearings pursuant to this chapter;

(d) Duplicating and verifying records of the Board; and

(e) Surveying, evaluating and approving schools of practical nursing, and schools and courses of professional nursing,

and collect the fees established pursuant to this subsection.

4. For the purposes of this chapter, the Board shall, by regulation, define the term "in the process of obtaining accreditation."

5. The Board may adopt such other regulations, not inconsistent with state or federal law, as may be necessary to carry out the provisions of this chapter relating to nursing assistant trainees, ~~and~~ nursing assistants ~~and~~ *and certified medication aides*.

6. The Board may adopt such other regulations, not inconsistent with state or federal law, as are necessary to enable it to administer the provisions of this chapter.

Sec. 15. NRS 632.122 is hereby amended to read as follows:

632.122 The Board may:

1. Accept gifts or grants of money to pay for the costs of administering the provisions of this chapter.

2. Enter into contracts with other public agencies and accept payment from those agencies to pay the expenses incurred by the Board in carrying out the provisions of this chapter relating to nursing assistant trainees, ~~and~~ nursing assistants ~~and~~ *and certified medication aides*.

Sec. 16. NRS 632.125 is hereby amended to read as follows:

632.125 1. Each hospital or agency in the State employing professional or practical nurses, ~~or~~ nursing assistants *or certified medication aides* shall submit a list of such nursing personnel to the Board at least three times annually as directed by the Board. Each list submitted to the Board pursuant to this subsection is confidential.

2. A medical facility shall, before hiring a nursing assistant, ~~or~~ nursing assistant trainee ~~and~~ *or certified medication aide*, obtain validation from the Board that the prospective employee has a current certificate, is enrolled in a training program required for certification or is awaiting the results of a certification examination.

Sec. 17. NRS 632.286 is hereby amended to read as follows:

632.286 1. The Board shall supply the Health Division of the Department of Health and Human Services upon request with a list of each training program approved by the Board.

2. The Board shall share with each state agency which regulates medical facilities and facilities for the dependent any information the Board receives concerning disciplinary action taken



1 against nursing assistants *or certified medication aides* who work in
2 the facilities.

3 **Sec. 18.** NRS 632.310 is hereby amended to read as follows:

4 632.310 1. The Board may, upon its own motion, and shall,
5 upon the verified complaint in writing of any person, if the
6 complaint alone or together with evidence, documentary or
7 otherwise, presented in connection therewith, is sufficient to require
8 an investigation, investigate the actions of any licensee or holder of
9 a certificate or any person who assumes to act as a licensee or holder
10 of a certificate within the State of Nevada.

11 2. The Executive Director may, upon receipt of information
12 from a governmental agency, conduct an investigation to determine
13 whether the information is sufficient to require an investigation for
14 referral to the Board for its consideration.

15 3. If a written verified complaint filed with the Board does not
16 include the complete name of the licensee, ~~{or}~~ nursing assistant *or*
17 *certified medication aide* against whom the complaint is filed, and
18 the Board is unable to identify the licensee, ~~{or}~~ nursing assistant ~~{}~~
19 *or certified medication aide*, the Board shall request that the
20 employer of the licensee, ~~{or}~~ nursing assistant *or certified*
21 *medication aide* provide to the Board the complete name of the
22 licensee, ~~{or}~~ nursing assistant ~~{}~~ *or certified medication aide*. The
23 employer shall provide the name to the Board within 3 business
24 days after the request is made.

25 4. The employer of a licensee, ~~{or}~~ nursing assistant *or*
26 *certified medication aide* shall provide to the Board, upon its
27 request, the record of the work assignments of any licensee, ~~{or}~~
28 nursing assistant *or certified medication aide* whose actions are
29 under investigation by the Board.

30 **Sec. 19.** NRS 632.320 is hereby amended to read as follows:

31 632.320 The Board may deny, revoke or suspend any license
32 or certificate applied for or issued pursuant to this chapter, or take
33 other disciplinary action against a licensee or holder of a certificate,
34 upon determining that he:

35 1. Is guilty of fraud or deceit in procuring or attempting to
36 procure a license or certificate pursuant to this chapter.

37 2. Is guilty of any offense:

38 (a) Involving moral turpitude; or

39 (b) Related to the qualifications, functions or duties of a licensee
40 or holder of a certificate,

41 ➔ in which case the record of conviction is conclusive evidence
42 thereof.

