

Amendment No. 421

Senate Amendment to Senate Bill No. 268

(BDR 54-161)

Proposed by: Senate Committee on Commerce and Labor**Amends:** Summary: No Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes

ASSEMBLY ACTION				Initial and Date	SENATE ACTION				Initial and Date
Adopted	☐	Lost	☐	_____	Adopted	☐	Lost	☐	_____
Concurred In	☐	Not	☐	_____	Concurred In	☐	Not	☐	_____
Receded	☐	Not	☐	_____	Receded	☐	Not	☐	_____

EXPLANATION: Matter in (1) ***blue bold italics*** is new language in the original bill; (2) ***green bold italic underlining*** is new language proposed in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) ~~orange double underlining~~ is deleted language in the original bill that is proposed to be retained in this amendment; and (6) ***green bold dashed underlining*** is newly added transitory language.

AAK/RBL



Date: 4/18/2009

S.B. No. 268—Makes various changes to provisions governing occupational licensing boards. (BDR 54-161)



SENATE BILL NO. 268—SENATOR CARLTON

MARCH 16, 2009

Referred to Committee on Commerce and Labor

SUMMARY—Makes various changes to provisions governing occupational licensing boards. (BDR 54-161)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to professions; allowing regulatory bodies to share information with each other and with the Health Division of the Department of Health and Human Services for reasons of public health; allowing regulatory bodies and the Health Division to conduct joint investigations in certain circumstances; requiring certain qualifications of members of regulatory bodies who are not licensed pursuant to the authority of the body on which they serve; exempting community service performed as a result of disciplinary action from limited immunity to civil liability for rendering gratuitous care; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 2 of this bill: (1) allows a regulatory body to share information with other regulatory bodies and the Health Division of the Department of Health and Human Services relating to public health concerns ~~if the confidentiality of any shared information is maintained;~~ and (2) ~~requires regulatory bodies to otherwise maintain confidentiality of any information shared;~~ allows a regulatory body and the Health Division to agree to conduct a joint investigation.

Section 3 of this bill establishes certain requirements for any member of a regulatory body who is not himself a licensee of that regulatory body.

Section 4 of this bill exempts from protection under the Good Samaritan statutes any person who is performing community service as a result of disciplinary action by any regulatory body.

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

Section 1. Chapter 622 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. 1. Any regulatory body may share information in its possession relating to public health concerns with any other regulatory body ~~if~~ and with the

Health Division of the Department of Health and Human Services, if the confidentiality of the information is otherwise maintained in accordance with the terms and conditions required by law.

2. Any regulatory body may conduct a joint investigation with the Health Division if either of them so requests and the regulatory body and the Health Division agree that each of them will benefit from conducting a joint investigation.

Sec. 3. A member of a regulatory body who is not a licensee of the regulatory body of which he is a member:

1. Shall reside in this State;
2. Must be a person of recognized ability and integrity;
3. Shall not have substantial personal or financial interests in the practice of any occupation or profession that the regulatory body has the authority to regulate or in any organization regulated by that regulatory body;
4. Shall not have an immediate relative who has substantial personal or financial interests in the practice of any occupation or profession that the regulatory body has the authority to regulate or in any organization regulated by that regulatory body;
5. Shall not be an officer, board member or employee of a statewide or national organization established for the purpose of advocating the interests of or conducting peer review of licensees of the regulatory body on which he serves; and
6. Must not be a registered lobbyist representing any interest or association relating to the practice of any occupation or profession that the regulatory body has the authority to regulate.

Sec. 4. NRS 41.500 is hereby amended to read as follows:

41.500 1. Except as otherwise provided in NRS 41.505, any person in this State who renders emergency care or assistance in an emergency, gratuitously and in good faith, except for a person who is performing community service as a result of disciplinary action pursuant to any provision in title 54 of NRS, is not liable for any civil damages as a result of any act or omission, not amounting to gross negligence, by him in rendering the emergency care or assistance or as a result of any act or failure to act, not amounting to gross negligence, to provide or arrange for further medical treatment for the injured person.

