

Amendment No. 709

Senate Amendment to Assembly Bill No. 289 First Reprint (BDR 54-871)

Proposed by: Senate Committee on Commerce, Labor and Energy**Amends:** Summary: No Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes

Adoption of this amendment will MAINTAIN the 2/3s majority vote requirement for final passage of A.B. 289 (§§ 18, 20, 23, 24, 31, 33, 35, 42).

ASSEMBLY ACTION			Initial and Date	SENATE ACTION			Initial and Date
Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/> _____	Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/> _____
Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/> _____	Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/> _____
Receded	<input type="checkbox"/>	Not	<input type="checkbox"/> _____	Receded	<input type="checkbox"/>	Not	<input type="checkbox"/> _____

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) *green bold italic underlining* is new language proposed in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill that is proposed to be retained in this amendment; and (6) *green bold underlining* is newly added transitory language.

TMC/MSN



Date: 5/22/2011

A.B. No. 289—Enacts provisions relating to the practice of dietetics. (BDR 54-871)



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 ~~by~~ **by the State Board of Health**; 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~~ **Health**. 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

19 this bill authorizes the Board to issue a temporary license to a person for the limited purpose
20 of treating patients in this State for a limited period under certain circumstances.

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

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

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

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

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

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

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

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

14 **Sec. 3.** “Board” means the State Board of ~~[Dietetics.]~~ Health.

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

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

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

23 **Sec. 6. 1.** “Practice of dietetics” means the performance of any act in the
24 nutrition care process, including, without limitation, assessment, evaluation,
25 diagnosis, counseling, intervention, monitoring and treatment, of a person which
26 requires substantial specialized judgment and skill based on the knowledge,
27 application and integration of the principles derived from the sciences of food,

1 *nutrition, management, communication, biology, behavior, physiology and social*
2 *science to achieve and maintain proper nourishment and care of the health of the*
3 *person.*

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

5 Sec. 7. (Deleted by amendment.)

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

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

10 (a) *Any person who is licensed or registered in this State as a physician*
11 *pursuant to chapter 630, 630A or 633 of NRS, dentist, nurse, dispensing optician,*
12 *optometrist, occupational therapist, practitioner of respiratory care, physical*
13 *therapist, podiatric physician, psychologist, marriage and family therapist,*
14 *chiropractor, athletic trainer, massage therapist, perfusionist, doctor of Oriental*
15 *medicine in any form, medical laboratory director or technician or pharmacist*
16 *who:*

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

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

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

22 (b) *A student enrolled in an educational program accredited by the*
23 *Commission on Accreditation for Dietetics Education of the American Dietetic*
24 *Association, if the student engages in the practice of dietetics under the*
25 *supervision of a licensed dietitian or registered dietitian as part of that*
26 *educational program.*

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

32 (d) *A person who furnishes nutrition information, provides*
33 *recommendations or advice concerning nutrition, or markets food, food materials*
34 *or dietary supplements and provides nutrition information, recommendations or*
35 *advice related to that marketing, if the person ~~is not engaged in the practice of~~*
36 *~~dietetics and does not provide nutrition services,~~ does not represent that he or*
37 *she is a licensed dietitian or registered dietitian. While performing acts described*
38 *in this paragraph, a person shall be deemed not to be engaged in the practice of*
39 *dietetics or the providing of nutrition services.*

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

46 2. *As used in this section, “nutrition information” means information*
47 *relating to the principles of nutrition and the effect of nutrition on the human*
48 *body, including, without limitation:*

49 (a) *Food preparation;*

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

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

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

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

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

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

Sec. 11. ~~(Deleted by amendment.)~~

Sec. 12. ~~(Deleted by amendment.)~~

Sec. 13. ~~(Deleted by amendment.)~~

Sec. 14. ~~(Deleted by amendment.)~~

Sec. 15. ~~(Deleted by amendment.)~~

Sec. 16. ~~(Deleted by amendment.)~~

Sec. 17. 1. *The Board shall make and keep a complete record of all its proceedings ~~and~~ pursuant to this chapter, including, without limitation:*

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

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

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

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

Sec. 18. 1. *The Board ~~shall~~ may:*

(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 ~~for~~*

~~(a) For its own government; and~~

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

1 **Sec. 19. The Board may:**

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

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

7 Sec. 19.5. 1. The Board may establish a Dietitian Advisory Group
8 *consisting of persons familiar with the practice of dietetics to provide the Board*
9 *with expertise and assistance in carrying out its duties pursuant to this chapter. If*
10 *a Dietitian Advisory Group is established, the Board shall:*