43 3. Has been convicted of violating any of the provisions of
44 NRS 616D.200, 616D.220, 616D.240 or 616D.300 to 616D.440,
45 inclusive.



4. Is unfit or incompetent by reason of gross negligence or recklessness in carrying out usual nursing functions.

5. Uses any controlled substance, dangerous drug as defined in chapter 454 of NRS, or intoxicating liquor to an extent or in a manner which is dangerous or injurious to any other person or which impairs his ability to conduct the practice authorized by his license or certificate.

6. Is mentally incompetent.

7. Is guilty of unprofessional conduct, which includes, but is not limited to, the following:

(a) Conviction of practicing medicine without a license in violation of chapter 630 of NRS, in which case the record of conviction is conclusive evidence thereof.

(b) Impersonating any applicant or acting as proxy for an applicant in any examination required pursuant to this chapter for the issuance of a license or certificate.

(c) Impersonating another licensed practitioner or holder of a certificate.

(d) Permitting or allowing another person to use his license or certificate to practice as a licensed practical nurse, registered nurse, ~~for~~ nursing assistant ~~or~~ *certified medication aide*.

(e) Repeated malpractice, which may be evidenced by claims of malpractice settled against him.

(f) Physical, verbal or psychological abuse of a patient.

(g) Conviction for the use or unlawful possession of a controlled substance or dangerous drug as defined in chapter 454 of NRS.

8. Has willfully or repeatedly violated the provisions of this chapter. The voluntary surrender of a license or certificate issued pursuant to this chapter is prima facie evidence that the licensee or certificate holder has committed or expects to commit a violation of this chapter.

9. Is guilty of aiding or abetting any person in a violation of this chapter.

10. Has falsified an entry on a patient's medical chart concerning a controlled substance.

11. Has falsified information which was given to a physician, pharmacist, podiatric physician or dentist to obtain a controlled substance.

12. Has been disciplined in another state in connection with a license to practice nursing or a certificate to practice as a nursing assistant *or a certified medication aide* or has committed an act in another state which would constitute a violation of this chapter.

13. Has engaged in conduct likely to deceive, defraud or endanger a patient or the general public.



14. Has willfully failed to comply with a regulation, subpoena or order of the Board.

➔ For the purposes of this section, a plea or verdict of guilty or a plea of nolo contendere constitutes a conviction of an offense. The Board may take disciplinary action pending the appeal of a conviction.

Sec. 20. NRS 632.342 is hereby amended to read as follows:

632.342 1. The certificate of a nursing assistant *or certified medication aide* must be renewed biennially on the date of the certificate holder's birthday.

2. The Board shall renew a certificate if the applicant:

(a) Submits a completed written application and the fee required by this chapter;

(b) Submits documentation of completion of continuing training, as required by the Board, in the previous 24 months;

(c) Has not committed any acts which are grounds for disciplinary action, unless the Board determines that sufficient restitution has been made or the act was not substantially related to nursing;

(d) Submits documentation of employment as a nursing assistant *or certified medication aide* during the 2 years immediately preceding the date of the renewal; and

(e) Submits all information required to complete the renewal.

➔ The training program completed pursuant to paragraph (b) must be approved by the Board.

3. Failure to renew the certificate results in forfeiture of the right to practice unless the nursing assistant *or certified medication aide* qualifies for the issuance of a new certificate.

4. Renewal of a certificate becomes effective on the date on which:

(a) The application is filed;

(b) The renewal fee is paid; or

(c) All information required to complete the renewal is submitted,

➔ whichever occurs latest.

Sec. 21. NRS 632.3425 is hereby amended to read as follows:

632.3425 A suspended license or certificate is subject to expiration and must be renewed as provided in NRS 632.341 or 632.342. Renewal does not entitle the licensee, ~~for~~ nursing assistant *or certified medication aide* to engage in activity which requires licensure or certification until the completion of the suspension.