2. Any person in this State who acts as a driver of an ambulance or attendant on an ambulance operated by a volunteer service or as a volunteer driver or attendant on an ambulance operated by a political subdivision of this State, or owned by the Federal Government and operated by a contractor of the Federal Government, and who in good faith renders emergency care or assistance to any injured or ill person, whether at the scene of an emergency or while transporting an injured or ill person to or from any clinic, doctor's office or other medical facility, is not liable for any civil damages as a result of any act or omission, not amounting to gross negligence, by him in rendering the emergency care or assistance, or as a result of any act or failure to act, not amounting to gross negligence, to provide or arrange for further medical treatment for the injured or ill person.

3. Any appointed member of a volunteer service operating an ambulance or an appointed volunteer serving on an ambulance operated by a political subdivision of this State, other than a driver or attendant, of an ambulance, is not liable for any civil damages as a result of any act or omission, not amounting to gross negligence, by him whenever he is performing his duties in good faith.

4. Any person who is a member of a search and rescue organization in this State under the direct supervision of any county sheriff who in good faith renders care or assistance in an emergency to any injured or ill person, whether at the scene

1 of an emergency or while transporting an injured or ill person to or from any clinic,
2 doctor's office or other medical facility, is not liable for any civil damages as a
3 result of any act or omission, not amounting to gross negligence, by him in
4 rendering the emergency care or assistance, or as a result of any act or failure to act,
5 not amounting to gross negligence, to provide or arrange for further medical
6 treatment for the injured or ill person.

7 5. Any person who is employed by or serves as a volunteer for a public fire-
8 fighting agency and who is authorized pursuant to chapter 450B of NRS to render
9 emergency medical care at the scene of an emergency is not liable for any civil
10 damages as a result of any act or omission, not amounting to gross negligence, by
11 that person in rendering that care or as a result of any act or failure to act, not
12 amounting to gross negligence, to provide or arrange for further medical treatment
13 for the injured or ill person.

14 6. Any person who:

15 (a) Has successfully completed a course in cardiopulmonary resuscitation
16 according to the guidelines of the American National Red Cross or American Heart
17 Association;

18 (b) Has successfully completed the training requirements of a course in basic
19 emergency care of a person in cardiac arrest conducted in accordance with the
20 standards of the American Heart Association; or

21 (c) Is directed by the instructions of a dispatcher for an ambulance, air
22 ambulance or other agency that provides emergency medical services before its
23 arrival at the scene of the emergency,

24 and who in good faith renders cardiopulmonary resuscitation in accordance with
25 his training or the direction, other than in the course of his regular employment or
26 profession, is not liable for any civil damages as a result of any act or omission, not
27 amounting to gross negligence, by that person in rendering that care.

28 7. For the purposes of subsection 6, a person who:

29 (a) Is required to be certified in the administration of cardiopulmonary
30 resuscitation pursuant to NRS 391.092; and

31 (b) In good faith renders cardiopulmonary resuscitation on the property of a
32 public school or in connection with a transportation of pupils to or from a public
33 school or while on activities that are part of the program of a public school,

34 and shall be presumed to have acted other than in the course of his regular
35 employment or profession.

36 8. Any person who gratuitously and in good faith renders emergency medical
37 care involving the use of an automated external defibrillator is not liable for any
38 civil damages as a result of any act or omission, not amounting to gross negligence,
39 by that person in rendering that care.

40 9. A business or organization that has placed an automated external
41 defibrillator for use on its premises is not liable for any civil damages as a result of
42 any act or omission, not amounting to gross negligence, by the person rendering
43 such care or for providing the automated external defibrillator to the person for the
44 purpose of rendering such care if the business or organization:

45 (a) Complies with all current federal and state regulations governing the use
46 and placement of an automated external defibrillator;

47 (b) Ensures that the automated external defibrillator is maintained and tested
48 according to the operational guidelines established by the manufacturer; and

49 (c) Establishes requirements for the notification of emergency medical
50 assistance and guidelines for the maintenance of the equipment.

51 10. As used in this section, "gratuitously" means that the person receiving
52 care or assistance is not required or expected to pay any compensation or other
53 remuneration for receiving the care or assistance.