

Amendment No. 838

Senate Amendment to Assembly Bill No. 170 First Reprint (BDR 54-778)

Proposed by: Senate Committee on Commerce, Labor and Energy

Amendment Box: Replaces Amendment No. 774.

Amends: Summary: No Title: No Preamble: No Joint Sponsorship: No Digest: Yes

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.

HAC



Date: 5/23/2013

A.B. No. 170—Revises provisions relating to the advanced practice of nursing.
(BDR 54-778)



ASSEMBLY BILL NO. 170—ASSEMBLYWOMAN CARLTON

FEBRUARY 25, 2013

Referred to Committee on Commerce and Labor

SUMMARY—Revises provisions relating to the advanced practice of nursing.
(BDR 54-778)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to the advanced practice of nursing; replacing the term “advanced practitioner of nursing” with “advanced practice registered nurse”; making various other changes to provisions relating to the advanced practice of nursing; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law authorizes the State Board of Nursing to grant certain registered nurses a certificate of recognition as an advanced practitioner of nursing and sets forth the requirements for obtaining such certification. (NRS 632.237) This bill instead authorizes the Board to issue a license as an advanced practice registered nurse to certain registered nurses.

Section 1.5 of this bill authorizes the Board to require an advanced practice registered nurse to maintain a policy of professional liability insurance in accordance with regulations adopted by the Board.

Existing law authorizes, under certain circumstances, an advanced practice registered nurse to prescribe controlled substances. (NRS 632.237, 639.235) Sections 6, 7 and 13 of this bill prohibit an advanced practice registered nurse from prescribing a controlled substance listed in schedule II unless: (1) the nurse has at least 2 years or 2,000 hours of clinical experience; or (2) the controlled substance is prescribed pursuant to a protocol approved by a collaborating physician.

Section 39 of this bill provides that a registered nurse who possesses a valid certificate of recognition as an advanced practitioner of nursing on the effective date of this bill shall be deemed to possess a license as an advanced practice registered nurse.

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

Section 1. NRS 630.021 is hereby amended to read as follows:

630.021 “Practice of respiratory care” includes:

1. Therapeutic and diagnostic use of medical gases, humidity and aerosols and the maintenance of associated apparatus;

2. The administration of drugs and medications to the cardiopulmonary system;

3. The provision of ventilatory assistance and control;

4. Postural drainage and percussion, breathing exercises and other respiratory rehabilitation procedures;

5. Cardiopulmonary resuscitation and maintenance of natural airways and the insertion and maintenance of artificial airways;

6. Carrying out the written orders of a physician, physician assistant, certified registered nurse anesthetist or an advanced ~~practitioner of nursing~~ *practice registered nurse* relating to respiratory care;

7. Techniques for testing to assist in diagnosis, monitoring, treatment and research related to respiratory care, including the measurement of ventilatory volumes, pressures and flows, collection of blood and other specimens, testing of pulmonary functions and hemodynamic and other related physiological monitoring of the cardiopulmonary system; and

8. Training relating to the practice of respiratory care.

Sec. 1.5. Chapter 632 of NRS is hereby amended by adding thereto a new section to read as follows:

The Board may require an advanced practice registered nurse to maintain a policy of professional liability insurance in accordance with regulations adopted by the Board.

Sec. 2. NRS 632.012 is hereby amended to read as follows:

632.012 “Advanced ~~practitioner of nursing~~ *practice registered nurse*” means a registered nurse who:

1. Has specialized skills, knowledge and experience; and

2. Is ~~authorized~~ *licensed* by the Board to provide services in addition to those that other registered nurses are authorized to provide.

Sec. 3. NRS 632.017 is hereby amended to read as follows:

632.017 “Practice of practical nursing” means the performance of selected acts in the care of the ill, injured or infirm under the direction of a registered professional nurse, an advanced ~~practitioner of nursing~~ *practice registered nurse*, a licensed physician, a physician assistant licensed pursuant to chapter 630 or 633 of NRS, a licensed dentist or a licensed podiatric physician, not requiring the substantial specialized skill, judgment and knowledge required in professional nursing.

Sec. 4. NRS 632.018 is hereby amended to read as follows:

632.018 “Practice of professional nursing” means the performance of any act in the observation, care and counsel of the ill, injured or infirm, in the maintenance of health or prevention of illness of others, in the supervision and teaching of other personnel, in the administration of medications and treatments as prescribed by an advanced ~~practitioner of nursing~~ *practice registered nurse*, a licensed physician, a physician assistant licensed pursuant to chapter 630 or 633 of NRS, a licensed dentist or a licensed podiatric physician, requiring substantial specialized judgment and skill based on knowledge and application of the principles of biological, physical and social science, but does not include acts of medical diagnosis or prescription of therapeutic or corrective measures.

Sec. 5. NRS 632.030 is hereby amended to read as follows:

632.030 1. The Governor shall appoint:

(a) Three registered nurses who are graduates of an accredited school of nursing, are licensed as professional nurses in the State of Nevada and have been actively engaged in nursing for at least 5 years preceding the appointment.

(b) One practical nurse who is a graduate of an accredited school of practical nursing, is licensed as a practical nurse in this State and has been actively engaged in nursing for at least 5 years preceding the appointment.

(c) One nursing assistant who is certified pursuant to the provisions of this chapter.

(d) One member who represents the interests of persons or agencies that regularly provide health care to patients who are indigent, uninsured or unable to afford health care. This member may be licensed under the provisions of this chapter.

(e) One member who is a representative of the general public. This member must not be:

(1) A licensed practical nurse, a registered nurse, a nursing assistant or an advanced ~~practitioner of nursing~~ *practice registered nurse*; or

(2) The spouse or the parent or child, by blood, marriage or adoption, of a licensed practical nurse, a registered nurse, a nursing assistant or an advanced ~~practitioner of nursing~~ *practice registered nurse*.

2. Each member of the Board must be:

(a) A citizen of the United States; and

(b) A resident of the State of Nevada who has resided in this State for not less than 2 years.

3. A representative of the general public may not:

(a) Have a fiduciary obligation to a hospital or other health agency;

(b) Have a material financial interest in the rendering of health services; or

(c) Be employed in the administration of health activities or the performance of health services.

