

SENATE BILL NO. 459—COMMITTEE ON
HEALTH AND HUMAN SERVICES

(ON BEHALF OF THE GOVERNOR)

MARCH 23, 2015

Referred to Committee on Health and Human Services

SUMMARY—Establishes an opioid overdose prevention policy for Nevada. (BDR 40-1199)

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 controlled substances; enacting the Good Samaritan Drug Overdose Act; authorizing certain health care professionals to prescribe and dispense an opioid antagonist to certain persons under certain circumstances; providing immunity from civil and criminal liability and professional discipline for such prescribing and dispensing of an opioid antagonist; providing criminal and other immunity for persons who seek medical assistance for a person who is experiencing a drug or alcohol overdose under certain circumstances; authorizing certain licensing boards to require that certain persons registered by the State Board of Pharmacy receive periodic training concerning the misuse and abuse of controlled substances; authorizing the imposition of disciplinary action for failure to complete such training; requiring that certain information concerning a prescription for a controlled substance be uploaded to the database of a certain computerized program; revising requirements for certain persons to access a certain computerized program before initiating certain prescriptions for a controlled substance; providing a penalty; and providing other matters properly relating thereto.



* S B 4 5 9 R 2 *

Legislative Counsel's Digest:

Sections 2-12 of this bill enact the Good Samaritan Drug Overdose Act, the provisions of which have been enacted in part or in entirety by at least 28 other states.

Under existing law, certain health care professionals may prescribe, dispense or otherwise furnish an opioid antagonist to a person at risk of experiencing an opioid-related drug overdose. (Chapter 454 of NRS) **Section 7** of this bill authorizes certain physicians, physician assistants and advanced practice registered nurses to prescribe and dispense an opioid antagonist to a family member, friend or other person who is in a position to assist a person at risk of experiencing an opioid-related drug overdose and provides immunity from civil and criminal liability and professional discipline for doing so or declining to do so. **Section 8** of this bill authorizes the storage and dispensing of opioid antagonists by certain persons who are not registered or licensed by the State Board of Pharmacy. **Section 9** of this bill provides for the development of standardized procedures and protocols under which a registered pharmacist may furnish an opioid antagonist.

Existing law establishes criminal liability for various activities relating to controlled substances. (Chapter 453 of NRS) **Section 12** of this bill provides that a person who, in good faith, seeks medical assistance for a person who is experiencing a drug or alcohol overdose or other medical emergency or who seeks such assistance for himself or herself, or who is the subject of a good faith request for such assistance may not be arrested, charged, prosecuted or convicted, or have his or her property subjected to forfeiture, or be otherwise penalized for violating: (1) certain provisions of existing law governing controlled substances; (2) a restraining order; or (3) a condition of the person's parole or probation, if the evidence to support the arrest, charge, prosecution, conviction, seizure or penalty was gained as a result of the person's seeking such medical assistance. **Section 12** also provides that the act of seeking such assistance may be raised in mitigation in connection with certain other crimes.

Existing law requires every practitioner or other person who dispenses a controlled substance within this State to register biennially with the State Board of Pharmacy. (NRS 453.226) **Sections 15.1-15.9** of this bill authorize the professional licensing boards of the various practitioners who are eligible for such registration to: (1) require their licensees who are registered to dispense a controlled substance to periodically complete certain training concerning the misuse and abuse of controlled substances; and (2) impose disciplinary action on a practitioner who fails to do so.

Existing law requires the State Board of Pharmacy and the Investigation Division of the Department of Public Safety to cooperatively develop a computerized program to track each prescription for a controlled substance. Persons who prescribe or dispense controlled substances can choose to access the database of the program and are given access to the database after receiving a course of training developed by the Board and the Division. (NRS 453.1545) **Section 13** of this bill requires each person who dispenses a controlled substance to upload certain information to the database of the program not later than the end of the next business day after dispensing the controlled substance.

Existing law requires a practitioner to obtain a patient utilization report regarding a patient before writing a prescription for a controlled substance if the patient is a new patient or a current patient who has not received a prescription for a controlled substance from the practitioner in the preceding 12 months. (NRS 639.23507) **Section 16** of this bill: (1) requires a practitioner to obtain a patient utilization report before initiating certain prescriptions for a controlled substance; (2) exempts from liability a practitioner who fails to obtain such a report under certain circumstances; and (3) requires the Board to adopt regulations to provide



54 alternative methods of complying with the requirement to obtain such a report for a
55 physician who provides services in a hospital emergency department.

1 WHEREAS, The Nevada Legislature finds and declares that
2 overdose deaths from drug or alcohol use is a major public health
3 and safety problem in Nevada and in the United States, such that
4 overdose deaths now annually exceed those caused by homicide or
5 vehicle collisions; and

6 WHEREAS, The use and abuse of both legal and illegal
7 substances, especially opioids, has increased in Nevada at an
8 alarming rate, contributing to addiction, crime, incarceration and
9 imprisonment, mental illness, suicide, family breakdown, and
10 increased costs of medical and mental health treatment for youth
11 and adults in Nevada; and

12 WHEREAS, Overdose death is preventable through the timely
13 administration of safe, effective, nonnarcotic antidote drugs which
14 reverse the effects of opioid overdose in minutes, are not controlled
15 substances, and have no abuse potential; and

16 WHEREAS, Effective and successful opioid overdose prevention
17 programs have been implemented in 25 states, and such efforts are
18 now encouraged and promoted by the American Medical
19 Association, the United States Conference of Mayors, the National
20 Office of Drug Control Policy, the Substance Abuse and Mental
21 Health Services Administration, the United States Department of
22 Justice, the National Association of Boards of Pharmacy, the
23 American Public Health Association, the National Association of
24 State Alcohol and Drug Abuse Directors, the National Association
25 of Drug Court Professionals and countless more law enforcement
26 and treatment professionals; and

