

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) 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.



* S B 2 6 8 R 1 *

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 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.



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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 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.

5. Any person who is employed by or serves as a volunteer for a public fire-fighting agency and who is authorized pursuant to chapter 450B of NRS to render emergency medical care at the scene of an emergency 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 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.

6. Any person who:

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

(b) Has successfully completed the training requirements of a course in basic emergency care of a person in cardiac arrest



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1 conducted in accordance with the standards of the American Heart
2 Association; or

3 (c) Is directed by the instructions of a dispatcher for an
4 ambulance, air ambulance or other agency that provides emergency
5 medical services before its arrival at the scene of the emergency,
6 ➤ and who in good faith renders cardiopulmonary resuscitation in
7 accordance with his training or the direction, other than in the
8 course of his regular employment or profession, is not liable for any
9 civil damages as a result of any act or omission, not amounting to
10 gross negligence, by that person in rendering that care.

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

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

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

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

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

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

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

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

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

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