4. The members appointed to the Board pursuant to paragraphs (a) and (b) of subsection 1 must be selected to provide the broadest representation of the various activities, responsibilities and types of service within the practice of nursing and related areas, which may include, without limitation, experience:

(a) In administration.

(b) In education.

(c) As an advanced ~~practitioner of nursing~~ *practice registered nurse*.

(d) In an agency or clinic whose primary purpose is to provide medical assistance to persons of low and moderate incomes.

(e) In a licensed medical facility.

5. Each member of the Board shall serve a term of 4 years. If a vacancy occurs during a member's term, the Governor shall appoint a person qualified under this chapter to replace that member for the remainder of the unexpired term.

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

Sec. 6. NRS 632.237 is hereby amended to read as follows:

632.237 1. The Board may ~~grant a certificate of recognition~~ *issue a license to practice* as an advanced ~~practitioner of nursing~~ *practice registered nurse* to a registered nurse who has completed an educational program designed to prepare a registered nurse to:

(a) Perform designated acts of medical diagnosis;

(b) Prescribe therapeutic or corrective measures; and

(c) Prescribe controlled substances, poisons, dangerous drugs and devices,

and who meets the other requirements established by the Board for such ~~certification~~ *licensure*.

2. An advanced ~~practitioner of nursing~~ *practice registered nurse* may:

(a) Engage in selected medical diagnosis and treatment; and

(b) If authorized pursuant to NRS 639.2351 ~~and subject to the limitations set forth in subsection 3,~~ prescribe controlled substances, poisons, dangerous drugs and devices. ~~and~~

~~↪ pursuant to a protocol approved by a collaborating physician. A protocol must not include and an advanced practitioner of nursing shall not engage in any diagnosis, treatment or other conduct which the advanced practitioner of nursing is not qualified to perform.~~

3. An advanced practice registered nurse who is authorized to prescribe controlled substances, poisons, dangerous drugs and devices pursuant to NRS 639.2351 shall not prescribe a controlled substance listed in schedule II unless:

(a) The advanced practice registered nurse has at least 2 years or 2,000 hours of clinical experience; or

(b) The controlled substance is prescribed pursuant to a protocol approved by a collaborating physician.

4. The Board shall adopt regulations:

(a) Specifying the training, education and experience necessary for ~~certification~~ licensure as an advanced ~~practitioner of nursing~~ practice registered nurse.

(b) Delineating the authorized scope of practice of an advanced ~~practitioner of nursing~~ practice registered nurse.

(c) Establishing the procedure for application for ~~certification~~ licensure as an advanced ~~practitioner of nursing~~ practice registered nurse.

Sec. 7. NRS 632.237 is hereby amended to read as follows:

632.237 1. The Board may ~~grant a certificate of recognition~~ issue a license to practice as an advanced ~~practitioner of nursing~~ practice registered nurse to a registered nurse who:

(a) Has completed an educational program designed to prepare a registered nurse to:

(1) Perform designated acts of medical diagnosis;

(2) Prescribe therapeutic or corrective measures; and

(3) Prescribe controlled substances, poisons, dangerous drugs and devices;

(b) Except as otherwise provided in subsection ~~4~~ 5, submits proof that he or she is certified as an advanced ~~practitioner of nursing~~ practice registered nurse by the American Board of Nursing Specialties, the National Commission for Certifying Agencies of the Institute for Credentialing Excellence, or their successor organizations, or any other nationally recognized certification agency approved by the Board; and

(c) Meets any other requirements established by the Board for such ~~certification~~ licensure.

2. An advanced ~~practitioner of nursing~~ practice registered nurse may:

(a) Engage in selected medical diagnosis and treatment; and

(b) If authorized pursuant to NRS 639.2351 ~~and subject to the limitations set forth in subsection 3,~~ prescribe controlled substances, poisons, dangerous drugs and devices. ~~and~~

~~↪ pursuant to a protocol approved by a collaborating physician. A protocol must not include and an~~ An advanced ~~practitioner of nursing~~ practice registered nurse shall not engage in any diagnosis, treatment or other conduct which the advanced ~~practitioner of nursing~~ practice registered nurse is not qualified to perform.

3. An advanced practice registered nurse who is authorized to prescribe controlled substances, poisons, dangerous drugs and devices pursuant to NRS 639.2351 shall not prescribe a controlled substance listed in schedule II unless:

(a) The advanced practice registered nurse has at least 2 years or 2,000 hours of clinical experience; or

(b) The controlled substance is prescribed pursuant to a protocol approved by a collaborating physician.

4. The Board shall adopt regulations:

(a) Specifying any additional training, education and experience necessary for ~~{certification}~~ *licensure* as an advanced ~~{practitioner of nursing}~~ *practice registered nurse*.

(b) Delineating the authorized scope of practice of an advanced ~~{practitioner of nursing}~~ *practice registered nurse*.

(c) Establishing the procedure for application for ~~{certification}~~ *licensure* as an advanced ~~{practitioner of nursing}~~ *practice registered nurse*.

~~4+5.~~ The provisions of paragraph (b) of subsection 1 do not apply to an advanced ~~{practitioner of nursing}~~ *practice registered nurse* who obtains a ~~{certificate of recognition}~~ *license* before July 1, 2014.

Sec. 8. NRS 632.294 is hereby amended to read as follows:

632.294 1. A medication aide - certified may only administer authorized medications and perform related tasks at a designated facility under the supervision of an advanced ~~{practitioner of nursing}~~ *practice registered nurse* or a registered nurse and in accordance with standard protocols developed by the Board.

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

- (a) Orally;
- (b) Topically;
- (c) By the use of drops in the eye, ear or nose;
- (d) Vaginally;
- (e) Rectally;
- (f) Transdermally; and
- (g) By the use of an oral inhaler.

3. Except as otherwise provided by subsection 4, a medication 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 medication aide - certified.

5. As used in this section, "supervision" means active oversight of the patient care services provided by a medication aide - certified while on the premises of a designated facility.

