
SENATE BILL NO. 21—COMMITTEE ON COMMERCE AND LABOR
(ON BEHALF OF THE STATE BOARD OF OSTEOPATHIC MEDICINE)

PREFILED JANUARY 26, 2007

Referred to Committee on Commerce and Labor

SUMMARY—Revises provisions relating to osteopathic medicine.
(BDR 54-577)

FISCAL NOTE: Effect on Local Government: No.
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 osteopathic medicine; providing new requirements for osteopathic physician's assistants; requiring the State Board of Osteopathic Medicine to adopt new regulations governing osteopathic physician's assistants; clarifying which current requirements for osteopathic physicians continue to apply only to osteopathic physicians and which now apply to both osteopathic physicians and osteopathic physician's assistants; allowing the Executive Director of the Board to be assigned additional duties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 Existing law describes requirements related to the licensing and practice of
2 osteopathic physician's assistants, including training programs and standards,
3 applications, certification, and the scope of authorized activities. (NRS 633.431-
4 633.461) **Section 36** of this bill repeals those requirements, and **sections 1-6** of this
5 bill create new requirements. These new requirements mirror the requirements for
6 physician assistants (NRS 630.271-630.275) in chapter 630 of NRS ("Physicians,
7 Physician Assistants and Practitioners of Respiratory Care") and require the State
8 Board of Osteopathic Medicine to adopt regulations governing osteopathic
9 physician's assistants, just as the Board of Medical Examiners does for physician
10 assistants. **Section 17** of this bill modifies an existing requirement related to when a
11 physician, as opposed to an osteopathic physician, may supervise an osteopathic
12 physician's assistant. (NRS 633.466)



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Sections 7, 10, 12-16, 18-20, 22, 27 and 28 of this bill clarify that certain requirements which in the past applied only to osteopathic physicians will continue to apply only to osteopathic physicians.

Sections 8, 9, 11, 21 and 29 of this bill state that certain requirements which previously applied only to osteopathic physicians now apply to both osteopathic physicians and osteopathic physician's assistants. These requirements relate to recordkeeping, filing applications, fingerprints, fees and unlawful acts. (NRS 633.301, 633.321, 633.328, 633.501, 633.741)

Existing law describes certain duties that the State Board of Osteopathic Medicine or a member of the Board may have regarding reports, complaints, investigations and preliminary proceedings. (NRS 633.528, 633.541, 633.561, 633.701) Sections 23-26 of this bill allow the Executive Director of the Board to also perform those duties.

Sections 30-35 of this bill make changes in terminology throughout NRS which were necessitated by the substantive changes made in this bill.

Section 37 of this bill provides for a previously granted certificate for an osteopathic physician's assistant to become a new license for an osteopathic physician's assistant under the new licensing system.

Section 38 of this bill allows for regulations and other administrative actions to be taken upon passage and approval of this bill. The effective date for all other purposes of this bill is January 1, 2008.

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

Section 1. Chapter 633 of NRS is hereby amended by adding thereto the provisions set forth as sections 2, 3 and 4 of this act.

Sec. 2. 1. *An osteopathic physician's assistant may perform such medical services as he is authorized to perform by his supervising osteopathic physician.*

2. *The Board and supervising osteopathic physician shall limit the authority of an osteopathic physician's assistant to prescribe controlled substances to those schedules of controlled substances that the supervising osteopathic physician is authorized to prescribe pursuant to state and federal law.*

Sec. 3. *The Board may issue a license to an applicant who is qualified under the regulations of the Board to perform medical services under the supervision of a supervising osteopathic physician. The application for a license as an osteopathic physician's assistant must include all information required to complete the application.*

Sec. 4. *The Board shall adopt regulations regarding the licensure of an osteopathic physician's assistant, including, but not limited to:*

- 1.** *The educational and other qualifications of applicants.*
- 2.** *The required academic program for applicants.*
- 3.** *The procedures for applications for and the issuance of licenses.*



1 **4. The tests or examinations of applicants by the Board.**

2 **5. The medical services which an osteopathic physician's**
3 **assistant may perform, except that he may not perform those**
4 **specific functions and duties delegated or restricted by law to**
5 **persons licensed as dentists, chiropractors, podiatric physicians,**
6 **optometrists and hearing aid specialists under chapters 631, 634,**
7 **635, 636 and 637A, respectively, of NRS.**

8 **6. The duration, renewal and termination of licenses.**

9 **7. The grounds and procedures respecting disciplinary**
10 **actions against osteopathic physician's assistants.**

11 **8. The supervision of medical services of an osteopathic**
12 **physician's assistant by a supervising osteopathic physician.**

13 **Sec. 5.** NRS 633.031 is hereby amended to read as follows:

14 633.031 ~~["Employing"]~~ **"Supervising** osteopathic physician"
15 means an osteopathic physician **who is** licensed in this State ~~{who~~
16 ~~employs}~~ **, is in good standing with the Board** and supervises an
17 osteopathic physician's assistant with Board approval.

