

ASSEMBLY BILL NO. 289—ASSEMBLYMEN MASTROLUCA,
CARLTON; AND ATKINSON

MARCH 16, 2011

JOINT SPONSORS: SENATORS WIENER; AND SCHNEIDER

Referred to Committee on Commerce and Labor

SUMMARY—Enacts provisions relating to the practice of dietetics.
(BDR 54-871)

FISCAL NOTE: Effect on Local Government: Increases or Newly
Provides for Term of Imprisonment in County or City
Jail or Detention Facility.
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 dietetics; creating the State Board of Dietetics;
prescribing the powers and duties of the Board; providing
for the membership of the Board; providing for the
licensure of dietitians; prohibiting a person from engaging
in the practice of dietetics without a license issued by the
Board; setting forth the grounds for disciplinary action
against a licensed dietitian; providing a penalty; and
providing other matters properly relating thereto.

Legislative Counsel's Digest:

This bill provides for the licensing and regulation of the practice of dietetics by the State Board of Dietetics. The practice of dietetics is the performance of acts of assessment, evaluation, diagnosis, counseling, intervention, monitoring or treatment of a person relating to nutrition, food, biology, and behavior to achieve and maintain proper nourishment and care of the health of the person.

Sections 11-19 of this bill create the State Board of Dietetics and prescribe the powers and duties of the Board and include provisions concerning: (1) the membership of the Board; (2) the meetings of the Board; (3) the compensation of Board members; (4) a waiver of liability for actions taken by members or employees of the Board within the scope of their duties; and (5) the authority of the Board to adopt certain regulations.



Sections 2-10 and 20-31 of this bill regulate the activities of persons who engage in the practice of dietetics and include provisions concerning: (1) applications for and renewals of a license to engage in the practice of dietetics; and (2) the duties and scope of practice of a licensed dietitian.

Sections 18 and 33 of this bill require the Board to charge and collect certain fees relating to the issuance of licenses and to carry out its other duties.

Section 23 of this bill authorizes the Board to issue a provisional license to a person who does not meet all the qualifications for licensure under certain circumstances. **Section 24** of this bill authorizes the Board to issue a temporary license to a person for the limited purpose of treating patients in this State for a limited period under certain circumstances.

Sections 34-44 of this bill govern disciplinary proceedings against a licensed dietitian and authorize the Board to suspend or revoke a license or deny an application for a license under certain circumstances. **Section 45** of this bill prohibits a person who is not licensed pursuant to the provisions of this bill from acting or holding himself or herself out as a licensed dietitian. **Section 46** of this bill provides that a violation of any provision of this bill is a misdemeanor and, in addition to any criminal penalty that may be imposed, authorizes the Board to impose a civil penalty for each violation.

Sections 47-51 and 58-60 of this bill include licensed dietitians in the definition of "provider of health care" to ensure that licensed dietitians comply with the same requirements for standards of care, medical records and medical devices as other providers of health care such as doctors or nurses.

Sections 52-54 of this bill require a licensed dietitian to report suspected incidents of abuse or neglect of an older or vulnerable person, and require a report to be forwarded to the Board if a licensed dietitian is suspected of abuse or neglect of an older or vulnerable person.

Section 63 of this bill authorizes the Governor, for the initial appointments to the Board, to appoint persons who are not licensed dietitians but who meet the qualifications for licensure. **Section 64** of this bill requires the Board to grant a license to engage in the practice of dietetics to a person who does not meet the qualifications for licensure but who was engaged in the practice of dietetics in this State before 2012 and meets certain other requirements.

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

Section 1. Title 54 of NRS is hereby amended by adding thereto a new chapter to consist of the provisions set forth as sections 1.5 to 46, inclusive, of this act.

Sec. 1.5. *The Legislature hereby declares that the practice of dietetics is a learned profession affecting the safety, health and welfare of the public and is subject to regulation to protect the public from the practice of dietetics by unqualified and unlicensed persons and from unprofessional conduct by persons licensed to practice dietetics. The Legislature further declares that the purpose of the State Board of Dietetics is to regulate the practice of dietetics and to enforce the provisions of this chapter.*



1 **Sec. 2.** *As used in this chapter, unless the context otherwise*
2 *requires, the words and terms defined in sections 3 to 8, inclusive,*
3 *of this act have the meanings ascribed to them in those sections.*

4 **Sec. 3.** *“Board” means the State Board of Dietetics.*

5 **Sec. 4.** *“Licensed dietitian” means a person licensed*
6 *pursuant to this chapter to engage in the practice of dietetics or to*
7 *provide nutrition services, including, without limitation, medical*
8 *nutrition therapy.*

9 **Sec. 4.5.** *“Medical nutrition therapy” means the use of*
10 *nutrition services by a licensed dietitian to manage, treat or*
11 *rehabilitate a disease, illness, injury or medical condition of a*
12 *patient.*

13 **Sec. 5.** *“Nutrition services” means the performance of acts*
14 *designated by the Board which are within the practice of dietetics.*

15 **Sec. 6. 1.** *“Practice of dietetics” means the performance of*
16 *any act in the nutrition care process, including, without limitation,*
17 *assessment, evaluation, diagnosis, counseling, intervention,*
18 *monitoring and treatment, of a person which requires substantial*
19 *specialized judgment and skill based on the knowledge,*
20 *application and integration of the principles derived from the*
21 *sciences of food, nutrition, management, communication, biology,*
22 *behavior, physiology and social science to achieve and maintain*
23 *proper nourishment and care of the health of the person.*

24 **2.** *The term does not include acts of medical diagnosis.*

25 **Sec. 7.** (Deleted by amendment.)

26 **Sec. 8.** *“Registered dietitian” means a person who is*
27 *registered as a dietitian by the Commission on Dietetic*
28 *Registration of the American Dietetic Association.*

29 **Sec. 9. 1.** *The provisions of this chapter do not apply to:*

30 (a) *Any person who is licensed or registered in this State as a*
31 *physician pursuant to chapter 630, 630A or 633 of NRS, dentist,*
32 *nurse, dispensing optician, optometrist, practitioner of respiratory*
33 *care, physical therapist, podiatric physician, psychologist,*
34 *marriage and family therapist, chiropractor, athletic trainer,*
35 *perfusionist, doctor of Oriental medicine in any form, medical*
36 *laboratory director or technician or pharmacist who:*

37 (1) *Practices within the scope of that license or registration;*

38 (2) *Does not represent that he or she is a licensed dietitian*
39 *or registered dietitian; and*

40 (3) *Provides nutrition information incidental to the practice*
41 *for which he or she is licensed or registered.*

42 (b) *A student enrolled in an educational program accredited by*
43 *the Commission on Accreditation for Dietetics Education of the*
44 *American Dietetic Association, if the student engages in the*



1 *practice of dietetics under the supervision of a licensed dietitian or*
2 *registered dietitian as part of that educational program.*

3 (c) *A registered dietitian employed by the Armed Forces of the*
4 *United States, the United States Department of Veterans Affairs or*
5 *any division or department of the Federal Government in the*
6 *discharge of his or her official duties, including, without*
7 *limitation, the practice of dietetics or providing nutrition services.*

8 (d) *A person who furnishes nutrition information or markets*
9 *food, food materials or dietary supplements and provides nutrition*
10 *information related to that marketing, if the person is not engaged*
11 *in the practice of dietetics and does not provide nutrition services.*

12 (e) *A person who provides services relating to weight loss or*
13 *weight control through a program reviewed by and in consultation*
14 *with a licensed dietitian or physician or a dietitian licensed or*
15 *registered in another state which has equivalent licensure*
16 *requirements as this State, as long as the person does not change*
17 *the services or program without the approval of the person with*
18 *whom he or she is consulting.*

19 2. *As used in this section, "nutrition information" means*
20 *information relating to the principles of nutrition and the effect of*
21 *nutrition on the human body, including, without limitation:*

22 (a) *Food preparation;*

23 (b) *Food included in a normal daily diet;*

24 (c) *Essential nutrients required by the human body and*
25 *recommended amounts of essential nutrients, based on nationally*
26 *established standards;*

27 (d) *The effect of nutrients on the human body and the effect of*
28 *deficiencies in or excess amounts of nutrients in the human body;*
29 *and*

30 (e) *Specific foods or supplements that are sources of essential*
31 *nutrients.*

32 **Sec. 10. 1. The purpose of licensing dietitians is to protect**
33 **the public health, safety and welfare of the people of this State.**

34 2. **Any license issued pursuant to this chapter is a revocable**
35 **privilege.**

36 **Sec. 11. 1. The State Board of Dietetics, consisting of five**
37 **members appointed by the Governor, is hereby created.**

38 2. **The Governor shall appoint to the Board:**

39 (a) **Four members who are licensed dietitians and have been**
40 **actively engaged in the practice of dietetics for not less than 5**
41 **years immediately preceding their appointment.**

42 (b) **One member who is a representative of the general public.**
43 **This member must not be:**

44 (1) **A licensed dietitian; or**



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1 (2) *The spouse or the parent or child, by blood, marriage or*
2 *adoption, of a licensed dietitian.*

3 3. *Each member of the Board serves a term of 3 years. If a*
4 *vacancy occurs during a member's term, the Governor shall*
5 *appoint a person qualified pursuant to this section to replace that*
6 *member for the remainder of the unexpired term.*