Sec. 9. 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 or medication aide - certified.....	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 <i>a license to practice</i> as an advanced practitioner of nursing <i>practice registered nurse</i>	50	200
Application for recognition as a certified registered nurse anesthetist.....	50	200
Biennial fee for renewal of recognition <i>a license to practice</i> as an advanced practitioner of nursing <i>practice registered nurse</i> 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. 10. NRS 637A.243 is hereby amended to read as follows:

637A.243 1. A hearing aid specialist licensed pursuant to this chapter may sell hearing aids by catalog or mail if:

(a) The hearing aid specialist has received a written statement signed by a physician licensed pursuant to chapter 630 or 633 of NRS, an advanced ~~practitioner of nursing~~ *practice registered nurse* licensed pursuant to ~~chapter 632 of NRS;~~ *NRS 632.237*, an audiologist licensed pursuant to chapter 637B of NRS or a hearing aid specialist licensed pursuant to this chapter which verifies that he or she has performed an otoscopic examination of that person and that the results of the examination indicate that the person may benefit from the use of a hearing aid;

(b) The hearing aid specialist has received a written statement signed by a physician licensed pursuant to chapter 630 or 633 of NRS, audiologist licensed pursuant to chapter 637B of NRS or a hearing aid specialist licensed pursuant to this chapter which verifies that he or she has performed an audiometric examination of that person in compliance with regulations adopted by the Board and that the results of the examination indicate that the person may benefit from the use of a hearing aid;

(c) The hearing aid specialist has received a written statement signed by a hearing aid specialist licensed pursuant to this chapter which verifies that an ear impression has been taken; and

(d) The person has signed a statement acknowledging that the licensee is selling him or her the hearing aid by catalog or mail based upon the information submitted by the person in accordance with this section.

2. A hearing aid specialist who sells hearing aids by catalog or mail shall maintain a record of each sale of a hearing aid made pursuant to this section for not less than 5 years.

3. The Board may adopt regulations to carry out the provisions of this section, including, without limitation, the information which must be included in each record required to be maintained pursuant to subsection 2.

Sec. 11. NRS 639.0015 is hereby amended to read as follows:

639.0015 “Advanced ~~practitioner of nursing~~ *practice registered nurse*” means a registered nurse who holds a valid ~~certificate of recognition~~ *license* as an advanced ~~practitioner of nursing~~ *practice registered nurse* issued by the State Board of Nursing ~~+~~ *pursuant to NRS 632.237*.

Sec. 12. NRS 639.0125 is hereby amended to read as follows:

639.0125 “Practitioner” means:

1. A physician, dentist, veterinarian or podiatric physician who holds a license to practice his or her profession in this State;

2. A hospital, pharmacy or other institution licensed, registered or otherwise permitted to distribute, dispense, conduct research with respect to or administer drugs in the course of professional practice or research in this State;

3. An advanced ~~practitioner of nursing~~ *practice registered nurse* who has been authorized to prescribe controlled substances, poisons, dangerous drugs and devices;

4. A physician assistant who:

(a) Holds a license issued by the Board of Medical Examiners; and

(b) Is authorized by the Board to possess, administer, prescribe or dispense controlled substances, poisons, dangerous drugs or devices under the supervision of a physician as required by chapter 630 of NRS;

5. A physician assistant who:
(a) Holds a license issued by the State Board of Osteopathic Medicine; and
(b) Is authorized by the Board to possess, administer, prescribe or dispense controlled substances, poisons, dangerous drugs or devices under the supervision of an osteopathic physician as required by chapter 633 of NRS; or

6. An optometrist who is certified by the Nevada State Board of Optometry to prescribe and administer therapeutic pharmaceutical agents pursuant to NRS 636.288, when the optometrist prescribes or administers therapeutic pharmaceutical agents within the scope of his or her certification.

Sec. 13. NRS 639.1375 is hereby amended to read as follows:

639.1375 1. ~~1. A~~ *Subject to the limitations set forth in NRS 632.237, an advanced ~~practitioner of nursing~~ practice registered nurse* may dispense controlled substances, poisons, dangerous drugs and devices if the advanced ~~practitioner of nursing~~ *practice registered nurse*:

(a) Passes an examination administered by the State Board of Nursing on Nevada law relating to pharmacy and submits to the State Board of Pharmacy evidence of passing that examination;

(b) Is authorized to do so by the State Board of Nursing in a ~~certificate~~ *license* issued by that Board; and

(c) Applies for and obtains a certificate of registration from the State Board of Pharmacy and pays the fee set by a regulation adopted by the Board. The Board may set a single fee for the collective certification of advanced ~~practitioners of nursing~~ *practice registered nurses* in the employ of a public or nonprofit agency and a different fee for the individual certification of other advanced ~~practitioners of nursing~~ *practice registered nurses*.

2. The State Board of Pharmacy shall consider each application from an advanced ~~practitioner of nursing~~ *practice registered nurse* separately, and may:

(a) Issue a certificate of registration limiting:

(1) The authority of the advanced ~~practitioner of nursing~~ *practice registered nurse* to dispense controlled substances, poisons, dangerous drugs and devices;

(2) The area in which the advanced ~~practitioner of nursing~~ *practice registered nurse* may dispense;

(3) The kind and amount of controlled substances, poisons, dangerous drugs and devices which the certificate permits the advanced ~~practitioner of nursing~~ *practice registered nurse* to dispense; and

(4) The practice of the advanced ~~practitioner of nursing~~ *practice registered nurse* which involves controlled substances, poisons, dangerous drugs and devices in any manner which the Board finds necessary to protect the health, safety and welfare of the public;

(b) Issue a certificate of registration without any limitation not contained in the ~~certificate~~ *license* issued by the State Board of Nursing; or

(c) Refuse to issue a certificate of registration, regardless of the provisions of the ~~certificate~~ *license* issued by the State Board of Nursing.

3. If a certificate of registration issued pursuant to this section is suspended or revoked, the Board may also suspend or revoke the registration of the physician for and with whom the advanced ~~practitioner of nursing~~ *practice registered nurse* is in practice to dispense controlled substances.

4. The Board shall adopt regulations setting forth the maximum amounts of any controlled substance, poison, dangerous drug and devices which an advanced ~~practitioner of nursing~~ *practice registered nurse* who holds a certificate from the Board may dispense, the conditions under which they must be stored, transported

and safeguarded, and the records which each such nurse shall keep. In adopting its regulations, the Board shall consider:

(a) The areas in which an advanced ~~practitioner of nursing~~ *practice registered nurse* who holds a certificate from the Board can be expected to practice and the populations of those areas;

(b) The experience and training of the *advanced practice registered* nurse;

(c) Distances between areas of practice and the nearest hospitals and physicians;

(d) *Whether the advanced practice registered nurse is authorized to prescribe a controlled substance listed in schedule II pursuant to a protocol approved by a collaborating physician;*

(e) Effects on the health, safety and welfare of the public; and

~~(f)~~ (f) Other factors which the Board considers important to the regulation of the practice of advanced ~~practitioners of nursing~~ *practice registered nurses* who hold certificates from the Board.