27 WHEREAS, Numerous states have implemented “911 Good
28 Samaritan Statutes” encouraging citizens and professionals to seek
29 or provide overdose reversal and emergency medical assistance to
30 persons who appear to be experiencing a drug or alcohol overdose,
31 and have provided for immunity from civil, criminal and
32 professional liability for such actions; and

33 WHEREAS, The implementation of an opioid overdose
34 prevention policy and “911 Good Samaritan Statutes” are in the best
35 interest of Nevadans and such lifesaving practices and programs
36 should be established, recognized, encouraged and implemented in
37 Nevada to be available to residents and visitors; now, therefore,



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

Section 1. Title 40 of NRS is hereby amended by adding thereto a new chapter to consist of the provisions set forth as sections 2 to 12, inclusive, of this act.

Sec. 2. *This chapter may be cited as the Good Samaritan Drug Overdose Act.*

Sec. 3. *As used in this chapter, unless the context otherwise requires, the words and terms defined in sections 4, 5 and 6 of this act have the meanings ascribed to them in those sections.*

Sec. 4. 1. *"Health care professional" means a physician, a physician assistant or an advanced practice registered nurse.*

2. *As used in this section:*

(a) *"Advanced practice registered nurse" has the meaning ascribed to it in NRS 632.012.*

(b) *"Physician" means a physician licensed pursuant to chapter 630 or 633 of NRS.*

(c) *"Physician assistant" means a physician assistant licensed pursuant to chapter 630 or 633 of NRS.*

Sec. 5. *"Opioid antagonist" means any drug that binds to opioid receptors and blocks or disinhibits the effects of opioids acting on those receptors. The term includes, without limitation, naloxone hydrochloride.*

Sec. 6. *"Opioid-related drug overdose" means a condition including, without limitation, extreme physical illness, a decreased level of consciousness, respiratory depression, coma or death resulting from the consumption or use of an opioid, or another substance with which an opioid was combined, or that an ordinary layperson would reasonably believe to be an opioid-related drug overdose that requires medical assistance.*

Sec. 7. 1. *Notwithstanding any other provision of law, a health care professional otherwise authorized to prescribe an opioid antagonist may, directly or by standing order, prescribe and dispense an opioid antagonist to a person at risk of experiencing an opioid-related drug overdose or to a family member, friend or other person in a position to assist a person at risk of experiencing an opioid-related drug overdose. Any such prescription must be regarded as being issued for a legitimate medical purpose in the usual course of professional practice.*

2. *A person who, acting in good faith and with reasonable care, prescribes or dispenses an opioid antagonist pursuant to subsection 1, is not subject to any criminal or civil liability or any professional disciplinary action for:*

(a) *Such prescribing or dispensing; or*



(b) Any outcomes that result from the eventual administration of the opioid antagonist.

3. Notwithstanding any other provision of law:

(a) Any person, including, without limitation, a law enforcement officer, acting in good faith, may possess and administer an opioid antagonist to another person whom he or she reasonably believes to be experiencing an opioid-related drug overdose.

(b) An emergency medical technician, advanced emergency medical technician or paramedic, as defined in chapter 450B of NRS, is authorized to administer an opioid antagonist as clinically indicated.

4. A person who, acting in good faith and with reasonable care, administers an opioid antagonist to another person whom the person believes to be experiencing an opioid-related drug overdose is immune from criminal prosecution, sanction under any professional licensing statute and civil liability for such act.

5. The provisions of this section do not create any duty to prescribe or dispense an opioid antagonist. A person who declines to prescribe or dispense an opioid antagonist is not subject to any criminal or civil liability or any professional discipline for any reason relating to declining to prescribe or dispense the opioid antagonist.

Sec. 8. Notwithstanding any other provision of law, a person acting under a standing order issued by a health care professional who is otherwise authorized to prescribe an opioid antagonist may store an opioid antagonist without being subject to the registration and licensing provisions of chapter 639 of NRS and may dispense an opioid antagonist if those activities are undertaken without charge or compensation.

Sec. 9. 1. Notwithstanding any other provision of law, a registered pharmacist may furnish an opioid antagonist in accordance with standardized procedures or protocols developed and approved by the State Board of Pharmacy pursuant to this section.

2. The State Board of Pharmacy may, in consultation with representatives of the Nevada Pharmacist Association, other appropriate professional licensing boards, state agencies and other interested parties, develop standardized procedures or protocols to enable a registered pharmacist and other appropriate entities to furnish an opioid antagonist pursuant to this section.

3. Standardized procedures or protocols adopted pursuant to this section must ensure that a person receive education before being furnished with an opioid antagonist pursuant to this section. The education must include, without limitation:



(a) Information concerning the prevention and recognition of and responses to opioid-related drug overdoses;

(b) Methods for the safe administration of opioid antagonists to a person experiencing an opioid-related drug overdose;

(c) Potential side effects and adverse events connected with the administration of opioid antagonists;

(d) The importance of seeking emergency medical assistance for a person experiencing an opioid-related drug overdose even after the administration of an opioid antagonist; and

(e) Information concerning the provisions of section 12 of this act.

4. A pharmacist shall, before furnishing an opioid antagonist pursuant to this section, complete a training program on the use of opioid antagonists. The program must include at least 1 hour of approved continuing education on the use of opioid antagonists.

5. This section does not:

(a) Affect any provision of law concerning the confidentiality of medical information.

