

Amendment No. 418

Senate Amendment to Senate Bill No. 8

(BDR 54-216)

Proposed by: Senate Committee on Commerce and Labor**Amends:** Summary: Yes 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.

DP/WLK



Date: 4/18/2009

S.B. No. 8—Makes various changes related to the process for appointment to certain medical boards. (BDR 54-216)



SENATE BILL NO. 8—COMMITTEE ON COMMERCE AND LABOR

(ON BEHALF OF THE LEGISLATIVE COMMITTEE ON HEALTH CARE)

PREFILED NOVEMBER 24, 2008

Referred to Committee on Commerce and Labor

SUMMARY—Makes various changes related to ~~the process for appointment to~~ **members of** certain medical boards. (BDR 54-216)

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 medical professions; ~~revising the process for appointing members of~~ **requiring** the Board of Medical Examiners, the Board of Homeopathic Medical Examiners and the State Board of Osteopathic Medicine ~~to require these boards~~ to retain copies of acknowledgments **by members of the boards** related to conflict of interest provisions; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~Existing law authorizes the Governor to appoint the members of the Board of Medical Examiners, the Board of Homeopathic Medical Examiners and the State Board of Osteopathic Medicine. (NRS 630.050, 630A.100, 633.181) Sections 3, 6 and 9 of this bill revise the appointment process to allow nominations for board positions from certain sources. Sections 3, 6 and 9 also allow the Legislative Committee on Health Care to investigate the persons nominated and report to the Governor on these nominations. In addition, sections 3, 6 and 9 require the Governor to select a person to appoint from the list of persons nominated unless too few persons are nominated or the Legislative Committee on Health Care fails to transmit the list within a certain time.~~

Existing law requires all public officers to read and understand statutory ethical standards and to acknowledge such on a form prescribed by the Commission on Ethics. (NRS 281A.500) **Sections 4, 7 and 10** of this bill clarify that these requirements apply to members of the Board of Medical Examiners, the Board of Homeopathic Medical Examiners and the State Board of Osteopathic Medicine. **Sections 4, 7 and 10** also require that the Executive Director of the Board of Medical Examiners, the Secretary-Treasurer of the Board of Homeopathic Medical Examiners and the Executive Director of the State Board of Osteopathic Medicine retain copies of the acknowledgment required pursuant to NRS 281A.500.

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

Section 1. ~~[NRS 629.097 is hereby amended to read as follows:~~

~~629.097 1. Except as otherwise provided in sections 3, 6 and 9 of this act:~~

~~(a) If the Governor must appoint to a board a person who is a member of a profession being regulated by that board, the Governor shall solicit nominees from one or more applicable professional associations in this State.~~

~~[2.] (b) To the extent practicable, such an applicable professional association shall provide nominees who represent the geographic diversity of this State.~~

~~[3.] (c) The Governor may appoint any qualified person to a board, without regard to whether the person is nominated pursuant to this section.~~

~~[4.] 2. As used in this section, "board" refers to a board created pursuant to chapter 630, 630A, 631, 632, 633, 634, 634A, 635, 636, 637, 637A, 637B, 639, 640, 640A, 640B, 640C, 641, 641A, 641B or 641C.] (Deleted by amendment.)~~

Sec. 2. ~~[Chapter 630 of NRS is hereby amended by adding thereto the provisions set forth as sections 3 and 4 of this act.] (Deleted by amendment.)~~

Sec. 3. ~~[1. At least 90 days before the beginning of any term of office of a member of the Board, or within 30 days after a position on the Board becomes vacant if it becomes vacant more than 120 days before the beginning of the next term of office for that position, the names of persons who are qualified for membership on the Board may be submitted to the Legislative Committee on Health Care by:~~

~~(a) Any medical society or professional association;~~

~~(b) The University of Nevada School of Medicine; and~~

~~(c) A member of the public.~~

~~2. If fewer than three names are submitted pursuant to subsection 1, the Governor may immediately appoint any qualified person to the position.~~

~~3. With respect to the list of persons nominated pursuant to subsection 1, the Legislative Committee on Health Care:~~

~~(a) May investigate the character and fitness of the persons nominated to serve on the Board; and~~

~~(b) May not remove any name from the list.~~

~~4. The Legislative Committee on Health Care may, not later than 60 days after the deadline for the receipt of nominations pursuant to subsection 1, submit to the Governor the list of persons nominated and the results of any investigations conducted pursuant to subsection 3.~~

~~5. Except as otherwise provided in subsections 2 and 6, the Governor shall appoint a new member or fill a vacancy from the list of persons nominated pursuant to subsection 1.~~

~~6. If the Legislative Committee on Health Care fails to submit the list to the Governor in accordance with subsection 4, the Governor may appoint any qualified person to the position.] (Deleted by amendment.)~~

Sec. 4. Chapter 630 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Each member of the Board shall comply with the provisions of NRS 281A.500.

