

SENATE BILL NO. 302—SENATORS NOLAN, PARKS, CEGAVSKE;  
AMODEI, CARE, COPENING, HARDY, RAGGIO, WIENER AND  
WOODHOUSE

MARCH 16, 2009

Referred to Committee on Health and Education

SUMMARY—Authorizes certain agreements for the provision of  
medical care in certain hospitals. (BDR 40-982)

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 public health; authorizing hospitals to enter into  
agreements for the provision of medical care under certain  
circumstances; and providing other matters properly  
relating thereto.

**Legislative Counsel's Digest:**

1 Federal law authorizes a health care professional employed by the Armed  
2 Forces of the United States to practice his health profession in the District of  
3 Columbia or any state or territory of the United States if the health care  
4 professional has a current license to practice his profession and is performing  
5 authorized duties for the Department of Defense. (10 U.S.C. § 1094) Under current  
6 state law, a medical officer of the Armed Forces is not required to obtain a license  
7 to practice his profession if he is practicing medicine in the discharge of his official  
8 duties. (NRS 630.047, 630A.090, 631.390, 632.340, 633.171, 635.015) This bill  
9 authorizes a hospital in this State to enter into an agreement with the Armed Forces  
10 of the United States to allow medical officers to provide medical care in the  
11 hospital if the medical officer holds a valid license in a state or territory of the  
12 United States and the medical care is provided as part of a training or educational  
13 program for the medical officer.



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

**Section 1.** Chapter 449 of NRS is hereby amended by adding thereto a new section to read as follows:

*1. A hospital may enter into an agreement with the Armed Forces of the United States to authorize a medical officer to provide medical care in the hospital if:*

*(a) The medical officer holds a valid license in good standing to provide such medical care in the District of Columbia or any state or territory of the United States;*

*(b) The medical care is provided as part of a training or educational program designed to further the employment of the medical officer; and*

*(c) The agreement complies with the provisions of 10 U.S.C. § 1094 and any regulations or guidelines adopted pursuant thereto.*

*2. As used in this section, "medical officer" includes any physician, nurse, dentist or other health care professional who is employed by the Armed Forces of the United States or a reserve component thereof.*

**Sec. 2.** NRS 630.047 is hereby amended to read as follows:

630.047 1. This chapter does not apply to:

(a) A medical officer or practitioner of respiratory care of the Armed ~~[Services]~~ *Forces* or a medical officer or practitioner of respiratory care of any division or department of the United States in the discharge of his official duties ~~§ 1~~ *, including, without limitation, providing medical care in a hospital in accordance with an agreement entered into pursuant to section 1 of this act;*

(b) Physicians who are called into this State, other than on a regular basis, for consultation with or assistance to a physician licensed in this State, and who are legally qualified to practice in the state where they reside;

(c) Physicians who are legally qualified to practice in the state where they reside and come into this State on an irregular basis to:

(1) Obtain medical training approved by the Board from a physician who is licensed in this State; or

(2) Provide medical instruction or training approved by the Board to physicians licensed in this State;

(d) Any person permitted to practice any other healing art under this title who does so within the scope of that authority, or healing by faith or Christian Science;

(e) The practice of respiratory care by a student as part of a program of study in respiratory care that is approved by the Board, or is recognized by a national organization which is approved by the Board to review such programs, if the student is enrolled in the



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1 program and provides respiratory care only under the supervision of  
2 a practitioner of respiratory care;

3 (f) The practice of respiratory care by a student who:

4 (1) Is enrolled in a clinical program of study in respiratory  
5 care which has been approved by the Board;

6 (2) Is employed by a medical facility, as defined in NRS  
7 449.0151; and

8 (3) Provides respiratory care to patients who are not in a  
9 critical medical condition or, in an emergency, to patients who are in  
10 a critical medical condition and a practitioner of respiratory care is  
11 not immediately available to provide that care and the student is  
12 directed by a physician to provide respiratory care under his  
13 supervision until a practitioner of respiratory care is available;

14 (g) The practice of respiratory care by a person on himself or  
15 gratuitous respiratory care provided to a friend or a member of a  
16 person's family if the provider of the care does not represent himself  
17 as a practitioner of respiratory care;

18 (h) A cardiopulmonary perfusionist who is under the supervision  
19 of a surgeon or an anesthesiologist;

20 (i) A person who is employed by a physician and provides  
21 respiratory care under the supervision of that physician;

22 (j) The maintenance of medical equipment for respiratory care  
23 that is not attached to a patient; and

24 (k) A person who installs medical equipment for respiratory care  
25 that is used in the home and gives instructions regarding the use of  
26 that equipment if the person is trained to provide such services and  
27 is supervised by a provider of health care who is acting within the  
28 authorized scope of his practice.

29 2. This chapter does not repeal or affect any statute of Nevada  
30 regulating or affecting any other healing art.

31 3. This chapter does not prohibit:

32 (a) Gratuitous services outside of a medical school or medical  
33 facility by a person who is not a physician, physician assistant or  
34 practitioner of respiratory care in cases of emergency.

35 (b) The domestic administration of family remedies.

36 **Sec. 3.** NRS 630A.090 is hereby amended to read as follows:

37 630A.090 1. This chapter does not apply to:

38 (a) The practice of dentistry, chiropractic, Oriental medicine,  
39 podiatry, optometry, respiratory care, faith or Christian Science  
40 healing, nursing, veterinary medicine or fitting hearing aids.

