

SENATE BILL NO. 382—SENATORS CEGAVSKE, HECK,
CARE, HORSFORD AND NOLAN

MARCH 19, 2007

Referred to Committee on Commerce and Labor

SUMMARY—Provides for the licensure and regulation of perfusionists. (BDR 54-941)

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 the practice of perfusion; creating the State Board of Perfusionists; prescribing the powers and duties of the Board; prohibiting a person from engaging in the practice of perfusion without a license issued by the Board; prescribing the requirements for the issuance or renewal of a license; setting forth the grounds for disciplinary action against a licensed perfusionist; providing remedies and penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides for the licensure and regulation of persons who engage in various professions and occupations, such as the provision of health care. (Title 54 of NRS) This bill adds a new chapter to title 54 of NRS which provides for the licensure and regulation of certain providers of health care known as perfusionists.

A perfusionist is a medical professional who, under the order and supervision of a physician, performs various medical functions to ensure the safe management of a patient's cardiovascular, circulatory or respiratory system or other organs during surgical and other medical procedures. The functions performed by a perfusionist may include operating cardiopulmonary bypass systems during cardiac surgery, monitoring blood gas and chemistry, using hyperthermia and hypothermia to treat a patient and using technologies such as extracorporeal life support systems.

This bill creates the State Board of Perfusionists and provides for its organization and for its powers and duties, which include: (1) adopting educational requirements, qualifications and criteria for the licensure of perfusionists; (2) reviewing and approving applications for licensure, preparing and administering examinations and issuing and renewing licenses; (3) establishing a code of ethics



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and standards of professional conduct for perfusionists; and (4) disciplining perfusionists who commit violations or engage in unprofessional conduct.

This bill contains a grandfather clause which allows certain persons who are currently working as perfusionists and who have a certain level of experience to become licensed without an examination or meeting some of the newly enacted requirements for licensure. This bill also provides that certain persons who are currently working as perfusionists do not have to obtain a license from the Board sooner than July 1, 2008.

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

Section 1. Title 54 of NRS is hereby amended by adding thereto a new chapter to consist of the provisions set forth as sections 2 to 34, inclusive, of this act.

Sec. 2. *The practice of perfusion is hereby declared to be a learned profession, affecting public health, safety and welfare and subject to regulation to protect the public from the practice of perfusion by unqualified persons and from unprofessional conduct by persons licensed to practice perfusion.*

Sec. 3. *As used in this chapter, unless the context otherwise requires, the words and terms defined in sections 4 to 12, inclusive, of this act have the meanings ascribed to them in those sections.*

Sec. 4. *“Board” means the State Board of Perfusionists.*

Sec. 5. *“Extracorporeal circulation” means the diversion of a patient’s blood through a heart-lung machine or a similar device that assumes the functions of the patient’s heart, lungs, kidney, liver or other organs.*

Sec. 6. *“Health care facility” means a medical facility or facility for the dependent licensed pursuant to chapter 449 of NRS.*

Sec. 7. *“License” means a license issued by the Board.*

Sec. 8. *“Licensed perfusionist” means a person who is licensed as a perfusionist pursuant to this chapter.*

Sec. 9. 1. *“Perfusion” means the performance of functions which are necessary to provide for the support, treatment, measurement or supplementation of a patient’s cardiovascular, circulatory or respiratory system or other organs, or any combination of such activities, and to ensure the safe management of the patient’s physiologic functions by monitoring and analyzing the parameters of the patient’s systems or organs under the order and supervision of a physician.*

2. *The term includes, without limitation:*

(a) *The use of extracorporeal circulation and any associated therapeutic and diagnostic technologies;*



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(b) The use of long-term cardiopulmonary support techniques, including, without limitation, extracorporeal carbon dioxide removal and extracorporeal membrane oxygenation, and any associated therapeutic and diagnostic technologies;

(c) The use of counterpulsation, ventricular assistance, autotransfusion, blood conservation techniques, myocardial and organ preservation, extracorporeal life support and isolated limb perfusion;

(d) The use of techniques involving blood management, advanced life support and other related functions; and

(e) In connection with the performance of any of the other acts described in this section:

(1) The administration of:

(I) Pharmacological and therapeutic agents; or

(II) Blood products or anesthetic agents through the extracorporeal circuit or through an intravenous line as ordered by a physician;

(2) The use of:

(I) Coagulation monitoring and analysis;

(II) Physiologic monitoring and analysis;

(III) Blood gas and chemistry monitoring and analysis;

(IV) Hematological monitoring and analysis;

(V) Hypothermia and hyperthermia;

(VI) Hemoconcentration and hemodilution; and

(VII) Hemodialysis; and

(3) The observation of signs and symptoms relating to perfusion services, the determination of whether the signs and symptoms exhibit abnormal characteristics and the implementation of appropriate reporting, perfusion protocols or changes in, or the initiation of, emergency procedures.

Sec. 10. "Perfusion protocols" means policies and protocols relating to perfusion that are developed or approved by a health care facility or a physician through collaboration with administrators, licensed perfusionists and other health care professionals.

Sec. 11. "Perfusion services" means any services relating to perfusion that a licensed perfusionist is authorized to perform pursuant to this chapter.

Sec. 12. "Provisionally licensed perfusionist" means a person provisionally licensed to practice perfusion pursuant to this chapter.

Sec. 13. 1. This chapter does not apply to:

(a) A person who is licensed by another regulatory body pursuant to the laws of this State to practice medicine or any other healing art if the person:



1 (1) *Is acting within the scope of practice authorized by the*
2 *license issued to the person by the other regulatory body; and*

3 (2) *Does not represent to the public, directly or indirectly,*
4 *that the person is licensed pursuant to this chapter and does not*
5 *use any name, title or designation indicating that the person is*
6 *licensed pursuant to this chapter;*

7 (b) *A medical officer of the Armed Forces of the United States*
8 *or a medical officer of any division or department of the United*
9 *States in the discharge of his official duties;*

10 (c) *Perfusionists who are called into this State, other than on a*
11 *regular basis, for consultation or assistance to a physician*
12 *licensed in this State, and who are legally qualified to practice in*
13 *the state where they reside; or*

14 (d) *A student enrolled in an accredited perfusion education*
15 *program if the perfusion services performed by the student are:*

16 (1) *An integral part of the course of study; and*

17 (2) *Performed under the direct supervision of a licensed*
18 *perfusionist who is assigned to supervise the student and who is on*
19 *duty and immediately available in the patient care area where the*
20 *student is performing the perfusion services.*

21 2. *This chapter does not repeal or affect any law of this State*
22 *regulating or affecting any other healing art.*

23 3. *This chapter does not prohibit:*

24 (a) *Gratuitous services of a person in case of emergency.*

25 (b) *The domestic administration of family remedies.*

26 **Sec. 14. 1. The State Board of Perfusionists is hereby**
27 **created.**

28 2. *The Governor shall appoint to the Board:*

29 (a) *Three members who:*

30 (1) *Are licensed perfusionists pursuant to this chapter; and*

31 (2) *Have engaged in the practice of perfusion or taught or*
32 *conducted research concerning the practice of perfusion for the 5*
33 *years immediately preceding their appointment;*

34 (b) *One member who is licensed as a physician pursuant to*
35 *chapter 630 or 633 of NRS and who has demonstrated knowledge*
36 *of perfusion; and*

37 (c) *One member who is a representative of the public. This*
38 *member must not be:*

39 (1) *A licensed perfusionist; or*

40 (2) *The spouse or the parent or child, by blood, marriage or*
41 *adoption, of a licensed perfusionist.*

42 3. *Each member of the Board:*

43 (a) *Must be a resident of the State; and*

44 (b) *May not serve more than two consecutive terms.*



1 4. After the initial terms, the members of the Board must be
2 appointed to terms of 3 years.