2. Each member of the Board shall provide a copy of the acknowledgment filed pursuant to NRS 281A.500 to the Executive Director of the Board, and the Executive Director shall retain an acknowledgment provided pursuant to this section for 6 years after the date on which the acknowledgment was provided to the Executive Director.

1 Sec. 5. ~~[Chapter 630A of NRS is hereby amended by adding thereto the~~
2 ~~provisions set forth as sections 6 and 7 of this act.]~~ **(Deleted by amendment.)**

3 Sec. 6. ~~[1. At least 90 days before the beginning of any term of office of a~~
4 ~~member of the Board, or within 30 days after a position on the Board becomes~~
5 ~~vacant if it becomes vacant more than 120 days before the beginning of the next~~
6 ~~term of office for that position, the names of persons who are qualified for~~
7 ~~membership on the Board may be submitted to the Legislative Committee on~~
8 ~~Health Care by:~~

- 9 ~~— (a) Any medical society or professional association;~~
10 ~~— (b) The University of Nevada School of Medicine; and~~
11 ~~— (c) A member of the public.~~

12 ~~2. If fewer than three names are submitted pursuant to subsection 1, the~~
13 ~~Governor may immediately appoint any qualified person to the position.~~

14 ~~3. With respect to the list of persons nominated pursuant to subsection 1,~~
15 ~~the Legislative Committee on Health Care:~~

- 16 ~~— (a) May investigate the character and fitness of the persons nominated to~~
17 ~~serve on the Board; and~~
18 ~~— (b) May not remove any name from the list.~~

19 ~~4. The Legislative Committee on Health Care may, not later than 60 days~~
20 ~~after the deadline for the receipt of nominations pursuant to subsection 1, submit~~
21 ~~to the Governor the list of persons nominated and the results of any~~
22 ~~investigations conducted pursuant to subsection 3.~~

23 ~~5. Except as otherwise provided in subsections 2 and 6, the Governor shall~~
24 ~~appoint a new member or fill a vacancy from the list of persons nominated~~
25 ~~pursuant to subsection 1.~~

26 ~~6. If the Legislative Committee on Health Care fails to submit the list to the~~
27 ~~Governor in accordance with subsection 4, the Governor may appoint any~~
28 ~~qualified person to the position.]~~ **(Deleted by amendment.)**

29 Sec. 7. **Chapter 630A of NRS is hereby amended by adding thereto a**
30 **new section to read as follows:**

31 1. Each member of the Board shall comply with the provisions of
32 NRS 281A.500.

33 2. Each member of the Board shall provide a copy of the acknowledgment
34 filed pursuant to NRS 281A.500 to the Secretary-Treasurer of the Board, and the
35 Secretary-Treasurer shall retain an acknowledgment provided pursuant to this
36 section for 6 years after the date on which the acknowledgment was provided to
37 the Secretary-Treasurer.

38 Sec. 8. ~~[Chapter 633 of NRS is hereby amended by adding thereto the~~
39 ~~provisions set forth as sections 9 and 10 of this act.]~~ **(Deleted by amendment.)**

40 Sec. 9. ~~[1. At least 90 days before the beginning of any term of office of a~~
41 ~~member of the Board, or within 30 days after a position on the Board becomes~~
42 ~~vacant if it becomes vacant more than 120 days before the beginning of the next~~
43 ~~term of office for that position, the names of persons who are qualified for~~
44 ~~membership on the Board may be submitted to the Legislative Committee on~~
45 ~~Health Care by:~~

- 46 ~~— (a) Any medical society or professional association;~~
47 ~~— (b) The University of Nevada School of Medicine; and~~
48 ~~— (c) A member of the public.~~

49 ~~2. If fewer than three names are submitted pursuant to subsection 1, the~~
50 ~~Governor may immediately appoint any qualified person to the position.~~

51 ~~3. With respect to the list of persons nominated pursuant to subsection 1,~~
52 ~~the Legislative Committee on Health Care:~~

~~1. (a) May investigate the character and fitness of the persons nominated to serve on the Board; and~~

~~2. (b) May not remove any name from the list.~~

~~3. 4. The Legislative Committee on Health Care may, not later than 60 days after the deadline for the receipt of nominations pursuant to subsection 1, submit to the Governor the list of persons nominated and the results of any investigations conducted pursuant to subsection 3.~~

~~4. 5. Except as otherwise provided in subsections 2 and 6, the Governor shall appoint a new member or fill a vacancy from the list of persons nominated pursuant to subsection 1.~~

~~5. 6. If the Legislative Committee on Health Care fails to submit the list to the Governor in accordance with subsection 4, the Governor may appoint any qualified person to the position. (Deleted by amendment.)~~

Sec. 10. Chapter 633 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Each member of the Board shall comply with the provisions of NRS 281A.500.

2. Each member of the Board shall provide a copy of the acknowledgment filed pursuant to NRS 281A.500 to the Executive Director of the Board, and the Executive Director shall retain an acknowledgment provided pursuant to this section for 6 years after the date on which the acknowledgment was provided to the Executive Director.

Sec. 11. This act becomes effective on July 1, 2009.