41 (b) A medical officer of the Armed ~~Services~~ **Forces** or a  
42 medical officer of any division or department of the United States in  
43 the discharge of his official duties ~~[-]~~ **, including, without**  
44 **limitation, providing medical care in a hospital in accordance with**  
45 **an agreement entered into pursuant to section 1 of this act.**



(c) Licensed or certified nurses in the discharge of their duties as nurses.

(d) Homeopathic physicians who are called into this State, other than on a regular basis, for consultation or assistance to any physician licensed in this State, and who are legally qualified to practice in the state or country where they reside.

2. This chapter does not repeal or affect any statute of Nevada regulating or affecting any other healing art.

3. This chapter does not prohibit:

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

(b) The domestic administration of family remedies.

4. This chapter does not authorize a homeopathic physician to practice medicine, including allopathic medicine, except as otherwise provided in NRS 630A.040.

**Sec. 4.** NRS 631.390 is hereby amended to read as follows:

631.390 Except as otherwise provided in subsection 2 of NRS 631.317, this chapter does not apply to:

1. A legally qualified physician or surgeon unless he practices dentistry as a specialty.

2. A dentist or dental hygienist of the United States Army, Navy, Air Force, Public Health Service, Coast Guard or Department of Veterans Affairs in the discharge of his official ~~duty~~ *duties, including, without limitation, providing medical care in a hospital in accordance with an agreement entered into pursuant to section 1 of this act.*

**Sec. 5.** NRS 632.340 is hereby amended to read as follows:

632.340 The provisions of NRS 632.315 do not prohibit:

1. Gratuitous nursing by friends or by members of the family of a patient.

2. The incidental care of the sick by domestic servants or persons primarily employed as housekeepers as long as they do not practice nursing within the meaning of this chapter.

3. Nursing assistance in the case of an emergency.

4. The practice of nursing by students enrolled in accredited schools of nursing or by graduates of those schools or courses pending the results of the first licensing examination scheduled by the Board following graduation. A student or graduate may not work as a nursing assistant unless he is certified to practice as a nursing assistant pursuant to the provisions of this chapter.

5. The practice of nursing in this State by any legally qualified nurse or nursing assistant of another state whose engagement requires him to accompany and care for a patient temporarily residing in this State during the period of one such engagement, not to exceed 6 months, if the person does not represent or hold himself



1 out as a nurse licensed to practice in this State or as a nursing  
2 assistant who holds a certificate to practice in this State.

3 6. The practice of any legally qualified nurse of another state  
4 who is employed by the United States Government, or any bureau,  
5 division or agency thereof, while in the discharge of his official  
6 duties in this State ~~H~~ , *including, without limitation, providing*  
7 *medical care in a hospital in accordance with an agreement*  
8 *entered into pursuant to section 1 of this act.*

9 7. Nonmedical nursing for the care of the sick, with or without  
10 compensation, if done by the adherents of, or in connection with, the  
11 practice of the religious tenets of any well-recognized church or  
12 religious denomination, if that nursing does not amount to the  
13 practice of practical or professional nursing as defined in NRS  
14 632.017 and 632.018, respectively.

15 8. A personal assistant from performing services for a person  
16 with a disability pursuant to NRS 629.091.

17 9. A natural person from providing supported living  
18 arrangement services if:

19 (a) That person has been issued a certificate pursuant to NRS  
20 435.3305 to 435.339, inclusive, and the regulations adopted  
21 pursuant to NRS 435.3305 to 435.339, inclusive; or

22 (b) That person is employed or retained as an independent  
23 contractor by a partnership, firm, corporation or association, state or  
24 local government or agency thereof that has been issued a certificate  
25 pursuant to NRS 435.3305 to 435.339, inclusive, and the regulations  
26 adopted pursuant to NRS 435.3305 to 435.339, inclusive.

27 ➤ As used in this subsection, "supported living arrangement  
28 services" has the meaning ascribed to it in NRS 435.3315.

29 **Sec. 6.** NRS 633.171 is hereby amended to read as follows:

30 633.171 1. This chapter does not apply to:

31 (a) The practice of medicine pursuant to chapter 630 of NRS,  
32 dentistry, chiropractic, podiatry, optometry, respiratory care, faith or  
33 Christian Science healing, nursing, veterinary medicine or fitting  
34 hearing aids.

35 (b) A medical officer of the Armed ~~Services~~ *Forces* or a  
36 medical officer of any division or department of the United States in  
37 the discharge of his official duties ~~H~~ , *including, without*  
38 *limitation, providing medical care in a hospital in accordance with*  
39 *an agreement entered into pursuant to section 1 of this act.*

40 (c) Osteopathic physicians who are called into this State, other  
41 than on a regular basis, for consultation or assistance to a physician  
42 licensed in this State, and who are legally qualified to practice in the  
43 state where they reside.

44 2. This chapter does not repeal or affect any law of this State  
45 regulating or affecting any other healing art.



1        3. This chapter does not prohibit:

2        (a) Gratuitous services of a person in cases of emergency.

3        (b) The domestic administration of family remedies.

4        **Sec. 7.** NRS 635.015 is hereby amended to read as follows:

5        635.015 1. This chapter does not apply:

6        (a) To commissioned surgeons of the United States Army, Navy  
7 or Marine Hospital Service in the actual performance of their  
8 official duties ~~§~~, *including, without limitation, providing medical*  
9 *care in a hospital in accordance with an agreement entered into*  
10 *pursuant to section 1 of this act.*

11        (b) To physicians licensed in the State of Nevada.

12        2. This chapter does not prohibit the manufacture,  
13 recommendation, advertisement, demonstration or sale of arch-  
14 support shoes, foot appliances or remedies by retail dealers.

15        **Sec. 8.** This act becomes effective on July 1, 2009.