3 5. A vacancy on the Board must be filled in the same manner
4 as the original appointment.

5 6. The Governor may remove a member of the Board for
6 incompetence, neglect of duty, moral turpitude or malfeasance in
7 office.

8 7. The member of the Board who is a representative of the
9 public shall not participate in preparing or grading any
10 examination required by the Board.

11 **Sec. 15.** 1. The Board shall:

12 (a) Elect from its members a Chairman and Vice Chairman at
13 the first meeting of each fiscal year; and

14 (b) Meet at least three times each year and may meet at other
15 times at the call of the Chairman or upon the written request of at
16 least three members of the Board.

17 2. A meeting of the Board may be conducted telephonically or
18 by videoconferencing. A meeting conducted telephonically or by
19 videoconferencing must meet the requirements of chapter 241 of
20 NRS and any other applicable provisions of law.

21 3. A majority of the members of the Board constitutes a
22 quorum for the transaction of the business of the Board.

23 **Sec. 16.** 1. Each member of the Board is entitled to receive
24 a salary of not more than \$80 per day, as established by the Board;
25 and

26 2. Each member and employee of the Board is entitled to
27 receive a per diem allowance and travel expenses at a rate fixed by
28 the Board. The rate must not exceed the rate provided for officers
29 and employees of this State generally.

30 **Sec. 17.** The Board shall adopt a fiscal year beginning on
31 July 1 and ending on June 30.

32 **Sec. 18.** 1. Except as otherwise provided in subsection 4, all
33 reasonable expenses incurred by the Board in carrying out the
34 provisions of this chapter must be paid from the money that it
35 receives. No part of any expenses of the Board may be paid from
36 the State General Fund.

37 2. All money received by the Board must be deposited in a
38 bank or other financial institution in this State and paid out upon
39 the Board's order for its expenses.

40 3. In a manner consistent with the provisions of chapter 622A
41 of NRS, the Board may delegate to a hearing officer or panel its
42 authority to take any disciplinary action pursuant to this chapter,
43 impose and collect fines and penalties related to that disciplinary
44 action and deposit the money from the fines and penalties in a
45 bank or other financial institution in this State.



1 4. If a hearing officer or panel is not authorized to take
2 disciplinary action pursuant to subsection 3 and the Board
3 deposits the money collected from the imposition of fines with the
4 State Treasurer for credit to the State General Fund, it may
5 present a claim to the State Board of Examiners for
6 recommendation to the Interim Finance Committee if money is
7 required to pay attorney's fees or the costs of an investigation, or
8 both.

9 **Sec. 19. 1.** The Board shall prepare and maintain a
10 separate list of:

11 (a) Persons issued a license;

12 (b) Applicants for a license; and

13 (c) Persons whose licenses have been revoked or suspended by
14 the Board.

15 2. The Board shall, upon request, disclose the information
16 included in each list and may charge a fee for a copy of the list.
17 The fee may not exceed the actual cost incurred by the Board to
18 make a copy of the list.

19 3. The Board shall request and receive necessary assistance
20 from state educational institutions or other state agencies.

21 4. The Board shall employ a person as the Executive Director
22 of the Board. The Executive Director serves as the chief
23 administrative officer of the Board at a level of compensation set
24 by the Board.

25 5. The Board may employ or contract with inspectors,
26 investigators, advisers, examiners and clerks and any other
27 persons required to carry out its duties and secure the services of
28 attorneys and other professional consultants as it may deem
29 necessary to carry out the provisions of this chapter.

30 6. The Executive Director and each employee of the Board is
31 an at-will employee who serves at the pleasure of the Board. The
32 Board may discharge the Executive Director or an employee of the
33 Board for any reason that does not violate public policy, including,
34 without limitation, making a false representation to the Board.

35 7. The Attorney General and his deputies are hereby
36 designated as the attorneys for the Board. The provisions of this
37 subsection do not prevent the Board from employing or retaining
38 other attorneys as it may deem necessary to carry out the
39 provisions of this chapter.

40 8. The Board may request the Attorney General or the
41 appropriate district attorney to institute a suit to enjoin a violation
42 of this chapter in addition to any other action, proceeding or
43 remedy authorized by law.

44 9. The Board and any of its members and its staff and
45 employees, including, without limitation, inspectors, investigators,



advisers, examiners, clerks, counsel, experts, committees, panels, hearing officers and consultants, are immune from civil liability for any act performed in good faith and without malicious intent in the execution of any duties pursuant to this chapter.

Sec. 20. The Board shall adopt regulations to carry out the provisions of this chapter. The regulations must include, without limitation, provisions that:

1. Establish the criteria for licensure as a perfusionist and the standards of professional conduct for holders of such a license;

2. Establish the qualifications and fitness of applicants for licenses, renewal of licenses and reciprocal licenses;

3. Prescribe the requirements for any practical, oral or written examination for a license that the Board may require pursuant to section 22 of this act, including, without limitation, the passing grade for such an examination;

4. Establish application, examination, licensure and licensure renewal fees;

5. Establish the requirements for continuing education for the renewal of a license;

6. Establish a code of ethics for perfusionists; and

7. Establish the revocation, suspension or denial of a license for a violation of this chapter or the regulations of the Board.

Sec. 21. To be eligible for licensing by the Board as a perfusionist, an applicant must:

1. Be a natural person of good moral character;

2. Submit a completed application required by the Board by the deadline set by the Board;

3. Submit any fees required by the Board by the deadline set by the Board;

4. Have successfully completed a perfusion education program approved by the Board, which must:

(a) Have been approved by the Committee on Allied Health Education and Accreditation of the American Medical Association before June 1, 1994; or

(b) Be a program that has educational standards that are at least as stringent as those established by the Accreditation Committee for Perfusion Education and approved by the Commission on Accreditation of Allied Health Education Programs or its successor;

5. Pass an examination approved by the Board; and

6. Have met any other requirements set by the Board.

Sec. 22. 1. The Board shall establish the examination and process to be used to judge the qualifications for granting a license to practice perfusion.