(b) Confer any authority on a registered pharmacist to prescribe an opioid antagonist or any other prescription medication or controlled substance.

Sec. 10. 1. The Department of Health and Human Services may engage in efforts to ascertain and document the number, trends, patterns and risk factors related to fatalities caused by unintentional opioid-related drug overdoses and other drug overdoses.

2. The Department of Health and Human Services may publish an annual report that:

(a) Presents the information acquired pursuant to subsection 1; and

(b) Provides information concerning interventions that may be effective in reducing fatal and nonfatal opioid-related drug overdoses and other drug overdoses, including, without limitation, the use of opioid analgesic drugs that contain abuse-deterrent mechanisms and access to such drugs.

Sec. 11. The Department of Health and Human Services may, within the limits of available money, award grants for:

1. Educational programs for the prevention and recognition of and responses to opioid-related drug overdoses and other drug overdoses;

2. Training programs for patients who receive opioid antagonists and for the families and caregivers of such patients concerning the prevention and recognition of and responses to opioid-related drug overdoses and other drug overdoses;



3. Projects to encourage, when appropriate, the prescription and distribution of opioid antagonists; and

4. Education and training programs on the prevention and recognition of and responses to opioid-related drug overdoses and other drug overdoses for members and volunteers of law enforcement agencies and agencies that provide emergency medical services and other emergency services.

Sec. 12. 1. Notwithstanding any other provision of law, a person who, in good faith, seeks medical assistance for a person who is experiencing a drug or alcohol overdose or other medical emergency or who seeks such assistance for himself or herself, or who is the subject of a good faith request for such assistance may not be arrested, charged, prosecuted or convicted, or have his or her property subjected to forfeiture, or be otherwise penalized for violating:

(a) Except as otherwise provided in subsection 4, a provision of chapter 453 of NRS relating to:

(1) Drug paraphernalia, including, without limitation, NRS 453.554 to 453.566, inclusive;

(2) Possession, unless it is for the purpose of sale or violates the provisions of NRS 453.3385, subsection 2 of NRS 453.3393, 453.3395 or 453.3405; or

(3) Use of a controlled substance, including, without limitation, NRS 453.336.

(b) A local ordinance as described in NRS 453.3361 that establishes an offense that is similar to an offense set forth in NRS 453.366;

(c) A restraining order; or

(d) A condition of the person's parole or probation, if the evidence to support the arrest, charge, prosecution, conviction, seizure or penalty was obtained as a result of the person seeking medical assistance.

2. A court, before sentencing a person who has been convicted of a violation of chapter 453 of NRS for which immunity is not provided by this section, shall consider in mitigation any evidence or information that the defendant, in good faith, sought medical assistance for a person who was experiencing a drug or alcohol overdose or other life-threatening emergency in connection with the events that constituted the violation.

3. For the purposes of this section, a person seeks medical assistance if the person:

(a) Reports a drug or alcohol overdose or other medical emergency to a member of a law enforcement agency, a 911 emergency service, a poison control center, a medical facility or a provider of emergency medical services;



(b) Assists another person making such a report;

(c) Provides care to a person who is experiencing a drug or alcohol overdose or other medical emergency while awaiting the arrival of medical assistance; or

(d) Delivers a person who is experiencing a drug or alcohol overdose or other medical emergency to a medical facility and notifies the appropriate authorities.

4. The provisions of this section do not prohibit any governmental entity from taking any actions required or authorized by chapter 432B of NRS relating to the abuse or neglect of a child.

5. As used in this section, "drug or alcohol overdose" means a condition, including, without limitation, extreme physical illness, a decreased level of consciousness, respiratory depression, coma, mania or death which is caused by the consumption or use of a controlled substance or alcohol, or another substance with which a controlled substance or alcohol was combined, or that an ordinary layperson would reasonably believe to be a drug or alcohol overdose that requires medical assistance.

Sec. 13. NRS 453.1545 is hereby amended to read as follows:

453.1545 1. The Board and the Division shall cooperatively develop a computerized program to track each prescription for a controlled substance listed in schedule II, III or IV that is filled by a pharmacy that is registered with the Board or that is dispensed by a practitioner who is registered with the Board. The program must:

(a) Be designed to provide information regarding:

(1) The inappropriate use by a patient of controlled substances listed in schedules II, III and IV to pharmacies, practitioners and appropriate state agencies to prevent the improper or illegal use of those controlled substances; and

(2) Statistical data relating to the use of those controlled substances that is not specific to a particular patient.

(b) Be administered by the Board, the Investigation Division, the Division of Public and Behavioral Health of the Department and various practitioners, representatives of professional associations for practitioners, representatives of occupational licensing boards and prosecuting attorneys selected by the Board and the Investigation Division.

(c) Not infringe on the legal use of a controlled substance for the management of severe or intractable pain.

(d) Include the contact information of each person who ~~selects~~ **is required** to access the database of the program pursuant to subsection ~~2~~ **3**, including, without limitation:

(1) The name of the person;

(2) The physical address of the person;



(3) The telephone number of the person; and
(4) If the person maintains an electronic mail address, the electronic mail address of the person.

(e) To the extent that money is available, include:

(1) A means by which a practitioner may designate in the database of the program that he or she suspects that a patient is seeking a prescription for a controlled substance for an improper or illegal purpose. If the Board reviews the designation and determines that such a designation is warranted, the Board shall inform pharmacies, practitioners and appropriate state agencies that the patient is seeking a prescription for a controlled substance for an improper or illegal purpose as described in subparagraph (1) of paragraph (a).

(2) The ability to integrate the records of patients in the database of the program with the electronic health records of practitioners.