18 **Sec. 6.** NRS 633.101 is hereby amended to read as follows:

19 633.101 "Osteopathic physician's assistant" means a person
20 who is **a graduate of an academic program** approved by the Board
21 **or who, by general education, practical training and experience**
22 **determined to be satisfactory by the Board, is qualified** to perform
23 medical services under the supervision of ~~{an—employing}~~ **a**
24 **supervising** osteopathic physician ~~{ }~~ **and who has been issued a**
25 **license by the Board.**

26 **Sec. 7.** NRS 633.131 is hereby amended to read as follows:

27 633.131 1. "Unprofessional conduct" includes:

28 (a) Willfully making a false or fraudulent statement or
29 submitting a forged or false document in applying for a license to
30 practice osteopathic medicine or in applying for renewal of a license
31 to practice osteopathic medicine.

32 (b) Failure of a licensee **of the practice of osteopathic medicine**
33 to designate his school of practice in the professional use of his
34 name by the term D.O., osteopathic physician, doctor of osteopathy
35 or a similar term.

36 (c) Directly or indirectly giving to or receiving from any person,
37 corporation or other business organization any fee, commission,
38 rebate or other form of compensation for sending, referring or
39 otherwise inducing a person to communicate with an osteopathic
40 physician in his professional capacity or for any professional
41 services not actually and personally rendered, except as otherwise
42 provided in subsection 2.

43 (d) Employing, directly or indirectly, any suspended or
44 unlicensed person in the practice of osteopathic medicine, or the



1 aiding or abetting of any unlicensed person to practice osteopathic
2 medicine.

3 (e) Advertising the practice of osteopathic medicine in a manner
4 which does not conform to the guidelines established by regulations
5 of the Board.

6 (f) Engaging in any:

7 (1) Professional conduct which is intended to deceive or
8 which the Board by regulation has determined is unethical; or

9 (2) Medical practice harmful to the public or any conduct
10 detrimental to the public health, safety or morals which does not
11 constitute gross or repeated malpractice or professional
12 incompetence.

13 (g) Administering, dispensing or prescribing any controlled
14 substance or any dangerous drug as defined in chapter 454 of NRS,
15 otherwise than in the course of legitimate professional practice or as
16 authorized by law.

17 (h) Habitual drunkenness or habitual addiction to the use of a
18 controlled substance.

19 (i) Performing, assisting in or advising an unlawful abortion or
20 the injection of any liquid silicone substance into the human body.

21 (j) Willful disclosure of a communication privileged pursuant to
22 a statute or court order.

23 (k) Willful disobedience of the regulations of the State Board of
24 Health, the State Board of Pharmacy or the State Board of
25 Osteopathic Medicine.

26 (l) Violating or attempting to violate, directly or indirectly, or
27 assisting in or abetting the violation of or conspiring to violate any
28 prohibition made in this chapter.

29 (m) Failure of a licensee *of the practice of osteopathic medicine*
30 to maintain timely, legible, accurate and complete medical records
31 relating to the diagnosis, treatment and care of a patient.

32 (n) Making alterations to the medical records of a patient that
33 the licensee *of the practice of osteopathic medicine* knows to be
34 false.

35 (o) Making or filing a report which the licensee *of the practice*
36 *of osteopathic medicine* knows to be false.

37 (p) Failure of a licensee *of the practice of osteopathic medicine*
38 to file a record or report as required by law, or willfully obstructing
39 or inducing any person to obstruct such filing.

40 (q) Failure of a licensee *of the practice of osteopathic medicine*
41 to make medical records of a patient available for inspection and
42 copying as provided by NRS 629.061.

43 2. It is not unprofessional conduct:

44 (a) For persons holding valid licenses *to practice osteopathic*
45 *medicine* issued pursuant to this chapter to practice osteopathic



1 medicine in partnership under a partnership agreement or in a
2 corporation or an association authorized by law, or to pool, share,
3 divide or apportion the fees and money received by them or by the
4 partnership, corporation or association in accordance with
5 the partnership agreement or the policies of the board of directors of
6 the corporation or association;

7 (b) For two or more persons holding valid licenses *to practice*
8 *osteopathic medicine* issued pursuant to this chapter to receive
9 adequate compensation for concurrently rendering professional care
10 to a patient and dividing a fee if the patient has full knowledge of
11 this division and if the division is made in proportion to the services
12 performed and the responsibility assumed by each; or

13 (c) For a person licensed *to practice osteopathic medicine*
14 pursuant to the provisions of this chapter to form an association or
15 other business relationship with an optometrist pursuant to the
16 provisions of NRS 636.373.

17 **Sec. 8.** NRS 633.301 is hereby amended to read as follows:

18 633.301 1. The Board shall keep a record of its proceedings
19 relating to licensing and disciplinary actions. Except as otherwise
20 provided in this section, the record must be open to public
21 inspection at all reasonable times and contain the name, known
22 place of business and residence, and the date and number of the
23 license of every osteopathic physician *and osteopathic physician's*
24 *assistant* licensed under this chapter.

25 2. Except as otherwise provided in this section, a complaint
26 filed with the Board, all documents and other information filed with
27 the complaint and all documents and other information compiled as
28 a result of an investigation conducted to determine whether to
29 initiate disciplinary action against a person are confidential, unless
30 the person submits a written statement to the Board requesting that
31 such documents and information be made public records.