11 (a) *Determine the number of members;*

12 (b) *Appoint the members;*

13 (c) *Establish the terms of the members; and*

14 (d) *Determine the duties of the Dietitian Advisory Group.*

15 2. *Members of a Dietitian Advisory Group established pursuant to*
16 *subsection 1 serve without compensation.*

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

21 (a) *Is 21 years of age or older.*

22 (b) *Is of good moral character.*

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

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

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

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

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

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

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

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

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

50 3. *Each applicant shall submit to the Central Repository for Nevada*
51 *Records of Criminal History two complete sets of fingerprints for submission to*
52 *the Federal Bureau of Investigation for its report. The Central Repository for*
53 *Nevada Records of Criminal History shall determine whether the applicant has*

1 *been convicted of a crime listed in paragraph (a) of subsection 1 of NRS 449.188*
2 *and immediately inform the Board of whether the applicant has been convicted of*
3 *such a crime.*

4 **Sec. 21. 1.** *If an applicant for a license to engage in the practice of*
5 *dietetics is a graduate of a college or university located in a foreign country, the*
6 *applicant must include with his or her application a written statement or other*
7 *proof from the Council for Higher Education Accreditation or its successor*
8 *organization that the degree is equivalent to a degree issued by a college or*
9 *university accredited by a regional accreditation body in the United States which*
10 *is recognized by the Council for Higher Education Accreditation, or its successor*
11 *organization, and the United States Department of Education.*

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

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

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

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

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

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

42 **2.** *A provisional license is valid for 1 year after the date of issuance. A*
43 *provisional license may be renewed for not more than 6 months if the applicant*
44 *submits evidence satisfactory to the Board for the failure of the applicant to*
45 *obtain a license to engage in the practice of dietetics during the time the applicant*
46 *held the provisional license.*

47 **3.** *A person who holds a provisional license may engage in the practice of*
48 *dietetics only under the supervision of a licensed dietitian.*

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

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

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

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

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

Sec. 25. (Deleted by amendment.)

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

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

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

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

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

(b) A separate form prescribed by the Board.

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

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

(b) 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.

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

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

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

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

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

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

- (a) The examination of an applicant for a license;
- (b) The issuance of a license;
- (c) The issuance of a provisional license;
- (d) The issuance of a temporary license;
- (e) The renewal of a license;
- (f) The late renewal of a license;
- (g) The reinstatement of a license which has been suspended or revoked; and
- (h) The issuance of a duplicate license or for changing the name on a license.

2. The fees established pursuant to subsection 1 must be set in such an amount as to reimburse the Board for the cost of carrying out the provisions of this chapter ~~and~~, except that no such fee may exceed \$250.

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

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

(b) Is guilty of any offense:

(1) Involving moral turpitude; or

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

(c) Uses any controlled substance, dangerous drug as defined in chapter 454 of NRS, or intoxicating liquor to an extent or in a manner which is dangerous or injurious to any other person or which impairs his or her ability to conduct the practice authorized 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 subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.*

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

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

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

Sec. 36. 1. ~~*Before suspending or revoking any license or taking other disciplinary action against a licensee, the Board shall cause an administrative complaint to be filed against the licensee. The*~~ *If any member of the Board or a Dietitian Advisory Group established pursuant to section 19.5 of this act becomes aware of any ground for initiating disciplinary action against a licensee, the member shall file an administrative complaint with the Board.*

2. *As soon as practical after receiving an administrative complaint, the Board shall notify:*

(a) *Notify the licensee in writing of the charges against him or her, accompanying the notice with a copy of the administrative complaint* ~~*;*~~ *and*

(b) *Forward a copy of the complaint to the Commission on Dietetic Registration of the American Dietetic Association or its successor organization for investigation of the complaint and request a written report of the findings of the investigation or, to the extent money is available to do so, conduct an investigation of the complaint to determine whether the allegations in the complaint merit the initiation of disciplinary proceedings against the licensee.*

~~*3.*~~ *Written notice to the licensee may be served by delivering it personally to the licensee, or by mailing it by registered or certified mail to the last known residential address of the licensee.*

~~3.7~~ 4. If the licensee, after receiving a copy of the administrative complaint pursuant to subsection 1, submits a written request, the Board shall furnish the licensee with a copy of each communication, report and affidavit in the possession of the Board which relates to the matter in question.