Sec. 14. NRS 639.2351 is hereby amended to read as follows:

639.2351 1. An advanced ~~practitioner of nursing~~ *practice registered nurse* may prescribe, in accordance with NRS 454.695 and 632.237, controlled substances, poisons, dangerous drugs and devices if the advanced ~~practitioner of nursing~~ *practice registered nurse*:

(a) Is authorized to do so by the State Board of Nursing in a ~~certificate~~ *license* issued by that Board; and

(b) Applies for and obtains a certificate of registration from the State Board of Pharmacy and pays the fee set by a regulation adopted by the Board.

2. The State Board of Pharmacy shall consider each application from an advanced ~~practitioner of nursing~~ *practice registered nurse* separately, and may:

(a) Issue a certificate of registration; or

(b) Refuse to issue a certificate of registration, regardless of the provisions of the ~~certificate~~ *license* issued by the State Board of Nursing.

Sec. 15. NRS 639.2589 is hereby amended to read as follows:

639.2589 1. The form used for any prescription which is issued or intended to be filled in this state must contain a line for the signature of the practitioner.

2. Substitutions may be made in filling prescriptions contained in the orders of a physician, or of an advanced ~~practitioner of nursing~~ *practice registered nurse* who is a practitioner, in a facility for skilled nursing or facility for intermediate care.

3. Substitutions may be made in filling prescriptions ordered on a patient's chart in a hospital if the hospital's medical staff has approved a formulary for specific generic substitutions.

Sec. 16. NRS 640E.260 is hereby amended to read as follows:

640E.260 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~~ *practice registered nurse* 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. 17. NRS 433A.165 is hereby amended to read as follows:

433A.165 1. Before a person alleged to be a person with mental illness may be admitted to a public or private mental health facility pursuant to NRS 433A.160, the person must:

(a) First be examined by a licensed physician or physician assistant licensed pursuant to chapter 630 or 633 of NRS or an advanced ~~practitioner of nursing~~ *practice registered nurse licensed pursuant to NRS 632.237* at any location where such a physician, physician assistant or advanced ~~practitioner of nursing~~ *practice registered nurse* is authorized to conduct such an examination to determine whether the person has a medical problem, other than a psychiatric problem, which requires immediate treatment; and

(b) If such treatment is required, be admitted for the appropriate medical care:

(1) To a hospital if the person is in need of emergency services or care; or

(2) To another appropriate medical facility if the person is not in need of emergency services or care.

2. If a person with a mental illness has a medical problem in addition to a psychiatric problem which requires medical treatment that requires more than 72 hours to complete, the licensed physician, ~~for~~ physician assistant ~~licensed pursuant to chapter 630 or 633 of NRS or an~~ or advanced ~~practitioner of nursing~~ *practice registered nurse* who examined the person must:

1 (a) On the first business day after determining that such medical treatment is
2 necessary file with the clerk of the district court a written petition to admit the
3 person to a public or private mental health facility pursuant to NRS 433A.160 after
4 the medical treatment has been completed. The petition must:

5 (1) Include, without limitation, the medical condition of the person and the
6 purpose for continuing the medical treatment of the person; and

7 (2) Be accompanied by a copy of the application for the emergency
8 admission of the person required pursuant to NRS 433A.160 and the certificate
9 required pursuant to NRS 433A.170.

10 (b) Seven days after filing a petition pursuant to paragraph (a) and every 7 days
11 thereafter, file with the clerk of the district court an update on the medical condition
12 and treatment of the person.

13 3. The examination and any transfer of the person from a facility when the
14 person has an emergency medical condition and has not been stabilized must be
15 conducted in compliance with:

16 (a) The requirements of 42 U.S.C. § 1395dd and any regulations adopted
17 pursuant thereto, and must involve a person authorized pursuant to federal law to
18 conduct such an examination or certify such a transfer; and

19 (b) The provisions of NRS 439B.410.

20 4. The cost of the examination must be paid by the county in which the person
21 alleged to be a person with mental illness resides if services are provided at a
22 county hospital located in that county or a hospital or other medical facility
23 designated by that county, unless the cost is voluntarily paid by the person alleged
24 to be a person with mental illness or, on the person's behalf, by his or her insurer or
25 by a state or federal program of medical assistance.

26 5. The county may recover all or any part of the expenses paid by it, in a civil
27 action against:

28 (a) The person whose expenses were paid;

29 (b) The estate of that person; or

30 (c) A responsible relative as prescribed in NRS 433A.610, to the extent that
31 financial ability is found to exist.

32 6. The cost of treatment, including hospitalization, for a person who is
33 indigent must be paid pursuant to NRS 428.010 by the county in which the person
34 alleged to be a person with mental illness resides.

35 7. The provisions of this section do not require the Division to provide
36 examinations required pursuant to subsection 1 at a Division facility if the Division
37 does not have the:

38 (a) Appropriate staffing levels of physicians, physician assistants, advanced
39 ~~practitioners of nursing~~ *practice registered nurses* or other appropriate staff
40 available at the facility as the Division determines is necessary to provide such
41 examinations; or

42 (b) Appropriate medical laboratories as the Division determines is necessary to
43 provide such examinations.

44 8. The Division shall adopt regulations to carry out the provisions of this
45 section, including, without limitation, regulations that:

46 (a) Define "emergency services or care" as that term is used in this section; and

47 (b) Prescribe the type of medical facility that a person may be admitted to
48 pursuant to subparagraph (2) of paragraph (b) of subsection 1.

49 9. As used in this section, "medical facility" has the meaning ascribed to it in
50 NRS 449.0151.

51 **Sec. 18.** NRS 442.119 is hereby amended to read as follows:

52 442.119 As used in NRS 442.119 to 442.1198, inclusive, unless the context
53 otherwise requires:

1. “Health officer” includes a local health officer, a city health officer, a county health officer and a district health officer.

2. “Medicaid” has the meaning ascribed to it in NRS 439B.120.

