

## Amendment No. 212

Senate Amendment to Senate Bill No. 411

(BDR 54-1104)

**Proposed by:** Senate Committee on Commerce, Labor and Energy**Amends:** Summary: Yes 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 S.B. 411 (§§ 22, 24).

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.

JMM/MSN



Date: 4/13/2011

S.B. No. 411—Provides for the regulation of certified medication aides.  
(BDR 54-1104)



SENATE BILL NO. 411—COMMITTEE ON  
COMMERCE, LABOR AND ENERGY

MARCH 28, 2011

Referred to Committee on Commerce, Labor and Energy

SUMMARY—Provides for the regulation of ~~certified~~ medication aides.  
(BDR 54-1104)

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: Yes.

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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 nursing; providing for the certification by the State Board of Nursing of nursing assistants as ~~certified~~ medication ~~aides -~~ *aides - certified*; prescribing the acts a ~~certified~~ medication ~~aide~~ *aide - certified* may perform; authorizing a ~~certified~~ medication ~~aide~~ *aide - certified* to possess and administer certain drugs and medications in certain medical facilities; authorizing the Board to establish certain fees and charges; prohibiting certain acts relating to ~~certified~~ medication ~~aides -~~ *aides - certified*; providing a penalty; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Existing law provides for the regulation of nursing assistants. (NRS 632.285-632.286) **Sections 3-11** of this bill provide for the certification by the State Board of Nursing of nursing assistants as ~~certified~~ medication ~~aides -~~ *aides - certified*. **Section 10** prescribes the duties a ~~certified~~ medication ~~aide~~ *aide - certified* may perform. **Sections 10 and 39** of this bill authorize ~~certified~~ medication ~~aides -~~ *aides - certified* to possess and administer drugs and medications other than controlled substances to patients in certain medical facilities designated by the Board. **Sections 12-28** of this bill revise provisions administered by the Board to include ~~certified~~ medication ~~aides -~~ *aides - certified*. **Section 14** of this bill extends the authority of the Advisory Committee on Nursing Assistants to ~~certified~~ medication ~~aides -~~ *aides - certified*. **Sections 16 and 24** of this bill authorize the Board to adopt regulations and establish certain fees and charges applicable to ~~certified~~ medication ~~aides -~~ *aides - certified*. **Section 21** of this bill authorizes the Board to take certain disciplinary action against ~~certified~~ medication ~~aides -~~ *aides - certified*. **Sections 1, 2 and 28-38** of this bill expand the applicability of certain provisions that are currently applicable to nursing assistants to include ~~certified~~ medication ~~aides -~~ *aides - certified*. **Section 31** provides for certain criminal penalties for a person who commits assault upon certain persons, including ~~certified~~ medication ~~aides -~~ *aides - certified*, who are performing their official duties if the assault is based upon the performance of those duties.

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

**Section 1.** NRS 630.293 is hereby amended to read as follows:

630.293 1. A physician or any agent or employee thereof shall not retaliate or discriminate unfairly against:

(a) An employee of the physician or a person acting on behalf of the employee who in good faith:

(1) Reports to the Board of Medical Examiners information relating to the conduct of the physician which may constitute grounds for initiating disciplinary action against the physician or which otherwise raises a reasonable question regarding the competence of the physician to practice medicine with reasonable skill and safety to patients; or

(2) Reports a sentinel event to the Health Division of the Department of Health and Human Services pursuant to NRS 439.835;

(b) A registered nurse, licensed practical nurse, ~~or~~ nursing assistant ~~or~~ ~~certified~~ ~~medication aide~~ ~~aid~~ - ~~certified~~ who is employed by or contracts to provide nursing services for the physician and who:

(1) In good faith, reports to the physician, the Board of Medical Examiners, the State Board of Nursing, the Legislature or any committee thereof or any other governmental entity:

(I) Any information concerning the willful conduct of another registered nurse, licensed practical nurse, ~~or~~ nursing assistant ~~or~~ ~~certified~~ ~~medication aide~~ ~~aid~~ - ~~certified~~ which violates any provision of chapter 632 of NRS or which is required to be reported to the State Board of Nursing;

(II) Any concerns regarding patients who may be exposed to a substantial risk of harm as a result of the failure of the physician or any agent or employee thereof to comply with minimum professional or accreditation standards or applicable statutory or regulatory requirements; or

(III) Any other concerns regarding the physician, the agents and employees thereof or any situation that reasonably could result in harm to patients; or

(2) Refuses to engage in conduct that would violate the duty of the registered nurse, licensed practical nurse, ~~or~~ nursing assistant ~~or~~ ~~certified~~ ~~medication aide~~ ~~aid~~ - ~~certified~~ to protect patients from actual or potential harm, including, without limitation, conduct which would violate any provision of chapter 632 of NRS or which would subject the registered nurse, licensed practical nurse, ~~or~~ nursing assistant ~~or~~ ~~certified~~ ~~medication aide~~ ~~aid~~ - ~~certified~~ to disciplinary action by the State Board of Nursing; or

(c) An employee of the physician, a person acting on behalf of the employee or a registered nurse, licensed practical nurse, ~~or~~ nursing assistant ~~or~~ ~~certified~~ ~~medication aide~~ ~~aid~~ - ~~certified~~ who is employed by or contracts to provide nursing services for the physician and who cooperates or otherwise participates in an investigation or proceeding conducted by the Board of Medical Examiners or another governmental entity relating to conduct described in paragraph (a) or (b).

2. A physician or any agent or employee thereof shall not retaliate or discriminate unfairly against an employee of the physician or a registered nurse, licensed practical nurse, ~~or~~ nursing assistant ~~or~~ ~~certified~~ ~~medication aide~~ ~~aid~~ - ~~certified~~ who is employed by or contracts to provide nursing services for the physician because the employee, registered nurse, licensed practical nurse, ~~or~~ nursing assistant ~~or~~ ~~certified~~ ~~medication aide~~ ~~aid~~ - ~~certified~~ has taken an action described in subsection 1.

3. A physician or any agent or employee thereof shall not prohibit, restrict or attempt to prohibit or restrict by contract, policy, procedure or any other manner the right of an employee of the physician or a registered nurse, licensed practical nurse, ~~for~~ nursing assistant ~~or~~ ~~certified~~ medication ~~aide~~ aide - certified who is employed by or contracts to provide nursing services for the physician to take an action described in subsection 1.

4. As used in this section:

(a) "Good faith" means honesty in fact in the reporting of the information or in the cooperation of the investigation concerned.

(b) "Retaliate or discriminate":

(1) Includes, without limitation, any of the following actions if taken solely because the employee, registered nurse, licensed practical nurse, ~~for~~ nursing assistant ~~or~~ ~~certified~~ medication ~~aide~~ aide - certified took an action described in subsection 1:

(I) Frequent or undesirable changes in the location where the person works;

(II) Frequent or undesirable transfers or reassignments;

(III) The issuance of letters of reprimand, letters of admonition or evaluations of poor performance;

(IV) A demotion;

(V) A reduction in pay;

(VI) The denial of a promotion;

(VII) A suspension;

(VIII) A dismissal;

(IX) A transfer; or

(X) Frequent changes in working hours or workdays.

(2) Does not include an action described in sub-paragraphs (I) to (X), inclusive, of subparagraph (1) if the action is taken in the normal course of employment or as a form of discipline.

