

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 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 the Board of Medical Examiners, the Board of Homeopathic Medical Examiners and the State Board of Osteopathic Medicine; requiring these boards to retain copies of acknowledgments related to conflict of interest provisions; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

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

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



18 Examiners and the Executive Director of the State Board of Osteopathic Medicine
19 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:

1 **Section 1.** NRS 629.097 is hereby amended to read as follows:
2 629.097 1. *Except as otherwise provided in sections 3, 6*
3 *and 9 of this act:*

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

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

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

14 ~~(4)~~ 2. As used in this section, "board" refers to a board
15 created pursuant to chapter 630, 630A, 631, 632, 633, 634, 634A,
16 635, 636, 637, 637A, 637B, 639, 640, 640A, 640B, 640C, 641,
17 641A, 641B or 641C.

18 **Sec. 2.** Chapter 630 of NRS is hereby amended by adding
19 thereto the provisions set forth as sections 3 and 4 of this act.

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

27 (a) *Any medical society or professional association;*

28 (b) *The University of Nevada School of Medicine; and*

29 (c) *A member of the public.*

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

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

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

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

38 4. *The Legislative Committee on Health Care may, not later*
39 *than 60 days after the deadline for the receipt of nominations*



1 pursuant to subsection 1, submit to the Governor the list of
2 persons nominated and the results of any investigations conducted
3 pursuant to subsection 3.

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

7 6. If the Legislative Committee on Health Care fails to submit
8 the list to the Governor in accordance with subsection 4, the
9 Governor may appoint any qualified person to the position.

10 Sec. 4. 1. Each member of the Board shall comply with the
11 provisions of NRS 281A.500.

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

18 Sec. 5. Chapter 630A of NRS is hereby amended by adding
19 thereto the provisions set forth as sections 6 and 7 of this act.

20 Sec. 6. 1. At least 90 days before the beginning of any term
21 of office of a member of the Board, or within 30 days after a
22 position on the Board becomes vacant if it becomes vacant more
23 than 120 days before the beginning of the next term of office for
24 that position, the names of persons who are qualified for
25 membership on the Board may be submitted to the Legislative
26 Committee on Health Care by:

- 27 (a) Any medical society or professional association;
28 (b) The University of Nevada School of Medicine; and
29 (c) A member of the public.

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

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

- 35 (a) May investigate the character and fitness of the persons
36 nominated to serve on the Board; and
37 (b) May not remove any name from the list.

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

43 5. Except as otherwise provided in subsections 2 and 6, the
44 Governor shall appoint a new member or fill a vacancy from the
45 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.*

Sec. 7. 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 Secretary-Treasurer of the Board, and the Secretary-Treasurer shall retain an acknowledgment provided pursuant to this section for 6 years after the date on which the acknowledgment was provided to the Secretary-Treasurer.*

Sec. 8. Chapter 633 of NRS is hereby amended by adding thereto the provisions set forth as sections 9 and 10 of this act.

Sec. 9. 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.*

Sec. 10. 1. *Each member of the Board shall comply with the provisions of NRS 281A.500.*



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

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