2. The Board shall prepare or approve the examination and administer it to qualified applicants at least once each calendar year.

3. In lieu of an examination prepared by the Board, or any part thereof, the Board may use the certification examinations given by the American Board of Cardiovascular Perfusion or its successor, or by a state testing service. The Board may have the examination validated by an independent testing professional.

4. Not later than 45 days after the date on which the licensing examination is administered, the Board or the approved testing service shall notify each applicant of the results of the examination.

5. If a person who fails the examination makes a written request, the Board or the approved testing service shall furnish the person with an analysis of his performance on the examination.

Sec. 23. The Board shall waive the examination required pursuant to section 22 of this act for an applicant who at the time of application:

1. Is licensed as a perfusionist in another state, territory or possession of the United States, if the requirements for licensure are substantially similar to those required by the Board; or

2. Holds a current certificate as a certified clinical perfusionist issued by the American Board of Cardiovascular Perfusion or its successor before October 1, 2007.

Sec. 24. 1. In addition to any other requirements set forth in this chapter:

(a) An applicant for the issuance of a license as a perfusionist shall include the social security number of the applicant in the application submitted to the Board.

(b) An applicant for the issuance or renewal of a license as a perfusionist shall submit to the Board the statement prescribed by the Division of Welfare and Supportive Services of the Department of Health and Human Services pursuant to NRS 425.520. The statement must be completed and signed by the applicant.

2. The Board shall include the statement required pursuant to subsection 1 in:

(a) The application or any other forms that must be submitted for the issuance or renewal of the license; or

(b) A separate form prescribed by the Board.

3. A license as a perfusionist may not be issued or renewed by the Board if the applicant:

(a) Fails to submit the statement required pursuant to subsection 1; or

(b) Indicates on the statement submitted pursuant to subsection 1 that he is subject to a court order for the support of a



1 *child and is not in compliance with the order or a plan approved*
2 *by the district attorney or other public agency enforcing the order*
3 *for the repayment of the amount owed pursuant to the order.*

4 *4. If an applicant indicates on the statement submitted*
5 *pursuant to subsection 1 that he is subject to a court order for the*
6 *support of a child and is not in compliance with the order or a*
7 *plan approved by the district attorney or other public agency*
8 *enforcing the order for the repayment of the amount owed*
9 *pursuant to the order, the Board shall advise the applicant to*
10 *contact the district attorney or other public agency enforcing the*
11 *order to determine the actions that the applicant may take to*
12 *satisfy the arrearage.*

13 **Sec. 25.** *1. If the Board receives a copy of a court order*
14 *issued pursuant to NRS 425.540 that provides for the suspension*
15 *of all professional, occupational and recreational licenses,*
16 *certificates and permits issued to a person who is the holder of a*
17 *license to practice perfusion, the Board shall deem the license*
18 *issued to that person to be suspended at the end of the 30th day*
19 *after the date on which the court order was issued unless the*
20 *Board receives a letter issued to the holder of the license by the*
21 *district attorney or other public agency pursuant to NRS 425.550*
22 *stating that the holder of the license has complied with the*
23 *subpoena or warrant or has satisfied the arrearage pursuant to*
24 *NRS 425.560.*

25 *2. The Board shall reinstate a license that has been*
26 *suspended by a district court pursuant to NRS 425.540 if:*

27 *(a) The Board receives a letter issued by the district attorney or*
28 *other public agency pursuant to NRS 425.550 to the person whose*
29 *license was suspended stating that the person whose license was*
30 *suspended has complied with the subpoena or warrant or has*
31 *satisfied the arrearage pursuant to NRS 425.560; and*

32 *(b) The licensee pays the fee for reinstatement of the license*
33 *prescribed by the Board.*

34 **Sec. 26.** *1. The Board shall issue a license as a perfusionist*
35 *to each applicant who proves to the satisfaction of the Board that*
36 *the applicant is qualified for licensure. The license authorizes the*
37 *applicant to represent himself as a licensed perfusionist and to*
38 *practice perfusion in the State of Nevada subject to the conditions*
39 *and limitations of this chapter.*

40 *2. Each licensed perfusionist shall:*

41 *(a) Display his current license in a location which is accessible*
42 *to the public;*

43 *(b) Keep a copy of his current license on file at any health care*
44 *facility where he provides services; and*

45 *(c) Inform the Board of any change of address.*



3. A license issued by the Board:

(a) Is a revocable privilege and the holder of the license does not acquire thereby any vested right; and

(b) Is the property of the Board and must be surrendered by the holder on demand if the license expires, is forfeited, suspended or revoked or becomes invalid for any other reason.

Sec. 27. 1. Each license expires on the last day of the month in which it was issued in the next succeeding calendar year and may be renewed if, before the license expires, the holder of the license submits to the Board:

(a) A completed application for renewal on a form prescribed by the Board;

(b) Proof of his completion of the requirements for continuing education prescribed by the Board pursuant to the regulations adopted by the Board under section 20 of this act; and

(c) The fee for renewal of the license prescribed by the Board pursuant to section 20 of this act.

2. A license that expires pursuant to this section not more than 2 years before an application for renewal is made may be restored, if the applicant:

(a) Complies with the provisions of subsection 1; and

(b) Submits to the Board the fees prescribed by the Board pursuant to section 20 of this act:

(1) For the restoration of an expired license; and

(2) For each year that the license was expired, for the renewal of a license.

3. Except as otherwise provided in subsection 4, if a license has been expired for more than 2 years, a person may not renew the license, but must apply for a new license and submit to the examination required by section 22 of this act.

4. If a license has been expired for more than 2 years, but the person holding it has been living in another state, is appropriately licensed to practice perfusion in the other state and has been practicing perfusion for the 2 years preceding his application for renewal, the Board may renew the license upon payment of the prescribed fee.

5. The Board shall send a notice of renewal to each holder of a license not later than 60 days before his license expires. The notice must include a statement setting forth the provisions of this section and the amount of the fee for renewal of the license.

Sec. 28. 1. The Board may issue a provisional license to practice perfusion in this State to a person who has not yet completed the examination required pursuant to section 22 of this act, but who:

(a) Has completed an approved perfusion education program;



(b) Files an application; and

(c) Pays the required fee.

2. A licensed perfusionist shall supervise and direct a provisionally licensed perfusionist at all times during which the provisionally licensed perfusionist performs perfusion.

3. A provisional license is valid for 1 year after the date it is issued and may be extended subject to regulation by the Board. The application for renewal must be signed by a supervising licensed perfusionist.

4. If a provisionally licensed perfusionist fails any portion of the examination required pursuant to section 22 of this act, he must immediately surrender the provisional license to the Board.