Sec. 22. NRS 632.345 is hereby amended to read as follows:

632.345 1. The Board shall establish and may amend a schedule of fees and charges for the following items and within the following ranges:

| | Not less than | Not more than |
|---|------------------|------------------|
| Application for license to practice professional nursing (registered nurse)..... | \$45 | \$100 |
| Application for license to practice practical nursing..... | 30 | 90 |
| Application for temporary license to practice professional nursing or practical nursing pursuant to NRS 632.300, which fee must be credited toward the fee required for a regular license, if the applicant applies for a license | 15 | 50 |
| Application for a certificate to practice as a nursing assistant <i>or certified medication aide</i> | 15 | 50 |
| Application for a temporary certificate to practice as a nursing assistant pursuant to NRS 632.300, which fee must be credited toward the fee required for a regular certificate, if the applicant applies for a certificate | 5 | 40 |
| Biennial fee for renewal of a license | 40 | 100 |
| Biennial fee for renewal of a certificate | 20 | 50 |
| Fee for reinstatement of a license..... | 10 | 100 |
| Application for recognition as an advanced practitioner of nursing..... | 50 | 200 |
| Application for recognition as a certified registered nurse anesthetist | 50 | 200 |
| Biennial fee for renewal of recognition as an advanced practitioner of nursing or certified registered nurse anesthetist..... | 50 | 200 |
| Examination fee for license to practice professional nursing | 20 | 100 |
| Examination fee for license to practice practical nursing..... | 10 | 90 |
| Rewriting examination for license to practice professional nursing | 20 | 100 |



| | Not less than | Not more than |
|--|------------------|------------------|
| Rewriting examination for license to practice practical nursing | \$10 | \$90 |
| Duplicate license | 5 | 30 |
| Duplicate certificate | 5 | 30 |
| Proctoring examination for candidate from another state | 25 | 150 |
| Fee for approving one course of continuing education | 10 | 50 |
| Fee for reviewing one course of continuing education which has been changed since approval | 5 | 30 |
| Annual fee for approval of all courses of continuing education offered | 100 | 500 |
| Annual fee for review of training program | 60 | 100 |
| Certification examination | 10 | 90 |
| Approval of instructors of training programs | 50 | 100 |
| Approval of proctors for certification examinations | 20 | 50 |
| Approval of training programs | 150 | 250 |
| Validation of licensure or certification | 5 | 25 |

2. The Board may collect the fees and charges established pursuant to this section, and those fees or charges must not be refunded.

Sec. 23. NRS 632.472 is hereby amended to read as follows:

632.472 1. The following persons shall report in writing to the Executive Director of the Board any conduct of a licensee or holder of a certificate which constitutes a violation of the provisions of this chapter:

(a) Any physician, dentist, dental hygienist, chiropractor, optometrist, podiatric physician, medical examiner, resident, intern, professional or practical nurse, nursing assistant, *certified medication aide*, physician assistant, psychiatrist, psychologist, marriage and family therapist, alcohol or drug abuse counselor, driver of an ambulance, advanced emergency medical technician or other person providing medical services licensed or certified to practice in this State.

(b) Any personnel of a medical facility or facility for the dependent engaged in the admission, examination, care or treatment of persons or an administrator, manager or other person in charge of



1 a medical facility or facility for the dependent upon notification by a
2 member of the staff of the facility.

3 (c) A coroner.

4 (d) Any person who maintains or is employed by an agency to
5 provide personal care services in the home.

6 (e) Any person who maintains or is employed by an agency to
7 provide nursing in the home.

8 (f) Any employee of the Department of Health and Human
9 Services.

10 (g) Any employee of a law enforcement agency or a county's
11 office for protective services or an adult or juvenile probation
12 officer.

13 (h) Any person who maintains or is employed by a facility or
14 establishment that provides care for older persons.

15 (i) Any person who maintains, is employed by or serves as a
16 volunteer for an agency or service which advises persons regarding
17 the abuse, neglect or exploitation of an older person and refers them
18 to persons and agencies where their requests and needs can be met.

19 (j) Any social worker.

20 2. Every physician who, as a member of the staff of a medical
21 facility or facility for the dependent, has reason to believe that a
22 nursing assistant *or certified medication aide* has engaged in
23 conduct which constitutes grounds for the denial, suspension or
24 revocation of a certificate shall notify the superintendent, manager
25 or other person in charge of the facility. The superintendent,
26 manager or other person in charge shall make a report as required in
27 subsection 1.

28 3. A report may be filed by any other person.