3. “Medicare” has the meaning ascribed to it in NRS 439B.130.

4. “Provider of prenatal care” means:

(a) A physician who is licensed in this State and certified in obstetrics and gynecology, family practice, general practice or general surgery.

(b) A certified nurse midwife who is licensed by the State Board of Nursing.

(c) An advanced ~~practitioner of nursing~~ *practice registered nurse who is licensed by the State Board of Nursing pursuant to NRS 632.237* and who has specialized skills and training in obstetrics or family nursing.

(d) A physician assistant licensed pursuant to chapter 630 or 633 of NRS who has specialized skills and training in obstetrics or family practice.

Sec. 19. NRS 449.0175 is hereby amended to read as follows:

449.0175 “Rural clinic” means a facility located in an area that is not designated as an urban area by the Bureau of the Census, where medical services are provided by a physician assistant licensed pursuant to chapter 630 or 633 of NRS or an advanced ~~practitioner of nursing~~ *practice registered nurse licensed pursuant to NRS 632.237 who is* under the supervision of a licensed physician.

Sec. 20. NRS 453.023 is hereby amended to read as follows:

453.023 “Advanced ~~practitioner of nursing~~” *practice registered nurse* means a registered nurse who holds a valid ~~certificate of recognition~~ *license* as an advanced ~~practitioner of nursing~~ *practice registered nurse* issued by the State Board of Nursing ~~+~~ *pursuant to NRS 632.237.*

Sec. 21. NRS 453.038 is hereby amended to read as follows:

453.038 “Chart order” means an order entered on the chart of a patient:

1. In a hospital, facility for intermediate care or facility for skilled nursing which is licensed as such by the Health Division of the Department; or

2. Under emergency treatment in a hospital by a physician, advanced ~~practitioner of nursing~~ *practice registered nurse*, dentist or podiatric physician, or on the written or oral order of a physician, physician assistant licensed pursuant to chapter 630 or 633 of NRS, advanced ~~practitioner of nursing~~ *practice registered nurse*, dentist or podiatric physician authorizing the administration of a drug to the patient.

Sec. 22. NRS 453.091 is hereby amended to read as follows:

453.091 1. “Manufacture” means the production, preparation, propagation, compounding, conversion or processing of a substance, either directly or indirectly by extraction from substances of natural origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis, and includes any packaging or repackaging of the substance or labeling or relabeling of its container.

2. “Manufacture” does not include the preparation, compounding, packaging or labeling of a substance by a pharmacist, physician, physician assistant licensed pursuant to chapter 630 or 633 of NRS, dentist, podiatric physician, advanced ~~practitioner of nursing~~ *practice registered nurse* or veterinarian:

(a) As an incident to the administering or dispensing of a substance in the course of his or her professional practice; or

(b) By an authorized agent under his or her supervision, for the purpose of, or as an incident to, research, teaching or chemical analysis and not for sale.

Sec. 23. NRS 453.126 is hereby amended to read as follows:

453.126 “Practitioner” means:

1. A physician, dentist, veterinarian or podiatric physician who holds a license to practice his or her profession in this State and is registered pursuant to this chapter.

2. An advanced ~~practitioner of nursing~~ *practice registered nurse* who holds ~~a certificate from the State Board of Nursing and~~ a certificate from the State Board of Pharmacy authorizing him or her to dispense or to prescribe and dispense controlled substances.

3. A scientific investigator or a pharmacy, hospital or other institution licensed, registered or otherwise authorized in this State to distribute, dispense, conduct research with respect to, to administer, or use in teaching or chemical analysis, a controlled substance in the course of professional practice or research.

4. A euthanasia technician who is licensed by the Nevada State Board of Veterinary Medical Examiners and registered pursuant to this chapter, while he or she possesses or administers sodium pentobarbital pursuant to his or her license and registration.

5. A physician assistant who:

(a) Holds a license from the Board of Medical Examiners; and

(b) Is authorized by the Board to possess, administer, prescribe or dispense controlled substances under the supervision of a physician as required by chapter 630 of NRS.

6. A physician assistant who:

(a) Holds a license from the State Board of Osteopathic Medicine; and

(b) Is authorized by the Board to possess, administer, prescribe or dispense controlled substances under the supervision of an osteopathic physician as required by chapter 633 of NRS.

7. An optometrist who is certified by the Nevada State Board of Optometry to prescribe and administer therapeutic pharmaceutical agents pursuant to NRS 636.288, when the optometrist prescribes or administers therapeutic pharmaceutical agents within the scope of his or her certification.

Sec. 24. NRS 453.128 is hereby amended to read as follows:

453.128 1. "Prescription" means:

(a) An order given individually for the person for whom prescribed, directly from a physician, physician assistant licensed pursuant to chapter 630 or 633 of NRS, dentist, podiatric physician, optometrist, advanced ~~practitioner of nursing~~ *practice registered nurse* or veterinarian, or his or her agent, to a pharmacist or indirectly by means of an order signed by the practitioner or an electronic transmission from the practitioner to a pharmacist; or

(b) A chart order written for an inpatient specifying drugs which he or she is to take home upon his or her discharge.

2. The term does not include a chart order written for an inpatient for use while he or she is an inpatient.

Sec. 25. NRS 453.226 is hereby amended to read as follows:

453.226 1. Every practitioner or other person who dispenses any controlled substance within this State or who proposes to engage in the dispensing of any controlled substance within this State shall obtain biennially a registration issued by the Board in accordance with its regulations.

2. A person registered by the Board in accordance with the provisions of NRS 453.011 to 453.552, inclusive, to dispense or conduct research with controlled substances may possess, dispense or conduct research with those substances to the extent authorized by the registration and in conformity with the other provisions of those sections.

3. The following persons are not required to register and may lawfully possess and distribute controlled substances pursuant to the provisions of NRS 453.011 to 453.552, inclusive:

(a) An agent or employee of a registered dispenser of a controlled substance if he or she is acting in the usual course of his or her business or employment;

(b) A common or contract carrier or warehouseman, or an employee thereof, whose possession of any controlled substance is in the usual course of business or employment;

(c) An ultimate user or a person in possession of any controlled substance pursuant to a lawful order of a physician, physician assistant licensed pursuant to chapter 630 or 633 of NRS, dentist, advanced ~~practitioner of nursing~~ **practice registered nurse**, podiatric physician or veterinarian or in lawful possession of a schedule V substance; or

(d) A physician who:

(1) Holds a locum tenens license issued by the Board of Medical Examiners or a temporary license issued by the State Board of Osteopathic Medicine; and

(2) Is registered with the Drug Enforcement Administration at a location outside this State.