Sec. 29. The Board may refuse to issue a license to an applicant, or may initiate disciplinary action against a holder of a license, if the applicant or holder of the license:

1. Violates any provision of this chapter;

2. Violates any regulation or code of ethics adopted by the Board;

3. Engages in unprofessional conduct, including, without limitation:

(a) Incompetence or gross negligence in carrying out usual perfusion functions;

(b) A conviction of practicing perfusion without a license or a provisional license;

(c) The use of advertising relating to perfusion in a way that violates any provision of law;

(d) Procuring a license or provisional license by fraud, misrepresentation or mistake;

(e) Making or giving any false statement or information in connection with the application for a license or provisional license;

(f) A conviction of a felony or of any offense substantially related to the qualifications, functions and duties of a perfusionist; or

(g) Impersonating an applicant or acting as a proxy for an applicant in any examination required for the issuance of a license.

Sec. 30. 1. The Board may, if it determines that an applicant for a license or a licensee has committed any of the acts set forth in section 29 of this act, after notice and a hearing as required by law:

(a) Refuse to issue a license to the applicant;

(b) Refuse to renew or restore the license of the licensee;

(c) Suspend or revoke the license of the licensee;

(d) Place the licensee on probation;



- (e) *Impose an administrative fine of not more than \$5,000;*
(f) *Require the applicant or licensee to pay the costs incurred by the Board to conduct the investigation and hearing; or*
(g) *Impose any combination of actions set forth in paragraphs (a) to (f), inclusive.*

2. *The Board shall not issue a private reprimand to a licensee.*

3. *An order that imposes discipline and the findings of fact and conclusions of law supporting that order are public records.*

Sec. 31. 1. *In a manner consistent with the provisions of chapter 622A of NRS, the Board may conduct investigations and hold hearings to carry out its duties pursuant to this chapter.*

2. *In such a hearing:*

(a) *Any member of the Board may administer oaths and examine witnesses; and*

(b) *The Board or any member thereof may issue subpoenas to compel the attendance of witnesses and the production of books and papers.*

3. *Each witness who is subpoenaed to appear before the Board is entitled to receive for his attendance the same fees and mileage allowed by law for a witness in a civil case. The amount must be paid by the party who requested the subpoena. If any witness who has not been required to attend at the request of any party is subpoenaed by the Board, his fees and mileage must be paid by the Board from money available for that purpose.*

4. *If any person fails to comply with the subpoena within 10 days after it is issued, the Chairman of the Board may petition a court of competent jurisdiction for an order of the court compelling compliance with the subpoena.*

5. *Upon the filing of such a petition, the court shall enter an order directing the person subpoenaed to appear before the court at a time and place to be fixed by the court in its order, the time to be not more than 10 days after the date of the order, and to show cause why he has not complied with the subpoena. A certified copy of the order must be served upon the person subpoenaed.*

6. *If it appears to the court that the subpoena was regularly issued by the Board, the court shall enter an order compelling compliance with the subpoena. The failure of the person to comply with the order is a contempt of the court that issued the order.*

Sec. 32. 1. *Except as otherwise provided in this section, a complaint filed with the Board, all documents and other information filed with the complaint and all documents and other information compiled as a result of an investigation conducted to determine whether to initiate disciplinary action against a person are confidential, unless the person submits a written statement to*



1 *the Board requesting that such documents and information be*
2 *made public records.*

3 2. *The charging documents filed with the Board to initiate*
4 *disciplinary action pursuant to chapter 622A of NRS and all*
5 *documents and information considered by the Board when*
6 *determining whether to impose discipline are public records.*

7 3. *The provisions of this section do not prohibit the Board*
8 *from communicating or cooperating with or providing any*
9 *documents or other information to any other licensing board or*
10 *any other agency that is investigating a person, including, without*
11 *limitation, a law enforcement agency.*

12 **Sec. 33.** *The Board shall develop a system for monitoring the*
13 *compliance of license holders with the requirements of this*
14 *chapter. Rules adopted under this section must include procedures*
15 *for monitoring a license holder who is ordered by the Board to*
16 *perform certain acts to ascertain that the license holder performs*
17 *the required acts and to identify and monitor license holders who*
18 *represent a risk to the public.*

19 **Sec. 34.** 1. *If a person is not licensed to practice perfusion*
20 *pursuant to this chapter, the person shall not:*

21 (a) *Engage in the practice of perfusion; or*

22 (b) *Use in connection with his name the words or letters "LP,"*
23 *"licensed perfusionist," "PLP," "provisional licensed*
24 *perfusionist," or any other letters, words or insignia indicating or*
25 *implying that he is licensed to practice perfusion, or in any other*
26 *way, orally, or in writing or print, or by sign, directly or by*
27 *implication, use the word "perfusion" or represent himself as*
28 *licensed or qualified to engage in the practice of perfusion.*

29 2. *If a person is not certified as a clinical perfusionist by the*
30 *American Board of Cardiovascular Perfusion, the person shall not*
31 *use in connection with his name the words or letters "CCP" or*
32 *"certified perfusionist," or any other letters, words or insignia*
33 *indicating or implying that he is certified as a clinical perfusionist*
34 *by the American Board of Cardiovascular Perfusion.*

35 3. *A person who violates any provision of this section is guilty*
36 *of a misdemeanor.*

37 **Sec. 35.** NRS 629.031 is hereby amended to read as follows:

38 629.031 Except as otherwise provided by specific statute:

39 1. "Provider of health care" means a physician licensed
40 pursuant to chapter 630, 630A or 633 of NRS, dentist, licensed
41 nurse, dispensing optician, optometrist, practitioner of respiratory
42 care, registered physical therapist, podiatric physician, licensed
43 psychologist, licensed marriage and family therapist, chiropractor,
44 athletic trainer, **perfusionist**, doctor of Oriental medicine in any



1 form, medical laboratory director or technician, pharmacist or a
2 licensed hospital as the employer of any such person.

3 2. For the purposes of NRS 629.051, 629.061 and 629.065, the
4 term includes a facility that maintains the health care records of
5 patients.

6 **Sec. 36.** NRS 640A.070 is hereby amended to read as follows:

7 640A.070 This chapter does not apply to a person:

8 1. Holding a current license or certificate issued pursuant to
9 chapter 391, 630 to 637B, inclusive, 640, 640B to 641B, inclusive,
10 of NRS, *or sections 2 to 34, inclusive, of this act* who practices
11 within the scope of that license or certificate.

12 2. Employed by the Federal Government who practices
13 occupational therapy within the scope of that employment.

14 3. Enrolled in an educational program approved by the Board
15 which is designed to lead to a certificate or degree in occupational
16 therapy, if he is designated by a title which clearly indicates that he
17 is a student.

18 4. Obtaining the supervised experience necessary to satisfy the
19 requirements of subsection 3 of NRS 640A.120.

20 5. Practicing occupational therapy in this State in association
21 with an occupational therapist licensed pursuant to this chapter if the
22 person:

23 (a) Practices in this State for not more than 45 days in a calendar
24 year;

25 (b) Is licensed to practice occupational therapy in another state
26 where the requirements for such a license are equivalent to the
27 requirements of this chapter; and

28 (c) Meets the requirements for certification as an "occupational
29 therapist registered" or "certified occupational therapy assistant"
30 established by the American Occupational Therapy Certification
31 Board.