32 3. The charging documents filed with the Board to initiate
33 disciplinary action pursuant to chapter 622A of NRS and all other
34 documents and information considered by the Board when
35 determining whether to impose discipline are public records.

36 4. The provisions of this section do not prohibit the Board from
37 communicating or cooperating with or providing any documents or
38 other information to any other licensing board or any other agency
39 that is investigating a person, including, without limitation, a law
40 enforcement agency.

41 **Sec. 9.** NRS 633.321 is hereby amended to read as follows:

42 633.321 1. Every applicant for a license shall:

43 (a) File an application with the Board in the manner prescribed
44 by regulations of the Board;



(b) Submit verified proof satisfactory to the Board that he meets ~~the~~ *any* age, citizenship and educational requirements prescribed by this chapter; and

(c) Pay in advance to the Board the application and initial license fee specified in this chapter.

2. An application filed with the Board pursuant to subsection 1 must include all information required to complete the application.

3. The Board may hold hearings and conduct investigations into any matter related to the application and, in addition to the proofs required by subsection 1, may take such further evidence and require such other documents or proof of qualifications as it deems proper.

4. The Board may reject an application if it appears that any credential submitted is false.

Sec. 10. NRS 633.322 is hereby amended to read as follows:

633.322 In addition to the other requirements for licensure ~~to~~ *to practice osteopathic medicine*, an applicant shall cause to be submitted to the Board a certificate of completion of progressive postgraduate training from the residency program where the applicant received training.

Sec. 11. NRS 633.328 is hereby amended to read as follows:

633.328 In addition to any other requirements set forth in this chapter, each applicant for a license , ~~to practice osteopathic medicine,~~ except a temporary or special license, ~~for each osteopathic physician's assistant for whom an application to employ an osteopathic physician's assistant is submitted to the Board~~ must submit to the Board a complete set of his fingerprints and written permission authorizing the Board to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report.

Sec. 12. NRS 633.371 is hereby amended to read as follows:

633.371 Every license *to practice osteopathic medicine* must be displayed in the office or place of business or employment of its holder.

Sec. 13. NRS 633.391 is hereby amended to read as follows:

633.391 1. The Board may issue a temporary license *to practice osteopathic medicine in order* to authorize a person who is qualified to practice osteopathic medicine in this State to serve as a substitute for an osteopathic physician who is absent from his practice.

2. Each applicant for such a license shall pay the temporary license fee specified in this chapter.

3. A temporary license *to practice osteopathic medicine* is valid for not more than 6 months after issuance and is not renewable.



1 **Sec. 14.** NRS 633.401 is hereby amended to read as follows:
2 633.401 1. Except as otherwise provided in NRS 633.315,
3 the Board may issue a special license ~~to~~ *to practice osteopathic*
4 *medicine:*

5 (a) To authorize a person who is licensed to practice osteopathic
6 medicine in an adjoining state to come into Nevada to care for or
7 assist in the treatment of his patients in association with an
8 osteopathic physician in this State who has primary care of the
9 patients.

10 (b) To a resident while he is enrolled in a postgraduate training
11 program required pursuant to the provisions of paragraph (c) of
12 subsection 4 of NRS 633.311.

13 (c) For a specified period and for specified purposes to a person
14 who is licensed to practice osteopathic medicine in another
15 jurisdiction.

16 2. A special license issued under this section may be renewed
17 by the Board upon application of the licensee.

18 3. Every person who applies for or renews a special license
19 under this section shall pay respectively the special license fee or
20 special license renewal fee specified in this chapter.

21 **Sec. 15.** NRS 633.411 is hereby amended to read as follows:

22 633.411 1. Except as otherwise provided in NRS 633.315,
23 the Board may issue a special license *to practice osteopathic*
24 *medicine* to a person qualified under this section to authorize him to
25 serve:

26 (a) As a resident medical officer in any hospital in Nevada. A
27 person issued such a license shall practice osteopathic medicine only
28 within the confines of the hospital specified in the license and under
29 the supervision of the regular medical staff of that hospital.

30 (b) As a professional employee of the State of Nevada or of the
31 United States. A person issued such a license shall practice
32 osteopathic medicine only within the scope of his employment and
33 under the supervision of the appropriate state or federal medical
34 agency.

35 2. An applicant for a special license under this section must:

36 (a) Be a graduate of a school of osteopathic medicine and have
37 completed a hospital internship.

38 (b) Pay the special license fee specified in this chapter.

39 3. The Board shall not issue a license under subsection 1 unless
40 it has received a letter from a hospital in Nevada or from the
41 appropriate state or federal medical agency requesting issuance of
42 the special license to the applicant.

43 4. A special license issued under this section:



(a) Must be issued at a meeting of the Board or between its meetings by its President and Secretary subject to approval at the next meeting of the Board.

(b) Is valid for a period not exceeding 1 year, as determined by the Board.

(c) May be renewed by the Board upon application and payment by the licensee of the special license renewal fee specified in this chapter.