4. The Board may waive the requirement for registration of certain dispensers if it finds it consistent with the public health and safety.

5. A separate registration is required at each principal place of business or professional practice where the applicant dispenses controlled substances.

6. The Board may inspect the establishment of a registrant or applicant for registration in accordance with the Board's regulations.

Sec. 26. NRS 453.336 is hereby amended to read as follows:

453.336 1. A person shall not knowingly or intentionally possess a controlled substance, unless the substance was obtained directly from, or pursuant to, a prescription or order of a physician, physician assistant licensed pursuant to chapter 630 or 633 of NRS, dentist, podiatric physician, optometrist, advanced ~~practitioner of nursing~~ **practice registered nurse** or veterinarian while acting in the course of his or her professional practice, or except as otherwise authorized by the provisions of NRS 453.005 to 453.552, inclusive.

2. Except as otherwise provided in subsections 3 and 4 and in NRS 453.3363, and unless a greater penalty is provided in NRS 212.160, 453.3385, 453.339 or 453.3395, a person who violates this section shall be punished:

(a) For the first or second offense, if the controlled substance is listed in schedule I, II, III or IV, for a category E felony as provided in NRS 193.130.

(b) For a third or subsequent offense, if the controlled substance is listed in schedule I, II, III or IV, or if the offender has previously been convicted two or more times in the aggregate of any violation of the law of the United States or of any state, territory or district relating to a controlled substance, for a category D felony as provided in NRS 193.130, and may be further punished by a fine of not more than \$20,000.

(c) For the first offense, if the controlled substance is listed in schedule V, for a category E felony as provided in NRS 193.130.

(d) For a second or subsequent offense, if the controlled substance is listed in schedule V, for a category D felony as provided in NRS 193.130.

3. Unless a greater penalty is provided in NRS 212.160, 453.337 or 453.3385, a person who is convicted of the possession of flunitrazepam or gamma-hydroxybutyrate, or any substance for which flunitrazepam or gamma-hydroxybutyrate is an immediate precursor, is guilty of a category B felony and

shall be punished 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.

4. Unless a greater penalty is provided pursuant to NRS 212.160, a person who is convicted of the possession of 1 ounce or less of marijuana:

(a) For the first offense, is guilty of a misdemeanor and shall be:

(1) Punished by a fine of not more than \$600; or

(2) Examined by an approved facility for the treatment of abuse of drugs to determine whether the person is a drug addict and is likely to be rehabilitated through treatment and, if the examination reveals that the person is a drug addict and is likely to be rehabilitated through treatment, assigned to a program of treatment and rehabilitation pursuant to NRS 453.580.

(b) For the second offense, is guilty of a misdemeanor and shall be:

(1) Punished by a fine of not more than \$1,000; or

(2) Assigned to a program of treatment and rehabilitation pursuant to NRS 453.580.

(c) For the third offense, is guilty of a gross misdemeanor and shall be punished as provided in NRS 193.140.

(d) For a fourth or subsequent offense, is guilty of a category E felony and shall be punished as provided in NRS 193.130.

5. As used in this section, "controlled substance" includes flunitrazepam, gamma-hydroxybutyrate and each substance for which flunitrazepam or gamma-hydroxybutyrate is an immediate precursor.

Sec. 27. NRS 453.371 is hereby amended to read as follows:

453.371 As used in NRS 453.371 to 453.552, inclusive:

1. ~~"Advanced practitioner of nursing" means a person who holds a certificate of recognition granted pursuant to NRS 632.237 and is registered with the Board.~~

~~2.~~ "Medical intern" means a medical graduate acting as an assistant in a hospital for the purpose of clinical training.

~~3.~~ 2. "Pharmacist" means a person who holds a certificate of registration issued pursuant to NRS 639.127 and is registered with the Board.

~~4.~~ 3. "Physician," "dentist," "podiatric physician," "veterinarian" and "euthanasia technician" mean persons authorized by a license to practice their respective professions in this State who are registered with the Board.

~~5.~~ 4. "Physician assistant" means a person who is registered with the Board and:

(a) Holds a license issued pursuant to NRS 630.273; or

(b) Holds a license issued pursuant to NRS 633.433.

Sec. 28. NRS 453.375 is hereby amended to read as follows:

453.375 A controlled substance may be possessed and administered by the following persons:

1. A practitioner.

2. A registered nurse licensed to practice professional nursing or licensed practical nurse, at the direction of a physician, physician assistant, dentist, podiatric physician or advanced ~~practitioner of nursing,~~ *practice registered nurse,* or pursuant to a chart order, for administration to a patient at another location.

3. An advanced emergency medical technician:

(a) As authorized by regulation of:

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

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

(b) In accordance with any applicable regulations of:

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

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

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

4. A respiratory therapist, at the direction of a physician or physician assistant.

5. A medical student, student in training to become a physician assistant 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 or physician assistant and:

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

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

➤ A medical student or student nurse may administer a controlled substance 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.

6. An ultimate user or any person whom the ultimate user designates pursuant to a written agreement.

7. Any person designated by the head of a correctional institution.

8. A veterinary technician at the direction of his or her supervising veterinarian.

9. 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.

10. In accordance with applicable regulations of the State Board of Pharmacy, an animal control officer, a wildlife biologist or an employee designated by a federal, state or local governmental agency whose duties include the control of domestic, wild and predatory animals.

11. A person who is enrolled in a training program to become an advanced emergency medical technician, respiratory therapist or veterinary technician if the person possesses and administers the controlled substance in the same manner and under the same conditions that apply, respectively, to an advanced emergency medical technician, respiratory therapist or veterinary technician who may possess and administer the controlled substance, 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. 29. NRS 453.381 is hereby amended to read as follows:

453.381 1. In addition to the limitations imposed by NRS 453.256 and 453.3611 to 453.3648, inclusive, a physician, physician assistant, dentist, advanced ~~practitioner of nursing~~ *practice registered nurse* or podiatric physician may prescribe or administer controlled substances only for a legitimate medical purpose and in the usual course of his or her professional practice, and he or she shall not prescribe, administer or dispense a controlled substance listed in schedule II for himself or herself, his or her spouse or his or her children except in cases of emergency.