29 4. Any person who in good faith reports any violation of the
30 provisions of this chapter to the Executive Director of the Board
31 pursuant to this section is immune from civil liability for reporting
32 the violation.

33 5. As used in this section, "agency to provide personal care
34 services in the home" has the meaning ascribed to it in
35 NRS 449.0021.

36 **Sec. 24.** NRS 632.476 is hereby amended to read as follows:

37 632.476 Each employer of a licensee, ~~or~~ nursing assistant *or*
38 *certified medication aide* shall prepare and maintain, for at least 5
39 years, a record of the work assignments of each licensee, ~~or~~
40 nursing assistant ~~or~~ *or certified medication aide*.

41 **Sec. 25.** NRS 632.490 is hereby amended to read as follows:

42 632.490 1. The Board shall cause the prosecution of all
43 persons violating the provisions of this chapter.

44 2. The Board, or any person designated by the Board, may
45 prefer a complaint for violation of NRS 632.285 or 632.315 *or*



1 *section 5 or 9 of this act* before any court of competent jurisdiction,
2 and it may take the necessary legal steps through the proper legal
3 officers of this State to enforce the provisions thereof.

4 **Sec. 26.** NRS 632.495 is hereby amended to read as follows:

5 632.495 1. In addition to any other penalty:

6 (a) The Board may issue a citation to a person who violates the
7 provisions of NRS 632.285 or 632.315 *or section 5 or 9 of this*
8 *act*. A citation issued pursuant to this paragraph must be in writing
9 and describe with particularity the nature of the violation. The
10 citation also must inform the person of the provisions of subsection
11 2. A separate citation must be issued for each violation. If
12 appropriate, the citation must contain an order of abatement of the
13 violation.

14 (b) The Board shall assess an administrative fine of:

15 (1) For the first violation, \$500.

16 (2) For the second violation, \$1,000.

17 (3) For the third or subsequent violation, \$1,500.

18 2. To appeal the finding of a violation of NRS 632.285 or
19 632.315 *or section 5 or 9 of this act*, the person must request a
20 hearing by written notice of appeal to the Board within 30 days after
21 the date of issuance of the citation.

22 **Sec. 27.** NRS 200.471 is hereby amended to read as follows:

23 200.471 1. As used in this section:

24 (a) "Assault" means intentionally placing another person in
25 reasonable apprehension of immediate bodily harm.

26 (b) "Officer" means:

27 (1) A person who possesses some or all of the powers of a
28 peace officer;

29 (2) A person employed in a full-time salaried occupation of
30 fire fighting for the benefit or safety of the public;

31 (3) A member of a volunteer fire department;

32 (4) A jailer, guard, matron or other correctional officer of a
33 city or county jail;

34 (5) A justice of the Supreme Court, district judge, justice of
35 the peace, municipal judge, magistrate, court commissioner, master
36 or referee, including a person acting pro tempore in a capacity listed
37 in this subparagraph; or

38 (6) An employee of the State or a political subdivision of the
39 State whose official duties require him to make home visits.

40 (c) "Provider of health care" means a physician, a physician
41 assistant, a practitioner of respiratory care, a homeopathic physician,
42 an advanced practitioner of homeopathy, a homeopathic assistant,
43 an osteopathic physician, an osteopathic physician's assistant, a
44 podiatric physician, a podiatry hygienist, a physical therapist,
45 a medical laboratory technician, an optometrist, a chiropractor, a



1 chiropractor's assistant, a doctor of Oriental medicine, a nurse, a
2 student nurse, a certified nursing assistant, a nursing assistant
3 trainee, *a certified medication aide*, a dentist, a dental hygienist, a
4 pharmacist, an intern pharmacist, an attendant on an ambulance or
5 air ambulance, a psychologist, a social worker, a marriage and
6 family therapist and an emergency medical technician.

7 (d) "School employee" means a licensed or unlicensed person
8 employed by a board of trustees of a school district pursuant to
9 NRS 391.100.

10 (e) "Sporting event" has the meaning ascribed to it in
11 NRS 41.630.

12 (f) "Sports official" has the meaning ascribed to it in
13 NRS 41.630.

14 (g) "Taxicab" has the meaning ascribed to it in NRS 706.8816.

15 (h) "Taxicab driver" means a person who operates a taxicab.

16 (i) "Transit operator" means a person who operates a bus or
17 other vehicle as part of a public mass transportation system.