7 4. *No member of the Board may serve more than two*
8 *consecutive terms. For the purposes of this subsection, service of 2*
9 *or more years in filling an unexpired term constitutes a term.*

10 5. *The Governor may remove any member of the Board for*
11 *neglect of duty or for misfeasance, malfeasance or nonfeasance in*
12 *office.*

13 **Sec. 12.** 1. *The Board shall operate on the basis of a fiscal*
14 *year commencing on July 1 and terminating on June 30.*

15 2. *At the first meeting of each fiscal year, the Board shall*
16 *elect from its members a Chair and a Vice Chair.*

17 3. *The Board may appoint an Executive Director who is not a*
18 *member of the Board. The Executive Director shall perform*
19 *administrative and such other duties as the Board may direct and*
20 *is entitled to receive compensation as set by the Board.*

21 4. *The Board may:*

22 (a) *Maintain offices in as many localities in the State as it*
23 *finds necessary to carry out the provisions of this chapter; and*

24 (b) *Employ such attorneys, investigators and other*
25 *professional consultants and clerical personnel as necessary to the*
26 *discharge of its duties.*

27 **Sec. 13.** 1. *The Board shall meet at least two times a year*
28 *and may meet at other times at the call of the Chair or upon the*
29 *written request of the Executive Director or two or more members*
30 *of the Board.*

31 2. *The Chair shall preside over meetings of the Board and*
32 *perform duties prescribed by law or assigned by the Board. The*
33 *Vice Chair shall perform the duties of the Chair during any*
34 *absence of the Chair.*

35 3. *The Chair may appoint such advisory committees as the*
36 *Chair determines appropriate to carry out the duties of the Board.*

37 4. *A concurrence of a majority of the members of the Board*
38 *is necessary to render a decision.*

39 **Sec. 14.** 1. *The compensation of the members of the Board*
40 *must be fixed by the Board, but may not exceed \$150 for each day*
41 *spent by each member in the discharge of his or her official duties.*
42 *The Board may choose not to compensate its members.*

43 2. *While engaged in the discharge of his or her official*
44 *duties, each member and employee of the Board is entitled to*
45 *receive a per diem allowance and travel expenses at a rate fixed by*



1 *the Board. The rate must not exceed the rate provided for state*
2 *officers and employees generally.*

3 *3. All compensation, per diem allowances and travel expenses*
4 *of the members and employees of the Board must be paid out of*
5 *the money of the Board.*

6 **Sec. 15.** *A member of the Board or an employee or agent of*
7 *the Board is not liable in a civil action for any act performed in*
8 *good faith and within the scope of the duties of the Board*
9 *pursuant to this chapter.*

10 **Sec. 16.** *1. Except as otherwise provided in subsection 3, all*
11 *money received by the Board pursuant to this chapter must be*
12 *deposited in banks, credit unions or savings and loan associations*
13 *in this State. The money may be drawn on by the Board for*
14 *payment of all expenses incurred in the administration of this*
15 *chapter.*

16 *2. If the Board delegates to a hearing officer its authority to*
17 *take disciplinary action pursuant to this chapter, the Board may*
18 *deposit all money collected from the assessment of costs and the*
19 *imposition of fines and penalties in banks, credit unions or*
20 *savings and loan associations in this State.*

21 *3. If the Board does not delegate to a hearing officer its*
22 *authority to take disciplinary action pursuant to this chapter, the*
23 *Board shall deposit all money collected from the assessment of*
24 *costs and the imposition of fines and penalties with the State*
25 *Treasurer for credit to the State General Fund, and may present a*
26 *claim to the State Board of Examiners for recommendation to the*
27 *Interim Finance Committee if money is needed to pay any costs*
28 *incurred by the Board in connection with the disciplinary action.*

29 **Sec. 17.** *1. The Board shall make and keep a complete*
30 *record of all its proceedings, including, without limitation:*

31 *(a) A file of all applications for licenses pursuant to this*
32 *chapter, together with the action of the Board upon each*
33 *application;*

34 *(b) A register of all licensed dietitians in this State; and*

35 *(c) Documentation of any disciplinary action taken by the*
36 *Board against a licensee.*

37 *2. The Board shall maintain in its main office a public docket*
38 *or other record in which it shall record, from time to time as made,*
39 *the rulings or decisions upon all complaints filed with the Board*
40 *and all investigations instituted by it, upon or in connection with*
41 *which any hearing has been held or in which the licensee charged*
42 *has made no defense.*



Sec. 18. 1. The Board shall:

(a) Adopt regulations establishing reasonable standards:

(1) For the denial, renewal, suspension and revocation of, and the placement of conditions, limitations and restrictions upon, a license to engage in the practice of dietetics.

(2) Of professional conduct for the practice of dietetics.

(b) Investigate and determine the eligibility of an applicant for a license pursuant to this chapter.

(c) Carry out and enforce the provisions of this chapter and the regulations adopted pursuant thereto.

2. The Board shall adopt regulations establishing reasonable:

(a) Qualifications for the issuance of a license pursuant to this chapter.

(b) Standards for the continuing professional competence of licensees. The Board may evaluate licensees periodically for compliance with those standards.

3. The Board shall adopt regulations establishing a schedule of reasonable fees and charges for:

(a) Investigating licensees and applicants for a license pursuant to this chapter;

(b) Evaluating the professional competence of licensees;

(c) Conducting hearings pursuant to this chapter;

(d) Duplicating and verifying records of the Board; and

(e) Surveying, evaluating and approving schools and courses of dietetics,

↪ and may collect the fees established pursuant to this subsection.

4. The Board may adopt such other regulations as it determines necessary:

(a) For its own government; and

(b) To carry out the provisions of this chapter relating to the practice of dietetics.

Sec. 19. The Board may:

1. Accept gifts or grants of money to pay for the costs of administering the provisions of this chapter.

2. Enter into contracts with other public agencies and accept payment from those agencies to pay the expenses incurred by the Board in carrying out the provisions of this chapter relating to the practice of dietetics.

Sec. 20. 1. An applicant for a license to engage in the practice of dietetics in this State must submit to the Board a completed application on a form prescribed by the Board. The application must include, without limitation, written evidence that the applicant:

(a) Is 21 years of age or older.

(b) Is of good moral character.



(c) *Has completed a course of study and holds a bachelor's degree or higher in human nutrition, nutrition education, food and nutrition, dietetics, food systems management or an equivalent course of study approved by the Board from a college or university that:*

(1) Was accredited, at the time the degree was received, by a regional accreditation body in the United States which is recognized by the Council for Higher Education Accreditation, or its successor organization, and the United States Department of Education; or

(2) Is located in a foreign country if the application includes the documentation required by section 21 of this act.

(d) Has completed not less than 1,200 hours of training and experience within the United States in the practice of dietetics under the direct supervision of a licensed dietitian, registered dietitian or a person who holds a doctorate degree in human nutrition, nutrition education, food and nutrition, dietetics or food systems management from a college or university that is:

(1) Accredited by a regional accreditation body in the United States which is recognized by the Council for Higher Education Accreditation, or its successor organization, and the United States Department of Education; or

(2) Located in a foreign country if the application includes the documentation required by section 21 of this act.

(e) Has successfully completed the Registration Examination for Dietitians administered by the Commission on Dietetic Registration of the American Dietetic Association.

(f) Meets such other reasonable requirements as prescribed by the Board.

2. Each applicant must remit the applicable fee required pursuant to this chapter with the application for a license to engage in the practice of dietetics in this State.

3. Each applicant shall submit to the Central Repository for Nevada Records of Criminal History two complete sets of fingerprints for submission to the Federal Bureau of Investigation for its report. The Central Repository for Nevada Records of Criminal History shall determine whether the applicant has been convicted of a crime listed in paragraph (a) of subsection 1 of NRS 449.188 and immediately inform the Board of whether the applicant has been convicted of such a crime.

Sec. 21. *1. If an applicant for a license to engage in the practice of dietetics is a graduate of a college or university located in a foreign country, the applicant must include with his or her application a written statement or other proof from the Council for Higher Education Accreditation or its successor organization that*



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1 *the degree is equivalent to a degree issued by a college or*
2 *university accredited by a regional accreditation body in the*
3 *United States which is recognized by the Council for Higher*
4 *Education Accreditation, or its successor organization, and the*
5 *United States Department of Education.*

6 2. *If an applicant for a license to engage in the practice of*
7 *dietetics completed his or her hours of training and experience*
8 *under the supervision of a person who holds a doctorate degree*
9 *conferred by a college or university located in a foreign country,*
10 *the applicant must include with his or her application a written*
11 *statement or other proof from the Council for Higher Education*
12 *Accreditation or its successor organization that the degree held by*
13 *the person who supervised the training and experience is*
14 *equivalent to a degree issued by a college or university accredited*
15 *by a regional accreditation body in the United States which is*
16 *recognized by the Council for Higher Education Accreditation, or*
17 *its successor organization, and the United States Department of*
18 *Education.*

19 **Sec. 22.** 1. *A person who has the education and experience*
20 *required by section 20 of this act but who has not passed the*
21 *examination required for licensure may engage in the practice of*
22 *dietetics under the direct supervision of a licensed dietitian who is*
23 *professionally and legally responsible for the applicant's*
24 *performance.*

25 2. *A person shall not engage in the practice of dietetics*
26 *pursuant to subsection 1 for a period of more than 1 year.*

27 **Sec. 23.** 1. *Upon application and payment of the applicable*
28 *fee required pursuant to this chapter, the Board may grant a*
29 *provisional license to engage in the practice of dietetics in this*
30 *State to an applicant who provides evidence to the Board that the*
31 *applicant has completed a course of study and holds a bachelor's*
32 *degree or higher in human nutrition, nutrition education, food*
33 *and nutrition, dietetics, food systems management or an*
34 *equivalent course of study approved by the Board from a college*
35 *or university that:*

36 (a) *Was accredited, at the time the degree was received, by a*
37 *regional accreditation body in the United States which is*
38 *recognized by the Council for Higher Education Accreditation, or*
39 *its successor organization, and the United States Department of*
40 *Education; or*

41 (b) *Is located in a foreign country if the application includes*
42 *the documentation required by section 21 of this act.*

43 2. *A provisional license is valid for 1 year after the date of*
44 *issuance. A provisional license may be renewed for not more than*
45 *6 months if the applicant submits evidence satisfactory to the*



1 *Board for the failure of the applicant to obtain a license to engage*
2 *in the practice of dietetics during the time the applicant held the*
3 *provisional license.*

4 3. A person who holds a provisional license may engage in
5 the practice of dietetics only under the supervision of a licensed
6 dietitian.

