

Amendment No. 725

Assembly Amendment to Senate Bill No. 84 First Reprint (BDR 54-389)

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: 5/14/2015

S.B. No. 84—Includes certain alcohol and drug abuse counselors, problem gambling counselors and social workers in the definition of “provider of health care” for purposes of various provisions relating to healing arts and certain other provisions.
(BDR 54-389)



SENATE BILL NO. 84—COMMITTEE ON
COMMERCE, LABOR AND ENERGY(ON BEHALF OF THE BOARD OF EXAMINERS FOR
ALCOHOL, DRUG AND GAMBLING COUNSELORS)

PREFILED DECEMBER 20, 2014

Referred to Committee on Commerce, Labor and Energy

SUMMARY—Includes certain alcohol and drug abuse counselors, problem gambling counselors, ~~and~~ social workers and medical facilities in the definition of “provider of health care” for purposes of various provisions relating to healing arts and certain other provisions. (BDR 54-389)

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

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

AN ACT relating to health care providers; including certain alcohol and drug abuse counselors, problem gambling counselors, ~~and~~ social workers and medical facilities in the definition of “provider of health care” for purposes of various provisions relating to healing arts and certain other provisions; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law defines the term “provider of health care” as used in various provisions relating to healing arts to mean a licensed physician, physician assistant, dentist, licensed nurse, dispensing optician, optometrist, practitioner of respiratory care, registered physical therapist, occupational therapist, podiatric physician, licensed psychologist, licensed marriage and family therapist, licensed clinical professional counselor, music therapist, chiropractor, athletic trainer, perfusionist, doctor of Oriental medicine, medical laboratory director or technician, pharmacist, licensed dietitian or licensed hospital as the employer of such a person. (NRS 629.031) Existing law also defines the term “medical facility” to include certain centers, clinics and facilities, including facilities for skilled nursing and hospitals. (NRS 449.0151)

This bill expands ~~that~~ the definition of “provider of health care” to include : (1) an associate in social work, a social worker, an independent social worker or a clinical social worker who is licensed pursuant to chapter 641B of NRS, an alcohol and drug abuse counselor or a problem gambling counselor who is certified pursuant to chapter 641C of NRS and an alcohol and drug abuse counselor or a clinical alcohol and drug abuse counselor who is licensed pursuant to that chapter ~~;~~ and (2) a medical facility as the employer of any of those persons.

Adding those persons and medical facilities to the list of providers of health care makes certain requirements that are currently applicable to other providers of health care applicable to those persons and medical facilities as well. Such requirements include, without limitation,

retention of patient records, requirements for billing, standards for advertisements and criminal penalties for acquiring certain debts. (NRS 629.051, 629.071, 629.076, 629.078)

Existing law also includes the definition of “provider of health care” by reference in various other provisions. By expanding the definition, the bill expands the definition for those other provisions, thereby making those provisions include associates in social work, social workers, independent social workers, clinical social workers, alcohol and drug abuse counselors, ~~and~~ problem gambling counselors **and medical facilities as employers of those persons** as providers of health care. The term is referenced in provisions relating to various subjects including, without limitation, admissibility of the testimony of hypnotized witnesses, power of attorney, practice during declared emergencies, investigations conducted concerning facilities for long-term care, confidentiality of reports and referrals relating to maternal health, payments by insurance, release of the results of certain laboratory tests, drug donation programs, interpreters and realtime captioning providers and the Silver State Health Insurance Exchange. (NRS 41.141, 48.039, 162A.790, 415A.210, 427A.145, 442.395, 449.2475, chapter 453B of NRS, NRS 652.193, chapters 656A and 695I of NRS)

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 a new section to read as follows:

“Medical facility” has the meaning ascribed to it in NRS 449.0151.

Sec. 2. NRS 629.011 is hereby amended to read as follows:

629.011 As used in this chapter, unless the context otherwise requires, words and terms defined in NRS 629.021 and 629.031 **and section 1 of this act** have the meanings ascribed to them in those sections.