2. Except as otherwise provided in this subsection, each person registered pursuant to this chapter to dispense a controlled substance listed in Schedule II, III or IV shall, not later than the end of the next business day after dispensing a controlled substance, upload to the database of the program established pursuant to subsection 1 the information described in paragraph (d) of subsection 1. The requirements of this subsection do not apply if the controlled substance is administered directly by a practitioner to a patient in a health care facility, as defined in NRS 439.960, a child who is a resident in a child care facility, as defined in NRS 432A.024, or a prisoner, as defined in NRS 208.085. The Board shall establish by regulation and impose administrative penalties for the failure to upload information pursuant to this subsection.

3. The Board shall provide Internet access to the database of the program established pursuant to subsection 1 to each practitioner who is authorized to write prescriptions for and each person who is authorized to dispense controlled substances listed in schedule II, III or IV who ~~is~~

~~— (a) Elects to access the database of the program; and~~

~~— (b) Completes} completes~~ the course of instruction described in subsection ~~7.} 8.~~

~~3.} 4.~~ The Board and the Division must have access to the program established pursuant to subsection 1 to identify any suspected fraudulent or illegal activity related to the dispensing of controlled substances.

~~4.} 5.~~ The Board or the Division shall report any activity it reasonably suspects may be fraudulent or illegal to the appropriate law enforcement agency or occupational licensing board and



1 provide the law enforcement agency or occupational licensing board
2 with the relevant information obtained from the program for further
3 investigation.

4 ~~15-1~~ 6. The Board and the Division may cooperatively enter
5 into a written agreement with an agency of any other state to
6 provide, receive or exchange information obtained by the program
7 with a program established in that state which is substantially
8 similar to the program established pursuant to subsection 1,
9 including, without limitation, providing such state access to the
10 database of the program or transmitting information to and receiving
11 information from such state. Any information provided, received or
12 exchanged as part of an agreement made pursuant to this section
13 may only be used in accordance with the provisions of this chapter.

14 ~~16-1~~ 7. Information obtained from the program relating to a
15 practitioner or a patient is confidential and, except as otherwise
16 provided by this section and NRS 239.0115, must not be disclosed
17 to any person. That information must be disclosed:

18 (a) Upon the request of a person about whom the information
19 requested concerns or upon the request on behalf of that person by
20 his or her attorney; or

21 (b) Upon the lawful order of a court of competent jurisdiction.

22 ~~17-1~~ 8. The Board and the Division shall cooperatively develop
23 a course of training for persons ~~1who elect1~~ **required** to access the
24 database of the program pursuant to subsection ~~121~~ 3 and require
25 each such person to complete the course of training before the
26 person is provided with Internet access to the database pursuant to
27 subsection ~~12-1~~ 3.

28 ~~18-1~~ 9. A practitioner who is authorized to write prescriptions
29 for and each person who is authorized to dispense controlled
30 substances listed in schedule II, III or IV who acts with reasonable
31 care when transmitting to the Board or the Division a report or
32 information required by this section or a regulation adopted pursuant
33 thereto is immune from civil and criminal liability relating to such
34 action.

35 ~~19-1~~ 10. The Board and the Division may apply for any
36 available grants and accept any gifts, grants or donations to assist in
37 developing and maintaining the program required by this section.

38 **Sec. 14.** (Deleted by amendment.)

39 **Sec. 15.** (Deleted by amendment.)

40 **Sec. 15.1.** Chapter 630 of NRS is hereby amended by adding
41 thereto a new section to read as follows:

42 ***The Board may, by regulation, require each physician or***
43 ***physician assistant who is registered to dispense controlled***
44 ***substances pursuant to NRS 453.231 to complete at least 1 hour of***
45 ***training relating specifically to the misuse and abuse of controlled***



substances during each period of licensure. Any licensee may use such training to satisfy 1 hour of any continuing education requirement established by the Board.

Sec. 15.2. NRS 630.306 is hereby amended to read as follows:

630.306 The following acts, among others, constitute grounds for initiating disciplinary action or denying licensure:

1. Inability to practice medicine with reasonable skill and safety because of illness, a mental or physical condition or the use of alcohol, drugs, narcotics or any other substance.

2. Engaging in any conduct:

(a) Which is intended to deceive;

(b) Which the Board has determined is a violation of the standards of practice established by regulation of the Board; or

(c) Which is in violation of a regulation adopted by the State Board of Pharmacy.

3. Administering, dispensing or prescribing any controlled substance, or any dangerous drug as defined in chapter 454 of NRS, to or for himself or herself or to others except as authorized by law.

4. Performing, assisting or advising the injection of any substance containing liquid silicone into the human body, except for the use of silicone oil to repair a retinal detachment.

5. Practicing or offering to practice beyond the scope permitted by law or performing services which the licensee knows or has reason to know that he or she is not competent to perform or which are beyond the scope of his or her training.

6. Performing, without first obtaining the informed consent of the patient or the patient's family, any procedure or prescribing any therapy which by the current standards of the practice of medicine is experimental.

7. Continual failure to exercise the skill or diligence or use the methods ordinarily exercised under the same circumstances by physicians in good standing practicing in the same specialty or field.

8. Habitual intoxication from alcohol or dependency on controlled substances.

9. Making or filing a report which the licensee or applicant knows to be false or failing to file a record or report as required by law or regulation.

10. Failing to comply with the requirements of NRS 630.254.

11. Failure by a licensee or applicant to report in writing, within 30 days, any disciplinary action taken against the licensee or applicant by another state, the Federal Government or a foreign country, including, without limitation, the revocation, suspension or surrender of a license to practice medicine in another jurisdiction.