7 **Sec. 24.** 1. Upon application and payment of the applicable
8 fee required pursuant to this chapter, the Board may grant a
9 temporary license to engage in the practice of dietetics in this State
10 to a person who holds a corresponding license in another
11 jurisdiction if:

12 (a) The corresponding license is in good standing; and

13 (b) The requirements for licensure in the other jurisdiction are
14 substantially equal to the requirements for licensure in this State.

15 2. A temporary license may be issued for the limited purpose
16 of authorizing the licensee to treat patients in this State.

17 3. A temporary license is valid for the 10-day period
18 designated on the license.

19 **Sec. 25.** (Deleted by amendment.)

20 **Sec. 26.** 1. In addition to any other requirements set forth
21 in this chapter:

22 (a) An applicant for the issuance of a license to engage in the
23 practice of dietetics in this State shall include the social security
24 number of the applicant in the application submitted to the Board.

25 (b) An applicant for the issuance or renewal of a license to
26 engage in the practice of dietetics in this State shall submit to the
27 Board the statement prescribed by the Division of Welfare and
28 Supportive Services of the Department of Health and Human
29 Services pursuant to NRS 425.520. The statement must be
30 completed and signed by the applicant.

31 2. The Board shall include the statement required pursuant to
32 subsection 1 in:

33 (a) The application or any other forms that must be submitted
34 for the issuance or renewal of the license; or

35 (b) A separate form prescribed by the Board.

36 3. A license to engage in the practice of dietetics may not be
37 issued or renewed by the Board if the applicant:

38 (a) Fails to submit the statement required pursuant to
39 subsection 1; or

40 (b) Indicates on the statement submitted pursuant to
41 subsection 1 that the applicant is subject to a court order for the
42 support of a child and is not in compliance with the order or a
43 plan approved by the district attorney or other public agency
44 enforcing the order for the repayment of the amount owed
45 pursuant to the order.



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4. If an applicant indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order, the Board shall advise the applicant to contact the district attorney or other public agency enforcing the order to determine the actions that the applicant may take to satisfy the arrearage.

Sec. 27. 1. A licensed dietitian shall provide nutrition services to assist a person in achieving and maintaining proper nourishment and care of his or her body, including, without limitation:

(a) Assessing the nutritional needs of a person and determining resources for and constraints in meeting those needs by obtaining, verifying and interpreting data;

(b) Determining the metabolism of a person and identifying the food, nutrients and supplements necessary for growth, development, maintenance or attainment of proper nourishment of the person;

(c) Considering the cultural background and socioeconomic needs of a person in achieving or maintaining proper nourishment;

(d) Identifying and labeling nutritional problems of a person;

(e) Recommending the appropriate method of obtaining proper nourishment, including, without limitation, orally, intravenously or through a feeding tube;

(f) Providing counseling, advice and assistance concerning health and disease with respect to the nutritional intake of a person;

(g) Establishing priorities, goals and objectives that meet the nutritional needs of a person and are consistent with the resources of the person, including, without limitation, providing instruction on meal preparation;

(h) Treating nutritional problems of a person and identifying patient outcomes to determine the progress made by the person;

(i) Planning activities to change the behavior, risk factors, environmental conditions or other aspects of the health and nutrition of a person, a group of persons or the community at large;

(j) Developing, implementing and managing systems to provide care related to nutrition;

(k) Evaluating and maintaining appropriate standards of quality in the services provided;



(l) *Accepting and transmitting verbal and electronic orders from a physician consistent with an established protocol to implement medical nutrition therapy; and*

(m) *Ordering medical laboratory tests relating to the therapeutic treatment concerning the nutritional needs of a patient when authorized to do so by a written protocol prepared or approved by a physician.*

2. *A licensed dietitian may use medical nutrition therapy to manage, treat or rehabilitate a disease, illness, injury or medical condition of a patient, including, without limitation:*

(a) *Interpreting data and recommending the nutritional needs of the patient through methods such as diet, feeding tube, intravenous solutions or specialized oral feedings;*

(b) *Determining the interaction between food and drugs prescribed to the patient; and*

(c) *Developing and managing operations to provide food, care and treatment programs prescribed by a physician, physician assistant, dentist, advanced practitioner of nursing or podiatric physician that monitor or alter the food and nutrient levels of the patient.*

3. *A licensed dietitian shall not provide medical diagnosis of the health of a person.*

Sec. 28. (Deleted by amendment.)

Sec. 29. 1. *Except as otherwise provided in subsection 2, the Board may waive any requirement of section 20 or 23 of this act for an applicant who proves to the satisfaction of the Board that his or her education and experience are substantially equivalent to the education and experience required by the respective section.*

2. *The Board may waive the requirement of an examination that is set forth in section 20 of this act in accordance with regulations adopted by the Board that prescribe the circumstances under which the Board may waive the requirement of the examination.*

Sec. 30. (Deleted by amendment.)

Sec. 31. 1. *A license to engage in the practice of dietetics expires 2 years after the date of issuance.*

2. *The Board may renew a license if the applicant:*

(a) *Submits a completed written application and the appropriate fee required pursuant to this chapter;*

(b) *Submits documentation of completion of such continuing training and education as required by regulations adopted by the Board;*

(c) *Has not committed any act which is grounds for disciplinary action, unless the Board determines that sufficient*



1 *restitution has been made or the act was not substantially related*
2 *to the practice of dietetics;*

3 *(d) Submits information that the credentials of the applicant*
4 *are in good standing; and*

5 *(e) Submits all other information required to complete the*
6 *renewal.*

7 **3.** *The Board shall require a licensed dietitian who fails to*
8 *submit an application for the renewal of his or her license within 2*
9 *years after the date of the expiration of the license to take the*
10 *examination required by section 20 of this act before renewing the*
11 *license.*

12 **Sec. 32.** *The Board shall act upon an application for a*
13 *license submitted pursuant to this chapter without unnecessary*
14 *delay. If an applicant is found qualified, the applicant must be*
15 *issued a license to engage in the practice of dietetics.*

16 **Sec. 33.** **1.** *The Board shall adopt regulations establishing*
17 *reasonable fees for:*

18 *(a) The examination of an applicant for a license;*

19 *(b) The issuance of a license;*

20 *(c) The issuance of a provisional license;*

21 *(d) The issuance of a temporary license;*

22 *(e) The renewal of a license;*

23 *(f) The late renewal of a license;*

24 *(g) The reinstatement of a license which has been suspended*
25 *or revoked; and*

26 *(h) The issuance of a duplicate license or for changing the*
27 *name on a license.*

28 **2.** *The fees must be set in such an amount as to reimburse the*
29 *Board for the cost of carrying out the provisions of this chapter.*

30 **Sec. 34.** **1.** *The Board may deny, refuse to renew, revoke or*
31 *suspend any license applied for or issued pursuant to this chapter,*
32 *or take such other disciplinary action against a licensee as*
33 *authorized by regulations adopted by the Board, upon determining*
34 *that the licensee:*

35 *(a) Is guilty of fraud or deceit in procuring or attempting to*
36 *procure a license pursuant to this chapter.*

37 *(b) Is guilty of any offense:*

38 *(1) Involving moral turpitude; or*

39 *(2) Relating to the qualifications, functions or duties of a*
40 *licensee.*

41 *(c) Uses any controlled substance, dangerous drug as defined*
42 *in chapter 454 of NRS, or intoxicating liquor to an extent or in a*
43 *manner which is dangerous or injurious to any other person or*
44 *which impairs his or her ability to conduct the practice authorized*
45 *by the license.*



(d) Is guilty of unprofessional conduct, which includes, without limitation:

(1) Impersonating an applicant or acting as proxy for an applicant in any examination required pursuant to this chapter for the issuance of a license.

(2) Impersonating another licensed dietitian.

(3) Permitting or allowing another person to use his or her license to engage in the practice of dietetics.

(4) Repeated malpractice, which may be evidenced by claims of malpractice settled against the licensee.

(5) Physical, verbal or psychological abuse of a patient.

(6) Conviction for the use or unlawful possession of a controlled substance or dangerous drug as defined in chapter 454 of NRS.

(e) Has willfully or repeatedly violated any provision of this chapter.