**Sec. 2.** NRS 630.296 is hereby amended to read as follows:

630.296 1. An employee of a physician or a registered nurse, licensed practical nurse, ~~for~~ nursing assistant ~~or~~ ~~certified~~ medication ~~aide~~ aide - certified who is employed by or contracts to provide nursing services for the physician and who believes that he or she has been retaliated or discriminated against in violation of NRS 630.293 may file an action in a court of competent jurisdiction.

2. If a court determines that a violation of NRS 630.293 has occurred, the court may award such damages as it determines to have resulted from the violation, including, without limitation:

(a) Compensatory damages;

(b) Reimbursement of any wages, salary, employment benefits or other compensation denied to or lost by the employee, registered nurse, licensed practical nurse, ~~for~~ nursing assistant ~~or~~ ~~certified~~ medication ~~aide~~ aide - certified as a result of the violation;

(c) Attorney's fees and costs, including, without limitation, fees for expert witnesses; and

(d) Punitive damages, if the facts warrant.

3. The court shall award interest on the amount of damages at a rate determined pursuant to NRS 17.130.

4. The court may grant any equitable relief it considers appropriate, including, without limitation, reinstatement of the employee, registered nurse, licensed practical nurse, ~~for~~ nursing assistant ~~or~~ ~~certified~~ medication ~~aide~~ aide - certified and any temporary, preliminary or permanent injunctive relief.

5. If any action to retaliate or discriminate is taken against an employee, registered nurse, licensed practical nurse, ~~{or}~~ nursing assistant ~~or {certified} medication {aide} aide - certified~~ within 60 days after the employee, registered nurse, licensed practical nurse, ~~{or}~~ nursing assistant ~~or {certified} medication {aide} aide - certified~~ takes any action described in subsection 1 of NRS 630.293, there is a rebuttable presumption that the action taken against the employee, registered nurse, licensed practical nurse, ~~{or}~~ nursing assistant ~~or {certified} medication {aide} aide - certified~~ constitutes retaliation or discrimination in violation of NRS 630.293.

6. A physician or any agent or employee thereof that violates the provisions of NRS 630.293 is subject to a civil penalty of not more than \$10,000 for each violation. The Attorney General or any district attorney of this State may recover the penalty in a civil action brought in the name of the State of Nevada in any court of competent jurisdiction.

7. Any action under this section must be brought not later than 2 years after the date of the last event constituting the alleged violation for which the action is brought.

8. As used in this section, "retaliate or discriminate" has the meaning ascribed to it in NRS 630.293.

Sec. 3. Chapter 632 of NRS is hereby amended by adding thereto the provisions set forth as sections 4 to 11, inclusive, of this act.

Sec. 4. *"Authorized medications" means all prescription and nonprescription drugs and medications other than controlled substances.*

Sec. 5. ~~"Certified medication aide" means a nursing assistant who is certified by the Board to administer authorized medications in designated facilities.~~ *(Deleted by amendment.)*

Sec. 6. *"Designated facility" means a medical facility designated by the Board as a facility in which certified medication aides may practice.*

Sec. 6.5. *"Medication aide - certified" means a nursing assistant who is certified by the Board to administer authorized medications in designated facilities.*

Sec. 7. 1. *Any person who practices or offers to practice as a {certified} medication {aide} aide - certified in this State shall submit evidence that he or she is qualified to practice and must be certified to practice as a {certified} medication {aide} aide - certified as provided in this chapter.*

2. *It is unlawful for any person to practice or to offer to practice as a {certified} medication {aide} aide - certified in this State or to use any title, abbreviation, sign, card or device to indicate that the person is practicing as a {certified} medication {aide} aide - certified in this State unless the person is certified as a {certified} medication {aide} aide - certified pursuant to the provisions of this chapter.*

3. *The Executive Director of the Board may, on behalf of the Board, issue an order to cease and desist to any person who practices or offers to practice as a {certified} medication {aide} aide - certified without a certificate to practice as a {certified} medication {aide} aide - certified issued pursuant to the provisions of this chapter.*

4. *The Executive Director of the Board shall forward to the appropriate law enforcement agency any information submitted to the Board concerning a person who practices or offers to practice as a {certified} medication {aide} aide - certified without a certificate to practice as a {certified} medication {aide} aide - certified issued pursuant to the provisions of this chapter.*

1        **Sec. 8. 1.** *An applicant for a certificate to practice as a ~~certified~~*  
2 *medication ~~aide~~ aide - certified must submit proof satisfactory to the Board that*  
3 *the applicant:*

- 4        (a) *Holds a certificate to practice as a nursing assistant in this State;*  
5        (b) *Has completed at least 1 year of continuous full-time employment as a*  
6 *nursing assistant in a medical facility in this State and is currently employed at a*  
7 *medical facility;*  
8        (c) *Has a high school diploma or its equivalent;*  
9        (d) *Has successfully completed a literacy and reading comprehension*  
10 *screening process approved by the Board;*  
11        (e) *Has successfully completed a training course for ~~certified~~ medication*  
12 *~~aides~~ aides - certified of at least 100 hours that is approved by the Board;*  
13        (f) *Has passed an examination on such subjects as are required by the*  
14 *Board; and*  
15        (g) *Meets such other reasonable requirements as the Board prescribes by*  
16 *regulation.*

17        2. *An applicant who is licensed or certified as a medication aide in another*  
18 *state or territory of the United States may be certified in this State by endorsement*  
19 *if the applicant submits proof satisfactory to the Board that the applicant:*

- 20        (a) *Holds a certificate to practice as a nursing assistant in another state or*  
21 *territory of the United States;*  
22        (b) *Has completed at least 1 year of continuous full-time employment as a*  
23 *nursing assistant in a medical facility in another state or territory of the United*  
24 *States and is currently employed at a medical facility;*  
25        (c) *Has a high school diploma or its equivalent;*  
26        (d) *Has passed an examination determined by the Board to be equivalent to*  
27 *the examination required by paragraph (f) of subsection 1;*  
28        (e) *Has completed training determined by the Board to be equivalent to the*  
29 *training required by paragraph (e) of subsection 1; and*  
30        (f) *Meets such other reasonable requirements as the Board prescribes by*  
31 *regulation.*

32        3. *The Board shall issue a certificate to practice as a ~~certified~~ medication*  
33 *~~aide~~ aide - certified to each applicant who meets the requirements of this*  
34 *section.*

35        **Sec. 9. 1.** *The Board shall designate by regulation the types of medical*  
36 *facilities that may employ ~~certified~~ medication ~~aides~~ aides - certified.*

37        2. *If a designated facility elects to employ one or more ~~certified~~ medication*  
38 *~~aides~~ aides - certified, the facility shall notify the Board in the manner*  
39 *prescribed by the Board.*

40        **Sec. 10. 1.** *A ~~certified~~ medication ~~aide~~ aide - certified may only*  
41 *administer authorized medications and perform related tasks at a designated*  
42 *facility under the supervision of an advanced practitioner of nursing or a*  
43 *registered nurse and in accordance with standard protocols developed by the*  
44 *Board.*

45        2. *Except as otherwise provided by subsection 4, a ~~certified~~ medication*  
46 *~~aide~~ aide - certified may only administer authorized medications by the*  
47 *following methods:*