18 2. A person convicted of an assault shall be punished:

19 (a) If paragraph (c) or (d) of this subsection does not apply to
20 the circumstances of the crime and the assault is not made with the
21 use of a deadly weapon, or the present ability to use a deadly
22 weapon, for a misdemeanor.

23 (b) If the assault is made with the use of a deadly weapon, or the
24 present ability to use a deadly weapon, for a category B felony by
25 imprisonment in the state prison for a minimum term of not less
26 than 1 year and a maximum term of not more than 6 years, or by a
27 fine of not more than \$5,000, or by both fine and imprisonment.

28 (c) If paragraph (d) of this subsection does not apply to the
29 circumstances of the crime and if the assault is committed upon an
30 officer, a provider of health care, a school employee, a taxicab
31 driver or a transit operator who is performing his duty or upon a
32 sports official based on the performance of his duties at a sporting
33 event, and the person charged knew or should have known that the
34 victim was an officer, a provider of health care, a school employee,
35 a taxicab driver, a transit operator or a sports official, for a gross
36 misdemeanor, unless the assault is made with the use of a deadly
37 weapon, or the present ability to use a deadly weapon, then for a
38 category B felony by imprisonment in the state prison for a
39 minimum term of not less than 1 year and a maximum term of not
40 more than 6 years, or by a fine of not more than \$5,000, or by both
41 fine and imprisonment.

42 (d) If the assault is committed upon an officer, a provider of
43 health care, a school employee, a taxicab driver or a transit operator
44 who is performing his duty or upon a sports official based on the
45 performance of his duties at a sporting event by a probationer, a



prisoner who is in lawful custody or confinement or a parolee, and the probationer, prisoner or parolee charged knew or should have known that the victim was an officer, a provider of health care, a school employee, a taxicab driver, a transit operator or a sports official, for a category D felony as provided in NRS 193.130, unless the assault is made with the use of a deadly weapon, or the present ability to use a deadly weapon, then for a category B felony by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, or by a fine of not more than \$5,000, or by both fine and imprisonment.

Sec. 28. Chapter 449 of NRS is hereby amended by adding thereto a new section to read as follows:

"Certified medication aide" has the meaning ascribed to it in section 3 of this act.

Sec. 29. NRS 449.205 is hereby amended to read as follows:

449.205 1. A medical facility or any agent or employee thereof shall not retaliate or discriminate unfairly against:

(a) An employee of the medical facility or a person acting on behalf of the employee who in good faith:

(1) Reports to the Board of Medical Examiners or the State Board of Osteopathic Medicine, as applicable, information relating to the conduct of a physician which may constitute grounds for initiating disciplinary action against the physician or which otherwise raises a reasonable question regarding the competence of the physician to practice medicine with reasonable skill and safety to patients;

(2) Reports a sentinel event to the Health Division pursuant to NRS 439.835; or

(3) Cooperates or otherwise participates in an investigation or proceeding conducted by the Board of Medical Examiners, the State Board of Osteopathic Medicine or another governmental entity relating to conduct described in subparagraph (1) or (2).

(b) A registered nurse, licensed practical nurse, ~~for~~ nursing assistant ***or certified medication aide*** who is employed by or contracts to provide nursing services for the medical facility and who, in accordance with the policy, if any, established by the medical facility:

(1) Reports to his immediate supervisor, in writing, that he does not possess the knowledge, skill or experience to comply with an assignment to provide nursing services to a patient; and

(2) Refuses to provide to a patient nursing services for which, as verified by documentation in the personnel file of the registered nurse, licensed practical nurse, ~~for~~ nursing assistant ***or certified medication aide*** concerning his competence to provide various nursing services, he does not possess the knowledge, skill or



1 experience to comply with the assignment to provide nursing
2 services to the patient, unless such refusal constitutes unprofessional
3 conduct as set forth in chapter 632 of NRS or any regulations
4 adopted pursuant thereto.

5 2. A medical facility or any agent or employee thereof shall not
6 retaliate or discriminate unfairly against an employee of the medical
7 facility or a registered nurse, licensed practical nurse , ~~for~~
8 assistant *or certified medication aide* who is employed by or
9 contracts to provide nursing services for the medical facility because
10 the employee, registered nurse, licensed practical nurse , ~~for~~
11 nursing assistant *or certified medication aide* has taken an action
12 described in subsection 1.