12. Failure by a licensee or applicant to report in writing, within 30 days, any criminal action taken or conviction obtained



1 against the licensee or applicant, other than a minor traffic violation,
2 in this State or any other state or by the Federal Government, a
3 branch of the Armed Forces of the United States or any local or
4 federal jurisdiction of a foreign country.

5 13. Failure to be found competent to practice medicine as a
6 result of an examination to determine medical competency pursuant
7 to NRS 630.318.

8 14. Operation of a medical facility at any time during which:

9 (a) The license of the facility is suspended or revoked; or

10 (b) An act or omission occurs which results in the suspension or
11 revocation of the license pursuant to NRS 449.160.

12 ➤ This subsection applies to an owner or other principal responsible
13 for the operation of the facility.

14 15. Failure to comply with the requirements of NRS 630.373.

15 16. Engaging in any act that is unsafe or unprofessional
16 conduct in accordance with regulations adopted by the Board.

17 17. Knowingly procuring or administering a controlled
18 substance or a dangerous drug as defined in chapter 454 of NRS that
19 is not approved by the United States Food and Drug Administration,
20 unless the unapproved controlled substance or dangerous drug:

21 (a) Was procured through a retail pharmacy licensed pursuant to
22 chapter 639 of NRS;

23 (b) Was procured through a Canadian pharmacy which is
24 licensed pursuant to chapter 639 of NRS and which has been
25 recommended by the State Board of Pharmacy pursuant to
26 subsection 4 of NRS 639.2328; or

27 (c) Is marijuana being used for medical purposes in accordance
28 with chapter 453A of NRS.

29 18. Failure to supervise adequately a medical assistant pursuant
30 to the regulations of the Board.

31 *19. Failure to obtain any training required by the Board*
32 *pursuant to section 15.1 of this act.*

33 **Sec. 15.3.** Chapter 631 of NRS is hereby amended by adding
34 thereto a new section to read as follows:

35 *The Board may, by regulation, require each holder of a license*
36 *to practice dentistry who is registered to dispense controlled*
37 *substances pursuant to NRS 453.231 to complete at least 1 hour of*
38 *training relating specifically to the misuse and abuse of controlled*
39 *substances during each period of licensure. Any such holder of a*
40 *license may use such training to satisfy 1 hour of any continuing*
41 *education requirement established by the Board.*

42 **Sec. 15.4.** NRS 631.3475 is hereby amended to read as
43 follows:

44 631.3475 The following acts, among others, constitute
45 unprofessional conduct:



1. Malpractice;
 2. Professional incompetence;
 3. Suspension or revocation of a license to practice dentistry, the imposition of a fine or other disciplinary action by any agency of another state authorized to regulate the practice of dentistry in that state;
 4. More than one act by the dentist or dental hygienist constituting substandard care in the practice of dentistry or dental hygiene;
 5. Administering, dispensing or prescribing any controlled substance or any dangerous drug as defined in chapter 454 of NRS, if it is not required to treat the dentist's patient;
 6. Knowingly procuring or administering a controlled substance or a dangerous drug as defined in chapter 454 of NRS that is not approved by the United States Food and Drug Administration, unless the unapproved controlled substance or dangerous drug:
 - (a) Was procured through a retail pharmacy licensed pursuant to chapter 639 of NRS;
 - (b) Was procured through a Canadian pharmacy which is licensed pursuant to chapter 639 of NRS and which has been recommended by the State Board of Pharmacy pursuant to subsection 4 of NRS 639.2328; or
 - (c) Is marijuana being used for medical purposes in accordance with chapter 453A of NRS;
 7. Chronic or persistent inebriety or addiction to a controlled substance, to such an extent as to render the person unsafe or unreliable as a practitioner, or such gross immorality as tends to bring reproach upon the dental profession;
 8. Conviction of a felony or misdemeanor involving moral turpitude or which relates to the practice of dentistry in this State, or conviction of any criminal violation of this chapter;
 9. Conviction of violating any of the provisions of NRS 616D.200, 616D.220, 616D.240 or 616D.300 to 616D.440, inclusive; or
 10. Operation of a medical facility, as defined in NRS 449.0151, at any time during which:
 - (a) The license of the facility is suspended or revoked; or
 - (b) An act or omission occurs which results in the suspension or revocation of the license pursuant to NRS 449.160.
- This subsection applies to an owner or other principal responsible for the operation of the facility.
- 11. Failure to obtain any training required by the Board pursuant to section 15.3 of this act.***



Sec. 15.5. Chapter 632 of NRS is hereby amended by adding thereto a new section to read as follows:

The Board may, by regulation, require each advanced practice registered nurse who is registered to dispense controlled substances pursuant to NRS 453.231 to complete at least 1 hour of training relating specifically to the misuse and abuse of controlled substances during each period of licensure. An advanced practice registered nurse may use such training to satisfy 1 hour of any continuing education requirement established by the Board.

Sec. 15.55. NRS 632.320 is hereby amended to read as follows:

632.320 1. The Board may deny, revoke or suspend any license or certificate applied for or issued pursuant to this chapter, or take other disciplinary action against a licensee or holder of a certificate, upon determining that the licensee or certificate holder:

(a) Is guilty of fraud or deceit in procuring or attempting to procure a license or certificate pursuant to this chapter.

(b) Is guilty of any offense:

(1) Involving moral turpitude; or

(2) Related to the qualifications, functions or duties of a licensee or holder of a certificate,

↳ in which case the record of conviction is conclusive evidence thereof.

(c) Has been convicted of violating any of the provisions of NRS 616D.200, 616D.220, 616D.240 or 616D.300 to 616D.440, inclusive.

(d) Is unfit or incompetent by reason of gross negligence or recklessness in carrying out usual nursing functions.