(d) Does not entitle the licensee to engage in the private practice of osteopathic medicine.

5. The issuance of a special license under this section does not obligate the Board to grant any regular license to practice osteopathic medicine.

Sec. 16. NRS 633.421 is hereby amended to read as follows:

633.421 Each license *to practice osteopathic medicine* issued by the Board:

1. Shall bear a seal adopted by the Board and the signatures of its President and Secretary; and

2. Authorizes the holder to practice osteopathic medicine so long as it is kept in force by appropriate renewal and is not revoked or suspended.

Sec. 17. NRS 633.466 is hereby amended to read as follows:

633.466 1. An osteopathic physician's assistant may ~~[-, under his certificate,]~~ be supervised by a physician licensed to practice medicine in this State in place of his ~~[employing]~~ *supervising* osteopathic physician if:

(a) The osteopathic physician's assistant works in a geographical area where he can be conveniently supervised only by a physician;

(b) The ~~[osteopathic physician's assistant remains in the employ of his employing osteopathic physician;~~

~~—(c) The employing]~~ *supervising* osteopathic physician and the physician agree to the arrangement; and

~~[(d)]~~ (c) The *State* Board of Osteopathic Medicine and the Board of Medical Examiners approve it.

2. For the purposes of chapter 630 of NRS, an osteopathic physician's assistant so supervised is not a physician's assistant solely because of that supervision and continues to practice osteopathic medicine.

3. The *State* Board *of Osteopathic Medicine* shall adopt jointly with the Board of Medical Examiners regulations necessary to administer the provisions of this section.

Sec. 18. NRS 633.471 is hereby amended to read as follows:

633.471 1. Except as otherwise provided in subsection 4 and ~~[in]~~ NRS 633.491, every holder of a license *to practice osteopathic*



1 *medicine* issued under this chapter, except a temporary or a special
2 license, may renew his license on or before January 1 of each
3 calendar year after its issuance by:

4 (a) Applying for renewal on forms provided by the Board;

5 (b) Paying the annual license renewal fee specified in this
6 chapter;

7 (c) Submitting a list of all actions filed or claims submitted to
8 arbitration or mediation for malpractice or negligence against him
9 during the previous year;

10 (d) Submitting an affidavit to the Board that in the year
11 preceding the application for renewal he has attended courses or
12 programs of continuing education approved by the Board totaling a
13 number of hours established by the Board which must not be less
14 than 35 hours nor more than that set in the requirements for
15 continuing medical education of the American Osteopathic
16 Association; and

17 (e) Submitting all information required to complete the renewal.

18 2. The Secretary of the Board shall notify each licensee *of the*
19 *practice of osteopathic medicine* of the requirements for renewal
20 not less than 30 days before the date of renewal.

21 3. The Board shall request submission of verified evidence of
22 completion of the required number of hours of continuing medical
23 education annually from no fewer than one-third of the applicants
24 for renewal of a license ~~to~~ *to practice osteopathic medicine*. Upon a
25 request from the Board, an applicant for renewal of a license *to*
26 *practice osteopathic medicine* shall submit verified evidence
27 satisfactory to the Board that in the year preceding the application
28 for renewal he attended courses or programs of continuing medical
29 education approved by the Board totaling the number of hours
30 established by the Board.

31 4. Members of the Armed Forces of the United States and the
32 United States Public Health Service are exempt from payment of the
33 annual license renewal fee during their active duty status.

34 **Sec. 19.** NRS 633.481 is hereby amended to read as follows:

35 633.481 1. Except as otherwise provided in subsection 2, if a
36 licensee *of the practice of osteopathic medicine* fails to comply
37 with the requirements of NRS 633.471 within 30 days after the
38 renewal date, the Board shall give 30 days' notice of failure to
39 renew and of revocation of *the* license by certified mail to the
40 licensee at his last address registered with the Board. If the license is
41 not renewed before the expiration of the 30 days' notice, the license
42 is automatically revoked without any further notice or a hearing and
43 the Board shall file a copy of the notice with the Drug Enforcement
44 Administration of the United States Department of Justice or its
45 successor agency.



2. A licensee *of the practice of osteopathic medicine* who fails to meet the continuing education requirements for license renewal may apply to the Board for a waiver of the requirements. The Board may grant a waiver for that year only if it finds that the failure is due to the licensee's disability, military service or absence from the United States, or to circumstances beyond the control of the licensee which are deemed by the Board to excuse the failure.

3. A person whose license is revoked under this section may apply to the Board for restoration of his license upon:

(a) Payment of all past due renewal fees and the late payment fee specified in this chapter;

(b) Producing verified evidence satisfactory to the Board of completion of the total number of hours of continuing education required for the year preceding the renewal date and for each year succeeding the date of revocation;

(c) Stating under oath in writing that he has not withheld information from the Board which if disclosed would furnish grounds for disciplinary action under this chapter; and

(d) Submitting all information required to complete the restoration of his license.