(f) Is guilty of aiding or abetting any person in violating any provision of this chapter.

(g) Has been disciplined in another state in connection with the practice of dietetics or has committed an act in another state which would constitute a violation of this chapter.

(h) Has engaged in conduct likely to deceive, defraud or endanger a patient or the general public.

(i) Has willfully failed to comply with a regulation, subpoena or order of the Board.

2. In addition to any criminal or civil penalty that may be imposed pursuant to this chapter, the Board may assess against and collect from a licensee all costs incurred by the Board in connection with any disciplinary action taken against the licensee, including, without limitation, costs for investigators and stenographers, attorney's fees and other costs of the hearing.

3. For the purposes of this section, a plea or verdict of guilty or guilty but mentally ill or a plea of nolo contendere constitutes a conviction of an offense. The Board may take disciplinary action pending the appeal of a conviction.

Sec. 35. 1. If the Board receives a copy of a court order issued pursuant to NRS 425.540 that provides for the suspension of all professional, occupational and recreational licenses, certificates and permits issued to a person who is the holder of a license issued pursuant to this chapter, the Board shall deem the license issued to that person to be suspended at the end of the 30th day after the date on which the court order was issued unless the Board receives a letter issued to the holder of the license by the district attorney or other public agency pursuant to NRS 425.550 stating that the holder of the license has complied with the



1 *subpoena or warrant or has satisfied the arrearage pursuant to*
2 *NRS 425.560.*

3 *2. The Board shall reinstate a license issued pursuant to this*
4 *chapter that has been suspended by a district court pursuant to*
5 *NRS 425.540 if:*

6 *(a) The Board receives a letter issued by the district attorney or*
7 *other public agency pursuant to NRS 425.550 to the person whose*
8 *license was suspended stating that the person whose license was*
9 *suspended has complied with the subpoena or warrant or has*
10 *satisfied the arrearage pursuant to NRS 425.560; and*

11 *(b) The person whose license was suspended pays the*
12 *appropriate fee required pursuant to this chapter.*

13 **Sec. 36. 1.** *Before suspending or revoking any license or*
14 *taking other disciplinary action against a licensee, the Board shall*
15 *cause an administrative complaint to be filed against the licensee.*
16 *The Board shall notify the licensee in writing of the charges*
17 *against him or her, accompanying the notice with a copy of the*
18 *administrative complaint.*

19 *2. Written notice may be served by delivering it personally to*
20 *the licensee, or by mailing it by registered or certified mail to the*
21 *last known residential address of the licensee.*

22 *3. If the licensee, after receiving a copy of the administrative*
23 *complaint pursuant to subsection 1, submits a written request, the*
24 *Board shall furnish the licensee with a copy of each*
25 *communication, report and affidavit in the possession of the*
26 *Board which relates to the matter in question.*

27 *4. As soon as practicable after the filing of the administrative*
28 *complaint, the Board shall hold a hearing on the charges at such*
29 *time and place as the Board prescribes. If the Board receives a*
30 *report pursuant to subsection 5 of NRS 228.420, the hearing must*
31 *be held within 30 days after receiving the report. If requested by*
32 *the licensee, the hearing must be held within the county in which*
33 *the licensee resides.*

34 **Sec. 37.** *The Board may delegate its authority to conduct*
35 *hearings pursuant to section 36 of this act concerning the*
36 *discipline of a licensee to a hearing officer. The hearing officer*
37 *has the powers of the Board in connection with such hearings,*
38 *and shall report to the Board his or her findings of fact and*
39 *conclusions of law within 30 days after the final hearing on the*
40 *matter. The Board may take action based upon the report of the*
41 *hearing officer, refer the matter to the hearing officer for further*
42 *hearings or conduct its own hearings on the matter.*

43 **Sec. 38.** *The Board may:*

44 *1. Issue subpoenas for the attendance of witnesses and the*
45 *production of books, papers and documents;*



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2. Administer oaths when taking testimony in any matter relating to the duties of the Board; and

3. Adopt a seal which must be judicially noticed by the courts of this State.

Sec. 39. 1. The district court in and for the county in which any hearing is held by the Board may compel the attendance of witnesses, the giving of testimony and the production of books, papers and documents as required by any subpoena issued by the Board.

2. In case of the refusal of any witness to attend or testify or produce any books, papers or documents required by a subpoena, the Board may report to the district court in and for the county in which the hearing is pending, by petition setting forth:

(a) That due notice has been given of the time and place of attendance of the witness or the production of books, papers or documents;

(b) That the witness has been subpoenaed in the manner prescribed by this chapter; and

(c) That the witness has failed and refused to attend or produce the books, papers or documents required by the subpoena before the Board in the cause or proceeding named in the subpoena, or has refused to answer questions propounded to him or her in the course of the hearing,

↪ and ask an order of the court compelling the witness to attend and testify or produce the books, papers or documents before the Board.

3. The court, upon petition of the Board, shall enter an order directing the witness to appear before the court at a time and place to be fixed by the court in the order, the time to be not more than 10 days after the date of the order, to show cause why the witness has not attended or testified or produced the books, papers or documents before the Board. A certified copy of the order must be served upon the witness.

4. If it appears to the court that the subpoena was regularly issued by the Board, the court shall enter an order that the witness appear before the Board at the time and place fixed in the order and testify or produce the required books, papers or documents. Upon failure to obey the order, the witness must be dealt with as for contempt of court.

Sec. 40. 1. The Board shall render a decision on any administrative complaint within 60 days after the final hearing thereon. For the purposes of this subsection, the final hearing on a matter delegated to a hearing officer pursuant to section 37 of this act is the final hearing conducted by the hearing officer



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1 *unless the Board conducts a hearing with regard to the*
2 *administrative complaint.*

3 *2. The Board shall notify the licensee of its decision in*
4 *writing by certified mail, return receipt requested. The decision of*
5 *the Board becomes effective on the date the licensee receives the*
6 *notice or on the date the Board receives a notice from the United*
7 *States Postal Service stating that the licensee refused to accept*
8 *delivery or could not be located.*

9 **Sec. 41.** *1. Any person aggrieved by a final order of the*
10 *Board is entitled to judicial review of the Board's order as*
11 *provided by law.*

12 *2. Every order of the Board which limits the practice of*
13 *dietetics or suspends or revokes a license is effective from the date*
14 *the Board issues the order until the date the order is modified or*
15 *reversed by a final judgment of the court. The court shall not stay*
16 *the order of the Board pending a final determination by the court.*

17 *3. The district court shall give a petition for judicial review of*
18 *the Board's order priority over other civil matters which are not*
19 *expressly given priority by law.*

20 **Sec. 42.** *1. Any licensee whose license was revoked by the*
21 *Board may apply for reinstatement of the license pursuant to the*
22 *provisions of chapter 622A of NRS.*

23 *2. In addition to the requirements for reinstatement of the*
24 *license pursuant to chapter 622A of NRS, the Board may reinstate*
25 *the license upon payment of the applicable fee required pursuant*
26 *to this chapter.*

27 **Sec. 43.** *1. Except as otherwise provided in this section and*
28 *NRS 239.0115, any records or information obtained during the*
29 *course of an investigation by the Board and any record of the*
30 *investigation are confidential.*

31 *2. Any complaint or other document filed by the Board to*
32 *initiate disciplinary action and all documents and information*
33 *considered by the Board when determining whether to impose*
34 *disciplinary action are public records.*

35 *3. This section does not prevent or prohibit the Board from*
36 *communicating or cooperating with another licensing board or*
37 *any agency that is investigating a licensee, including a law*
38 *enforcement agency.*

39 **Sec. 44.** *If the Board, based on evidence satisfactory to it,*
40 *believes that any person has violated or is about to violate any*
41 *provision of this chapter, the terms of any license, or any order,*
42 *decision, demand or requirement, or any part thereof, the Board*
43 *may bring an action, in the name of the Board, in the district court*
44 *in and for the county in which the person resides, against the*
45 *person to enjoin the person from continuing the violation or*



1 *engaging in any act that constitutes such a violation. The court*
2 *may enter an order or judgment granting such injunctive relief as*
3 *it determines proper, but no such injunctive relief may be granted*
4 *without at least 5 days' notice to the opposite party.*

5 **Sec. 45.** *If a person is not licensed to engage in the practice*
6 *of dietetics pursuant to this chapter, or if a person's license to*
7 *engage in the practice of dietetics has been suspended or revoked*
8 *by the Board, the person shall not:*

9 1. *Engage in the practice of dietetics;*

10 2. *Use in connection with his or her name the words or letters*
11 *"L.D.," "licensed dietitian," "L.N.," "licensed nutritionist," or any*
12 *other letters, words or insignia indicating or implying that he or*
13 *she is licensed to engage in the practice of dietetics, or in any*
14 *other way, orally, or in writing or print, or by sign, directly or by*
15 *implication, use the word "dietetics" or "nutritionist" or represent*
16 *himself or herself as licensed or qualified to engage in the practice*
17 *of dietetics in this State; or*

18 3. *List or cause to have listed in any directory, including,*
19 *without limitation, a telephone directory, his or her name or the*
20 *name of his or her company under the heading "Dietitian" or*
21 *"Nutritionist" or any other term that indicates or implies that he*
22 *or she is licensed or qualified to engage in the practice of dietetics*
23 *in this State.*

24 **Sec. 46.** 1. *A person who violates any provision of this*
25 *chapter or any regulation adopted pursuant thereto is guilty of a*
26 *misdemeanor.*

27 2. *In addition to any criminal penalty that may be imposed*
28 *pursuant to subsection 1, the Board may, after notice and hearing,*
29 *impose a civil penalty of not more than \$100 for each such*
30 *violation. For the purposes of this subsection, each day on which a*
31 *violation occurs constitutes a separate offense, except that the*
32 *aggregate civil penalty that may be imposed against a person*
33 *pursuant to this subsection may not exceed \$10,000.*

34 **Sec. 47.** NRS 629.031 is hereby amended to read as follows:

35 629.031 Except as otherwise provided by a specific statute:

36 1. "Provider of health care" means a physician licensed
37 pursuant to chapter 630, 630A or 633 of NRS, physician assistant,
38 dentist, licensed nurse, dispensing optician, optometrist, practitioner
39 of respiratory care, registered physical therapist, podiatric physician,
40 licensed psychologist, licensed marriage and family therapist,
41 licensed clinical professional counselor, chiropractor, athletic
42 trainer, perfusionist, doctor of Oriental medicine in any form,
43 medical laboratory director or technician, pharmacist, *licensed*
44 *dietitian* or a licensed hospital as the employer of any such person.