32 **Sec. 37.** NRS 200.5093 is hereby amended to read as follows:

33 200.5093 1. Any person who is described in subsection 4 and
34 who, in his professional or occupational capacity, knows or has
35 reasonable cause to believe that an older person has been abused,
36 neglected, exploited or isolated shall:

37 (a) Except as otherwise provided in subsection 2, report the
38 abuse, neglect, exploitation or isolation of the older person to:

39 (1) The local office of the Aging Services Division of the
40 Department of Health and Human Services;

41 (2) A police department or sheriff's office;

42 (3) The county's office for protective services, if one exists
43 in the county where the suspected action occurred; or



(4) A toll-free telephone service designated by the Aging Services Division of the Department of Health and Human Services; and

(b) Make such a report as soon as reasonably practicable but not later than 24 hours after the person knows or has reasonable cause to believe that the older person has been abused, neglected, exploited or isolated.

2. If a person who is required to make a report pursuant to subsection 1 knows or has reasonable cause to believe that the abuse, neglect, exploitation or isolation of the older person involves an act or omission of the Aging Services Division, another division of the Department of Health and Human Services or a law enforcement agency, the person shall make the report to an agency other than the one alleged to have committed the act or omission.

3. Each agency, after reducing a report to writing, shall forward a copy of the report to the Aging Services Division of the Department of Health and Human Services.

4. A report must be made pursuant to subsection 1 by the following persons:

(a) Every physician, dentist, dental hygienist, chiropractor, optometrist, podiatric physician, medical examiner, resident, intern, professional or practical nurse, physician assistant, *perfusionist*, psychiatrist, psychologist, marriage and family therapist, alcohol or drug abuse counselor, athletic trainer, driver of an ambulance, advanced emergency medical technician or other person providing medical services licensed or certified to practice in this State, who examines, attends or treats an older person who appears to have been abused, neglected, exploited or isolated.

(b) Any personnel of a hospital or similar institution engaged in the admission, examination, care or treatment of persons or an administrator, manager or other person in charge of a hospital or similar institution upon notification of the suspected abuse, neglect, exploitation or isolation of an older person by a member of the staff of the hospital.

(c) A coroner.

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

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

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

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



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

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

8 (j) Every social worker.

9 (k) Any person who owns or is employed by a funeral home or
10 mortuary.

11 5. A report may be made by any other person.

12 6. If a person who is required to make a report pursuant to
13 subsection 1 knows or has reasonable cause to believe that an older
14 person has died as a result of abuse, neglect or isolation, the person
15 shall, as soon as reasonably practicable, report this belief to the
16 appropriate medical examiner or coroner, who shall investigate the
17 cause of death of the older person and submit to the appropriate
18 local law enforcement agencies, the appropriate prosecuting
19 attorney and the Aging Services Division of the Department of
20 Health and Human Services his written findings. The written
21 findings must include the information required pursuant to the
22 provisions of NRS 200.5094, when possible.

23 7. A division, office or department which receives a report
24 pursuant to this section shall cause the investigation of the report to
25 commence within 3 working days. A copy of the final report of the
26 investigation conducted by a division, office or department, other
27 than the Aging Services Division of the Department of Health and
28 Human Services, must be forwarded to the Aging Services Division
29 within 90 days after the completion of the report.

30 8. If the investigation of a report results in the belief that an
31 older person is abused, neglected, exploited or isolated, the Aging
32 Services Division of the Department of Health and Human Services
33 or the county's office for protective services may provide protective
34 services to the older person if he is able and willing to accept them.

35 9. A person who knowingly and willfully violates any of the
36 provisions of this section is guilty of a misdemeanor.

37 **Sec. 38.** NRS 200.5095 is hereby amended to read as follows:

38 200.5095 1. Reports made pursuant to NRS 200.5093,
39 200.50935 and 200.5094, and records and investigations relating to
40 those reports, are confidential.

41 2. A person, law enforcement agency or public or private
42 agency, institution or facility who willfully releases data or
43 information concerning the reports and investigation of the abuse,
44 neglect, exploitation or isolation of older persons or vulnerable
45 persons, except:



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- 1 (a) Pursuant to a criminal prosecution;
- 2 (b) Pursuant to NRS 200.50982; or
- 3 (c) To persons or agencies enumerated in subsection 3,
- 4 ➔ is guilty of a misdemeanor.

5 3. Except as otherwise provided in subsection 2 and NRS
6 200.50982, data or information concerning the reports and
7 investigations of the abuse, neglect, exploitation or isolation of an
8 older person or a vulnerable person is available only to:

9 (a) A physician who is providing care to an older person or a
10 vulnerable person who may have been abused, neglected, exploited
11 or isolated;

12 (b) An agency responsible for or authorized to undertake the
13 care, treatment and supervision of the older person or vulnerable
14 person;

15 (c) A district attorney or other law enforcement official who
16 requires the information in connection with an investigation of the
17 abuse, neglect, exploitation or isolation of the older person or
18 vulnerable person;

19 (d) A court which has determined, in camera, that public
20 disclosure of such information is necessary for the determination of
21 an issue before it;

22 (e) A person engaged in bona fide research, but the identity of
23 the subjects of the report must remain confidential;

24 (f) A grand jury upon its determination that access to such
25 records is necessary in the conduct of its official business;

26 (g) Any comparable authorized person or agency in another
27 jurisdiction;

28 (h) A legal guardian of the older person or vulnerable person, if
29 the identity of the person who was responsible for reporting the
30 alleged abuse, neglect, exploitation or isolation of the older person
31 or vulnerable person to the public agency is protected, and the legal
32 guardian of the older person or vulnerable person is not the person
33 suspected of such abuse, neglect, exploitation or isolation;

34 (i) If the older person or vulnerable person is deceased, the
35 executor or administrator of his estate, if the identity of the person
36 who was responsible for reporting the alleged abuse, neglect,
37 exploitation or isolation of the older person or vulnerable person to
38 the public agency is protected, and the executor or administrator is
39 not the person suspected of such abuse, neglect, exploitation or
40 isolation; or

41 (j) The older person or vulnerable person named in the report as
42 allegedly being abused, neglected, exploited or isolated, if that
43 person is not legally incompetent.

44 4. If the person who is reported to have abused, neglected,
45 exploited or isolated an older person or a vulnerable person is the



holder of a license or certificate issued pursuant to chapters 449, 630 to 641B, inclusive, or 654 of NRS, *or sections 2 to 34, inclusive, of this act*, information contained in the report must be submitted to the board that issued the license.

