

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 for reasons of public health; 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 relating to public health concerns; and (2) requires regulatory bodies to otherwise maintain confidentiality of any information shared.

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. *Any regulatory body may share information in its possession relating to public health concerns with any other*



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1 *regulatory body, if the confidentiality of the information is*
2 *otherwise maintained in accordance with the terms and conditions*
3 *required by law.*

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

6 1. *Shall reside in this State;*

7 2. *Must be a person of recognized ability and integrity;*

8 3. *Shall not have substantial personal or financial interests in*
9 *the practice of any occupation or profession that the regulatory*
10 *body has the authority to regulate or in any organization regulated*
11 *by that regulatory body;*

12 4. *Shall not have an immediate relative who has substantial*
13 *personal or financial interests in the practice of any occupation or*
14 *profession that the regulatory body has the authority to regulate or*
15 *in any organization regulated by that regulatory body;*

16 5. *Shall not be an officer, board member or employee of a*
17 *statewide or national organization established for the purpose of*
18 *advocating the interests of or conducting peer review of licensees*
19 *of the regulatory body on which he serves; and*

20 6. *Must not be a registered lobbyist representing any interest*
21 *or association relating to the practice of any occupation or*
22 *profession that the regulatory body has the authority to regulate.*

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

24 41.500 1. Except as otherwise provided in NRS 41.505, any
25 person in this State who renders emergency care or assistance in an
26 emergency, gratuitously and in good faith, *except for a person who*
27 *is performing community service as a result of disciplinary action*
28 *pursuant to any provision in title 54 of NRS*, is not liable for any
29 civil damages as a result of any act or omission, not amounting to
30 gross negligence, by him in rendering the emergency care or
31 assistance or as a result of any act or failure to act, not amounting to
32 gross negligence, to provide or arrange for further medical treatment
33 for the injured person.

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



1 gross negligence, to provide or arrange for further medical treatment
2 for the injured or ill person.

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

9 4. Any person who is a member of a search and rescue
10 organization in this State under the direct supervision of any county
11 sheriff who in good faith renders care or assistance in an emergency
12 to any injured or ill person, whether at the scene of an emergency or
13 while transporting an injured or ill person to or from any clinic,
14 doctor's office or other medical facility, is not liable for any civil
15 damages as a result of any act or omission, not amounting to gross
16 negligence, by him in rendering the emergency care or assistance, or
17 as a result of any act or failure to act, not amounting to gross
18 negligence, to provide or arrange for further medical treatment for
19 the injured or ill person.

20 5. Any person who is employed by or serves as a volunteer for
21 a public fire-fighting agency and who is authorized pursuant to
22 chapter 450B of NRS to render emergency medical care at the scene
23 of an emergency is not liable for any civil damages as a result of any
24 act or omission, not amounting to gross negligence, by that person
25 in rendering that care or as a result of any act or failure to act, not
26 amounting to gross negligence, to provide or arrange for further
27 medical treatment for the injured or ill person.

28 6. Any person who:

29 (a) Has successfully completed a course in cardiopulmonary
30 resuscitation according to the guidelines of the American National
31 Red Cross or American Heart Association;

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

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

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

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



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

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

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

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

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

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

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

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

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

