

Amendment No. 380

Senate Amendment to Senate Bill No. 112

(BDR 40-441)

Proposed by: Senate Committee on Health and Human Services**Amends:** Summary: Yes Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes

ASSEMBLY ACTION				Initial and Date	SENATE ACTION				Initial and Date
Adopted	☐	Lost	☐	_____	Adopted	☐	Lost	☐	_____
Concurred In	☐	Not	☐	_____	Concurred In	☐	Not	☐	_____
Receded	☐	Not	☐	_____	Receded	☐	Not	☐	_____

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.

EWR/RBL



Date: 4/18/2013

S.B. No. 112—Revises certain provisions relating to health care. (BDR 40-441)



SENATE BILL NO. 112—SENATOR BROWER

FEBRUARY 13, 2013

Referred to Committee on Health and Human Services

SUMMARY—~~[Revises certain provisions relating to health care.]~~ Requires the Legislative Committee on Health Care to consider the manner in which certain provisions relating to licensing of certain offices of physicians and facilities that provide health care have been carried out. (BDR ~~(40-441)~~ S-441)

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 health care; ~~[exempting certain imaging facilities from certain permitting provisions;]~~ requiring the Legislative Committee on Health Care to consider the manner in which certain provisions relating to the licensing of certain offices of physicians and facilities that provide health care have been carried out; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[Existing law]~~ Assembly Bill No. 123 of the 76th Session of the Nevada Legislature, codified at NRS 449.435 to 449.448, inclusive, requires an office of a physician or a facility that provides health care, other than a medical facility, to obtain a permit before offering services of general anesthesia, conscious sedation or deep sedation. (NRS 449.442, 630.373, 633.694) To obtain such a permit, an office of a physician or a facility that provides health care is required to submit an application, pay a fee and undergo an on-site inspection. (NRS 449.443, 449.446) To continue providing services of general anesthesia, conscious sedation or deep sedation, an office of a physician or a facility that provides health care, other than a medical facility, is required to renew its permit annually. (NRS 449.443, 449.444) The Health Division of the Department of Health and Human Services is required to conduct annual inspections of each office of a physician and facility that provides health care and is authorized to take certain disciplinary actions for violations. (NRS 449.446, 449.447) The State Board of Health is required to adopt regulations to carry out these provisions. (NRS 449.448) This bill ~~[exempts from the requirement to obtain such a permit a diagnostic imaging center at which medication is administered solely to relieve a patient's anxiety and to induce only a state of conscious sedation.]~~ requires the Legislative Committee on Health Care to consider the manner in which these provisions have been carried out as part of its review of health care during the 2013-2015 legislative interim.

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

Section 1. ~~[NRS 449.441 is hereby amended to read as follows:~~

~~449.441 1. The provisions of NRS 449.435 to 449.448, inclusive, do not apply to [an]:~~

~~(a) An office of a physician or a facility that provides health care, other than a medical facility, if the office of a physician or the facility only administers a medication to a patient to relieve the patient's anxiety or pain and if the medication is not given in a dosage that is sufficient to induce in a patient a controlled state of depressed consciousness or unconsciousness similar to general anesthesia, deep sedation or conscious sedation;~~

~~(b) A diagnostic imaging center if:~~

~~(1) The diagnostic imaging center administers medication to a patient solely to relieve the patient's anxiety; and~~

~~(2) The medication that the diagnostic imaging center administers to the patient is administered in a dosage sufficient only to induce in the patient a controlled state of conscious sedation;~~

~~2. As used in this section, "diagnostic imaging center" means a stand alone facility that produces images:~~

~~(a) On an outpatient basis;~~

~~(b) Which are used for medical diagnosis;~~

~~(c) Which are not customarily or routinely provided in the office of a physician; and~~

~~(d) Using one or more imaging techniques or forms of technology, including, without limitation:~~

~~(1) Computerized axial tomography;~~

~~(2) Fluoroscopy;~~

~~(3) Magnetic resonance imaging;~~

~~(4) Positron emission tomography;~~

~~(5) Sonography;~~

~~(6) X ray services; or~~

~~(7) Other imaging techniques or technologies.] (Deleted by amendment.)~~

Sec. 2. ~~[NRS 630.373 is hereby amended to read as follows:~~

~~630.373 1. [A] Except as otherwise provided in subsection 2, a physician shall not administer or supervise directly the administration of general anesthesia, conscious sedation or deep sedation to patients unless the general anesthesia, conscious sedation or deep sedation is administered:~~

~~(a) In an office of a physician or osteopathic physician which holds a permit pursuant to NRS 449.425 to 449.448, inclusive;~~

~~(b) In a facility which holds a permit pursuant to NRS 449.435 to 449.448, inclusive;~~

~~(c) In a medical facility as that term is defined in NRS 449.0151; or~~

~~(d) Outside of this State.~~

~~2. The provisions of this section do not apply to services performed at a diagnostic imaging center that is exempt from the provisions of NRS 449.435 to 449.448, inclusive, pursuant to paragraph (b) of subsection 1 of NRS 449.441.~~

~~3. As used in this section:~~

~~(a) "Conscious sedation" has the meaning ascribed to it in NRS 449.436.~~

~~(b) "Deep sedation" has the meaning ascribed to it in NRS 449.437.~~

~~(c) "Diagnostic imaging center" has the meaning ascribed to it in NRS 449.141.~~

~~(d) "General anesthesia" has the meaning ascribed to it in NRS 449.438.]~~
(Deleted by amendment.)

Sec. 3. ~~NRS 633.694 is hereby amended to read as follows:~~

~~633.694 1. [A] Except as otherwise provided in subsection 2, an osteopathic physician shall not administer or supervise directly the administration of general anesthesia, conscious sedation or deep sedation to patients unless the general anesthesia, conscious sedation or deep sedation is administered:~~

~~(a) In an office of a physician or osteopathic physician which holds a permit pursuant to NRS 449.425 to 449.448, inclusive;~~

~~(b) In a facility which holds a permit pursuant to NRS 449.425 to 449.448, inclusive;~~

~~(c) In a medical facility as that term is defined in NRS 449.0151; or~~

~~(d) Outside of this State.~~

~~2. The provisions of this section do not apply to services performed at a diagnostic imaging center that is exempt from the provisions of NRS 449.435 to 449.448, inclusive, pursuant to paragraph (b) of subsection 1 of NRS 449.141.~~

~~3. As used in this section:~~

~~(a) "Conscious sedation" has the meaning ascribed to it in NRS 449.436.~~

~~(b) "Deep sedation" has the meaning ascribed to it in NRS 449.437.~~

~~(c) "Diagnostic imaging center" has the meaning ascribed to it in NRS 449.141.~~

~~(d) "General anesthesia" has the meaning ascribed to it in NRS 449.438.]~~
(Deleted by amendment.)

Sec. 3.5. As part of its review of health care during the 2013-2015 legislative interim, the Legislative Committee on Health Care shall consider the manner in which the provisions of Assembly Bill No. 123 of the 76th Session of the Nevada Legislature, chapter 386, Statutes of Nevada 2011, have been carried out.

Sec. 4. This act becomes effective on July 1, 2013.