Sec. 39. NRS 218.825 is hereby amended to read as follows:

218.825 1. Except as otherwise provided in subsection 2, each board created by the provisions of NRS 590.485 and chapters 623 to 625A, inclusive, 628, 630 to 644, inclusive, 648, 654 and 656 of NRS *and sections 2 to 34, inclusive, of this act* shall:

(a) If the revenue of the board from all sources is less than \$50,000 for any fiscal year, prepare a balance sheet for that fiscal year on the form provided by the Legislative Auditor and file the balance sheet with the Legislative Auditor and the Chief of the Budget Division of the Department of Administration on or before December 1 following the end of that fiscal year. The Legislative Auditor shall prepare and make available a form that must be used by a board to prepare such a balance sheet.

(b) If the revenue of the board from all sources is \$50,000 or more for any fiscal year, engage the services of a certified public accountant or public accountant, or firm of either of such accountants, to audit all its fiscal records for that fiscal year and file a report of the audit with the Legislative Auditor and the Chief of the Budget Division of the Department of Administration on or before December 1 following the end of that fiscal year.

2. In lieu of preparing a balance sheet or having an audit conducted for a single fiscal year, a board may engage the services of a certified public accountant or public accountant, or firm of either of such accountants, to audit all its fiscal records for a period covering two successive fiscal years. If such an audit is conducted, the board shall file the report of the audit with the Legislative Auditor and the Chief of the Budget Division of the Department of Administration on or before December 1 following the end of the second fiscal year.

3. The cost of each audit conducted pursuant to subsection 1 or 2 must be paid by the board that is audited. Each such audit must be conducted in accordance with generally accepted auditing standards, and all financial statements must be prepared in accordance with generally accepted principles of accounting for special revenue funds.

4. Whether or not a board is required to have its fiscal records audited pursuant to subsection 1 or 2, the Legislative Auditor shall audit the fiscal records of any such board whenever directed to do so by the Legislative Commission. When the Legislative Commission directs such an audit, the Legislative Commission shall also determine who is to pay the cost of the audit.



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5. A person who is a state officer or employee of a board is guilty of nonfeasance if the person:

(a) Is responsible for preparing a balance sheet or having an audit conducted pursuant to this section or is responsible for preparing or maintaining the fiscal records that are necessary to prepare a balance sheet or have an audit conducted pursuant to this section; and

(b) Knowingly fails to prepare the balance sheet or have the audit conducted pursuant to this section or knowingly fails to prepare or maintain the fiscal records that are necessary to prepare a balance sheet or have an audit conducted pursuant to this section.

6. In addition to any other remedy or penalty, a person who is guilty of nonfeasance pursuant to this section forfeits his state office or employment and may not be appointed to a state office or position of state employment for a period of 2 years following the forfeiture. The provisions of this subsection do not apply to a state officer who may be removed from office only by impeachment pursuant to Article 7 of the Nevada Constitution.

Sec. 40. NRS 284.013 is hereby amended to read as follows:

284.013 1. Except as otherwise provided in subsection 4, this chapter does not apply to:

(a) Agencies, bureaus, commissions, officers or personnel in the Legislative Department or the Judicial Department of State Government, including the Commission on Judicial Discipline;

(b) Any person who is employed by a board, commission, committee or council created in chapters 590, 623 to 625A, inclusive, 628, 630 to 644, inclusive, 648, 652, 654 and 656 of NRS ~~§~~ *and sections 2 to 34, inclusive, of this act;* or

(c) Officers or employees of any agency of the Executive Department of the State Government who are exempted by specific statute.

2. Except as otherwise provided in subsection 3, the terms and conditions of employment of all persons referred to in subsection 1, including salaries not prescribed by law and leaves of absence, including, without limitation, annual leave and sick and disability leave, must be fixed by the appointing or employing authority within the limits of legislative appropriations or authorizations.

3. Except as otherwise provided in this subsection, leaves of absence prescribed pursuant to subsection 2 must not be of lesser duration than those provided for other state officers and employees pursuant to the provisions of this chapter. The provisions of this subsection do not govern the Legislative Commission with respect to the personnel of the Legislative Counsel Bureau.

4. Any board, commission, committee or council created in chapters 590, 623 to 625A, inclusive, 628, 630 to 644, inclusive,



648, 652, 654 and 656 of NRS *and sections 2 to 34, inclusive, of this act* which contracts for the services of a person, shall require the contract for those services to be in writing. The contract must be approved by the State Board of Examiners before those services may be provided.

Sec. 41. NRS 353.005 is hereby amended to read as follows:

353.005 The provisions of this chapter do not apply to boards created by the provisions of NRS 590.485 and chapters 623 to 625A, inclusive, 628, 630 to 644, inclusive, 648, 654 and 656 of NRS *and sections 2 to 34, inclusive, of this act* and the officers and employees of those boards.

Sec. 42. NRS 353A.020 is hereby amended to read as follows:

353A.020 1. The Director, in consultation with the Committee and Legislative Auditor, shall adopt a uniform system of internal accounting and administrative control for agencies. The elements of the system must include, without limitation:

(a) A plan of organization which provides for a segregation of duties appropriate to safeguard the assets of the agency;

(b) A plan which limits access to assets of the agency to persons who need the assets to perform their assigned duties;

(c) Procedures for authorizations and recordkeeping which effectively control accounting of assets, liabilities, revenues and expenses;

(d) A system of practices to be followed in the performance of the duties and functions of each agency; and

(e) An effective system of internal review.

2. The Director, in consultation with the Committee and Legislative Auditor, may modify the system whenever he considers it necessary.

3. Each agency shall develop written procedures to carry out the system of internal accounting and administrative control adopted pursuant to this section.

4. For the purposes of this section, “agency” does not include:

(a) A board created by the provisions of NRS 590.485 and chapters 623 to 625A, inclusive, 628, 630 to 644, inclusive, 648, 654 and 656 of NRS *and sections 2 to 34, inclusive, of this act.*

(b) The Nevada System of Higher Education.

(c) The Public Employees’ Retirement System.

(d) The Housing Division of the Department of Business and Industry.

(e) The Colorado River Commission of Nevada.

Sec. 43. NRS 353A.025 is hereby amended to read as follows:

353A.025 1. The head of each agency shall periodically review the agency’s system of internal accounting and administrative control to determine whether it is in compliance with



1 the uniform system of internal accounting and administrative control
2 for agencies adopted pursuant to subsection 1 of NRS 353A.020.

3 2. On or before July 1 of each even-numbered year, the head of
4 each agency shall report to the Director whether the agency's
5 system of internal accounting and administrative control is in
6 compliance with the uniform system adopted pursuant to subsection
7 1 of NRS 353A.020. The reports must be made available for
8 inspection by the members of the Legislature.

9 3. For the purposes of this section, "agency" does not include:

10 (a) A board created by the provisions of NRS 590.485 and
11 chapters 623 to 625A, inclusive, 628, 630 to 644, inclusive, 648,
12 654 and 656 of NRS ~~H~~ *and sections 2 to 34, inclusive, of this act.*

13 (b) The Nevada System of Higher Education.

14 (c) The Public Employees' Retirement System.