2. A veterinarian, in the course of his or her professional practice only, and not for use by a human being, may prescribe, possess and administer controlled substances, and the veterinarian may cause them to be administered by a veterinary technician under the direction and supervision of the veterinarian.

3. A euthanasia technician, within the scope of his or her license, and not for use by a human being, may possess and administer sodium pentobarbital.

4. A pharmacist shall not fill an order which purports to be a prescription if the pharmacist has reason to believe that it was not issued in the usual course of the professional practice of a physician, physician assistant, dentist, advanced ~~practitioner of nursing~~ *practice registered nurse*, podiatric physician or veterinarian.

5. Any person who has obtained from a physician, physician assistant, dentist, advanced ~~practitioner of nursing~~ *practice registered nurse*, podiatric physician or veterinarian any controlled substance for administration to a patient during the absence of the physician, physician assistant, dentist, advanced ~~practitioner of nursing~~ *practice registered nurse*, podiatric physician or veterinarian shall return to him or her any unused portion of the substance when it is no longer required by the patient.

6. A manufacturer, wholesale supplier or other person legally able to furnish or sell any controlled substance listed in schedule II shall not provide samples of such a controlled substance to registrants.

7. A salesperson of any manufacturer or wholesaler of pharmaceuticals shall not possess, transport or furnish any controlled substance listed in schedule II.

8. A person shall not dispense a controlled substance in violation of a regulation adopted by the Board.

Sec. 30. NRS 453.391 is hereby amended to read as follows:

453.391 A person shall not:

1. Unlawfully take, obtain or attempt to take or obtain a controlled substance or a prescription for a controlled substance from a manufacturer, wholesaler, pharmacist, physician, physician assistant, dentist, advanced ~~practitioner of nursing~~ *practice registered nurse*, veterinarian or any other person authorized to administer, dispense or possess controlled substances.

2. While undergoing treatment and being supplied with any controlled substance or a prescription for any controlled substance from one practitioner, knowingly obtain any controlled substance or a prescription for a controlled substance from another practitioner without disclosing this fact to the second practitioner.

Sec. 31. NRS 454.0015 is hereby amended to read as follows:

454.0015 "Advanced ~~practitioner of nursing~~ *practice registered nurse*" means a registered nurse who holds a valid ~~certificate of recognition~~ *license* as an advanced ~~practitioner of nursing~~ *practice registered nurse* issued by the State Board of Nursing ~~+~~ *pursuant to NRS 632.237.*

Sec. 32. NRS 454.00958 is hereby amended to read as follows:

454.00958 "Practitioner" means:

1. A physician, dentist, veterinarian or podiatric physician who holds a valid license to practice his or her profession in this State.

2. A pharmacy, hospital or other institution licensed or registered to distribute, dispense, conduct research with respect to or to administer a dangerous drug in the course of professional practice in this State.

3. When relating to the prescription of poisons, dangerous drugs and devices:

(a) An advanced ~~practitioner of nursing~~ *practice registered nurse* who holds ~~a certificate from the State Board of Nursing and~~ a certificate from the State Board of Pharmacy permitting him or her so to prescribe; or

(b) A physician assistant who holds a license from the Board of Medical Examiners and a certificate from the State Board of Pharmacy permitting him or her so to prescribe.

4. An optometrist who is certified to prescribe and administer dangerous drugs pursuant to NRS 636.288 when the optometrist prescribes or administers dangerous drugs which are within the scope of his or her certification.

Sec. 33. NRS 454.213 is hereby amended to read as follows:

454.213 A drug or medicine referred to in NRS 454.181 to 454.371, inclusive, may be possessed and administered by:

1. A practitioner.

2. A physician assistant licensed pursuant to chapter 630 or 633 of NRS, at the direction of his or her supervising physician or a licensed dental hygienist acting in the office of and under the supervision of a dentist.

3. Except as otherwise provided in subsection 4, a registered nurse licensed to practice professional nursing or licensed practical nurse, at the direction of a prescribing physician, physician assistant licensed pursuant to chapter 630 or 633 of NRS, dentist, podiatric physician or advanced ~~practitioner of nursing,~~ **practice registered nurse**, or pursuant to 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 medication aide - certified at a designated facility under the supervision of an advanced ~~practitioner of nursing,~~ **practice registered nurse** 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 NRS 632.0145.

6. Except as otherwise provided in subsection 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.

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.

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.

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.

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.

11. Any person designated by the head of a correctional institution.

12. An ultimate user or any person designated by the ultimate user pursuant to a written agreement.

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

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

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.

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.

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.

18. A veterinary technician or a veterinary assistant at the direction of his or her supervising veterinarian.

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 for Immunization Practices" recommended and approved by the Advisory Committee on Immunization Practices.

20. A registered pharmacist pursuant to written guidelines and protocols developed and approved pursuant to NRS 639.2809.

21. 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.

22. A medical assistant, in accordance with applicable regulations of the:

1 (a) Board of Medical Examiners, at the direction of the prescribing physician
2 and under the supervision of a physician or physician assistant.

3 (b) State Board of Osteopathic Medicine, at the direction of the prescribing
4 physician and under the supervision of a physician or physician assistant.

5 **Sec. 34.** NRS 454.215 is hereby amended to read as follows:

6 454.215 A dangerous drug may be dispensed by:

7 1. A registered pharmacist upon the legal prescription from a practitioner or
8 to a pharmacy in a correctional institution upon the written order of the prescribing
9 practitioner in charge;

10 2. A pharmacy in a correctional institution, in case of emergency, upon a
11 written order signed by the chief medical officer;

12 3. A practitioner, or a physician assistant licensed pursuant to chapter 630 or
13 633 of NRS if authorized by the Board;

14 4. A registered nurse, when the nurse is engaged in the performance of any
15 public health program approved by the Board;

16 5. A medical intern in the course of his or her internship;

17 6. An advanced ~~practitioner of nursing~~ *practice registered nurse* who holds
18 ~~a certificate from the State Board of Nursing and~~ a certificate from the State
19 Board of Pharmacy permitting him or her to dispense dangerous drugs;

20 7. A registered nurse employed at an institution of the Department of
21 Corrections to an offender in that institution;

22 8. A registered pharmacist from an institutional pharmacy pursuant to
23 regulations adopted by the Board; or

24 9. A registered nurse to a patient at a rural clinic that is designated as such
25 pursuant to NRS 433.233 and that is operated by the Division of Mental Health and
26 Developmental Services of the Department of Health and Human Services if the
27 nurse is providing mental health services at the rural clinic,

28 **☛** except that no person may dispense a dangerous drug in violation of a regulation
29 adopted by the Board.