(e) Uses any controlled substance, dangerous drug as defined in chapter 454 of NRS, or intoxicating liquor to an extent or in a manner which is dangerous or injurious to any other person or which impairs his or her ability to conduct the practice authorized by the license or certificate.

(f) Is a person with mental incompetence.

(g) Is guilty of unprofessional conduct, which includes, but is not limited to, the following:

(1) Conviction of practicing medicine without a license in violation of chapter 630 of NRS, in which case the record of conviction is conclusive evidence thereof.

(2) Impersonating any applicant or acting as proxy for an applicant in any examination required pursuant to this chapter for the issuance of a license or certificate.

(3) Impersonating another licensed practitioner or holder of a certificate.



(4) Permitting or allowing another person to use his or her license or certificate to practice as a licensed practical nurse, registered nurse, nursing assistant or medication aide - certified.

(5) Repeated malpractice, which may be evidenced by claims of malpractice settled against the licensee or certificate holder.

(6) Physical, verbal or psychological abuse of a patient.

(7) Conviction for the use or unlawful possession of a controlled substance or dangerous drug as defined in chapter 454 of NRS.

(h) Has willfully or repeatedly violated the provisions of this chapter. The voluntary surrender of a license or certificate issued pursuant to this chapter is prima facie evidence that the licensee or certificate holder has committed or expects to commit a violation of this chapter.

(i) Is guilty of aiding or abetting any person in a violation of this chapter.

(j) Has falsified an entry on a patient's medical chart concerning a controlled substance.

(k) Has falsified information which was given to a physician, pharmacist, podiatric physician or dentist to obtain a controlled substance.

(l) Has knowingly procured or administered a controlled substance or a dangerous drug as defined in chapter 454 of NRS that is not approved by the United States Food and Drug Administration, unless the unapproved controlled substance or dangerous drug:

(1) Was procured through a retail pharmacy licensed pursuant to chapter 639 of NRS;

(2) Was procured through a Canadian pharmacy which is licensed pursuant to chapter 639 of NRS and which has been recommended by the State Board of Pharmacy pursuant to subsection 4 of NRS 639.2328; or

(3) Is marijuana being used for medical purposes in accordance with chapter 453A of NRS.

(m) Has been disciplined in another state in connection with a license to practice nursing or a certificate to practice as a nursing assistant or medication aide - certified, or has committed an act in another state which would constitute a violation of this chapter.

(n) Has engaged in conduct likely to deceive, defraud or endanger a patient or the general public.

(o) Has willfully failed to comply with a regulation, subpoena or order of the Board.

(p) Has operated a medical facility at any time during which:

(1) The license of the facility was suspended or revoked; or

(2) An act or omission occurred which resulted in the suspension or revocation of the license pursuant to NRS 449.160.



➤ This paragraph applies to an owner or other principal responsible for the operation of the facility.

(q) Is an advanced practice registered nurse who has failed to obtain any training required by the Board pursuant to section 15.5 of this act.

2. For the purposes of this section, a plea or verdict of guilty or guilty but mentally ill or a plea of nolo contendere constitutes a conviction of an offense. The Board may take disciplinary action pending the appeal of a conviction.

3. A licensee or certificate holder is not subject to disciplinary action solely for administering auto-injectable epinephrine pursuant to a valid order issued pursuant to NRS 630.374 or 633.707.

Sec. 15.6. Chapter 633 of NRS is hereby amended by adding thereto a new section to read as follows:

The Board may, by regulation, require each osteopathic physician or physician assistant who is registered to dispense controlled substances pursuant to NRS 453.231 to complete at least 1 hour of training relating specifically to the misuse and abuse of controlled substances during each period of licensure. Any licensee may use such training to satisfy 1 hour of any continuing education requirement established by the Board.

Sec. 15.65. NRS 633.511 is hereby amended to read as follows:

633.511 The grounds for initiating disciplinary action pursuant to this chapter are:

1. Unprofessional conduct.

2. Conviction of:

(a) A violation of any federal or state law regulating the possession, distribution or use of any controlled substance or any dangerous drug as defined in chapter 454 of NRS;

(b) A felony relating to the practice of osteopathic medicine or practice as a physician assistant;

(c) A violation of any of the provisions of NRS 616D.200, 616D.220, 616D.240 or 616D.300 to 616D.440, inclusive;

(d) Murder, voluntary manslaughter or mayhem;

(e) Any felony involving the use of a firearm or other deadly weapon;

(f) Assault with intent to kill or to commit sexual assault or mayhem;

(g) Sexual assault, statutory sexual seduction, incest, lewdness, indecent exposure or any other sexually related crime;

(h) Abuse or neglect of a child or contributory delinquency; or

(i) Any offense involving moral turpitude.

3. The suspension of a license to practice osteopathic medicine or to practice as a physician assistant by any other jurisdiction.



4. Malpractice or gross malpractice, which may be evidenced by a claim of malpractice settled against a licensee.

5. Professional incompetence.

6. Failure to comply with the requirements of NRS 633.527.

7. Failure to comply with the requirements of subsection 3 of NRS 633.471.

8. Failure to comply with the provisions of NRS 633.694.

9. Operation of a medical facility, as defined in NRS 449.0151, at any time during which:

(a) The license of the facility is suspended or revoked; or

(b) An act or omission occurs which results in the suspension or revocation of the license pursuant to NRS 449.160.

↪ This subsection applies to an owner or other principal responsible for the operation of the facility.