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2. For the purposes of NRS 629.051, 629.061 and 629.065, the term includes a facility that maintains the health care records of patients.

Sec. 48. NRS 7.095 is hereby amended to read as follows:

7.095 1. An attorney shall not contract for or collect a fee contingent on the amount of recovery for representing a person seeking damages in connection with an action for injury or death against a provider of health care based upon professional negligence in excess of:

(a) Forty percent of the first \$50,000 recovered;

(b) Thirty-three and one-third percent of the next \$50,000 recovered;

(c) Twenty-five percent of the next \$500,000 recovered; and

(d) Fifteen percent of the amount of recovery that exceeds \$600,000.

2. The limitations set forth in subsection 1 apply to all forms of recovery, including, without limitation, settlement, arbitration and judgment.

3. For the purposes of this section, "recovered" means the net sum recovered by the plaintiff after deducting any disbursements or costs incurred in connection with the prosecution or settlement of the claim. Costs of medical care incurred by the plaintiff and general and administrative expenses incurred by the office of the attorney are not deductible disbursements or costs.

4. As used in this section:

(a) "Professional negligence" means a negligent act or omission to act by a provider of health care in the rendering of professional services, which act or omission is the proximate cause of a personal injury or wrongful death. The term does not include services that are outside the scope of services for which the provider of health care is licensed or services for which any restriction has been imposed by the applicable regulatory board or health care facility.

(b) "Provider of health care" means a physician licensed under chapter 630 or 633 of NRS, dentist, registered nurse, dispensing optician, optometrist, registered physical therapist, podiatric physician, licensed psychologist, chiropractor, doctor of Oriental medicine, medical laboratory director or technician, *licensed dietitian* or a licensed hospital and its employees.

Sec. 49. NRS 41A.017 is hereby amended to read as follows:

41A.017 "Provider of health care" means a physician licensed under chapter 630 or 633 of NRS, dentist, licensed nurse, dispensing optician, optometrist, registered physical therapist, podiatric physician, licensed psychologist, chiropractor, doctor of Oriental medicine, medical laboratory director or technician, *licensed dietitian* or a licensed hospital and its employees.



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Sec. 50. NRS 42.021 is hereby amended to read as follows:

42.021 1. In an action for injury or death against a provider of health care based upon professional negligence, if the defendant so elects, the defendant may introduce evidence of any amount payable as a benefit to the plaintiff as a result of the injury or death pursuant to the United States Social Security Act, any state or federal income disability or worker's compensation act, any health, sickness or income-disability insurance, accident insurance that provides health benefits or income-disability coverage, and any contract or agreement of any group, organization, partnership or corporation to provide, pay for or reimburse the cost of medical, hospital, dental or other health care services. If the defendant elects to introduce such evidence, the plaintiff may introduce evidence of any amount that the plaintiff has paid or contributed to secure the plaintiff's right to any insurance benefits concerning which the defendant has introduced evidence.

2. A source of collateral benefits introduced pursuant to subsection 1 may not:

(a) Recover any amount against the plaintiff; or

(b) Be subrogated to the rights of the plaintiff against a defendant.

3. In an action for injury or death against a provider of health care based upon professional negligence, a district court shall, at the request of either party, enter a judgment ordering that money damages or its equivalent for future damages of the judgment creditor be paid in whole or in part by periodic payments rather than by a lump-sum payment if the award equals or exceeds \$50,000 in future damages.

4. In entering a judgment ordering the payment of future damages by periodic payments pursuant to subsection 3, the court shall make a specific finding as to the dollar amount of periodic payments that will compensate the judgment creditor for such future damages. As a condition to authorizing periodic payments of future damages, the court shall require a judgment debtor who is not adequately insured to post security adequate to assure full payment of such damages awarded by the judgment. Upon termination of periodic payments of future damages, the court shall order the return of this security, or so much as remains, to the judgment debtor.

5. A judgment ordering the payment of future damages by periodic payments entered pursuant to subsection 3 must specify the recipient or recipients of the payments, the dollar amount of the payments, the interval between payments, and the number of payments or the period of time over which payments will be made. Such payments must only be subject to modification in the event of the death of the judgment creditor. Money damages awarded for loss



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1 of future earnings must not be reduced or payments terminated by
2 reason of the death of the judgment creditor, but must be paid to
3 persons to whom the judgment creditor owed a duty of support, as
4 provided by law, immediately before the judgment creditor's death.
5 In such cases, the court that rendered the original judgment may,
6 upon petition of any party in interest, modify the judgment to award
7 and apportion the unpaid future damages in accordance with this
8 subsection.

9 6. If the court finds that the judgment debtor has exhibited a
10 continuing pattern of failing to make the periodic payments as
11 specified pursuant to subsection 5, the court shall find the judgment
12 debtor in contempt of court and, in addition to the required periodic
13 payments, shall order the judgment debtor to pay the judgment
14 creditor all damages caused by the failure to make such periodic
15 payments, including, but not limited to, court costs and attorney's
16 fees.

17 7. Following the occurrence or expiration of all obligations
18 specified in the periodic payment judgment, any obligation of the
19 judgment debtor to make further payments ceases and any security
20 given pursuant to subsection 4 reverts to the judgment debtor.

21 8. As used in this section:

22 (a) "Future damages" includes damages for future medical
23 treatment, care or custody, loss of future earnings, loss of bodily
24 function, or future pain and suffering of the judgment creditor.

25 (b) "Periodic payments" means the payment of money or
26 delivery of other property to the judgment creditor at regular
27 intervals.

28 (c) "Professional negligence" means a negligent act or omission
29 to act by a provider of health care in the rendering of professional
30 services, which act or omission is the proximate cause of a personal
31 injury or wrongful death. The term does not include services that are
32 outside the scope of services for which the provider of health care is
33 licensed or services for which any restriction has been imposed by
34 the applicable regulatory board or health care facility.

35 (d) "Provider of health care" means a physician licensed under
36 chapter 630 or 633 of NRS, dentist, licensed nurse, dispensing
37 optician, optometrist, registered physical therapist, podiatric
38 physician, licensed psychologist, chiropractor, doctor of Oriental
39 medicine, medical laboratory director or technician, *licensed*
40 *dietitian* or a licensed hospital and its employees.

41 **Sec. 51.** NRS 200.471 is hereby amended to read as follows:

42 200.471 1. As used in this section:

43 (a) "Assault" means:

44 (1) Unlawfully attempting to use physical force against
45 another person; or



(2) Intentionally placing another person in reasonable apprehension of immediate bodily harm.

(b) "Officer" means:

(1) A person who possesses some or all of the powers of a peace officer;

(2) A person employed in a full-time salaried occupation of fire fighting for the benefit or safety of the public;

(3) A member of a volunteer fire department;

(4) A jailer, guard or other correctional officer of a city or county jail;

(5) A justice of the Supreme Court, district judge, justice of the peace, municipal judge, magistrate, court commissioner, master or referee, including a person acting pro tempore in a capacity listed in this subparagraph; or

(6) An employee of the State or a political subdivision of the State whose official duties require the employee to make home visits.

(c) "Provider of health care" means a physician, a perfusionist or a physician assistant licensed pursuant to chapter 630 of NRS, a practitioner of respiratory care, a homeopathic physician, an advanced practitioner of homeopathy, a homeopathic assistant, an osteopathic physician, a physician assistant licensed pursuant to chapter 633 of NRS, a podiatric physician, a podiatry hygienist, a physical therapist, a medical laboratory technician, an optometrist, a chiropractor, a chiropractor's assistant, a doctor of Oriental medicine, a nurse, a student nurse, a certified nursing assistant, a nursing assistant trainee, a dentist, a dental hygienist, a pharmacist, an intern pharmacist, an attendant on an ambulance or air ambulance, a psychologist, a social worker, a marriage and family therapist, a marriage and family therapist intern, a clinical professional counselor, a clinical professional counselor intern, *a licensed dietitian* and an emergency medical technician.

(d) "School employee" means a licensed or unlicensed person employed by a board of trustees of a school district pursuant to NRS 391.100.

(e) "Sporting event" has the meaning ascribed to it in NRS 41.630.