15 (d) The Housing Division of the Department of Business and
16 Industry.

17 (e) The Colorado River Commission of Nevada.

18 4. The Director shall, on or before the first Monday in
19 February of each odd-numbered year, submit a report on the status
20 of internal accounting and administrative controls in agencies to the:

21 (a) Director of the Legislative Counsel Bureau for transmittal to
22 the:

23 (1) Senate Standing Committee on Finance; and

24 (2) Assembly Standing Committee on Ways and Means;

25 (b) Governor; and

26 (c) Legislative Auditor.

27 5. The report submitted by the Director pursuant to subsection
28 4 must include, without limitation:

29 (a) The identification of each agency that has not complied with
30 the requirements of subsections 1 and 2;

31 (b) The identification of each agency that does not have an
32 effective method for reviewing its system of internal accounting and
33 administrative control; and

34 (c) The identification of each agency that has weaknesses in its
35 system of internal accounting and administrative control, and the
36 extent and types of such weaknesses.

37 **Sec. 44.** NRS 353A.045 is hereby amended to read as follows:

38 353A.045 The Chief shall:

39 1. Report to the Director.

40 2. Develop long-term and annual work plans to be based on the
41 results of periodic documented risk assessments. The annual work
42 plan must list the agencies to which the Division will provide
43 training and assistance and be submitted to the Director for
44 approval. Such agencies ~~must~~ *shall* not include:



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(a) A board created by the provisions of NRS 590.485 and chapters 623 to 625A, inclusive, 628, 630 to 644, inclusive, 648, 654 and 656 of NRS ~~H~~ *and sections 2 to 34, inclusive, of this act.*

(b) The Nevada System of Higher Education.

(c) The Public Employees' Retirement System.

(d) The Housing Division of the Department of Business and Industry.

(e) The Colorado River Commission of Nevada.

3. Provide a copy of the approved annual work plan to the Legislative Auditor.

4. In consultation with the Director, prepare a plan for auditing executive branch agencies for each fiscal year and present the plan to the Committee for its review and approval. Each plan for auditing must:

(a) State the agencies which will be audited, the proposed scope and assignment of those audits and the related resources which will be used for those audits; and

(b) Ensure that the internal accounting, administrative controls and financial management of each agency are reviewed periodically.

5. Perform the audits of the programs and activities of the agencies in accordance with the plan approved pursuant to subsection 5 of NRS 353A.038 and prepare audit reports of his findings.

6. Review each agency that is audited pursuant to subsection 5 and advise those agencies concerning internal accounting, administrative controls and financial management.

7. Submit to each agency that is audited pursuant to subsection 5 analyses, appraisals and recommendations concerning:

(a) The adequacy of the internal accounting and administrative controls of the agency; and

(b) The efficiency and effectiveness of the management of the agency.

8. Report any possible abuses, illegal actions, errors, omissions and conflicts of interest of which the Division becomes aware during the performance of an audit.

9. Adopt the standards of the Institute of Internal Auditors for conducting and reporting on internal audits.

10. Consult with the Legislative Auditor concerning the plan for auditing and the scope of audits to avoid duplication of effort and undue disruption of the functions of agencies that are audited pursuant to subsection 5.

11. Appoint a Manager of Internal Controls.

Sec. 45. NRS 432B.220 is hereby amended to read as follows:

432B.220 1. Any person who is described in subsection 4 and who, in his professional or occupational capacity, knows or has



1 reasonable cause to believe that a child has been abused or neglected
2 shall:

3 (a) Except as otherwise provided in subsection 2, report the
4 abuse or neglect of the child to an agency which provides child
5 welfare services or to a law enforcement agency; and

6 (b) Make such a report as soon as reasonably practicable but not
7 later than 24 hours after the person knows or has reasonable cause to
8 believe that the child has been abused or neglected.

9 2. If a person who is required to make a report pursuant to
10 subsection 1 knows or has reasonable cause to believe that the abuse
11 or neglect of the child involves an act or omission of:

12 (a) A person directly responsible or serving as a volunteer for or
13 an employee of a public or private home, institution or facility
14 where the child is receiving child care outside of his home for a
15 portion of the day, the person shall make the report to a law
16 enforcement agency.

17 (b) An agency which provides child welfare services or a law
18 enforcement agency, the person shall make the report to an agency
19 other than the one alleged to have committed the act or omission,
20 and the investigation of the abuse or neglect of the child must be
21 made by an agency other than the one alleged to have committed the
22 act or omission.

23 3. Any person who is described in paragraph (a) of subsection
24 4 who delivers or provides medical services to a newborn infant and
25 who, in his professional or occupational capacity, knows or has
26 reasonable cause to believe that the newborn infant has been
27 affected by prenatal illegal substance abuse or has withdrawal
28 symptoms resulting from prenatal drug exposure shall, as soon as
29 reasonably practicable but not later than 24 hours after the person
30 knows or has reasonable cause to believe that the newborn infant is
31 so affected or has such symptoms, notify an agency which provides
32 child welfare services of the condition of the infant and refer each
33 person who is responsible for the welfare of the infant to an agency
34 which provides child welfare services for appropriate counseling,
35 training or other services. A notification and referral to an agency
36 which provides child welfare services pursuant to this subsection
37 shall not be construed to require prosecution for any illegal action.

38 4. A report must be made pursuant to subsection 1 by the
39 following persons:

40 (a) A physician, dentist, dental hygienist, chiropractor,
41 optometrist, podiatric physician, medical examiner, resident, intern,
42 professional or practical nurse, physician assistant, *perfusionist*,
43 psychiatrist, psychologist, marriage and family therapist, alcohol or
44 drug abuse counselor, clinical social worker, athletic trainer,



1 advanced emergency medical technician or other person providing
2 medical services licensed or certified in this State.

3 (b) Any personnel of a hospital or similar institution engaged in
4 the admission, examination, care or treatment of persons or an
5 administrator, manager or other person in charge of a hospital or
6 similar institution upon notification of suspected abuse or neglect of
7 a child by a member of the staff of the hospital.

8 (c) A coroner.

9 (d) A clergyman, practitioner of Christian Science or religious
10 healer, unless he has acquired the knowledge of the abuse or neglect
11 from the offender during a confession.

12 (e) A social worker and an administrator, teacher, librarian or
13 counselor of a school.

14 (f) Any person who maintains or is employed by a facility or
15 establishment that provides care for children, children's camp or
16 other public or private facility, institution or agency furnishing care
17 to a child.

18 (g) Any person licensed to conduct a foster home.

19 (h) Any officer or employee of a law enforcement agency or an
20 adult or juvenile probation officer.

21 (i) An attorney, unless he has acquired the knowledge of the
22 abuse or neglect from a client who is or may be accused of the abuse
23 or neglect.

24 (j) Any person who maintains, is employed by or serves as a
25 volunteer for an agency or service which advises persons regarding
26 abuse or neglect of a child and refers them to persons and agencies
27 where their requests and needs can be met.