- 48        (a) *Orally;*  
49        (b) *Topically;*  
50        (c) *By the use of drops in the eye, ear or nose;*  
51        (d) *Vaginally;*  
52        (e) *Rectally;*  
53        (f) *Transdermally; and*

- (g) *By the use of an oral inhaler.*
3. *Except as otherwise provided by subsection 4, a ~~certified~~ medication ~~aides~~ aide - certified shall not:*
- (a) *Receive, have access to or administer any controlled substance;*
  - (b) *Administer parenteral or enteral medications;*
  - (c) *Administer any substances by nasogastric or gastrostomy tubes;*
  - (d) *Calculate drug dosages;*
  - (e) *Destroy medication;*
  - (f) *Receive orders, either in writing or verbally, for new or changed medication;*
  - (g) *Transcribe orders from medical records;*
  - (h) *Order or administer initial medications;*
  - (i) *Evaluate reports of medication errors;*
  - (j) *Perform treatments;*
  - (k) *Conduct patient assessments or evaluations;*
  - (l) *Engage in teaching activities for patients; or*
  - (m) *Engage in any activity prohibited pursuant to subsection 4.*
4. *The Board may adopt regulations authorizing or prohibiting any additional activities of a ~~certified~~ medication ~~aides~~ aide - certified.*
5. *As used in this section, "supervision" means active oversight of the patient care services provided by a ~~certified~~ medication ~~aides~~ aide - certified while on the premises of a designated facility.*
- Sec. 11.** *It is unlawful for any person:*
- 1. *To sell or fraudulently obtain or furnish a certificate to practice as a ~~certified~~ medication ~~aides~~ aide - certified;*
  - 2. *To practice as a ~~certified~~ medication ~~aides~~ aide - certified pursuant to a certificate that was illegally or fraudulently obtained or was signed or issued unlawfully or under fraudulent representation; or*
  - 3. *To conduct a training course for ~~certified~~ medication ~~aides~~ aides - certified unless the training course has been approved by the Board.*
- Sec. 12.** NRS 632.010 is hereby amended to read as follows:  
632.010 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 632.011 to 632.0195, inclusive, *and sections 4, ~~5~~ and 6 and 6.5 of this act* have the meanings ascribed to them in those sections.
- Sec. 13.** NRS 632.0135 is hereby amended to read as follows:  
632.0135 "Certificate" means a document which authorizes a person to practice as a nursing assistant ~~or~~ *or ~~certified~~ medication ~~aides~~ aide - certified.*
- Sec. 14.** NRS 632.072 is hereby amended to read as follows:  
632.072 1. The Advisory Committee on Nursing Assistants ~~and~~ *and ~~Certified Medication Aides~~ Aides,* consisting of ~~10~~ *11* members appointed by the Board, is hereby created.
- 2. The Board shall appoint to the Advisory Committee:
    - (a) One representative of facilities for long-term care;
    - (b) One representative of medical facilities which provide acute care;
    - (c) One representative of agencies to provide nursing in the home;
    - (d) One representative of the Health Division of the Department of Health and Human Services;
    - (e) One representative of the Division of Health Care Financing and Policy of the Department of Health and Human Services;
    - (f) One representative of the Aging and Disability Services Division of the Department of Health and Human Services;
    - (g) One representative of the American Association of Retired Persons or a similar organization;



(h) A nursing assistant;

(i) A registered nurse; ~~and~~

(j) A licensed practical nurse ~~;~~ *and*

*(k) A ~~certified~~ medication ~~aide~~ aide - certified.*

3. The Advisory Committee shall advise the Board with regard to matters relating to nursing assistants ~~;~~ *and ~~certified~~ medication ~~aides~~ aides - certified.*

**Sec. 15.** NRS 632.073 is hereby amended to read as follows:

632.073 1. In addition to the Advisory Committee on Nursing Assistants *and ~~Certified~~ Medication ~~Aides~~ Aides* created by NRS 632.072, the Board may appoint such other advisory committees as it deems appropriate.

2. The members of any advisory committee appointed pursuant to subsection 1 are not entitled to be paid a salary or to receive per diem allowances for conducting the business of the advisory committee, but the Board may authorize reimbursement for the actual expenses incurred by a member for traveling to and from a meeting of the advisory committee.

**Sec. 16.** NRS 632.120 is hereby amended to read as follows:

632.120 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 practice professional or practical nursing or a certificate to practice as a nursing assistant ~~;~~ *or ~~certified~~ medication ~~aide~~ aide - certified.*

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

(3) For prescribing and dispensing controlled substances and dangerous drugs in accordance with applicable statutes.

(b) Prepare and administer examinations for the issuance of a license or certificate under this chapter.

(c) Investigate and determine the eligibility of an applicant for a license or certificate under this chapter.

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

2. The Board may adopt regulations establishing reasonable:

(a) Qualifications for the issuance of a license or certificate under this chapter.

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

3. The Board may adopt regulations establishing a schedule of reasonable fees and charges, in addition to those set forth in NRS 632.345, for:

(a) Investigating licensees or holders of a certificate and applicants for a license or certificate under this chapter;

(b) Evaluating the professional competence of licensees or holders of a certificate;

(c) Conducting hearings pursuant to this chapter;

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

(e) Surveying, evaluating and approving schools of practical nursing, and schools and courses of professional nursing,

➤ and collect the fees established pursuant to this subsection.

4. For the purposes of this chapter, the Board shall, by regulation, define the term "in the process of obtaining accreditation."

5. The Board may adopt such other regulations, not inconsistent with state or federal law, as may be necessary to carry out the provisions of this chapter relating to nursing assistant trainees, ~~and~~ nursing assistants ~~;~~ *and ~~certified~~ medication ~~aides~~ aides - certified.*



6. The Board may adopt such other regulations, not inconsistent with state or federal law, as are necessary to enable it to administer the provisions of this chapter.

**Sec. 17.** NRS 632.122 is hereby amended to read as follows:

632.122 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 nursing assistant trainees, ~~and~~ nursing assistants ~~[ ]~~ and ~~[ ]~~ ~~certified~~ medication ~~[aides]~~ aides - certified.

**Sec. 18.** NRS 632.125 is hereby amended to read as follows:

632.125 1. Each hospital or agency in the State employing professional or practical nurses, ~~[or]~~ nursing assistants or ~~[certified]~~ medication ~~[aides]~~ aides - certified shall submit a list of such nursing personnel to the Board at least three times annually as directed by the Board. Except as otherwise provided in NRS 239.0115, each list submitted to the Board pursuant to this subsection is confidential.

2. A medical facility shall, before hiring a nursing assistant, ~~[or]~~ nursing assistant trainee ~~[ ]~~ or ~~[certified]~~ medication ~~[aide]~~ aide - certified, obtain validation from the Board that the prospective employee has a current certificate, is enrolled in a training program required for certification or is awaiting the results of a certification examination.

**Sec. 19.** NRS 632.286 is hereby amended to read as follows:

632.286 1. The Board shall supply the Health Division of the Department of Health and Human Services upon request with a list of each training program approved by the Board.

2. The Board shall share with each state agency which regulates medical facilities and facilities for the dependent any information the Board receives concerning disciplinary action taken against nursing assistants or ~~[certified]~~ medication ~~[aides]~~ aides - certified who work in the facilities.