(f) "Sports official" has the meaning ascribed to it in NRS 41.630.

(g) "Taxicab" has the meaning ascribed to it in NRS 706.8816.

(h) "Taxicab driver" means a person who operates a taxicab.

(i) "Transit operator" means a person who operates a bus or other vehicle as part of a public mass transportation system.

2. A person convicted of an assault shall be punished:



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1 (a) If paragraph (c) or (d) does not apply to the circumstances of
2 the crime and the assault is not made with the use of a deadly
3 weapon or the present ability to use a deadly weapon, for a
4 misdemeanor.

5 (b) If the assault is made with the use of a deadly weapon or the
6 present ability to use a deadly weapon, for a category B felony by
7 imprisonment in the state prison for a minimum term of not less
8 than 1 year and a maximum term of not more than 6 years, or by a
9 fine of not more than \$5,000, or by both fine and imprisonment.

10 (c) If paragraph (d) does not apply to the circumstances of the
11 crime and if the assault is committed upon an officer, a provider of
12 health care, a school employee, a taxicab driver or a transit operator
13 who is performing his or her duty or upon a sports official based on
14 the performance of his or her duties at a sporting event and the
15 person charged knew or should have known that the victim was an
16 officer, a provider of health care, a school employee, a taxicab
17 driver, a transit operator or a sports official, for a gross
18 misdemeanor, unless the assault is made with the use of a deadly
19 weapon or the present ability to use a deadly weapon, then for a
20 category B felony by imprisonment in the state prison for a
21 minimum term of not less than 1 year and a maximum term of not
22 more than 6 years, or by a fine of not more than \$5,000, or by both
23 fine and imprisonment.

24 (d) If the assault is committed upon an officer, a provider of
25 health care, a school employee, a taxicab driver or a transit operator
26 who is performing his or her duty or upon a sports official based on
27 the performance of his or her duties at a sporting event by a
28 probationer, a prisoner who is in lawful custody or confinement or a
29 parolee, and the probationer, prisoner or parolee charged knew or
30 should have known that the victim was an officer, a provider of
31 health care, a school employee, a taxicab driver, a transit operator or
32 a sports official, for a category D felony as provided in NRS
33 193.130, unless the assault is made with the use of a deadly weapon
34 or the present ability to use a deadly weapon, then for a category B
35 felony by imprisonment in the state prison for a minimum term of
36 not less than 1 year and a maximum term of not more than 6 years,
37 or by a fine of not more than \$5,000, or by both fine and
38 imprisonment.

39 **Sec. 52.** NRS 200.5093 is hereby amended to read as follows:

40 200.5093 1. Any person who is described in subsection 4 and
41 who, in a professional or occupational capacity, knows or has
42 reasonable cause to believe that an older person has been abused,
43 neglected, exploited or isolated shall:

44 (a) Except as otherwise provided in subsection 2, report the
45 abuse, neglect, exploitation or isolation of the older person to:



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(1) The local office of the Aging and Disability Services Division of the Department of Health and Human Services;

(2) A police department or sheriff's office;

(3) The county's office for protective services, if one exists in the county where the suspected action occurred; or

(4) A toll-free telephone service designated by the Aging and Disability Services Division of the Department of Health and Human Services; and

(b) Make such a report as soon as reasonably practicable but not later than 24 hours after the person knows or has reasonable cause to believe that the older person has been abused, neglected, exploited or isolated.

2. If a person who is required to make a report pursuant to subsection 1 knows or has reasonable cause to believe that the abuse, neglect, exploitation or isolation of the older person involves an act or omission of the Aging and Disability Services Division, another division of the Department of Health and Human Services or a law enforcement agency, the person shall make the report to an agency other than the one alleged to have committed the act or omission.

3. Each agency, after reducing a report to writing, shall forward a copy of the report to the Aging and Disability Services Division of the Department of Health and Human Services and the Unit for the Investigation and Prosecution of Crimes.

4. A report must be made pursuant to subsection 1 by the following persons:

(a) Every physician, dentist, dental hygienist, chiropractor, optometrist, podiatric physician, medical examiner, resident, intern, professional or practical nurse, physician assistant licensed pursuant to chapter 630 or 633 of NRS, perfusionist, psychiatrist, psychologist, marriage and family therapist, clinical professional counselor, clinical alcohol and drug abuse counselor, alcohol and drug abuse counselor, athletic trainer, driver of an ambulance, advanced emergency medical technician, *licensed dietitian* or other person providing medical services licensed or certified to practice in this State, who examines, attends or treats an older person who appears to have been abused, neglected, exploited or isolated.

(b) Any personnel of a hospital or similar institution engaged in the admission, examination, care or treatment of persons or an administrator, manager or other person in charge of a hospital or similar institution upon notification of the suspected abuse, neglect, exploitation or isolation of an older person by a member of the staff of the hospital.

(c) A coroner.



(d) Every person who maintains or is employed by an agency to provide personal care services in the home.

(e) Every person who maintains or is employed by an agency to provide nursing in the home.

(f) Every person who operates, who is employed by or who contracts to provide services for an intermediary service organization as defined in NRS 427A.0291.

(g) Any employee of the Department of Health and Human Services.

(h) Any employee of a law enforcement agency or a county's office for protective services or an adult or juvenile probation officer.

(i) Any person who maintains or is employed by a facility or establishment that provides care for older persons.

(j) Any person who maintains, is employed by or serves as a volunteer for an agency or service which advises persons regarding the abuse, neglect, exploitation or isolation of an older person and refers them to persons and agencies where their requests and needs can be met.

(k) Every social worker.

(l) Any person who owns or is employed by a funeral home or mortuary.

5. A report may be made by any other person.

6. If a person who is required to make a report pursuant to subsection 1 knows or has reasonable cause to believe that an older person has died as a result of abuse, neglect or isolation, the person shall, as soon as reasonably practicable, report this belief to the appropriate medical examiner or coroner, who shall investigate the cause of death of the older person and submit to the appropriate local law enforcement agencies, the appropriate prosecuting attorney, the Aging and Disability Services Division of the Department of Health and Human Services and the Unit for the Investigation and Prosecution of Crimes his or her written findings. The written findings must include the information required pursuant to the provisions of NRS 200.5094, when possible.

7. A division, office or department which receives a report pursuant to this section shall cause the investigation of the report to commence within 3 working days. A copy of the final report of the investigation conducted by a division, office or department, other than the Aging and Disability Services Division of the Department of Health and Human Services, must be forwarded within 30 days after the completion of the report to the:

(a) Aging and Disability Services Division;

(b) Repository for Information Concerning Crimes Against Older Persons created by NRS 179A.450; and



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(c) Unit for the Investigation and Prosecution of Crimes.

8. If the investigation of a report results in the belief that an older person is abused, neglected, exploited or isolated, the Aging and Disability Services Division of the Department of Health and Human Services or the county's office for protective services may provide protective services to the older person if the older person is able and willing to accept them.

9. A person who knowingly and willfully violates any of the provisions of this section is guilty of a misdemeanor.

10. As used in this section, "Unit for the Investigation and Prosecution of Crimes" means the Unit for the Investigation and Prosecution of Crimes Against Older Persons in the Office of the Attorney General created pursuant to NRS 228.265.

Sec. 53. NRS 200.50935 is hereby amended to read as follows:

200.50935 1. Any person who is described in subsection 3 and who, in a professional or occupational capacity, knows or has reasonable cause to believe that a vulnerable person has been abused, neglected, exploited or isolated shall:

(a) Report the abuse, neglect, exploitation or isolation of the vulnerable person to a law enforcement agency; and

(b) Make such a report as soon as reasonably practicable but not later than 24 hours after the person knows or has reasonable cause to believe that the vulnerable person has been abused, neglected, exploited or isolated.

2. If a person who is required to make a report pursuant to subsection 1 knows or has reasonable cause to believe that the abuse, neglect, exploitation or isolation of the vulnerable person involves an act or omission of a law enforcement agency, the person shall make the report to a law enforcement agency other than the one alleged to have committed the act or omission.

3. A report must be made pursuant to subsection 1 by the following persons:

(a) Every physician, dentist, dental hygienist, chiropractor, optometrist, podiatric physician, medical examiner, resident, intern, professional or practical nurse, perfusionist, physician assistant licensed pursuant to chapter 630 or 633 of NRS, psychiatrist, psychologist, marriage and family therapist, clinical professional counselor, clinical alcohol and drug abuse counselor, alcohol and drug abuse counselor, athletic trainer, driver of an ambulance, advanced emergency medical technician, *licensed dietitian* or other person providing medical services licensed or certified to practice in this State, who examines, attends or treats a vulnerable person who appears to have been abused, neglected, exploited or isolated.



(b) Any personnel of a hospital or similar institution engaged in the admission, examination, care or treatment of persons or an administrator, manager or other person in charge of a hospital or similar institution upon notification of the suspected abuse, neglect, exploitation or isolation of a vulnerable person by a member of the staff of the hospital.

(c) A coroner.

(d) Every person who maintains or is employed by an agency to provide nursing in the home.

(e) Any employee of the Department of Health and Human Services.

(f) Any employee of a law enforcement agency or an adult or juvenile probation officer.

(g) Any person who maintains or is employed by a facility or establishment that provides care for vulnerable persons.