13 3. A medical facility or any agent or employee thereof shall not
14 prohibit, restrict or attempt to prohibit or restrict by contract, policy,
15 procedure or any other manner the right of an employee of the
16 medical facility or a registered nurse, licensed practical nurse , ~~for~~
17 nursing assistant *or certified medication aide* who is employed by
18 or contracts to provide nursing services for the medical facility to
19 take an action described in subsection 1.

20 4. As used in this section:

21 (a) "Physician" means a person licensed to practice medicine
22 pursuant to chapter 630 or 633 of NRS.

23 (b) "Retaliate or discriminate":

24 (1) Includes, without limitation, the following action if such
25 action is taken solely because the employee or the registered nurse,
26 licensed practical nurse , ~~for~~ nursing assistant *or certified*
27 *medication aide* took an action described in subsection 1:

28 (I) Frequent or undesirable changes in the location where
29 the employee works;

30 (II) Frequent or undesirable transfers or reassignments;

31 (III) The issuance of letters of reprimand, letters of
32 admonition or evaluations of poor performance;

33 (IV) A demotion;

34 (V) A reduction in pay;

35 (VI) The denial of a promotion;

36 (VII) A suspension;

37 (VIII) A dismissal;

38 (IX) A transfer; or

39 (X) Frequent changes in working hours or workdays.

40 (2) Does not include action described in sub-subparagraphs
41 (I) to (X), inclusive, of subparagraph (1) if the action is taken in the
42 normal course of employment or as a form of discipline.

43 **Sec. 30.** NRS 449.207 is hereby amended to read as follows:

44 449.207 An employee of a medical facility or a registered
45 nurse, licensed practical nurse , ~~for~~ nursing assistant *or certified*



1 *medication aide* who is employed by or contracts to provide nursing
2 services for the medical facility who believes that he has been
3 retaliated or discriminated against in violation of NRS 449.205 may
4 file an action in a court of competent jurisdiction for such relief as
5 may be appropriate under the law.

6 **Sec. 31.** NRS 449.247 is hereby amended to read as follows:

7 449.247 1. The Health Division may review the personnel
8 files of a medical facility or facility for the dependent to determine
9 that each nursing assistant *or certified medication aide* employed by
10 the facility has a current certificate.


11 2. The Health Division shall review the qualifications of
12 instructors of nursing assistants *or certified medication aides* for
13 each program of which the Division is notified pursuant to
14 NRS 632.286.

15 3. The Health Division may conduct the review of training
16 programs for nursing assistants *or certified medication aides* in
17 facilities for long-term care.

18 4. The Health Division and any other state agency which
19 regulates medical facilities and facilities for the dependent shall
20 provide to the State Board of Nursing any information it discovers
21 concerning:

22 (a) Programs and instructors for training nursing assistants *or*
23 *certified medication aides* which do not comply with the
24 requirements established by the State Board of Nursing.

25 (b) The failure of a nursing assistant *or certified medication*
26 *aide* to perform consistently at a safe level.

27 (c) The results of any investigation of a facility if the
28 investigation concerns a nursing assistant *or certified medication*
29 *aide* or *an* instructor or training program for nursing assistants  *or*
30 *certified medication aides*.

31 5. The State Board of Nursing shall investigate any report
32 submitted pursuant to subsection 4 and may revoke approval of a
33 program or instructor if the allegations of the report are true.

34 **Sec. 32.** NRS 454.213 is hereby amended to read as follows:

35 454.213 A drug or medicine referred to in NRS 454.181 to
36 454.371, inclusive, may be possessed and administered by:

37 1. A practitioner.

38 2. A physician assistant at the direction of his supervising
39 physician or a licensed dental hygienist acting in the office of and
40 under the supervision of a dentist.

41 3. Except as otherwise provided in subsection 4, a registered
42 nurse licensed to practice professional nursing or licensed practical
43 nurse, at the direction of a prescribing physician, physician assistant,
44 dentist, podiatric physician or advanced practitioner of nursing, or



1 pursuant to a chart order, for administration to a patient at another
2 location.