**Sec. 20.** NRS 632.310 is hereby amended to read as follows:

632.310 1. The Board may, upon its own motion, and shall, upon the verified complaint in writing of any person, if the complaint alone or together with evidence, documentary or otherwise, presented in connection therewith, is sufficient to require an investigation, investigate the actions of any licensee or holder of a certificate or any person who assumes to act as a licensee or holder of a certificate within the State of Nevada.

2. The Executive Director of the Board may, upon receipt of information from a governmental agency, conduct an investigation to determine whether the information is sufficient to require an investigation for referral to the Board for its consideration.

3. If a written verified complaint filed with the Board does not include the complete name of the licensee, ~~[or]~~ nursing assistant or ~~[certified]~~ medication ~~[aide]~~ aide - certified against whom the complaint is filed, and the Board is unable to identify the licensee, ~~[or]~~ nursing assistant ~~[ ]~~ or ~~[certified]~~ medication ~~[aide]~~ aide - certified, the Board shall request that the employer of the licensee, ~~[or]~~ nursing assistant or ~~[certified]~~ medication ~~[aide]~~ aide - certified provide to the Board the complete name of the licensee, ~~[or]~~ nursing assistant ~~[ ]~~ or ~~[certified]~~ medication ~~[aide]~~ aide - certified. The employer shall provide the name to the Board within 3 business days after the request is made.

4. The employer of a licensee, ~~[or]~~ nursing assistant or ~~[certified]~~ medication ~~[aide]~~ aide - certified shall provide to the Board, upon its request, the record of the

work assignments of any licensee, ~~for~~ nursing assistant ~~or~~ ~~certified~~ medication ~~aide~~ aide - certified whose actions are under investigation by the Board.

5. The Board shall retain all complaints received by the Board pursuant to this section for at least 10 years, including, without limitation, any complaints not acted upon.

**Sec. 21.** NRS 632.320 is hereby amended to read as follows:

632.320 1. The Board may deny, revoke or suspend any license or certificate applied for or issued pursuant to this chapter, or take other disciplinary action against a licensee or holder of a certificate, upon determining that the licensee or certificate holder:

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

(b) Is guilty of any offense:

(1) Involving moral turpitude; or

(2) Related to the qualifications, functions or duties of a licensee or holder of a certificate,

in which case the record of conviction is conclusive evidence thereof.

(c) Has been convicted of violating any of the provisions of NRS 616D.200, 616D.220, 616D.240 or 616D.300 to 616D.440, inclusive.

(d) Is unfit or incompetent by reason of gross negligence or recklessness in carrying out usual nursing functions.

(e) 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 or certificate.

(f) Is a person with mental incompetence.

(g) Is guilty of unprofessional conduct, which includes, but is not limited to, the following:

(1) Conviction of practicing medicine without a license in violation of chapter 630 of NRS, in which case the record of conviction is conclusive evidence thereof.

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

(3) Impersonating another licensed practitioner or holder of a certificate.

(4) Permitting or allowing another person to use his or her license or certificate to practice as a licensed practical nurse, registered nurse, ~~for~~ nursing assistant ~~or~~ ~~certified~~ medication ~~aide~~ aide - certified.

(5) Repeated malpractice, which may be evidenced by claims of malpractice settled against the licensee or certificate holder.

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

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

(h) Has willfully or repeatedly violated the provisions of this chapter. The voluntary surrender of a license or certificate issued pursuant to this chapter is prima facie evidence that the licensee or certificate holder has committed or expects to commit a violation of this chapter.

(i) Is guilty of aiding or abetting any person in a violation of this chapter.

(j) Has falsified an entry on a patient's medical chart concerning a controlled substance.

(k) Has falsified information which was given to a physician, pharmacist, podiatric physician or dentist to obtain a controlled substance.

(l) Has been disciplined in another state in connection with a license to practice nursing or a certificate to practice as a nursing assistant ~~or certified medication aide~~ aide - certified, or has committed an act in another state which would constitute a violation of this chapter.

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

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

(o) Has operated a medical facility at any time during which:

(1) The license of the facility was suspended or revoked; or

(2) An act or omission occurred which resulted in the suspension or revocation of the license pursuant to NRS 449.160.

➤ This paragraph applies to an owner or other principal responsible for the operation of the facility.

2. 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. 22.** NRS 632.342 is hereby amended to read as follows:

632.342 1. The certificate of a nursing assistant ~~or certified medication aide~~ aide - certified must be renewed biennially on the date of the certificate holder's birthday.

2. The Board shall renew a certificate if the applicant:

(a) Submits a completed written application and the fee required by this chapter;

(b) Submits documentation of completion of continuing training, as required by the Board, in the previous 24 months;

(c) Has not committed any acts which are grounds for disciplinary action, unless the Board determines that sufficient restitution has been made or the act was not substantially related to nursing;

(d) Submits documentation of employment as a nursing assistant ~~or certified medication aide~~ aide - certified during the 2 years immediately preceding the date of the renewal; and

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

➤ The training program completed pursuant to paragraph (b) must be approved by the Board.

3. Failure to renew the certificate results in forfeiture of the right to practice unless the nursing assistant ~~or certified medication aide~~ aide - certified qualifies for the issuance of a new certificate.

4. Renewal of a certificate becomes effective on the date on which:

(a) The application is filed;

(b) The renewal fee is paid; or

(c) All information required to complete the renewal is submitted,

➤ whichever occurs latest.

**Sec. 23.** NRS 632.3425 is hereby amended to read as follows:

632.3425 A suspended license or certificate is subject to expiration and must be renewed as provided in NRS 632.341 or 632.342. Renewal does not entitle the licensee, ~~for~~ nursing assistant ~~or certified medication aide~~ aide - certified to engage in activity which requires licensure or certification until the completion of the suspension.

**Sec. 24.** NRS 632.345 is hereby amended to read as follows:

632.345 1. The Board shall establish and may amend a schedule of fees and charges for the following items and within the following ranges:

	Not less than	Not more than
Application for license to practice professional nursing (registered nurse) .....	\$45	\$100
Application for license to practice practical nursing.....	30	90
Application for temporary license to practice professional nursing or practical nursing pursuant to NRS 632.300, which fee must be credited toward the fee required for a regular license, if the applicant applies for a license.....	15	50
Application for a certificate to practice as a nursing assistant <del>or <u>certified</u></del> <u>medication</u> <del>aide</del> <u>aide - certified</u> .....	15	50
Application for a temporary certificate to practice as a nursing assistant pursuant to NRS 632.300, which fee must be credited toward the fee required for a regular certificate, if the applicant applies for a certificate.....	5	40
Biennial fee for renewal of a license .....	40	100
Biennial fee for renewal of a certificate .....	20	50
Fee for reinstatement of a license .....	10	100
Application for recognition as an advanced practitioner of nursing.....	50	200
Application for recognition as a certified registered nurse anesthetist .....	50	200
Biennial fee for renewal of recognition as an advanced practitioner of nursing or certified registered nurse anesthetist .....	50	200
Examination fee for license to practice professional nursing .....	20	100
Examination fee for license to practice practical nursing.....	10	90
Rewriting examination for license to practice professional nursing .....	20	100
Rewriting examination for license to practice practical nursing.....	10	90
Duplicate license .....	5	30
Duplicate certificate.....	5	30
Proctoring examination for candidate from another state .....	25	150
Fee for approving one course of continuing education .....	10	50
Fee for reviewing one course of continuing education which has been changed since approval.....	5	30
Annual fee for approval of all courses of continuing education offered.....	100	500
Annual fee for review of training program.....	60	100
Certification examination .....	10	90
Approval of instructors of training programs .....	50	100

Approval of proctors for certification		
examinations .....	20	50
Approval of training programs .....	150	250
Validation of licensure or certification .....	5	25

2. The Board may collect the fees and charges established pursuant to this section, and those fees or charges must not be refunded.

