

**Amendment No. 242**

Assembly Amendment to Assembly Bill No. 295 (BDR 54-698)

**Proposed by:** Assembly Committee on Commerce and Labor

**Amends:** Summary: Yes Title: Yes 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) variations of green bold underlining is language proposed to be added 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 proposed to be retained in this amendment.

RAE/JRS



Date: 4/7/2015

A.B. No. 295—Revises provisions relating to the provision of certain health care services. (BDR 54-698)



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 ~~health care~~ 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 ~~complementary and alternative health care;~~ wellness services; requiring certain disclosures by such providers; providing a penalty; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Existing law regulates the licensing, certification and registration of various providers of health care, including, without limitation, physicians, homeopathic physicians, osteopathic physicians, chiropractic physicians, doctors of Oriental medicine and podiatric physicians. (Chapters 630, 630A, 633, 634, 643A and 635 of NRS) ~~However, section 2 of this bill finds that there are numerous practitioners of healing arts, commonly referred to as alternative medicine, complementary medicine or natural healing, doing business in this State who are not regulated by the State.~~ Section 3 of this bill limits the scope of ~~these practitioners~~ **services which may be performed by a provider of wellness services, which are not regulated by this State,** by prohibiting ~~such practitioners~~ **those providers of wellness services** from providing certain services which may only be provided by a licensed provider of health care. **The term "wellness services" is defined in section 3 to mean certain therapies and methods based on complementary and alternative medicine.** Section 3 also requires ~~these practitioners~~ **providers of wellness services** to make certain disclosures to their clients.

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.** ~~The Legislature hereby finds and declares that:~~

1 ~~1. A July 2009 report from the National Institutes of Health, which was~~  
2 ~~based on 2007 survey data, 38 percent of adults in the United States used~~  
3 ~~complementary and alternative medicine. The report also stated that almost \$24~~  
4 ~~billion was spent out of pocket for these services. Although many complementary~~  
5 ~~and alternative medicine practitioners are not licensed, registered or certified by~~  
6 ~~this State, it is evident from this data, that thousands of persons are presently~~  
7 ~~receiving a substantial amount of health care from such practitioners.~~

8 ~~2. Reports, studies and research data also show that persons from a wide~~  
9 ~~variety of age, ethnic, socioeconomic and other demographic categories utilize~~  
10 ~~these health services, often referred to as complementary and alternative health~~  
11 ~~care practices or natural healing therapies and modalities.~~

12 ~~3. Notwithstanding the widespread utilization of these health care services~~  
13 ~~by residents of this State, the provision of such services may be in violation of the~~  
14 ~~professional practice laws governing licensed providers of health care in this~~  
15 ~~State.~~

16 ~~4. As a result, a practitioner of the healing arts who is not licensed by this~~  
17 ~~State as a provider of health care could be subject to fines, penalties and the~~  
18 ~~restriction of his or her practice, although his or her practice may not cross the~~  
19 ~~threshold of State regulatory concern for the public.~~ (Deleted by amendment.)

20 Sec. 3. 1. Notwithstanding any other provision of law, a person who  
21 provides ~~health care~~ wellness services in accordance with this section, but who  
22 is not licensed, certified or registered in this State as a provider of health care, is  
23 not in violation of any law based on the unlicensed practice of health care  
24 ~~services~~ or a health care profession unless the person:

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

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

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

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

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

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

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

37 (h) Diagnoses or treats a person's health condition in a manner that  
38 intentionally causes that person recognizable and imminent risk of significant  
39 and discernable physical or mental harm; ~~for~~

40 (i) Holds out, states, indicates, advertises or implies to any person that he or  
41 she is a provider of health care licensed, certified or registered in this State ~~for~~; or

42 (j) Engages in the practice of psychology, as defined in NRS 641.025.

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

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

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

51 (c) The nature of the ~~health care~~ wellness services to be provided;

52 (d) The degrees, training, experience, credentials and other qualifications of  
53 the person regarding the ~~health care~~ wellness services to be provided; and

1 (e) A statement recommending that the client notify his or her ~~father~~  
2 providers of health care of the ~~health care~~ wellness services he or she is to  
3 receive.

4 3. A written copy of the statement required by subsection 2 must be posted  
5 in a prominent place in the treatment location of the person providing the ~~health~~  
6 ~~care~~ wellness services in at least 12-point font. Reasonable accommodations  
7 must be made for clients who:

8 (a) Are unable to read;

9 (b) Are blind or visually impaired;

10 (c) Have communication impairments; or

11 (d) Do not read or speak English or any other language in which the  
12 statement is written.

13 4. Any advertisement for ~~health care~~ wellness services authorized  
14 pursuant to this section must disclose that the provider of those services is not  
15 licensed, certified or registered as a provider of health care in this State.

16 5. A person who violates any provision of this section is guilty of a  
17 misdemeanor. Before a criminal proceeding is commenced against a person for a  
18 violation of a provision of this section, a notification, educational or mediative  
19 approach must be utilized by the regulatory body enforcing the provisions of this  
20 section to bring the person into compliance with such provisions.

21 6. This section does not apply to or control:

22 (a) Any health care practice by a provider of health care pursuant to the  
23 professional practice laws of this State, or prevent such a health care practice  
24 from being performed.

25 (b) Any health care practice if the practice is exempt from the professional  
26 practice laws of this State, or prevent such a health care practice from being  
27 performed.

28 (c) A person who provides ~~health care~~ services relating to health care, if the  
29 person is exempt from the professional practice laws of this State, or prevent the  
30 person from performing ~~such a health care service~~ those services.

31 (d) A medical assistant, as defined in NRS 630.0129 and 633.075.

32 7. As used in this section, ~~health care~~ “wellness services” means ~~health~~  
33 ~~care~~ wellness and healing arts therapies and methods that are based on  
34 complementary and alternative medicine and which are not prohibited by  
35 subsection 1.

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