~~4. As soon as practicable after the filing of the administrative complaint,~~
5. If, after an investigation conducted by the Board or receiving the findings from an investigation of the complaint from the Commission on Dietetic Registration of the American Dietetic Association or its successor organization, the Board determines that the administrative complaint is valid, the Board shall

hold a hearing on the charges at such time and place as the Board prescribes. If the Board receives a report pursuant to subsection 5 of NRS 228.420, the hearing must be held within 30 days after receiving the report. If requested by the licensee, the hearing must be held within the county in which the licensee resides.

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

Sec. 38. The Board may:

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

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

1 the time and place fixed in the order and testify or produce the required books,
2 papers or documents. Upon failure to obey the order, the witness must be dealt
3 with as for contempt of court.

4 **Sec. 40. 1. The Board shall render a decision on any administrative**
5 **complaint within 60 days after the final hearing thereon. For the purposes of this**
6 **subsection, the final hearing on a matter delegated to a hearing officer pursuant**
7 **to section 37 of this act is the final hearing conducted by the hearing officer**
8 **unless the Board conducts a hearing with regard to the administrative complaint.**

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

14 **Sec. 41. (Deleted by amendment.)**

15 **Sec. 42. 1. Any licensee whose license ~~was~~ is revoked by the Board may**
16 **apply for reinstatement of the license pursuant to ~~the provisions of chapter 622A~~**
17 **~~of NRS.~~**

18 **~~2. In addition to the requirements for reinstatement of the license pursuant~~**
19 **~~to chapter 622A of NRS, the~~ regulations adopted by the Board.**

20 **2. The Board may reinstate the license upon compliance by the licensee**
21 **with all requirements for reinstatement established by regulations adopted by the**
22 **Board and payment of the applicable fee required pursuant to this chapter.**

23 **Sec. 43. 1. Except as otherwise provided in this section and NRS**
24 **239.0115, any records or information obtained during the course of an**
25 **investigation by the Board and any record of the investigation are confidential.**

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

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

32 **Sec. 44. If the Board, based on evidence satisfactory to it, believes that any**
33 **person has violated or is about to violate any provision of this chapter, the terms**
34 **of any license, or any order, decision, demand or requirement, or any part**
35 **thereof, the Board may bring an action, in the name of the Board, in the district**
36 **court in and for the county in which the person resides, against the person to**
37 **enjoin the person from continuing the violation or engaging in any act that**
38 **constitutes such a violation. The court may enter an order or judgment granting**
39 **such injunctive relief as it determines proper, but no such injunctive relief may be**
40 **granted without at least 5 days' notice to the opposite party.**

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

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

45 **2. Use in connection with his or her name the words or letters "L.D.,"**
46 **"licensed dietitian " ~~," "L.N.," "licensed nutritionist,"~~ or any other letters,**
47 **words or insignia indicating or implying that he or she is licensed to engage in**
48 **the practice of dietetics, or in any other way, orally, or in writing or print, or by**
49 **sign, directly or by implication, use the word "dietetics" ~~for "nutritionist"~~ or**
50 **represent himself or herself as licensed or qualified to engage in the practice of**
51 **dietetics in this State; or**

52 **3. List or cause to have listed in any directory, including, without limitation,**
53 **a telephone directory, his or her name or the name of his or her company under**

1 *the heading “Dietitian” ~~for “Nutritionist”~~ or any other term that indicates or*
2 *implies that he or she is licensed or qualified to engage in the practice of dietetics*
3 *in this State.*

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

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

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

13 629.031 Except as otherwise provided by a specific statute:

14 1. “Provider of health care” means a physician licensed pursuant to chapter
15 630, 630A or 633 of NRS, physician assistant, dentist, licensed nurse, dispensing
16 optician, optometrist, practitioner of respiratory care, registered physical therapist,
17 podiatric physician, licensed psychologist, licensed marriage and family therapist,
18 licensed clinical professional counselor, chiropractor, athletic trainer, perfusionist,
19 doctor of Oriental medicine in any form, medical laboratory director or technician,
20 pharmacist, *licensed dietitian* or a licensed hospital as the employer of any such
21 person.