(h) Any person who maintains, is employed by or serves as a volunteer for an agency or service which advises persons regarding the abuse, neglect, exploitation or isolation of a vulnerable person and refers them to persons and agencies where their requests and needs can be met.

(i) Every social worker.

(j) Any person who owns or is employed by a funeral home or mortuary.

4. A report may be made by any other person.

5. If a person who is required to make a report pursuant to subsection 1 knows or has reasonable cause to believe that a vulnerable person has died as a result of abuse, neglect or isolation, the person shall, as soon as reasonably practicable, report this belief to the appropriate medical examiner or coroner, who shall investigate the cause of death of the vulnerable person and submit to the appropriate local law enforcement agencies and the appropriate prosecuting attorney his or her written findings. The written findings must include the information required pursuant to the provisions of NRS 200.5094, when possible.

6. A law enforcement agency which receives a report pursuant to this section shall immediately initiate an investigation of the report.

7. A person who knowingly and willfully violates any of the provisions of this section is guilty of a misdemeanor.

Sec. 54. NRS 200.5095 is hereby amended to read as follows:

200.5095 1. Reports made pursuant to NRS 200.5093, 200.50935 and 200.5094, and records and investigations relating to those reports, are confidential.

2. A person, law enforcement agency or public or private agency, institution or facility who willfully releases data or



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1 information concerning the reports and investigation of the abuse,
2 neglect, exploitation or isolation of older persons or vulnerable
3 persons, except:

4 (a) Pursuant to a criminal prosecution;

5 (b) Pursuant to NRS 200.50982; or

6 (c) To persons or agencies enumerated in subsection 3,

7 ➤ is guilty of a misdemeanor.

8 3. Except as otherwise provided in subsection 2 and NRS
9 200.50982, data or information concerning the reports and
10 investigations of the abuse, neglect, exploitation or isolation of an
11 older person or a vulnerable person is available only to:

12 (a) A physician who is providing care to an older person or a
13 vulnerable person who may have been abused, neglected, exploited
14 or isolated;

15 (b) An agency responsible for or authorized to undertake the
16 care, treatment and supervision of the older person or vulnerable
17 person;

18 (c) A district attorney or other law enforcement official who
19 requires the information in connection with an investigation of the
20 abuse, neglect, exploitation or isolation of the older person or
21 vulnerable person;

22 (d) A court which has determined, in camera, that public
23 disclosure of such information is necessary for the determination of
24 an issue before it;

25 (e) A person engaged in bona fide research, but the identity of
26 the subjects of the report must remain confidential;

27 (f) A grand jury upon its determination that access to such
28 records is necessary in the conduct of its official business;

29 (g) Any comparable authorized person or agency in another
30 jurisdiction;

31 (h) A legal guardian of the older person or vulnerable person, if
32 the identity of the person who was responsible for reporting the
33 alleged abuse, neglect, exploitation or isolation of the older person
34 or vulnerable person to the public agency is protected, and the legal
35 guardian of the older person or vulnerable person is not the person
36 suspected of such abuse, neglect, exploitation or isolation;

37 (i) If the older person or vulnerable person is deceased, the
38 executor or administrator of his or her estate, if the identity of the
39 person who was responsible for reporting the alleged abuse, neglect,
40 exploitation or isolation of the older person or vulnerable person to
41 the public agency is protected, and the executor or administrator is
42 not the person suspected of such abuse, neglect, exploitation or
43 isolation; or



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(j) The older person or vulnerable person named in the report as allegedly being abused, neglected, exploited or isolated, if that person is not legally incompetent.

4. If the person who is reported to have abused, neglected, exploited or isolated an older person or a vulnerable person is the holder of a license or certificate issued pursuant to chapters 449, 630 to 641B, inclusive, or 654 of NRS, *or sections 1.5 to 46, inclusive, of this act*, the information contained in the report must be submitted to the board that issued the license.

Sec. 55. NRS 218G.400 is hereby amended to read as follows:

218G.400 1. Except as otherwise provided in subsection 2, each board created by the provisions of NRS 590.485 and chapters 623 to 625A, inclusive, 628, 630 to 644, inclusive, 648, 654 and 656 of NRS *and sections 1.5 to 46, inclusive, of this act* shall:

(a) If the revenue of the board from all sources is less than \$50,000 for any fiscal year, prepare a balance sheet for that fiscal year on the form provided by the Legislative Auditor and file the balance sheet with the Legislative Auditor and the Chief of the Budget Division of the Department of Administration on or before December 1 following the end of that fiscal year. The Legislative Auditor shall prepare and make available a form that must be used by a board to prepare such a balance sheet.

(b) If the revenue of the board from all sources is \$50,000 or more for any fiscal year, engage the services of a certified public accountant or public accountant, or firm of either of such accountants, to audit all its fiscal records for that fiscal year and file a report of the audit with the Legislative Auditor and the Chief of the Budget Division of the Department of Administration on or before December 1 following the end of that fiscal year.

2. In lieu of preparing a balance sheet or having an audit conducted for a single fiscal year, a board may engage the services of a certified public accountant or public accountant, or firm of either of such accountants, to audit all its fiscal records for a period covering two successive fiscal years. If such an audit is conducted, the board shall file the report of the audit with the Legislative Auditor and the Chief of the Budget Division of the Department of Administration on or before December 1 following the end of the second fiscal year.

3. The cost of each audit conducted pursuant to subsection 1 or 2 must be paid by the board that is audited. Each such audit must be conducted in accordance with generally accepted auditing standards, and all financial statements must be prepared in accordance with generally accepted principles of accounting for special revenue funds.



4. Whether or not a board is required to have its fiscal records audited pursuant to subsection 1 or 2, the Legislative Auditor shall audit the fiscal records of any such board whenever directed to do so by the Legislative Commission. When the Legislative Commission directs such an audit, the Legislative Commission shall also determine who is to pay the cost of the audit.

5. A person who is a state officer or employee of a board is guilty of nonfeasance if the person:

(a) Is responsible for preparing a balance sheet or having an audit conducted pursuant to this section or is responsible for preparing or maintaining the fiscal records that are necessary to prepare a balance sheet or have an audit conducted pursuant to this section; and

(b) Knowingly fails to prepare the balance sheet or have the audit conducted pursuant to this section or knowingly fails to prepare or maintain the fiscal records that are necessary to prepare a balance sheet or have an audit conducted pursuant to this section.

6. In addition to any other remedy or penalty, a person who is guilty of nonfeasance pursuant to this section forfeits the person's state office or employment and may not be appointed to a state office or position of state employment for a period of 2 years following the forfeiture. The provisions of this subsection do not apply to a state officer who may be removed from office only by impeachment pursuant to Article 7 of the Nevada Constitution.

Sec. 56. NRS 284.013 is hereby amended to read as follows:

284.013 1. Except as otherwise provided in subsection 4, this chapter does not apply to:

(a) Agencies, bureaus, commissions, officers or personnel in the Legislative Department or the Judicial Department of State Government, including the Commission on Judicial Discipline;

(b) Any person who is employed by a board, commission, committee or council created in chapters 590, 623 to 625A, inclusive, 628, 630 to 644, inclusive, 648, 652, 654 and 656 of NRS ~~and~~ *and sections 1.5 to 46, inclusive, of this act;* or

(c) Officers or employees of any agency of the Executive Department of the State Government who are exempted by specific statute.

2. Except as otherwise provided in subsection 3, the terms and conditions of employment of all persons referred to in subsection 1, including salaries not prescribed by law and leaves of absence, including, without limitation, annual leave and sick and disability leave, must be fixed by the appointing or employing authority within the limits of legislative appropriations or authorizations.

3. Except as otherwise provided in this subsection, leaves of absence prescribed pursuant to subsection 2 must not be of lesser



1 duration than those provided for other state officers and employees
2 pursuant to the provisions of this chapter. The provisions of this
3 subsection do not govern the Legislative Commission with respect
4 to the personnel of the Legislative Counsel Bureau.

5 4. Any board, commission, committee or council created in
6 chapters 590, 623 to 625A, inclusive, 628, 630 to 644, inclusive,
7 648, 652, 654 and 656 of NRS *and sections 1.5 to 46, inclusive, of*
8 *this act* which contracts for the services of a person, shall require the
9 contract for those services to be in writing. The contract must be
10 approved by the State Board of Examiners before those services
11 may be provided.

12 **Sec. 57.** NRS 353A.025 is hereby amended to read as follows:

13 353A.025 1. The head of each agency shall periodically
14 review the agency's system of internal accounting and
15 administrative control to determine whether it is in compliance with
16 the uniform system of internal accounting and administrative control
17 for agencies adopted pursuant to subsection 1 of NRS 353A.020.

18 2. On or before July 1 of each even-numbered year, the head of
19 each agency shall report to the Director whether the agency's
20 system of internal accounting and administrative control is in
21 compliance with the uniform system adopted pursuant to subsection
22 1 of NRS 353A.020. The reports must be made available for
23 inspection by the members of the Legislature.

24 3. For the purposes of this section, "agency" does not include:

25 (a) A board created by the provisions of NRS 590.485 and
26 chapters 623 to 625A, inclusive, 628, 630 to 644, inclusive, 648,
27 654 and 656 of NRS *and sections 1.5 to 46, inclusive, of this act.*

28 (b) The Nevada System of Higher Education.

29 (c) The Public Employees' Retirement System.

30 (d) The Housing Division of the Department of Business and
31 Industry.

32 (e) The Colorado River Commission of Nevada.

