

ASSEMBLY BILL NO. 295—ASSEMBLYMAN
KIRNER (BY REQUEST)

MARCH 13, 2015

Referred to Committee on Commerce and Labor

SUMMARY—Revises provisions relating to the provision of certain wellness services. (BDR 54-698)

FISCAL NOTE: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility.
Effect on the State: No.

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

AN ACT relating to healing arts; limiting the scope of services which may be performed by providers of wellness services; requiring certain disclosures by such providers; defining “wellness services”; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law regulates the licensing, certification and registration of various
2 providers of health care, including, without limitation, physicians, homeopathic
3 physicians, osteopathic physicians, chiropractic physicians, doctors of Oriental
4 medicine and podiatric physicians. (Chapters 630, 630A, 633, 634, 643A and 635
5 of NRS) **Section 3** of this bill limits the scope of services which may be performed
6 by a provider of wellness services, which are not regulated by this State, by
7 prohibiting those providers of wellness services from providing certain services
8 which may only be provided by a licensed provider of health care. The term
9 “wellness services” is defined in **section 3** to mean certain therapies and practices
10 and the provision of certain products based on certain complementary health
11 treatment approaches. **Section 3** also requires providers of wellness services to
12 make certain disclosures to their clients and retain copies of signed disclosures for a
13 period of not less than 5 years.



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

Section 1. Chapter 629 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. (Deleted by amendment.)

Sec. 3. 1. *A person who provides wellness services in accordance with this section, but who is not licensed, certified or registered in this State as a provider of health care, is not in violation of any law based on the unlicensed practice of health care services or a health care profession unless the person:*

(a) Performs surgery or any other procedure which punctures the skin of any person;

(b) Sets a fracture of any bone of any person;

(c) Prescribes or administers X-ray radiation to any person;

(d) Prescribes or administers a prescription drug or device or a controlled substance to any person;

(e) Recommends to a client that he or she discontinue or in any manner alter current medical treatment prescribed by a provider of health care licensed, certified or registered in this State;

(f) Makes a diagnosis of a medical disease of any person;

(g) Performs a manipulation or a chiropractic adjustment of the articulations of joints or the spine of any person;

(h) Treats a person's health condition in a manner that intentionally or recklessly causes that person recognizable and imminent risk of serious or permanent physical or mental harm;

(i) Holds out, states, indicates, advertises or implies to any person that he or she is a provider of health care;

(j) Engages in the practice of medicine in violation of chapter 630 or 633 of NRS, the practice of homeopathic medicine in violation of chapter 630A of NRS or the practice of podiatry in violation of chapter 635 of NRS, unless otherwise expressly authorized by this section;

(k) Performs massage therapy as that term is defined in NRS 640C.060; or

(l) Provides mental health services that are exclusive to the scope of practice of a psychiatrist licensed pursuant to chapter 630 or 633 of NRS, or a psychologist licensed pursuant to chapter 641 of NRS.

2. *Any person providing wellness services in this State who is not licensed, certified or registered in this State as a provider of health care and who is advertising or charging a fee for wellness services shall, before providing those services, disclose to each client in a plainly worded written statement:*



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1 (a) The person's name, business address and telephone
2 number;

3 (b) The fact that he or she is not licensed, certified or
4 registered as a provider of health care in this State;

5 (c) The nature of the wellness services to be provided;

6 (d) The degrees, training, experience, credentials and other
7 qualifications of the person regarding the wellness services to be
8 provided; and

9 (e) A statement in substantially the following form:

10
11 *It is recommended that before beginning any wellness*
12 *plan, you notify your primary care physician or other*
13 *licensed providers of health care of your intention to use*
14 *wellness services, the nature of the wellness services to be*
15 *provided and any wellness plan that may be utilized. It is*
16 *also recommended that you ask your primary care physician*
17 *or other licensed providers of health care about any*
18 *potential drug interactions, side effects, risks or conflicts*
19 *between any medications or treatments prescribed by your*
20 *primary care physician or other licensed providers of health*
21 *care and the wellness services you intend to receive.*

22
23 ↪ *A person who provides wellness services shall obtain from each*
24 *client a signed copy of the statement required by this subsection,*
25 *provide the client with a copy of the signed statement at the time of*
26 *service and retain a copy of the signed statement for a period of*
27 *not less than 5 years.*

28 3. *A written copy of the statement required by subsection 2*
29 *must be posted in a prominent place in the treatment location of*
30 *the person providing wellness services in at least 12-point font.*
31 *Reasonable accommodations must be made for clients who:*

32 (a) *Are unable to read;*

33 (b) *Are blind or visually impaired;*

34 (c) *Have communication impairments; or*

35 (d) *Do not read or speak English or any other language in*
36 *which the statement is written.*

37 4. *Any advertisement for wellness services authorized*
38 *pursuant to this section must disclose that the provider of those*
39 *services is not licensed, certified or registered as a provider of*
40 *health care in this State.*

41 5. *A person who violates any provision of this section is guilty*
42 *of a misdemeanor. Before a criminal proceeding is commenced*
43 *against a person for a violation of a provision of this section, a*
44 *notification, educational or mediative approach must be utilized by*



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1 *the regulatory body enforcing the provisions of this section to*
2 *bring the person into compliance with such provisions.*

3 6. *This section does not apply to or control:*

4 (a) *Any health care practice by a provider of health care*
5 *pursuant to the professional practice laws of this State, or prevent*
6 *such a health care practice from being performed.*

7 (b) *Any health care practice if the practice is exempt from the*
8 *professional practice laws of this State, or prevent such a health*
9 *care practice from being performed.*

10 (c) *A person who provides health care services if the person is*
11 *exempt from the professional practice laws of this State, or prevent*
12 *the person from performing such a health care service.*

13 (d) *A medical assistant as that term is defined in NRS*
14 *630.0129 and 633.075, an advanced practitioner of homeopathy as*
15 *that term is defined in NRS 630A.015 or a homeopathic assistant*
16 *as that term is defined in NRS 630A.035.*

17 7. *As used in this section, "wellness services" means healing*
18 *arts therapies and practices, and the provision of products, that*
19 *are based on the following complementary health treatment*
20 *approaches and which are not otherwise prohibited by*
21 *subsection 1:*

22 (a) *Anthroposophy.*

23 (b) *Aromatherapy.*

24 (c) *Traditional cultural healing practices.*

25 (d) *Detoxification practices and therapies.*

26 (e) *Energetic healing.*

27 (f) *Folk practices.*

28 (g) *Gerson therapy and colostrum therapy.*

29 (h) *Healing practices using food, dietary supplements,*
30 *nutrients and the physical forces of heat, cold, water and light.*

31 (i) *Herbology and herbalism.*

32 (j) *Reflexology and Reiki.*

33 (k) *Mind-body healing practices.*

34 (l) *Nondiagnostic iridology.*

35 (m) *Noninvasive instrumentalities.*

36 (n) *Holistic kinesiology.*

37 **Sec. 4.** *This act becomes effective on July 1, 2015.*