**Sec. 25.** NRS 632.472 is hereby amended to read as follows:

632.472 1. The following persons shall report in writing to the Executive Director of the Board any conduct of a licensee or holder of a certificate which constitutes a violation of the provisions of this chapter:

(a) Any physician, dentist, dental hygienist, chiropractor, optometrist, podiatric physician, medical examiner, resident, intern, professional or practical nurse, nursing assistant, ~~certified~~ medication ~~aide~~ aide - certified, perfusionist, physician assistant licensed pursuant to chapter 630 or 633 of NRS, psychiatrist, psychologist, marriage and family therapist, clinical professional counselor, alcohol or drug abuse counselor, driver of an ambulance, advanced emergency medical technician or other person providing medical services licensed or certified to practice in this State.

(b) Any personnel of a medical facility or facility for the dependent engaged in the admission, examination, care or treatment of persons or an administrator, manager or other person in charge of a medical facility or facility for the dependent upon notification by a member of the staff of the facility.

(c) A coroner.

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

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

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

(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 or exploitation of an older person and refers them to persons and agencies where their requests and needs can be met.

(k) Any social worker.

2. Every physician who, as a member of the staff of a medical facility or facility for the dependent, has reason to believe that a nursing assistant ~~certified~~ medication ~~aide~~ aide - certified has engaged in conduct which constitutes grounds for the denial, suspension or revocation of a certificate shall notify the superintendent, manager or other person in charge of the facility. The superintendent, manager or other person in charge shall make a report as required in subsection 1.

3. A report may be filed by any other person.

4. Any person who in good faith reports any violation of the provisions of this chapter to the Executive Director of the Board pursuant to this section is immune from civil liability for reporting the violation.

5. As used in this section, "agency to provide personal care services in the home" has the meaning ascribed to it in NRS 449.0021.

1       **Sec. 26.** NRS 632.476 is hereby amended to read as follows:

2       632.476 Each employer of a licensee, ~~for~~ nursing assistant ~~or~~ ~~certified~~  
3 ~~medication aide~~ aide - certified shall prepare and maintain, for at least 5 years, a  
4 record of the work assignments of each licensee, ~~for~~ nursing assistant ~~or~~  
5 ~~certified~~ ~~medication aide~~ aide - certified.

6       **Sec. 27.** NRS 632.490 is hereby amended to read as follows:

7       632.490 1. The Board shall cause the prosecution of all persons violating  
8 the provisions of this chapter.

9       2. The Board, or any person designated by the Board, may prefer a complaint  
10 for violation of NRS 632.285 or 632.315 or section 7 or 11 of this act before any  
11 court of competent jurisdiction, and it may take the necessary legal steps through  
12 the proper legal officers of this State to enforce the provisions thereof.

13       **Sec. 28.** NRS 632.495 is hereby amended to read as follows:

14       632.495 1. In addition to any other penalty:

15       (a) The Board may issue a citation to a person who violates the provisions of  
16 NRS 632.285 or 632.315 ~~or~~ section 7 or 11 of this act. A citation issued  
17 pursuant to this paragraph must be in writing and describe with particularity the  
18 nature of the violation. The citation also must inform the person of the provisions of  
19 subsection 2. A separate citation must be issued for each violation. If appropriate,  
20 the citation must contain an order of abatement of the violation.

21       (b) The Board shall assess an administrative fine of:

22       (1) For the first violation, \$500.

23       (2) For the second violation, \$1,000.

24       (3) For the third or subsequent violation, \$1,500.

25       2. To appeal the finding of a violation of NRS 632.285 or 632.315 ~~or~~ or  
26 section 7 or 11 of this act, the person must request a hearing by written notice of  
27 appeal to the Board within 30 days after the date of issuance of the citation.

28       **Sec. 29.** NRS 633.505 is hereby amended to read as follows:

29       633.505 1. An osteopathic physician or any agent or employee thereof shall  
30 not retaliate or discriminate unfairly against:

31       (a) An employee of the osteopathic physician or a person acting on behalf of  
32 the employee who in good faith:

33       (1) Reports to the State Board of Osteopathic Medicine information  
34 relating to the conduct of the osteopathic physician which may constitute grounds  
35 for initiating disciplinary action against the osteopathic physician or which  
36 otherwise raises a reasonable question regarding the competence of the osteopathic  
37 physician to practice medicine with reasonable skill and safety to patients; or

38       (2) Reports a sentinel event to the Health Division of the Department of  
39 Health and Human Services pursuant to NRS 439.835;

40       (b) A registered nurse, licensed practical nurse, ~~for~~ nursing assistant ~~or~~  
41 ~~certified~~ ~~medication aide~~ aide - certified who is employed by or contracts to  
42 provide nursing services for the osteopathic physician and who:

43       (1) In good faith, reports to the osteopathic physician, the State Board of  
44 Osteopathic Medicine, the State Board of Nursing, the Legislature or any  
45 committee thereof or any other governmental entity:

46       (I) Any information concerning the willful conduct of another  
47 registered nurse, licensed practical nurse, ~~for~~ nursing assistant ~~or~~ ~~certified~~  
48 ~~medication aide~~ aide - certified which violates any provision of chapter 632 of  
49 NRS or which is required to be reported to the State Board of Nursing;

50       (II) Any concerns regarding patients who may be exposed to a  
51 substantial risk of harm as a result of the failure of the osteopathic physician or any  
52 agent or employee thereof to comply with minimum professional or accreditation  
53 standards or applicable statutory or regulatory requirements; or

(III) Any other concerns regarding the osteopathic physician, the agents and employees thereof or any situation that reasonably could result in harm to patients; or

(2) Refuses to engage in conduct that would violate the duty of the registered nurse, licensed practical nurse, ~~for~~ nursing assistant ~~or~~ ~~certified~~ ~~medication aide~~ aide - certified to protect patients from actual or potential harm, including, without limitation, conduct which would violate any provision of chapter 632 of NRS or which would subject the registered nurse, licensed practical nurse, ~~for~~ nursing assistant ~~or~~ ~~certified~~ ~~medication aide~~ aide - certified to disciplinary action by the State Board of Nursing; or

(c) An employee of the osteopathic physician, a person acting on behalf of the employee or a registered nurse, licensed practical nurse, ~~for~~ nursing assistant ~~or~~ ~~certified~~ ~~medication aide~~ aide - certified who is employed by or contracts to provide nursing services for the osteopathic physician and who cooperates or otherwise participates in an investigation or proceeding conducted by the State Board of Osteopathic Medicine or another governmental entity relating to conduct described in paragraph (a) or (b).