Sec. 20. NRS 633.491 is hereby amended to read as follows:

633.491 1. A licensee *of the practice of osteopathic medicine* who retires from ~~[the practice of osteopathic medicine]~~ *such practice* need not annually renew his license after he files with the Board an affidavit stating the date on which he retired from practice and such other facts to verify his retirement as the Board deems necessary.

2. A retired licensee *of the practice of osteopathic medicine* who desires to return to practice may apply to renew his license by paying all back annual license renewal fees from the date of retirement and submitting verified evidence satisfactory to the Board that he has attended continuing education courses or programs approved by the Board which total:

(a) Twenty-five hours if he has been retired 1 year or less.

(b) Fifty hours within 12 months of the date of the application if he has been retired for more than 1 year.

3. A licensee *of the practice of osteopathic medicine* who wishes to have his license placed on inactive status must provide the Board with an affidavit stating the date on which he will cease the practice of osteopathic medicine in Nevada and any other facts that the Board may require. The Board shall place the license of the licensee on inactive status upon receipt of:

(a) The affidavit required pursuant to this subsection; and

(b) Payment of the inactive license fee prescribed by NRS 633.501.



4. A licensee *of the practice of osteopathic medicine* whose license has been placed on inactive status:

(a) Need not annually renew his license.

(b) Shall annually pay the inactive license fee prescribed by NRS 633.501.

(c) Shall not engage in the practice of osteopathic medicine in this State.

5. A licensee *of the practice of osteopathic medicine* whose license is on inactive status and who wishes to renew his license to practice osteopathic medicine must:

(a) Provide to the Board verified evidence satisfactory to the Board of completion of the total number of hours of continuing medical education required for:

(1) The year preceding the date of the application for renewal of the license to practice osteopathic medicine; and

(2) Each year succeeding the date the license was placed on inactive status.

(b) Provide to the Board an affidavit stating that the applicant has not withheld from the Board any information which would provide grounds for disciplinary action pursuant to this chapter.

(c) Comply with all other requirements for renewal.

Sec. 21. NRS 633.501 is hereby amended to read as follows:

633.501 The Board shall charge and collect fees not to exceed the following amounts:

1. Application and initial license fee *for an osteopathic physician*\$800

2. Annual license renewal fee *for an osteopathic physician*500

3. Temporary license fee500

4. Special license fee200

5. Special license renewal fee.....200

6. Reexamination fee.....200

7. Late payment fee300

8. ~~For a certificate as~~ *Application and initial license fee for* an osteopathic physician's assistant ~~[500]~~ 400

9. ~~Renewal of a certificate as~~ *Annual license renewal fee for* an osteopathic physician's assistant..... ~~[300]~~ 400

10. ~~For an application to employ an osteopathic physician's assistant~~500

~~11.]~~ Inactive license fee200

Sec. 22. NRS 633.524 is hereby amended to read as follows:

633.524 1. The Board shall require each holder of a license *to practice osteopathic medicine* issued pursuant to this chapter to submit annually to the Board, on a form provided by the Board, and in the format required by the Board by regulation, a report:



(a) Stating the number and type of surgeries requiring conscious sedation, deep sedation or general anesthesia performed by the holder of the license at his office or any other facility, excluding any surgical care performed:

(1) At a medical facility as that term is defined in NRS 449.0151; or

(2) Outside of this State; and

(b) Reporting the occurrence of any sentinel event arising from any such surgery.

2. Failure to submit a report or knowingly filing false information in a report constitutes grounds for initiating disciplinary action.

3. The Board shall:

(a) Collect and maintain reports received pursuant to subsection 1; and

(b) Ensure that the reports, and any additional documents created from the reports, are protected adequately from fire, theft, loss, destruction and other hazards, and from unauthorized access.

4. A report received pursuant to subsection 1 is confidential, not subject to subpoena or discovery, and not subject to inspection by the general public.

5. The provisions of this section do not apply to surgical care requiring only the administration of oral medication to a patient to relieve the patient's anxiety or pain, if the medication is not given in a dosage that is sufficient to induce in a patient a controlled state of depressed consciousness or unconsciousness similar to general anesthesia, deep sedation or conscious sedation.

6. As used in this section:

(a) "Conscious sedation" means a minimally depressed level of consciousness, produced by a pharmacologic or nonpharmacologic method, or a combination thereof, in which the patient retains the ability independently and continuously to maintain an airway and to respond appropriately to physical stimulation and verbal commands.

(b) "Deep sedation" means a controlled state of depressed consciousness, produced by a pharmacologic or nonpharmacologic method, or a combination thereof, and accompanied by a partial loss of protective reflexes and the inability to respond purposefully to verbal commands.

(c) "General anesthesia" means a controlled state of unconsciousness, produced by a pharmacologic or nonpharmacologic method, or a combination thereof, and accompanied by partial or complete loss of protective reflexes and the inability independently to maintain an airway and respond purposefully to physical stimulation or verbal commands.



(d) "Sentinel event" means an unexpected occurrence involving death or serious physical or psychological injury or the risk thereof, including, without limitation, any process variation for which a recurrence would carry a significant chance of serious adverse outcome. The term includes loss of limb or function.