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

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

25 7.095 1. An attorney shall not contract for or collect a fee contingent on the
26 amount of recovery for representing a person seeking damages in connection with
27 an action for injury or death against a provider of health care based upon
28 professional negligence in excess of:

- 29 (a) Forty percent of the first \$50,000 recovered;
30 (b) Thirty-three and one-third percent of the next \$50,000 recovered;
31 (c) Twenty-five percent of the next \$500,000 recovered; and
32 (d) Fifteen percent of the amount of recovery that exceeds \$600,000.

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

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

40 4. As used in this section:

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

47 (b) “Provider of health care” means a physician licensed under chapter 630 or
48 633 of NRS, dentist, registered nurse, dispensing optician, optometrist, registered
49 physical therapist, podiatric physician, licensed psychologist, chiropractor, doctor
50 of Oriental medicine, medical laboratory director or technician, *licensed dietitian* or
51 a licensed hospital and its employees.

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

2 41A.017 “Provider of health care” means a physician licensed under chapter
3 630 or 633 of NRS, dentist, licensed nurse, dispensing optician, optometrist,
4 registered physical therapist, podiatric physician, licensed psychologist,
5 chiropractor, doctor of Oriental medicine, medical laboratory director or technician,
6 **licensed dietitian** or a licensed hospital and its employees.

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

8 42.021 1. In an action for injury or death against a provider of health care
9 based upon professional negligence, if the defendant so elects, the defendant may
10 introduce evidence of any amount payable as a benefit to the plaintiff as a result of
11 the injury or death pursuant to the United States Social Security Act, any state or
12 federal income disability or worker’s compensation act, any health, sickness or
13 income-disability insurance, accident insurance that provides health benefits or
14 income-disability coverage, and any contract or agreement of any group,
15 organization, partnership or corporation to provide, pay for or reimburse the cost of
16 medical, hospital, dental or other health care services. If the defendant elects to
17 introduce such evidence, the plaintiff may introduce evidence of any amount that
18 the plaintiff has paid or contributed to secure the plaintiff’s right to any insurance
19 benefits concerning which the defendant has introduced evidence.

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

21 (a) Recover any amount against the plaintiff; or

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

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

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

37 5. A judgment ordering the payment of future damages by periodic payments
38 entered pursuant to subsection 3 must specify the recipient or recipients of the
39 payments, the dollar amount of the payments, the interval between payments, and
40 the number of payments or the period of time over which payments will be made.
41 Such payments must only be subject to modification in the event of the death of the
42 judgment creditor. Money damages awarded for loss of future earnings must not be
43 reduced or payments terminated by reason of the death of the judgment creditor, but
44 must be paid to persons to whom the judgment creditor owed a duty of support, as
45 provided by law, immediately before the judgment creditor’s death. In such cases,
46 the court that rendered the original judgment may, upon petition of any party in
47 interest, modify the judgment to award and apportion the unpaid future damages in
48 accordance with this subsection.

49 6. If the court finds that the judgment debtor has exhibited a continuing
50 pattern of failing to make the periodic payments as specified pursuant to subsection
51 5, the court shall find the judgment debtor in contempt of court and, in addition to
52 the required periodic payments, shall order the judgment debtor to pay the

1 judgment creditor all damages caused by the failure to make such periodic
2 payments, including, but not limited to, court costs and attorney's fees.

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

7 8. As used in this section:

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

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

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

19 (d) "Provider of health care" means a physician licensed under chapter 630 or
20 633 of NRS, dentist, licensed nurse, dispensing optician, optometrist, registered
21 physical therapist, podiatric physician, licensed psychologist, chiropractor, doctor
22 of Oriental medicine, medical laboratory director or technician, *licensed dietitian* or
23 a licensed hospital and its employees.

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

25 200.471 1. As used in this section:

26 (a) "Assault" means:

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

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

30 (b) "Officer" means:

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

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

34 (3) A member of a volunteer fire department;

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

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

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

41 (c) "Provider of health care" means a physician, a perfusionist or a physician
42 assistant licensed pursuant to chapter 630 of NRS, a practitioner of respiratory care,
43 a homeopathic physician, an advanced practitioner of homeopathy, a homeopathic
44 assistant, an osteopathic physician, a physician assistant licensed pursuant to
45 chapter 633 of NRS, a podiatric physician, a podiatry hygienist, a physical
46 therapist, a medical laboratory technician, an optometrist, a chiropractor, a
47 chiropractor's assistant, a doctor of Oriental medicine, a nurse, a student nurse, a
48 certified nursing assistant, a nursing assistant trainee, a dentist, a dental hygienist,
49 a pharmacist, an intern pharmacist, an attendant on an ambulance or air ambulance,
50 a psychologist, a social worker, a marriage and family therapist, a marriage and
51 family therapist intern, a clinical professional counselor, a clinical professional
52 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:

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

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

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

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

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

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

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

(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

1 Disability Services Division of the Department of Health and Human Services and
2 the Unit for the Investigation and Prosecution of Crimes his or her written findings.
3 The written findings must include the information required pursuant to the
4 provisions of NRS 200.5094, when possible.