2. An osteopathic physician or any agent or employee thereof shall not retaliate or discriminate unfairly against an employee of the osteopathic physician or a registered nurse, licensed practical nurse, ~~for~~ nursing assistant ~~or~~ ~~certified~~ ~~medication aide~~ aide - certified who is employed by or contracts to provide nursing services for the osteopathic physician because the employee, registered nurse, licensed practical nurse, ~~for~~ nursing assistant ~~or~~ ~~certified~~ ~~medication aide~~ aide - certified has taken an action described in subsection 1.

3. An osteopathic physician or any agent or employee thereof shall not prohibit, restrict or attempt to prohibit or restrict by contract, policy, procedure or any other manner the right of an employee of the osteopathic physician or a registered nurse, licensed practical nurse, ~~for~~ nursing assistant ~~or~~ ~~certified~~ ~~medication aide~~ aide - certified who is employed by or contracts to provide nursing services for the osteopathic physician to take an action described in subsection 1.

4. As used in this section:

(a) "Good faith" means honesty in fact in the reporting of the information or in the cooperation in the investigation concerned.

(b) "Retaliate or discriminate":

(1) Includes, without limitation, any of the following actions if taken solely because the employee, registered nurse, licensed practical nurse, ~~for~~ nursing assistant ~~or~~ ~~certified~~ ~~medication aide~~ aide - certified took an action described in subsection 1:

(I) Frequent or undesirable changes in the location where the person works;

(II) Frequent or undesirable transfers or reassignments;

(III) The issuance of letters of reprimand, letters of admonition or evaluations of poor performance;

(IV) A demotion;

(V) A reduction in pay;

(VI) The denial of a promotion;

(VII) A suspension;

(VIII) A dismissal;

(IX) A transfer; or

(X) Frequent changes in working hours or workdays.



(2) Does not include an action described in sub-subparagraphs (I) to (X), inclusive, of subparagraph (1) if the action is taken in the normal course of employment or as a form of discipline.

**Sec. 30.** NRS 633.507 is hereby amended to read as follows:

633.507 1. An employee of an osteopathic physician or a registered nurse, licensed practical nurse, ~~for~~ nursing assistant ~~or~~ ~~certified~~ medication ~~aide~~ aide - certified who is employed by or contracts to provide nursing services for the osteopathic physician and who believes that he or she has been retaliated or discriminated against in violation of NRS 633.505 may file an action in a court of competent jurisdiction.

2. If a court determines that a violation of NRS 633.505 has occurred, the court may award such damages as it determines to have resulted from the violation, including, without limitation:

(a) Compensatory damages;

(b) Reimbursement of any wages, salary, employment benefits or other compensation denied to or lost by the employee, registered nurse, licensed practical nurse, ~~for~~ nursing assistant ~~or~~ ~~certified~~ medication ~~aide~~ aide - certified as a result of the violation;

(c) Attorney's fees and costs, including, without limitation, fees for expert witnesses; and

(d) Punitive damages, if the facts warrant.

3. The court shall award interest on the amount of damages at a rate determined pursuant to NRS 17.130.

4. The court may grant any equitable relief it considers appropriate, including, without limitation, reinstatement of the employee, registered nurse, licensed practical nurse, ~~for~~ nursing assistant ~~or~~ ~~certified~~ medication ~~aide~~ aide - certified and any temporary, preliminary or permanent injunctive relief.

5. If any action to retaliate or discriminate is taken against an employee, registered nurse, licensed practical nurse, ~~for~~ nursing assistant ~~or~~ ~~certified~~ medication ~~aide~~ aide - certified within 60 days after the employee, registered nurse, licensed practical nurse, ~~for~~ nursing assistant ~~or~~ ~~certified~~ medication ~~aide~~ aide - certified takes any action described in subsection 1 of NRS 633.505, there is a rebuttable presumption that the action taken against the employee, registered nurse, licensed practical nurse, ~~for~~ nursing assistant ~~or~~ ~~certified~~ medication ~~aide~~ aide - certified constitutes retaliation or discrimination in violation of NRS 633.505.

6. An osteopathic physician or any agent or employee thereof that violates the provisions of NRS 633.505 is subject to a civil penalty of not more than \$10,000 for each violation. The Attorney General or any district attorney of this State may recover the penalty in a civil action brought in the name of the State of Nevada in any court of competent jurisdiction.

7. Any action under this section must be brought not later than 2 years after the date of the last event constituting the alleged violation for which the action is brought.

8. As used in this section, "retaliate or discriminate" has the meaning ascribed to it in NRS 633.505.

**Sec. 31.** NRS 200.471 is hereby amended to read as follows:

200.471 1. As used in this section:

(a) "Assault" means:

(1) Unlawfully attempting to use physical force against 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 certified medication aide~~, aide - certified, 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 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

1 sporting event by a probationer, a prisoner who is in lawful custody or confinement  
2 or a parolee, and the probationer, prisoner or parolee charged knew or should have  
3 known that the victim was an officer, a provider of health care, a school employee,  
4 a taxicab driver, a transit operator or a sports official, for a category D felony as  
5 provided in NRS 193.130, unless the assault is made with the use of a deadly  
6 weapon or the present ability to use a deadly weapon, then for a category B felony  
7 by imprisonment in the state prison for a minimum term of not less than 1 year and  
8 a maximum term of not more than 6 years, or by a fine of not more than \$5,000, or  
9 by both fine and imprisonment.

10 **Sec. 32.** Chapter 449 of NRS is hereby amended by adding thereto a new  
11 section to read as follows:

12 ~~“Certified medication aide”~~ *“Medication aide - certified” has the meaning*  
13 *ascribed to it in section ~~449.001~~ 6.5 of this act.*

14 **Sec. 33.** NRS 449.001 is hereby amended to read as follows:

15 449.001 As used in this chapter, unless the context otherwise requires, the  
16 words and terms defined in NRS 449.0015 to 449.0195, inclusive, *and section 32*  
17 *of this act* have the meanings ascribed to them in those sections.

18 **Sec. 34.** NRS 449.205 is hereby amended to read as follows:

19 449.205 1. A medical facility or any agent or employee thereof shall not  
20 retaliate or discriminate unfairly against:

21 (a) An employee of the medical facility or a person acting on behalf of the  
22 employee who in good faith:

23 (1) Reports to the Board of Medical Examiners or the State Board of  
24 Osteopathic Medicine, as applicable, information relating to the conduct of a  
25 physician which may constitute grounds for initiating disciplinary action against the  
26 physician or which otherwise raises a reasonable question regarding the  
27 competence of the physician to practice medicine with reasonable skill and safety to  
28 patients;

29 (2) Reports a sentinel event to the Health Division pursuant to NRS  
30 439.835; or

31 (3) Cooperates or otherwise participates in an investigation or proceeding  
32 conducted by the Board of Medical Examiners, the State Board of Osteopathic  
33 Medicine or another governmental entity relating to conduct described in  
34 subparagraph (1) or (2); or

35 (b) A registered nurse, licensed practical nurse , ~~for~~ nursing assistant *or*  
36 ~~certified medication aide~~ *aide - certified* who is employed by or contracts to  
37 provide nursing services for the medical facility and who:

38 (1) In accordance with the policy, if any, established by the medical  
39 facility:

40 (I) Reports to his or her immediate supervisor, in writing, that he or she  
41 does not possess the knowledge, skill or experience to comply with an assignment  
42 to provide nursing services to a patient; and