Sec. 23. NRS 633.528 is hereby amended to read as follows:

633.528 If the Board receives a report pursuant to the provisions of NRS 633.526, 633.527, 690B.250 or 690B.260 indicating that a judgment has been rendered or an award has been made against an osteopathic physician regarding an action or claim for malpractice or that such an action or claim against the osteopathic physician has been resolved by settlement, the Board *or the Executive Director of the Board* shall conduct an investigation to determine whether to impose disciplinary action against the osteopathic physician regarding the action or claim, unless the Board has already commenced or completed such an investigation regarding the action or claim before it receives the report.

Sec. 24. NRS 633.541 is hereby amended to read as follows:

633.541 1. When a complaint is filed with the Board, the Board shall designate a member of the Board *or the Executive Director of the Board* to review the complaint.

2. If the member of the Board *or the Executive Director of the Board* determines that the complaint is not frivolous, he shall conduct an investigation of the complaint to determine whether there is a reasonable basis for the complaint. In performing the investigation, the member of the Board *or the Executive Director of the Board* may request the assistance of the Attorney General or contract with a private investigator designated by the Executive Director of the Board who is licensed pursuant to chapter 648 of NRS or any other person designated by the Executive Director of the Board.

3. If, after conducting the investigation pursuant to subsection 2, the member of the Board *or the Executive Director of the Board* determines that there is a reasonable basis for the complaint and that a violation of a provision of this chapter has occurred, the member of the Board *or the Executive Director of the Board* may file a formal complaint with the Board specifying the grounds for disciplinary action.

Sec. 25. NRS 633.561 is hereby amended to read as follows:

633.561 1. Notwithstanding the provisions of chapter 622A of NRS, if the Board , or a member of the Board *or the Executive Director of the Board* designated to review a complaint pursuant to NRS 633.541 , has reason to believe that the conduct of an osteopathic physician has raised a reasonable question as to his competence to practice osteopathic medicine with reasonable skill



1 and safety to patients, the Board , or the member *of the Board or*
2 *the Executive Director of the Board* designated by the Board , may
3 require the osteopathic physician to submit to a mental or physical
4 examination by physicians designated by the Board.

5 2. For the purposes of this section:

6 (a) Every physician who is licensed under this chapter who
7 accepts the privilege of practicing osteopathic medicine in this State
8 shall be deemed to have given his consent to submit to a mental or
9 physical examination if directed to do so in writing by the Board.

10 (b) The testimony or examination reports of the examining
11 physicians are not privileged communications.

12 3. Except in extraordinary circumstances, as determined by the
13 Board, the failure of a physician who is licensed under this chapter
14 to submit to an examination if directed as provided in this section
15 constitutes an admission of the charges against him.

16 **Sec. 26.** NRS 633.701 is hereby amended to read as follows:

17 633.701 The filing and review of a complaint and any
18 subsequent disposition by the Board, *or the member of the Board or*
19 *the Executive Director of the Board* designated by the Board to
20 review a complaint pursuant to NRS 633.541 , or any reviewing
21 court do not preclude:

22 1. Any measure by a hospital or other institution to limit or
23 terminate the privileges of an osteopathic physician according to its
24 rules or the custom of the profession. No civil liability attaches to
25 any such action taken without malice even if the ultimate disposition
26 of the complaint is in favor of the physician.

27 2. Any appropriate criminal prosecution by the Attorney
28 General or a district attorney based upon the same or other facts.

29 **Sec. 27.** NRS 633.711 is hereby amended to read as follows:

30 633.711 1. The Board through its President or Secretary or
31 the Attorney General may maintain in any court of competent
32 jurisdiction a suit for an injunction against any person practicing
33 osteopathic medicine without a license *to practice osteopathic*
34 *medicine* valid under this chapter.

35 2. Such an injunction:

36 (a) May be issued without proof of actual damage sustained by
37 any person, this provision being a preventive as well as a punitive
38 measure.

39 (b) Shall not relieve such person from criminal prosecution for
40 practicing without *such* a license.

41 **Sec. 28.** NRS 633.721 is hereby amended to read as follows:

42 633.721 In a criminal complaint charging any person with
43 practicing osteopathic medicine without a license *to practice*
44 *osteopathic medicine*, it is sufficient to charge that he did, upon a
45 certain day, and in a certain county of this State, engage in the



1 practice of osteopathic medicine without having a valid license to do
2 so, without averring any further or more particular facts concerning
3 the violation.

4 **Sec. 29.** NRS 633.741 is hereby amended to read as follows:

5 633.741 A person who:

6 1. Except as otherwise provided in NRS 629.091, practices
7 osteopathic medicine:

8 (a) Without a license *to practice osteopathic medicine* valid
9 under this chapter; or

10 (b) Beyond the limitations ordered upon his practice by the
11 Board or the court;

12 2. Presents as his own the diploma, license or credentials of
13 another;

14 3. Gives either false or forged evidence of any kind to the
15 Board or any of its members in connection with an application for a
16 license ; ~~for an application to employ an osteopathic physician's~~
17 ~~assistant;~~

18 4. Files for record the license issued to another, falsely
19 claiming himself to be the person named in the license, or falsely
20 claiming himself to be the person entitled to the license;

21 5. Practices osteopathic medicine under a false or assumed
22 name or falsely personates another licensee of a like or different
23 name;

24 6. Holds himself out as an osteopathic physician's assistant or
25 who uses any other term indicating or implying that he is an
26 osteopathic physician's assistant, unless he has been ~~approved~~
27 *licensed* by the Board ~~as~~ as provided in this chapter; or

28 7. ~~Employs~~ *Supervises* a person as an osteopathic physician's
29 assistant before such ~~employment is approved~~ *person is licensed*
30 as provided in this chapter,

31 ➤ is guilty of a category D felony and shall be punished as provided
32 in NRS 193.130.