30 **Sec. 35.** NRS 454.221 is hereby amended to read as follows:

31 454.221 1. A person who furnishes any dangerous drug except upon the
32 prescription of a practitioner is guilty of a category D felony and shall be punished
33 as provided in NRS 193.130, unless the dangerous drug was obtained originally by
34 a legal prescription.

35 2. The provisions of this section do not apply to the furnishing of any
36 dangerous drug by:

37 (a) A practitioner to his or her patients;

38 (b) A physician assistant licensed pursuant to chapter 630 or 633 of NRS if
39 authorized by the Board;

40 (c) A registered nurse while participating in a public health program approved
41 by the Board, or an advanced ~~practitioner of nursing~~ *practice registered nurse*
42 who holds ~~a certificate from the State Board of Nursing and~~ a certificate from the
43 State Board of Pharmacy permitting him or her to dispense dangerous drugs;

44 (d) A manufacturer or wholesaler or pharmacy to each other or to a practitioner
45 or to a laboratory under records of sales and purchases that correctly give the date,
46 the names and addresses of the supplier and the buyer, the drug and its quantity;

47 (e) A hospital pharmacy or a pharmacy so designated by a county health
48 officer in a county whose population is 100,000 or more, or by a district health
49 officer in any county within its jurisdiction or, in the absence of either, by the State
50 Health Officer or the State Health Officer's designated Medical Director of
51 Emergency Medical Services, to a person or agency described in subsection 3 of
52 NRS 639.268 to stock ambulances or other authorized vehicles or replenish the
53 stock; or

(f) A pharmacy in a correctional institution to a person designated by the Director of the Department of Corrections to administer a lethal injection to a person who has been sentenced to death.

Sec. 36. NRS 454.480 is hereby amended to read as follows:

454.480 1. Hypodermic devices which are not restricted by federal law to sale by or on the order of a physician may be sold by a pharmacist, or by a person in a pharmacy under the direction of a pharmacist, on the prescription of a physician, dentist or veterinarian, or of an advanced ~~practitioner of nursing~~ **practice registered nurse** who is a practitioner. Those prescriptions must be filed as required by NRS 639.236, and may be refilled as authorized by the prescriber. Records of refilling must be maintained as required by NRS 639.2393 to 639.2397, inclusive.

2. Hypodermic devices which are not restricted by federal law to sale by or on the order of a physician may be sold without prescription for the following purposes:

(a) For use in the treatment of persons having asthma or diabetes.

(b) For use in injecting intramuscular or subcutaneous medications prescribed by a practitioner for the treatment of human beings.

(c) For use in an ambulance or by a fire-fighting agency for which a permit is held pursuant to NRS 450B.200 or 450B.210.

(d) For the injection of drugs in animals or poultry.

(e) For commercial or industrial use or use by jewelers or other merchants having need for those devices in the conduct of their business, or by hobbyists if the seller is satisfied that the device will be used for legitimate purposes.

(f) For use by funeral directors and embalmers, licensed medical technicians or technologists, or research laboratories.

Sec. 37. NRS 454.695 is hereby amended to read as follows:

454.695 ~~1.~~ An advanced ~~practitioner of nursing~~ **practice registered nurse** may prescribe poisons, dangerous drugs and devices for legitimate medical purposes in accordance with ~~1.~~

~~(a) The certificates; the certificate~~ he or she holds from the Board and the **license issued by the State Board of Nursing.** ~~1; and~~

~~(b) The protocol which is approved by the State Board of Nursing.~~

~~2. For the purposes of this section, "protocol" means the written agreement between a physician and an advanced practitioner of nursing which sets forth matters including the:~~

~~(a) Patients which the advanced practitioner of nursing may serve;~~

~~(b) Specific poisons, dangerous drugs and devices which the advanced practitioner of nursing may prescribe; and~~

~~(c) Conditions under which the advanced practitioner of nursing must directly refer the patient to the physician.~~

Sec. 38. NRS 616C.115 is hereby amended to read as follows:

616C.115 1. Except as otherwise provided in subsection 2, a physician or advanced ~~practitioner of nursing~~ **practice registered nurse** shall prescribe for an injured employee a generic drug in lieu of a drug with a brand name if the generic drug is biologically equivalent and has the same active ingredient or ingredients of the same strength, quantity and form of dosage as the drug with a brand name.

2. A physician or advanced ~~practitioner of nursing~~ **practice registered nurse** is not required to comply with the provisions of subsection 1 if:

(a) The physician or advanced ~~practitioner of nursing~~ **practice registered nurse** determines that the generic drug would not be beneficial to the health of the injured employee; or

(b) The generic drug is higher in cost than the drug with a brand name.

1 **Sec. 39.** A person who, on July 1, 2013, possesses a valid certificate of
2 recognition as an advanced practitioner of nursing that was granted on or before
3 June 30, 2013, by the State Board of Nursing pursuant to NRS 632.237 shall be
4 deemed to hold a license as an advanced practice registered nurse issued by the
5 Board pursuant to NRS 632.237, as amended by section 6 of this act.

6 **Sec. 39.5.** The provisions of this act are not intended to expand the scope of
7 practice of an advanced practice registered nurse beyond the scope of practice
8 delineated by the State Board of Nursing in regulations adopted pursuant to NRS
9 632.237 or otherwise authorized by specific statute.

10 **Sec. 40.** In preparing supplements to the Nevada Administrative Code, the
11 Legislative Counsel shall make such changes as necessary so that references to
12 “advanced practitioner of nursing” are replaced with “advanced practice registered
13 nurse.”

14 **Sec. 41.** 1. This section and sections 1 to 6, inclusive, and 8 to 40,
15 inclusive, of this act become effective on July 1, 2013.

16 2. Section 7 of this act becomes effective on July 1, 2014.