43 (II) Refuses to provide to a patient nursing services for which, as  
44 verified by documentation in the personnel file of the registered nurse, licensed  
45 practical nurse , ~~for~~ nursing assistant *or certified medication aide*  
46 *aide - certified* concerning his or her competence to provide various nursing  
47 services, he or she does not possess the knowledge, skill or experience to comply  
48 with the assignment to provide nursing services to the patient, unless the refusal  
49 constitutes unprofessional conduct as set forth in chapter 632 of NRS or any  
50 regulations adopted pursuant thereto;

51 (2) In good faith, reports to the medical facility, the Board of Medical  
52 Examiners, the State Board of Osteopathic Medicine, the State Board of Nursing,  
53 the Legislature or any committee thereof or any other governmental entity:

(I) Any information concerning the willful conduct of another registered nurse, licensed practical nurse, ~~for~~ nursing assistant ~~or~~ ~~certified~~ ~~medication aide~~ aide - certified which violates any provision of chapter 632 of NRS or which is required to be reported to the State Board of Nursing;

(II) Any concerns regarding patients who may be exposed to a substantial risk of harm as a result of the failure of the medical facility or any agent or employee thereof to comply with minimum professional or accreditation standards or applicable statutory or regulatory requirements; or

(III) Any other concerns regarding the medical facility, the agents and employees thereof or any situation that reasonably could result in harm to patients; or

(3) Refuses to engage in conduct that would violate the duty of the registered nurse, licensed practical nurse, ~~for~~ nursing assistant ~~or~~ ~~certified~~ ~~medication aide~~ aide - certified to protect patients from actual or potential harm, including, without limitation, conduct which would violate any provision of chapter 632 of NRS or which would subject the registered nurse, licensed practical nurse, ~~for~~ nursing assistant ~~or~~ ~~certified~~ ~~medication aide~~ aide - certified to disciplinary action by the State Board of Nursing.

2. A medical facility or any agent or employee thereof shall not retaliate or discriminate unfairly against an employee of the medical facility or a registered nurse, licensed practical nurse, ~~for~~ nursing assistant ~~or~~ ~~certified~~ ~~medication aide~~ aide - certified who is employed by or contracts to provide nursing services for the medical facility because the employee, registered nurse, licensed practical nurse, ~~for~~ nursing assistant ~~or~~ ~~certified~~ ~~medication aide~~ aide - certified has taken an action described in subsection 1.

3. A medical facility or any agent or employee thereof shall not prohibit, restrict or attempt to prohibit or restrict by contract, policy, procedure or any other manner the right of an employee of the medical facility or a registered nurse, licensed practical nurse, ~~for~~ nursing assistant ~~or~~ ~~certified~~ ~~medication aide~~ aide - certified who is employed by or contracts to provide nursing services for the medical facility to take an action described in subsection 1.

4. As used in this section:

(a) "Good faith" means honesty in fact in the reporting of the information or in the cooperation in the investigation concerned.

(b) "Physician" means a person licensed to practice medicine pursuant to chapter 630 or 633 of NRS.

(c) "Retaliate or discriminate":

(I) Includes, without limitation, any of the following actions if taken solely because the employee, registered nurse, licensed practical nurse, ~~for~~ nursing assistant ~~or~~ ~~certified~~ ~~medication aide~~ aide - certified took an action described in subsection 1:

(I) Frequent or undesirable changes in the location where the person works;

(II) Frequent or undesirable transfers or reassignments;

(III) The issuance of letters of reprimand, letters of admonition or evaluations of poor performance;

(IV) A demotion;

(V) A reduction in pay;

(VI) The denial of a promotion;

(VII) A suspension;

(VIII) A dismissal;

(IX) A transfer; or

(X) Frequent changes in working hours or workdays.

(2) Does not include an action described in sub-subparagraphs (I) to (X), inclusive, of subparagraph (1) if the action is taken in the normal course of employment or as a form of discipline.

**Sec. 35.** NRS 449.207 is hereby amended to read as follows:

449.207 1. An employee of a medical facility or a registered nurse, licensed practical nurse, ~~or~~ nursing assistant ~~or~~ ~~certified~~ medication ~~aide~~ aide - certified who is employed by or contracts to provide nursing services for the medical facility and who believes that he or she has been retaliated or discriminated against in violation of NRS 449.205 may file an action in a court of competent jurisdiction.

2. If a court determines that a violation of NRS 449.205 has occurred, the court may award such damages as it determines to have resulted from the violation, including, without limitation:

(a) Compensatory damages;

(b) Reimbursement of any wages, salary, employment benefits or other compensation denied to or lost by the employee, registered nurse, licensed practical nurse, ~~or~~ nursing assistant ~~or~~ ~~certified~~ medication ~~aide~~ aide - certified as a result of the violation;

(c) Attorney's fees and costs, including, without limitation, fees for expert witnesses; and

(d) Punitive damages, if the facts warrant.

3. The court shall award interest on the amount of damages at a rate determined pursuant to NRS 17.130.

4. The court may grant any equitable relief it considers appropriate, including, without limitation, reinstatement of the employee, registered nurse, licensed practical nurse, ~~or~~ nursing assistant ~~or~~ ~~certified~~ medication ~~aide~~ aide - certified and any temporary, preliminary or permanent injunctive relief.

5. If any action to retaliate or discriminate is taken against an employee, registered nurse, licensed practical nurse, ~~or~~ nursing assistant ~~or~~ ~~certified~~ medication ~~aide~~ aide - certified within 60 days after the employee, registered nurse, licensed practical nurse, ~~or~~ nursing assistant ~~or~~ ~~certified~~ medication ~~aide~~ aide - certified takes any action described in subsection 1 of NRS 449.205, there is a rebuttable presumption that the action taken against the employee, registered nurse, licensed practical nurse, ~~or~~ nursing assistant ~~or~~ ~~certified~~ medication ~~aide~~ aide - certified constitutes retaliation or discrimination in violation of NRS 449.205.

6. A medical facility or any agent or employee thereof that violates the provisions of NRS 449.205 is subject to a civil penalty of not more than \$10,000 for each violation. The Attorney General or any district attorney of this State may recover the penalty in a civil action brought in the name of the State of Nevada in any court of competent jurisdiction.

7. Any action under this section must be brought not later than 2 years after the date of the last event constituting the alleged violation for which the action is brought.

8. As used in this section, "retaliate or discriminate" has the meaning ascribed to it in NRS 449.205.

**Sec. 36.** NRS 449.208 is hereby amended to read as follows:

449.208 1. A medical facility shall prepare a written notice for the employees of the medical facility and for the nurses, ~~and~~ nursing assistants ~~and~~ ~~certified~~ medication ~~aides~~ aides - certified who contract with the medical facility regarding the protections provided for actions taken pursuant to subsection 1 of NRS 449.205 and the legal remedy provided pursuant to NRS 449.207. The notice must include the process by which an employee, nurse, ~~or~~ nursing assistant

1 ~~or certified medication aides~~ aide - certified may make a report pursuant to

2 subsection 1 of NRS 449.205.

3 2. A medical facility shall:

4 (a) Post in one or more conspicuous places at the medical facility the notice

5 prepared pursuant to subsection 1; and

6 (b) Include the text of the written notice in any manual or handbook that the

7 medical facility provides to employees, ~~and~~ nurses, ~~and~~ nursing assistants and

8 ~~certified medication aides~~ aides - certified who contract with the medical

9 facility concerning employment practices at the medical facility.