33 **Sec. 30.** NRS 639.0125 is hereby amended to read as follows:

34 639.0125 "Practitioner" means:

35 1. A physician, dentist, veterinarian or podiatric physician who
36 holds a license to practice his profession in this State;

37 2. A hospital, pharmacy or other institution licensed, registered
38 or otherwise permitted to distribute, dispense, conduct research with
39 respect to or administer drugs in the course of professional practice
40 or research in this State;

41 3. An advanced practitioner of nursing who has been
42 authorized to prescribe controlled substances, poisons, dangerous
43 drugs and devices;

44 4. A physician assistant who:



(a) Holds a license issued by the Board of Medical Examiners;
and

(b) Is authorized by the Board to possess, administer, prescribe or dispense controlled substances, poisons, dangerous drugs or devices under the supervision of a physician as required by chapter 630 of NRS;

5. An osteopathic physician's assistant who:

(a) Holds a ~~certificate~~ license issued by the State Board of Osteopathic Medicine; and

(b) Is authorized by the Board to possess, administer, prescribe or dispense controlled substances, poisons, dangerous drugs or devices under the supervision of an osteopathic physician as required by chapter 633 of NRS; or

6. An optometrist who is certified by the Nevada State Board of Optometry to prescribe and administer therapeutic pharmaceutical agents pursuant to NRS 636.288, when he prescribes or administers therapeutic pharmaceutical agents within the scope of his certification.

Sec. 31. NRS 639.1373 is hereby amended to read as follows:

639.1373 1. A physician assistant or an osteopathic physician's assistant may, if authorized by the Board, possess, administer, prescribe or dispense controlled substances, or possess, administer, prescribe or dispense poisons, dangerous drugs or devices in or out of the presence of his supervising physician only to the extent and subject to the limitations specified in the registration certificate issued to the physician assistant or osteopathic physician's assistant, as appropriate, by the Board pursuant to this section.

2. Each physician assistant and osteopathic physician's assistant who is authorized by his physician assistant's license issued by the Board of Medical Examiners or ~~certificate issued~~ by the State Board of Osteopathic Medicine, *respectively*, to possess, administer, prescribe or dispense controlled substances, or to possess, administer, prescribe or dispense poisons, dangerous drugs or devices must apply for and obtain a registration certificate from the Board, pay a fee to be set by regulations adopted by the Board and pass an examination administered by the Board on the law relating to pharmacy before he can possess, administer, prescribe or dispense controlled substances, or possess, administer, prescribe or dispense poisons, dangerous drugs or devices.

3. The Board shall consider each application separately and may, even though the physician assistant's license issued by the Board of Medical Examiners or the osteopathic physician's assistant's ~~certificate~~ license issued by the State Board of Osteopathic Medicine authorizes the physician assistant or



1 osteopathic physician's assistant, as appropriate, to possess,
2 administer, prescribe or dispense controlled substances, or to
3 possess, administer, prescribe or dispense poisons, dangerous drugs
4 and devices:

5 (a) Refuse to issue a registration certificate;

6 (b) Issue a registration certificate limiting the authority of the
7 physician assistant or osteopathic physician's assistant, as
8 appropriate, to possess, administer, prescribe or dispense controlled
9 substances, or to possess, administer, prescribe or dispense poisons,
10 dangerous drugs or devices, the area in which the physician assistant
11 or osteopathic physician's assistant may possess controlled
12 substances, poisons, dangerous drugs and devices, or the kind and
13 amount of controlled substances, poisons, dangerous drugs and
14 devices; or

15 (c) Issue a registration certificate imposing other limitations or
16 restrictions which the Board feels are necessary and required to
17 protect the health, safety and welfare of the public.

18 4. If the registration of the physician assistant or osteopathic
19 physician's assistant is suspended or revoked, the physician's
20 controlled substance registration may also be suspended or revoked.

21 5. The Board shall adopt regulations controlling the maximum
22 amount to be administered, possessed and dispensed, and the
23 storage, security, recordkeeping and transportation of controlled
24 substances and the maximum amount to be administered, possessed,
25 prescribed and dispensed and the storage, security, recordkeeping
26 and transportation of poisons, dangerous drugs and devices by
27 physician assistants and osteopathic physicians' assistants. In the
28 adoption of those regulations, the Board shall consider, but is not
29 limited to, the following:

30 (a) The area in which the physician assistant or osteopathic
31 physician's assistant is to operate;

32 (b) The population of that area;

33 (c) The experience and training of the physician assistant or
34 osteopathic physician's assistant;

35 (d) The distance to the nearest hospital and physician; and

36 (e) The effect on the health, safety and welfare of the public.