10. Failure to comply with the provisions of subsection 2 of NRS 633.322.

11. Signing a blank prescription form.

12. Knowingly procuring or administering a controlled substance or a dangerous drug as defined in chapter 454 of NRS that is not approved by the United States Food and Drug Administration, unless the unapproved controlled substance or dangerous drug:

(a) Was procured through a retail pharmacy licensed pursuant to chapter 639 of NRS;

(b) Was procured through a Canadian pharmacy which is licensed pursuant to chapter 639 of NRS and which has been recommended by the State Board of Pharmacy pursuant to subsection 4 of NRS 639.2328; or

(c) Is marijuana being used for medical purposes in accordance with chapter 453A of NRS.

13. Attempting, directly or indirectly, by intimidation, coercion or deception, to obtain or retain a patient or to discourage the use of a second opinion.

14. Terminating the medical care of a patient without adequate notice or without making other arrangements for the continued care of the patient.

15. In addition to the provisions of subsection 3 of NRS 633.524, making or filing a report which the licensee knows to be false, failing to file a record or report that is required by law or willfully obstructing or inducing another to obstruct the making or filing of such a record or report.

16. Failure to report any person the licensee knows, or has reason to know, is in violation of the provisions of this chapter or the regulations of the Board within 30 days after the date the licensee knows or has reason to know of the violation.



17. Failure by a licensee or applicant to report in writing, within 30 days, any criminal action taken or conviction obtained against the licensee or applicant, other than a minor traffic violation, in this State or any other state or by the Federal Government, a branch of the Armed Forces of the United States or any local or federal jurisdiction of a foreign country.

18. Engaging in any act that is unsafe in accordance with regulations adopted by the Board.

19. Failure to comply with the provisions of NRS 633.165.

20. Failure to supervise adequately a medical assistant pursuant to the regulations of the Board.

21. Failure to obtain any training required by the Board pursuant to section 15.6 of this act.

Sec. 15.7. Chapter 635 of NRS is hereby amended by adding thereto a new section to read as follows:

The Board may, by regulation, require each holder of a license to practice podiatry who is registered to dispense controlled substances pursuant to NRS 453.231 to complete at least 1 hour of training relating specifically to the misuse and abuse of controlled substances during each period of licensure. Any such holder of a license may use such training to satisfy 1 hour of any continuing education requirement established by the Board.

Sec. 15.75. NRS 635.130 is hereby amended to read as follows:

635.130 1. The Board, after notice and a hearing as required by law, and upon any cause enumerated in subsection 2, may take one or more of the following disciplinary actions:

(a) Deny an application for a license or refuse to renew a license.

(b) Suspend or revoke a license.

(c) Place a licensee on probation.

(d) Impose a fine not to exceed \$5,000.

2. The Board may take disciplinary action against a licensee for any of the following causes:

(a) The making of a false statement in any affidavit required of the applicant for application, examination or licensure pursuant to the provisions of this chapter.

(b) Lending the use of the holder's name to an unlicensed person.

(c) If the holder is a podiatric physician, permitting an unlicensed person in his or her employ to practice as a podiatry hygienist.

(d) Habitual indulgence in the use of alcohol or any controlled substance which impairs the intellect and judgment to such an extent



1 as in the opinion of the Board incapacitates the holder in the
2 performance of his or her professional duties.

3 (e) Conviction of a crime involving moral turpitude.

4 (f) Conviction of violating any of the provisions of NRS
5 616D.200, 616D.220, 616D.240 or 616D.300 to 616D.440,
6 inclusive.

7 (g) Conduct which in the opinion of the Board disqualifies the
8 licensee to practice with safety to the public.

9 (h) The commission of fraud by or on behalf of the licensee
10 regarding his or her license or practice.

11 (i) Gross incompetency.

12 (j) Affliction of the licensee with any mental or physical
13 disorder which seriously impairs his or her competence as a
14 podiatric physician or podiatry hygienist.

15 (k) False representation by or on behalf of the licensee regarding
16 his or her practice.

17 (l) Unethical or unprofessional conduct.

18 (m) Failure to comply with the requirements of subsection 1 of
19 NRS 635.118.

20 (n) Willful or repeated violations of this chapter or regulations
21 adopted by the Board.

22 (o) Willful violation of the regulations adopted by the State
23 Board of Pharmacy.

24 (p) Knowingly procuring or administering a controlled
25 substance or a dangerous drug as defined in chapter 454 of NRS that
26 is not approved by the United States Food and Drug Administration,
27 unless the unapproved controlled substance or dangerous drug:

28 (1) Was procured through a retail pharmacy licensed
29 pursuant to chapter 639 of NRS;

30 (2) Was procured through a Canadian pharmacy which is
31 licensed pursuant to chapter 639 of NRS and which has been
32 recommended by the State Board of Pharmacy pursuant to
33 subsection 4 of NRS 639.2328; or

34 (3) Is marijuana being used for medical purposes in
35 accordance with chapter 453A of NRS.

36 (q) Operation of a medical facility, as defined in NRS 449.0151,
37 at any time during which:

38 (1) The license of the facility is suspended or revoked; or

39 (2) An act or omission occurs which results in the suspension
40 or revocation of the license pursuant to NRS 449.160.

41 ➔ This paragraph applies to an owner or other principal responsible
42 for the operation of the facility.