28 (k) Any person who is employed by or serves as a volunteer for
29 an approved youth shelter. As used in this paragraph, "approved
30 youth shelter" has the meaning ascribed to it in NRS 244.422.

31 (l) Any adult person who is employed by an entity that provides
32 organized activities for children.

33 5. A report may be made by any other person.

34 6. If a person who is required to make a report pursuant to
35 subsection 1 knows or has reasonable cause to believe that a child
36 has died as a result of abuse or neglect, the person shall, as soon as
37 reasonably practicable, report this belief to the appropriate medical
38 examiner or coroner, who shall investigate the report and submit to
39 an agency which provides child welfare services his written
40 findings. The written findings must include, if obtainable, the
41 information required pursuant to the provisions of subsection 2 of
42 NRS 432B.230.

43 **Sec. 46.** NRS 608.0116 is hereby amended to read as follows:

44 608.0116 "Professional" means pertaining to an employee who
45 is licensed or certified by the State of Nevada for and engaged in the



1 practice of law or any of the professions regulated by chapters 623
2 to 645, inclusive, and 656A of NRS ~~§~~ *and sections 2 to 34,*
3 *inclusive, of this act.*

4 **Sec. 47.** Section 24 of this act is hereby amended to read as
5 follows:

6 Sec. 24. 1. In addition to any other requirements set
7 forth in this chapter ~~§~~:

8 ~~—(a) An applicant for the issuance of a license as a~~
9 ~~perfusionist shall include the social security number of the~~
10 ~~applicant in the application submitted to the Board.~~

11 ~~—(b) An~~ *, an* applicant for the issuance or renewal of a
12 license as a perfusionist shall submit to the Board the
13 statement prescribed by the Division of Welfare and
14 Supportive Services of the Department of Health and Human
15 Services pursuant to NRS 425.520. The statement must be
16 completed and signed by the applicant.

17 2. The Board shall include the statement required
18 pursuant to subsection 1 in:

19 (a) The application or any other forms that must be
20 submitted for the issuance or renewal of the license; or

21 (b) A separate form prescribed by the Board.

22 3. A license as a perfusionist may not be issued or
23 renewed by the Board if the applicant:

24 (a) Fails to submit the statement required pursuant to
25 subsection 1; or

26 (b) Indicates on the statement submitted pursuant to
27 subsection 1 that he is subject to a court order for the support
28 of a child and is not in compliance with the order or a plan
29 approved by the district attorney or other public agency
30 enforcing the order for the repayment of the amount owed
31 pursuant to the order.

32 4. If an applicant indicates on the statement submitted
33 pursuant to subsection 1 that he is subject to a court order for
34 the support of a child and is not in compliance with the order
35 or a plan approved by the district attorney or other public
36 agency enforcing the order for the repayment of the amount
37 owed pursuant to the order, the Board shall advise the
38 applicant to contact the district attorney or other public
39 agency enforcing the order to determine the actions that the
40 applicant may take to satisfy the arrearage.

41 **Sec. 48.** Notwithstanding the provisions of sections 2 to 34,
42 inclusive, of this act:

43 1. A person may be licensed as a perfusionist without
44 complying with the provisions of section 21 of this act if the person:



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(a) Is employed or otherwise working as a perfusionist on July 1, 2007;

(b) Has been operating cardiopulmonary bypass systems during cardiac surgical cases in a licensed health care facility as his primary function for at least 6 of the 8 years immediately preceding the date of application; and

(c) Before July 1, 2008, submits to the State Board of Perfusionists created pursuant to section 14 of this act:

(1) An application for a license on a form provided by the Board;

(2) The fee for the license prescribed by the Board pursuant to section 20 of this act; and

(3) The information required pursuant to section 24 of this act, unless that section has expired by limitation and is no longer in effect.

2. If a person is employed or otherwise working as a perfusionist on July 1, 2007, but the person does not meet the qualifications to be licensed as a perfusionist pursuant to subsection 1 or, if so qualified, fails to obtain a license as a perfusionist pursuant to subsection 1 and the person is not exempt from licensure pursuant to section 13 of this act, the person:

(a) May continue to practice perfusion in this State until June 30, 2008, without holding a license to practice perfusion issued by the State Board of Perfusionists pursuant to sections 2 to 34, inclusive, of this act; and

(b) Must, if the person wishes to continue to practice perfusion in this State on or after July 1, 2008, hold a license to practice perfusion issued by the State Board of Perfusionists pursuant to sections 2 to 34, inclusive, of this act.

Sec. 49. 1. As soon as is practicable, the Governor shall appoint to the State Board of Perfusionists pursuant to section 14 of this act:

(a) Two members whose terms expire on June 30, 2009; and

(b) Three members whose terms expire on June 30, 2010, except that no member may begin serving a term sooner than July 1, 2007.

2. Notwithstanding the provisions of section 14 of this act, each perfusionist who is appointed to the Board to an initial term pursuant to subsection 1 is not required to hold a license issued pursuant to sections 2 to 34, inclusive, of this act at the time of appointment but must be eligible for such a license at the time of appointment. Not later than July 1, 2008, each member of the Board who is a perfusionist must hold a license issued pursuant to sections 2 to 34, inclusive, of this act.



1 **Sec. 50.** 1. Except as otherwise provided in subsection 2, this
2 act becomes effective upon passage and approval for the purposes
3 of:

4 (a) The Governor appointing members to the State Board of
5 Perfusionists; and

6 (b) The Board and its members and employees performing any
7 organizational, preparatory or preliminary administrative tasks that
8 are necessary to carry out the provisions of this act, including,
9 without limitation, adopting regulations, accepting and processing
10 applications, collecting fees and issuing licenses,

11 ↪ and on July 1, 2008, for all other purposes.

12 2. Section 47 of this act becomes effective on the date on
13 which the provisions of 42 U.S.C. § 666 requiring each state to
14 establish procedures under which the state has authority to withhold
15 or suspend, or to restrict the use of professional, occupational and
16 recreational licenses of persons who:

17 (a) Have failed to comply with a subpoena or warrant relating to
18 a proceeding to determine the paternity of a child or to establish or
19 enforce an obligation for the support of a child; or

20 (b) Are in arrears in the payment for the support of one or more
21 children,

22 ↪ are repealed by the Congress of the United States.

23 3. Sections 24, 25 and 47 of this act expire by limitation on the
24 date 2 years after the date on which the provisions of 42 U.S.C. §
25 666 requiring each state to establish procedures under which the
26 state has authority to withhold or suspend, or to restrict the use of
27 professional, occupational and recreational licenses of persons who:

28 (a) Have failed to comply with a subpoena or warrant relating to
29 a proceeding to determine the paternity of a child or to establish or
30 enforce an obligation for the support of a child; or

31 (b) Are in arrears in the payment for the support of one or more
32 children,

33 ↪ are repealed by the Congress of the United States.