37 6. For the purposes of this section, the term "supervising
38 physician" includes ~~an employing~~ a supervising osteopathic
39 physician as defined in chapter 633 of NRS.

40 **Sec. 32.** NRS 652.210 is hereby amended to read as follows:

41 652.210 No person other than a licensed physician, a licensed
42 optometrist, a licensed practical nurse, a registered nurse, a licensed
43 physician assistant, a ~~certified~~ licensed osteopathic physician's
44 assistant, a certified intermediate emergency medical technician, a
45 certified advanced emergency medical technician, a practitioner of



1 respiratory care licensed pursuant to chapter 630 of NRS or a
2 licensed dentist may manipulate a person for the collection of
3 specimens, except that technical personnel of a laboratory may
4 collect blood, remove stomach contents, perform certain diagnostic
5 skin tests or field blood tests or collect material for smears and
6 cultures.

7 **Sec. 33.** NRS 440.415 is hereby amended to read as follows:

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

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

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

17 (b) State the name of the registered nurse or nurses or physician
18 assistant or assistants authorized to make the pronouncement of
19 death; and

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

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

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

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

37 6. The Board may adopt regulations concerning the
38 authorization of a registered nurse or physician assistant to make
39 pronouncements of death.

40 7. As used in this section:

41 (a) "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) "Physician assistant" means a person who holds a license as a physician assistant pursuant to chapter 630 of NRS or ~~certificate~~ as an osteopathic physician's assistant pursuant to chapter 633 of NRS.

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

(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 this chapter.

Sec. 34. NRS 453.126 is hereby amended to read as follows:

453.126 "Practitioner" means:

1. A physician, dentist, veterinarian or podiatric physician who holds a license to practice his profession in this State and is registered pursuant to this chapter.

2. An advanced practitioner of nursing who holds a certificate from the State Board of Nursing and a certificate from the State Board of Pharmacy authorizing him to dispense or to prescribe and dispense controlled substances.

3. A scientific investigator or a pharmacy, hospital or other institution licensed, registered or otherwise authorized in this State to distribute, dispense, conduct research with respect to, to administer, or use in teaching or chemical analysis, a controlled substance in the course of professional practice or research.

4. A euthanasia technician who is licensed by the Nevada State Board of Veterinary Medical Examiners and registered pursuant to this chapter, while he possesses or administers sodium pentobarbital pursuant to his license and registration.

5. A physician assistant who:

(a) Holds a license from the Board of Medical Examiners; and

(b) Is authorized by the Board to possess, administer, prescribe or dispense controlled substances under the supervision of a physician as required by chapter 630 of NRS.

6. An osteopathic physician's assistant who:

(a) Holds a ~~certificate~~ **license** from the State Board of Osteopathic Medicine; and

(b) Is authorized by the Board to possess, administer, prescribe or dispense controlled substances under the supervision of an osteopathic physician as required by chapter 633 of NRS.



7. An optometrist who is certified by the Nevada State Board of Optometry to prescribe and administer therapeutic pharmaceutical agents pursuant to NRS 636.288, when he prescribes or administers therapeutic pharmaceutical agents within the scope of his certification.

Sec. 35. NRS 453.371 is hereby amended to read as follows:

453.371 As used in NRS 453.371 to 453.552, inclusive:

1. "Advanced practitioner of nursing" means a person who holds a certificate of recognition granted pursuant to NRS 632.237 and is registered with the Board.

2. "Medical intern" means a medical graduate acting as an assistant in a hospital for the purpose of clinical training.

3. "Pharmacist" means a person who holds a certificate of registration issued pursuant to NRS 639.127 and is registered with the Board.

4. "Physician," "dentist," "podiatric physician," "veterinarian" and "euthanasia technician" mean persons authorized by a license to practice their respective professions in this State who are registered with the Board.

5. "Physician assistant" means a person who is registered with the Board and:

(a) Holds a license issued pursuant to NRS 630.273; or

(b) Holds a ~~certificate~~ *license* issued pursuant to ~~NRS 633.451~~ *section 3 of this act*.

Sec. 36. NRS 633.431, 633.441, 633.451 and 633.461 are hereby repealed.

Sec. 37. A certificate for an osteopathic physician's assistant that is current and valid on December 31, 2007, shall, on January 1, 2008, be deemed to be a license issued pursuant to section 3 of this act.

Sec. 38. This act becomes effective:

1. Upon passage and approval for the purpose of adopting regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

2. On January 1, 2008, for all other purposes.

LEADLINES OF REPEALED SECTIONS

633.431 Osteopathic physicians' assistants: Training programs and standards.

633.441 Osteopathic physicians' assistants: Application to employ assistant.



* S B 2 1 *

633.451 Osteopathic physicians' assistants: Approval of application to employ assistant; issuance and renewal of certificate.

633.461 Osteopathic physician's assistant: Scope of authorized activities.

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