43 *(r) Failure to obtain any training required by the Board*
44 *pursuant to section 15.7 of this act.*



1 **Sec. 15.8.** Chapter 636 of NRS is hereby amended by adding
2 thereto a new section to read as follows:

3 *The Board may, by regulation, require each optometrist who is*
4 *certified to administer and prescribe therapeutic pharmaceutical*
5 *agents pursuant to NRS 636.288 and who is registered to dispense*
6 *controlled substances pursuant to NRS 453.231 to complete at*
7 *least 1 hour of training relating specifically to the misuse and*
8 *abuse of controlled substances during each period of licensure.*
9 *Any licensee may use such training to satisfy 1 hour of any*
10 *continuing education requirement established by the Board.*

11 **Sec. 15.9.** NRS 636.295 is hereby amended to read as follows:

12 636.295 The following acts, conduct, omissions, or mental or
13 physical conditions, or any of them, committed, engaged in,
14 omitted, or being suffered by a licensee, constitute sufficient cause
15 for disciplinary action:

16 1. Affliction of the licensee with any communicable disease
17 likely to be communicated to other persons.

18 2. Commission by the licensee of a felony relating to the
19 practice of optometry or a gross misdemeanor involving moral
20 turpitude of which the licensee has been convicted and from which
21 he or she has been sentenced by a final judgment of a federal or
22 state court in this or any other state, the judgment not having been
23 reversed or vacated by a competent appellate court and the offense
24 not having been pardoned by executive authority.

25 3. Conviction of any of the provisions of NRS 616D.200,
26 616D.220, 616D.240 or 616D.300 to 616D.440, inclusive.

27 4. Commission of fraud by or on behalf of the licensee in
28 obtaining a license or a renewal thereof, or in practicing optometry
29 thereunder.

30 5. Habitual drunkenness or addiction to any controlled
31 substance.

32 6. Gross incompetency.

33 7. Affliction with any mental or physical disorder or
34 disturbance seriously impairing his or her competency as an
35 optometrist.

36 8. Making false or misleading representations, by or on behalf
37 of the licensee, with respect to optometric materials or services.

38 9. Practice by the licensee, or attempting or offering so to do,
39 while in an intoxicated condition.

40 10. Perpetration of unethical or unprofessional conduct in the
41 practice of optometry.

42 11. Knowingly procuring or administering a controlled
43 substance or a dangerous drug as defined in chapter 454 of NRS that
44 is not approved by the United States Food and Drug Administration,
45 unless the unapproved controlled substance or dangerous drug:



(a) Was procured through a retail pharmacy licensed pursuant to chapter 639 of NRS;

(b) Was procured through a Canadian pharmacy which is licensed pursuant to chapter 639 of NRS and which has been recommended by the State Board of Pharmacy pursuant to subsection 4 of NRS 639.2328; or

(c) Is marijuana being used for medical purposes in accordance with chapter 453A of NRS.

12. Any violation of the provisions of this chapter or any regulations adopted pursuant thereto.

13. Operation of a medical facility, as defined in NRS 449.0151, at any time during which:

(a) The license of the facility is suspended or revoked; or

(b) An act or omission occurs which results in the suspension or revocation of the license pursuant to NRS 449.160.

➤ This subsection applies to an owner or other principal responsible for the operation of the facility.

14. Failure to obtain any training required by the Board pursuant to section 15.8 of this act.

Sec. 16. NRS 639.23507 is hereby amended to read as follows:

639.23507 A practitioner shall, before ~~writing~~ *initiating* a prescription for a controlled substance listed in schedule II, III or IV, ~~for a patient,~~ obtain a patient utilization report regarding the patient ~~for the preceding 12 months~~ from the computerized program established by the Board and the Investigation Division of the Department of Public Safety pursuant to NRS 453.1545 if ~~the practitioner has a reasonable belief that the patient may be seeking the controlled substance, in whole or in part, for any reason other than the treatment of an existing medical condition and;~~ :

1. The patient is a new patient of the practitioner; or

2. The ~~patient has not received any~~ prescription ~~for a controlled substance from the practitioner in the preceding 12 months.~~ *is for more than 7 days and is part of a new course of treatment for the patient.*

➤ The practitioner shall review the patient utilization report to assess whether the prescription for the controlled substance is medically necessary.

3. If a practitioner who attempts to obtain a patient utilization report as required by subsection 1 fails to do so because the computerized program is unresponsive or otherwise unavailable, the practitioner:

(a) Shall be deemed to have complied with subsection 1 if the practitioner documents the attempt and failure in the medical record of the patient.



(b) *Is not liable for the failure.*

4. *The Board shall adopt regulations to provide alternative methods of compliance with subsection 1 for a physician while he or she is providing service in a hospital emergency department. The regulations must include, without limitation, provisions that allow a hospital to designate members of hospital staff to act as delegates for the purposes of accessing the database of the computerized program and obtaining patient utilization reports from the computerized program on behalf of such a physician.*

5. *A practitioner who violates subsection 1:*

(a) *Is not guilty of a misdemeanor.*

(b) *May be subject to professional discipline if the appropriate professional licensing board determines that the practitioner's violation was intentional.*

6. *As used in this section, "initiating a prescription" means originating a new prescription for a new patient of a practitioner or originating a new prescription to begin a new course of treatment for an existing patient of a practitioner. The term does not include any act concerning an ongoing prescription that is written to continue a course of treatment for an existing patient of a practitioner.*

Sec. 16.5. NRS 639.310 is hereby amended to read as follows:

639.310 ~~[Unless]~~ *Except as otherwise provided in NRS 639.23507, unless* a greater penalty is specified, any person who violates any of the provisions of this chapter is guilty of a misdemeanor.

Sec. 17. 1. The Department of Health and Human Services shall, not later than October 1, 2015, add naloxone hydrochloride for outpatient use to the list of preferred prescription drugs to be used for the Medicaid program established by the Department pursuant to NRS 422.4025.

2. Any expenses incurred by the Department to provide naloxone hydrochloride must be paid for through the existing resources of the Medicaid program.

Sec. 18. This act becomes effective:

1. Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

2. On October 1, 2015, for all other purposes.