3 4. In accordance with applicable regulations of the Board, a
4 registered nurse licensed to practice professional nursing or licensed
5 practical nurse who is:

6 (a) Employed by a health care agency or health care facility that
7 is authorized to provide emergency care, or to respond to the
8 immediate needs of a patient, in the residence of the patient; and

9 (b) Acting under the direction of the medical director of that
10 agency or facility who works in this State.

11 5. *A certified medication aide at a designated facility under
12 the supervision of an advanced practitioner of nursing or a
13 registered nurse and in accordance with standard written
14 protocols developed by the State Board of Nursing. As used in this
15 subsection, "designated facility" has the meaning ascribed to it in
16 section 4 of this act.*

17 6. An intermediate emergency medical technician or an
18 advanced emergency medical technician, as authorized by
19 regulation of the State Board of Pharmacy and in accordance with
20 any applicable regulations of:

21 (a) The State Board of Health in a county whose population is
22 less than 100,000;

23 (b) A county board of health in a county whose population is
24 100,000 or more; or

25 (c) A district board of health created pursuant to NRS 439.362
26 or 439.370 in any county.

27 ~~[6-]~~ 7. A respiratory therapist employed in a health care
28 facility. The therapist may possess and administer respiratory
29 products only at the direction of a physician.

30 ~~[7-]~~ 8. A dialysis technician, under the direction or supervision
31 of a physician or registered nurse only if the drug or medicine is
32 used for the process of renal dialysis.

33 ~~[8-]~~ 9. A medical student or student nurse in the course of his
34 studies at an approved college of medicine or school of professional
35 or practical nursing, at the direction of a physician and:

36 (a) In the presence of a physician or a registered nurse; or

37 (b) Under the supervision of a physician or a registered nurse if
38 the student is authorized by the college or school to administer the
39 drug or medicine outside the presence of a physician or nurse.

40 ➔ A medical student or student nurse may administer a dangerous
41 drug in the presence or under the supervision of a registered nurse
42 alone only if the circumstances are such that the registered nurse
43 would be authorized to administer it personally.

44 ~~[9-]~~ 10. Any person designated by the head of a correctional
45 institution.



~~110.1~~ 11. An ultimate user or any person designated by the ultimate user pursuant to a written agreement.

~~111.1~~ 12. A nuclear medicine technologist, at the direction of a physician and in accordance with any conditions established by regulation of the Board.

~~112.1~~ 13. A radiologic technologist, at the direction of a physician and in accordance with any conditions established by regulation of the Board.

~~113.1~~ 14. A chiropractic physician, but only if the drug or medicine is a topical drug used for cooling and stretching external tissue during therapeutic treatments.

~~114.1~~ 15. A physical therapist, but only if the drug or medicine is a topical drug which is:

(a) Used for cooling and stretching external tissue during therapeutic treatments; and

(b) Prescribed by a licensed physician for:

(1) Iontophoresis; or

(2) The transmission of drugs through the skin using ultrasound.

~~115.1~~ 16. In accordance with applicable regulations of the State Board of Health, an employee of a residential facility for groups, as defined in NRS 449.017, pursuant to a written agreement entered into by the ultimate user.

~~116.1~~ 17. A veterinary technician at the direction of his supervising veterinarian.

~~117.1~~ 18. In accordance with applicable regulations of the Board, a registered pharmacist who:

(a) Is trained in and certified to carry out standards and practices for immunization programs;

(b) Is authorized to administer immunizations pursuant to written protocols from a physician; and

(c) Administers immunizations in compliance with the "Standards of Immunization Practices" recommended and approved by the United States Public Health Service Advisory Committee on Immunization Practices.

~~118.1~~ 19. A person who is enrolled in a training program to become a physician assistant, dental hygienist, intermediate emergency medical technician, advanced emergency medical technician, respiratory therapist, dialysis technician, nuclear medicine technologist, radiologic technologist, physical therapist or veterinary technician if the person possesses and administers the drug or medicine in the same manner and under the same conditions that apply, respectively, to a physician assistant, dental hygienist, intermediate emergency medical technician, advanced emergency medical technician, respiratory therapist, dialysis technician, nuclear



- 1 medicine technologist, radiologic technologist, physical therapist or
- 2 veterinary technician who may possess and administer the drug
- 3 or medicine, and under the direct supervision of a person licensed or
- 4 registered to perform the respective medical art or a supervisor of
- 5 such a person.