~~Section 1~~ **Sec. 3.** NRS 629.031 is hereby amended to read as follows:
629.031 Except as otherwise provided by a specific statute:

1. “Provider of health care” means ~~that~~:
 - (a) A physician licensed pursuant to chapter 630, 630A or 633 of NRS ~~that~~;
 - (b) A physician assistant ~~that~~;
 - (c) A dentist ~~that~~;
 - (d) A licensed nurse ~~that~~;
 - (e) A dispensing optician ~~that~~;
 - (f) An optometrist ~~that~~;
 - (g) A practitioner of respiratory care ~~that~~;
 - (h) A registered physical therapist ~~that~~;
 - (i) An occupational therapist ~~that~~;
 - (j) A podiatric physician ~~that~~;
 - (k) A licensed psychologist ~~that~~;
 - (l) A licensed marriage and family therapist ~~that~~;
 - (m) A licensed clinical professional counselor ~~that~~;
 - (n) A music therapist ~~that~~;
 - (o) A chiropractor ~~that~~;
 - (p) An athletic trainer ~~that~~;
 - (q) A perfusionist ~~that~~;
 - (r) A doctor of Oriental medicine in any form ~~that~~;
 - (s) A medical laboratory director or technician ~~that~~;
 - (t) A pharmacist ~~that~~;
 - (u) A licensed dietitian ~~that~~;
 - (v) An associate in social work, a social worker, an independent social worker or a clinical social worker licensed pursuant to chapter 641B of NRS;

(w) *An alcohol and drug abuse counselor or a problem gambling counselor who is certified pursuant to chapter 641C of NRS;*

(x) *An alcohol and drug abuse counselor or a clinical alcohol and drug abuse counselor who is licensed pursuant to chapter 641C of NRS; or*

(y) *A ~~licensed hospital~~ medical facility as the employer of any ~~such~~ person ~~as specified in this subsection.~~*

2. For the purposes of NRS 629.051, 629.061, 629.065 and 629.077, the term includes a facility that maintains the health care records of patients.

3. For the purposes of NRS 629.400 to 629.490, inclusive, the term includes:

(a) A person who holds a license or certificate issued pursuant to chapter 631 of NRS; and

(b) A person who holds a current license or certificate to practice his or her respective discipline pursuant to the applicable provisions of law of another state or territory of the United States.

Sec. 4. NRS 629.161 is hereby amended to read as follows:

629.161 1. It is unlawful to retain genetic information that identifies a person, without first obtaining the informed consent of the person or the person's legal guardian pursuant to NRS 629.181, unless retention of the genetic information is:

(a) Authorized or required pursuant to NRS 439.538;

(b) Necessary to conduct a criminal investigation, an investigation concerning the death of a person or a criminal or juvenile proceeding;

(c) Authorized pursuant to an order of a court of competent jurisdiction; or

(d) Necessary for a medical facility ~~as defined in NRS 449.0151~~ to maintain a medical record of the person.

2. A person who has authorized another person to retain his or her genetic information may request that person to destroy the genetic information. If so requested, the person who retains that genetic information shall destroy the information, unless retention of that information is:

(a) Authorized or required pursuant to NRS 439.538;

(b) Necessary to conduct a criminal investigation, an investigation concerning the death of a person or a criminal or juvenile proceeding;

(c) Authorized by an order of a court of competent jurisdiction;

(d) Necessary for a medical facility ~~as defined in NRS 449.0151~~ to maintain a medical record of the person; or

(e) Authorized or required by state or federal law or regulation.

3. Except as otherwise provided in subsection 4 or by federal law or regulation, a person who obtains the genetic information of a person for use in a study shall destroy that information upon:

(a) The completion of the study; or

(b) The withdrawal of the person from the study,

➤ whichever occurs first.

4. A person whose genetic information is used in a study may authorize the person who conducts the study to retain that genetic information after the study is completed or upon his or her withdrawal from the study.

~~Sec. 2~~ Sec. 5. This act becomes effective on July 1, 2015.