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

- 11 (a) Aging and Disability Services Division;
- 12 (b) Repository for Information Concerning Crimes Against Older Persons
13 created by NRS 179A.450; and
- 14 (c) Unit for the Investigation and Prosecution of Crimes.

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

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

22 10. As used in this section, "Unit for the Investigation and Prosecution of
23 Crimes" means the Unit for the Investigation and Prosecution of Crimes Against
24 Older Persons in the Office of the Attorney General created pursuant to NRS
25 228.265.

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

27 200.50935 1. Any person who is described in subsection 3 and who, in a
28 professional or occupational capacity, knows or has reasonable cause to believe that
29 a vulnerable person has been abused, neglected, exploited or isolated shall:

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

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

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

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

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

50 (b) Any personnel of a hospital or similar institution engaged in the admission,
51 examination, care or treatment of persons or an administrator, manager or other
52 person in charge of a hospital or similar institution upon notification of the

1 suspected abuse, neglect, exploitation or isolation of a vulnerable person by a
2 member of the staff of the hospital.

3 (c) A coroner.

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

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

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

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

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

15 (i) Every social worker.

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

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

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

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

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

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

31 200.5095 1. Reports made pursuant to NRS 200.5093, 200.50935 and
32 200.5094, and records and investigations relating to those reports, are confidential.

33 2. A person, law enforcement agency or public or private agency, institution
34 or facility who willfully releases data or information concerning the reports and
35 investigation of the abuse, neglect, exploitation or isolation of older persons or
36 vulnerable persons, except:

37 (a) Pursuant to a criminal prosecution;

38 (b) Pursuant to NRS 200.50982; or

39 (c) To persons or agencies enumerated in subsection 3,
40 is guilty of a misdemeanor.

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

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

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

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

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

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

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

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

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

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

(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. ~~(Deleted by amendment.)~~

Sec. 56. ~~(Deleted by amendment.)~~

Sec. 57. ~~(Deleted by amendment.)~~

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:

(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. 60. NRS 442.003 is hereby amended to read as follows:

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

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

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

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

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

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

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

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

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

(b) A physician or a physician assistant who is licensed pursuant to chapter 630 or 633 of NRS and who practices in the area of obstetrics and gynecology, family practice, internal medicine, pediatrics or psychiatry;

(c) A licensed nurse;

(d) A licensed psychologist;

(e) A licensed marriage and family therapist;

(f) A licensed clinical professional counselor;

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

(h) *A licensed dietitian; or*

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

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

608.0116 "Professional" means pertaining to an employee who is licensed or certified by the State of Nevada for and engaged in the practice of law or any of the

professions regulated by chapters 623 to 645, inclusive, 645G and 656A of NRS ~~and sections 1.5 to 46, inclusive, of this act.~~

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

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

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

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

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

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

(b) A separate form prescribed by the Board.

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

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

(b) 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.

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. ~~(Deleted by amendment.)~~

Sec. 63.5. Except for the suspension of a license pursuant to section 35 of this act, no disciplinary action may be initiated, investigated or imposed pursuant to sections 1.5 to 46, inclusive, of this act before July 1, 2013.

Sec. 64. Notwithstanding the provisions of section 20 of this act, the State Board of ~~Dietetics~~ *Health* 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, *63.5* and 64 of this act become effective on July 1, 2011, for the purpose of adopting regulations and

1 carrying out any other administrative tasks, and on January 1, 2012, for all other
2 purposes.

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

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

10 (b) Are in arrears in the payment for the support of one or more children,
11 ➤ are repealed by the Congress of the United States.

12 4. Sections 35 and 62 of this act expire by limitation on the date 2 years after
13 the date on which the provisions of 42 U.S.C. § 666 requiring each state to establish
14 procedures under which the state has authority to withhold or suspend, or to restrict
15 the use of professional, occupational and recreational licenses of persons who:

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

19 (b) Are in arrears in the payment for the support of one or more children,
20 ➤ are repealed by the Congress of the United States.