33 4. The Director shall, on or before the first Monday in
34 February of each odd-numbered year, submit a report on the status
35 of internal accounting and administrative controls in agencies to the:

36 (a) Director of the Legislative Counsel Bureau for transmittal to
37 the:

38 (1) Senate Standing Committee on Finance; and

39 (2) Assembly Standing Committee on Ways and Means;

40 (b) Governor; and

41 (c) Legislative Auditor.

42 5. The report submitted by the Director pursuant to subsection
43 4 must include, without limitation:

44 (a) The identification of each agency that has not complied with
45 the requirements of subsections 1 and 2;



(b) The identification of each agency that does not have an effective method for reviewing its system of internal accounting and administrative control; and

(c) The identification of each agency that has weaknesses in its system of internal accounting and administrative control, and the extent and types of such weaknesses.

Sec. 58. NRS 372.7285 is hereby amended to read as follows:

372.7285 1. In administering the provisions of NRS 372.325, the Department shall apply the exemption to the sale of a medical device to a governmental entity that is exempt pursuant to that section without regard to whether the person using the medical device or the governmental entity that purchased the device is deemed to be the holder of title to the device if:

(a) The medical device was ordered or prescribed by a provider of health care, within his or her scope of practice, for use by the person to whom it is provided;

(b) The medical device is covered by Medicaid or Medicare; and

(c) The purchase of the medical device is made pursuant to a contract between the governmental entity that purchases the medical device and the person who sells the medical device to the governmental entity.

2. As used in this section:

(a) "Medicaid" means the program established pursuant to Title XIX of the Social Security Act, 42 U.S.C. §§ 1396 et seq., to provide assistance for part or all of the cost of medical care rendered on behalf of indigent persons.

(b) "Medicare" means the program of health insurance for aged persons and persons with disabilities established pursuant to Title XVIII of the Social Security Act, 42 U.S.C. §§ 1395 et seq.

(c) "Provider of health care" means a physician licensed pursuant to chapter 630, 630A or 633 of NRS, perfusionist, dentist, licensed nurse, dispensing optician, optometrist, practitioner of respiratory care, registered physical therapist, podiatric physician, licensed psychologist, licensed audiologist, licensed speech pathologist, licensed hearing aid specialist, licensed marriage and family therapist, licensed clinical professional counselor, chiropractor, *licensed dietitian* or doctor of Oriental medicine in any form.

Sec. 59. NRS 374.731 is hereby amended to read as follows:

374.731 1. In administering the provisions of NRS 374.330, the Department shall apply the exemption to the sale of a medical device to a governmental entity that is exempt pursuant to that section without regard to whether the person using the medical device or the governmental entity that purchased the device is deemed to be the holder of title to the device if:



1 (a) The medical device was ordered or prescribed by a provider
2 of health care, within his or her scope of practice, for use by the
3 person to whom it is provided;

4 (b) The medical device is covered by Medicaid or Medicare; and

5 (c) The purchase of the medical device is made pursuant to a
6 contract between the governmental entity that purchases the medical
7 device and the person who sells the medical device to the
8 governmental entity.

9 2. As used in this section:

10 (a) "Medicaid" means the program established pursuant to Title
11 XIX of the Social Security Act, 42 U.S.C. §§ 1396 et seq., to
12 provide assistance for part or all of the cost of medical care rendered
13 on behalf of indigent persons.

14 (b) "Medicare" means the program of health insurance for aged
15 persons and persons with disabilities established pursuant to Title
16 XVIII of the Social Security Act, 42 U.S.C. §§ 1395 et seq.

17 (c) "Provider of health care" means a physician licensed
18 pursuant to chapter 630, 630A or 633 of NRS, perfusionist, dentist,
19 licensed nurse, dispensing optician, optometrist, practitioner of
20 respiratory care, registered physical therapist, podiatric physician,
21 licensed psychologist, licensed audiologist, licensed speech
22 pathologist, licensed hearing aid specialist, licensed marriage and
23 family therapist, licensed clinical professional counselor,
24 chiropractor , *licensed dietitian* or doctor of Oriental medicine in
25 any form.

26 **Sec. 60.** NRS 442.003 is hereby amended to read as follows:

27 442.003 As used in this chapter, unless the context requires
28 otherwise:

29 1. "Advisory Board" means the Advisory Board on Maternal
30 and Child Health.

31 2. "Department" means the Department of Health and Human
32 Services.

33 3. "Director" means the Director of the Department.

34 4. "Fetal alcohol syndrome" includes fetal alcohol effects.

35 5. "Health Division" means the Health Division of the
36 Department.

37 6. "Obstetric center" has the meaning ascribed to it in
38 NRS 449.0155.

39 7. "Provider of health care or other services" means:

40 (a) A clinical alcohol and drug abuse counselor who is licensed,
41 or an alcohol and drug abuse counselor who is licensed or certified,
42 pursuant to chapter 641C of NRS;

43 (b) A physician or a physician assistant who is licensed pursuant
44 to chapter 630 or 633 of NRS and who practices in the area of



1 obstetrics and gynecology, family practice, internal medicine,
2 pediatrics or psychiatry;

3 (c) A licensed nurse;

4 (d) A licensed psychologist;

5 (e) A licensed marriage and family therapist;

6 (f) A licensed clinical professional counselor;

7 (g) A licensed social worker; ~~for~~

8 (h) *A licensed dietitian; or*

9 (i) The holder of a certificate of registration as a pharmacist.

10 **Sec. 61.** NRS 608.0116 is hereby amended to read as follows:

11 608.0116 “Professional” means pertaining to an employee who
12 is licensed or certified by the State of Nevada for and engaged in the
13 practice of law or any of the professions regulated by chapters 623
14 to 645, inclusive, 645G and 656A of NRS ~~and~~ *and sections 1.5 to 46,*
15 *inclusive, of this act.*

16 **Sec. 62.** Section 26 of this act is hereby amended to read as
17 follows:

18 Sec. 26. 1. In addition to any other requirements set
19 forth in this chapter ~~for~~

20 ~~—(a) An applicant for the issuance of a license to engage in~~
21 ~~the practice of dietetics in this State shall include the social~~
22 ~~security number of the applicant in the application submitted~~
23 ~~to the Board.~~

24 ~~—(b) An~~ *, an* applicant for the issuance or renewal of a
25 license to engage in the practice of dietetics in this State shall
26 submit to the Board the statement prescribed by the Division
27 of Welfare and Supportive Services of the Department of
28 Health and Human Services pursuant to NRS 425.520. The
29 statement must be completed and signed by the applicant.

30 2. The Board shall include the statement required
31 pursuant to subsection 1 in:

32 (a) The application or any other forms that must be
33 submitted for the issuance or renewal of the license; or

34 (b) A separate form prescribed by the Board.

35 3. A license to engage in the practice of dietetics may
36 not be issued or renewed by the Board if the applicant:

37 (a) Fails to submit the statement required pursuant to
38 subsection 1; or

39 (b) Indicates on the statement submitted pursuant to
40 subsection 1 that the applicant is subject to a court order for
41 the support of a child and is not in compliance with the order
42 or a plan approved by the district attorney or other public
43 agency enforcing the order for the repayment of the amount
44 owed pursuant to the order.



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4. If an applicant indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order, the Board shall advise the applicant to contact the district attorney or other public agency enforcing the order to determine the actions that the applicant may take to satisfy the arrearage.

Sec. 63. Notwithstanding the provisions of section 11 of this act, the Governor may, for the initial appointments to the State Board of Dietetics, appoint four members who are not licensed dietitians but who meet the qualifications for licensure.

Sec. 64. Notwithstanding the provisions of section 20 of this act, the State Board of Dietetics shall grant a license to engage in the practice of dietetics in this state without examination to a person who:

1. Was engaged in the practice of dietetics in this State on or before January 1, 2012;

2. Submits an application for a license to the Board on or before January 1, 2013; and

3. Presents proof that the person:

(a) Is a registered dietitian; or

(b) Meets the education and experience requirements set forth in section 20 of this act.

Sec. 65. 1. This section and sections 11 and 63 of this act become effective upon passage and approval.

2. Sections 1 to 10, inclusive, 12 to 61, inclusive, and 64 of this act become effective on July 1, 2011, for the purpose of adopting regulations and carrying out any other administrative tasks, and on January 1, 2012, for all other purposes.

3. Section 62 of this act becomes effective on the date on which the provisions of 42 U.S.C. § 666 requiring each state to establish procedures under which the state has authority to withhold or suspend, or to restrict the use of professional, occupational and recreational licenses of persons who:

(a) Have failed to comply with a subpoena or warrant relating to a proceeding to determine the paternity of a child or to establish or enforce an obligation for the support of a child; or

(b) Are in arrears in the payment for the support of one or more children,

are repealed by the Congress of the United States.

4. Sections 35 and 62 of this act expire by limitation on the date 2 years after the date on which the provisions of 42 U.S.C. § 666 requiring each state to establish procedures under which the



- 1 state has authority to withhold or suspend, or to restrict the use of
2 professional, occupational and recreational licenses of persons who:
3 (a) Have failed to comply with a subpoena or warrant relating to
4 a proceeding to determine the paternity of a child or to establish or
5 enforce an obligation for the support of a child; or
6 (b) Are in arrears in the payment for the support of one or more
7 children,
8 ➔ are repealed by the Congress of the United States.