10 **Sec. 37.** NRS 449.2416 is hereby amended to read as follows:

11 449.2416 "Nurse" means a person licensed pursuant to chapter 632 of NRS to

12 practice nursing, including, without limitation, a licensed practical nurse. The term

13 does not include a certified nursing assistant ~~or a certified medication aide~~

14 aide - certified.

15 **Sec. 38.** NRS 449.247 is hereby amended to read as follows:

16 449.247 1. The Health Division may review the personnel files of a medical

17 facility or facility for the dependent to determine that each nursing assistant or

18 ~~certified medication aide~~ aide - certified employed by the facility has a current

19 certificate.

20 2. The Health Division shall review the qualifications of instructors of nursing

21 assistants or certified medication aides aides - certified for each program of

22 which the Division is notified pursuant to NRS 632.286.

23 3. The Health Division may conduct the review of training programs for

24 nursing assistants or certified medication aides aides - certified in facilities for

25 long-term care.

26 4. The Health Division and any other state agency which regulates medical

27 facilities and facilities for the dependent shall provide to the State Board of Nursing

28 any information it discovers concerning:

29 (a) Programs and instructors for training nursing assistants or certified

30 medication aides aides - certified which do not comply with the requirements

31 established by the State Board of Nursing.

32 (b) The failure of a nursing assistant or certified medication aide

33 aide - certified to perform consistently at a safe level.

34 (c) The results of any investigation of a facility if the investigation concerns a

35 nursing assistant, ~~certified medication aide~~ aide - certified or instructor or

36 training program for nursing assistants ~~or certified medication aides~~

37 aides - certified.

38 5. The State Board of Nursing shall investigate any report submitted pursuant

39 to subsection 4 and may revoke approval of a program or instructor if the

40 allegations of the report are true.

41 **Sec. 39.** NRS 454.213 is hereby amended to read as follows:

42 454.213 A drug or medicine referred to in NRS 454.181 to 454.371,

43 inclusive, may be possessed and administered by:

44 1. A practitioner.

45 2. A physician assistant licensed pursuant to chapter 630 or 633 of NRS, at

46 the direction of his or her supervising physician or a licensed dental hygienist

47 acting in the office of and under the supervision of a dentist.

48 3. Except as otherwise provided in subsection 4, a registered nurse licensed to

49 practice professional nursing or licensed practical nurse, at the direction of a

50 prescribing physician, physician assistant licensed pursuant to chapter 630 or 633 of

51 NRS, dentist, podiatric physician or advanced practitioner of nursing, or pursuant to

52 a chart order, for administration to a patient at another location.

4. In accordance with applicable regulations of the Board, a registered nurse licensed to practice professional nursing or licensed practical nurse who is:

(a) Employed by a health care agency or health care facility that is authorized to provide emergency care, or to respond to the immediate needs of a patient, in the residence of the patient; and

(b) Acting under the direction of the medical director of that agency or facility who works in this State.

5. ~~A [certified] medication [aide]~~ *aide - certified at a designated facility under the supervision of an advanced practitioner of nursing or registered nurse and in accordance with standard protocols developed by the State Board of Nursing. As used in this subsection, "designated facility" has the meaning ascribed to it in section 6 of this act.*

6. Except as otherwise provided in subsection ~~[6-]~~ 7, an intermediate emergency medical technician or an advanced emergency medical technician, as authorized by regulation of the State Board of Pharmacy and in accordance with any applicable regulations of:

(a) The State Board of Health in a county whose population is less than 100,000;

(b) A county board of health in a county whose population is 100,000 or more; or

(c) A district board of health created pursuant to NRS 439.362 or 439.370 in any county.

~~[6-]~~ 7. An intermediate emergency medical technician or an advanced emergency medical technician who holds an endorsement issued pursuant to NRS 450B.1975, under the direct supervision of a local health officer or a designee of the local health officer pursuant to that section.

~~[7-]~~ 8. A respiratory therapist employed in a health care facility. The therapist may possess and administer respiratory products only at the direction of a physician.

~~[8-]~~ 9. A dialysis technician, under the direction or supervision of a physician or registered nurse only if the drug or medicine is used for the process of renal dialysis.

~~[9-]~~ 10. A medical student or student nurse in the course of his or her studies at an approved college of medicine or school of professional or practical nursing, at the direction of a physician and:

(a) In the presence of a physician or a registered nurse; or

(b) Under the supervision of a physician or a registered nurse if the student is authorized by the college or school to administer the drug or medicine outside the presence of a physician or nurse.

➤ A medical student or student nurse may administer a dangerous drug in the presence or under the supervision of a registered nurse alone only if the circumstances are such that the registered nurse would be authorized to administer it personally.

~~[10-]~~ 11. Any person designated by the head of a correctional institution.

~~[11-]~~ 12. An ultimate user or any person designated by the ultimate user pursuant to a written agreement.

~~[12-]~~ 13. A nuclear medicine technologist, at the direction of a physician and in accordance with any conditions established by regulation of the Board.

~~[13-]~~ 14. A radiologic technologist, at the direction of a physician and in accordance with any conditions established by regulation of the Board.

~~[14-]~~ 15. A chiropractic physician, but only if the drug or medicine is a topical drug used for cooling and stretching external tissue during therapeutic treatments.



~~15-1~~ 16. A physical therapist, but only if the drug or medicine is a topical drug which is:

(a) Used for cooling and stretching external tissue during therapeutic treatments; and

(b) Prescribed by a licensed physician for:

(1) Iontophoresis; or

(2) The transmission of drugs through the skin using ultrasound.

~~16-1~~ 17. In accordance with applicable regulations of the State Board of Health, an employee of a residential facility for groups, as defined in NRS 449.017, pursuant to a written agreement entered into by the ultimate user.

~~17-1~~ 18. A veterinary technician at the direction of his or her supervising veterinarian.

~~18-1~~ 19. In accordance with applicable regulations of the Board, a registered pharmacist who:

(a) Is trained in and certified to carry out standards and practices for immunization programs;

(b) Is authorized to administer immunizations pursuant to written protocols from a physician; and

(c) Administers immunizations in compliance with the ~~["Standards of Immunization Practices"]~~ *standards for immunization practices* recommended and approved by the ~~[United States Public Health Service]~~ Advisory Committee on Immunization Practices.

~~19-1~~ 20. A person who is enrolled in a training program to become a physician assistant licensed pursuant to chapter 630 or 633 of NRS, dental hygienist, intermediate emergency medical technician, advanced emergency medical technician, respiratory therapist, dialysis technician, nuclear medicine technologist, radiologic technologist, physical therapist or veterinary technician if the person possesses and administers the drug or medicine in the same manner and under the same conditions that apply, respectively, to a physician assistant licensed pursuant to chapter 630 or 633 of NRS, dental hygienist, intermediate emergency medical technician, advanced emergency medical technician, respiratory therapist, dialysis technician, nuclear medicine technologist, radiologic technologist, physical therapist or veterinary technician who may possess and administer the drug or medicine, and under the direct supervision of a person licensed or registered to perform the respective medical art or a supervisor of such a person.

**Sec. 40.** This act becomes effective upon passage and approval for the purpose of adopting regulations and on October 1, 2011, for all other purposes.