

ASSEMBLY BILL NO. 116—ASSEMBLYWOMAN TITUS

PREFILED FEBRUARY 9, 2017

Referred to Committee on Commerce and Labor

SUMMARY—Authorizes advanced practice registered nurses to perform certain acts required to be performed by a physician or certain other providers of health care. (BDR 54-497)

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: 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 nursing; authorizing a qualified advanced practice registered nurse to sign, certify, stamp, verify or endorse certain documents requiring the signature, certification, stamp, verification or endorsement of a physician; authorizing an advanced practice registered nurse to make certain certifications, diagnoses and determinations required to be made by a physician or other provider of health care; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 2 of this bill: (1) authorizes an advanced practice registered nurse, when the signature, certification, stamp, verification or endorsement of a physician is required, to provide his or her own signature, certification, stamp, verification or endorsement if he or she is qualified to do so; and (2) requires the State Board of Nursing to adopt regulations specifically providing for when an advanced practice registered nurse is qualified to provide his or her signature, certification, stamp, verification or endorsement in the place of a physician's.

Existing law allows the parent or legal guardian of a pupil who has asthma, anaphylaxis or diabetes to request authorization from the principal or, if applicable, the school nurse of the public school in which the pupil is enrolled to allow the pupil to self-administer medication for the treatment of asthma, anaphylaxis or diabetes while the pupil is on the grounds of a public school, at an activity sponsored by the public school or on a school bus. (NRS 392.425) **Section 7** of this bill authorizes an advanced practice registered nurse to provide a signed statement



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that a pupil has asthma, anaphylaxis or diabetes and is capable of self-administration of his or her medication.

Existing law requires a court to permanently excuse a person from service as a juror if the person is incapable of serving because of a permanent physical or mental disability that is certified by a physician. (NRS 6.030) **Section 4** of this bill authorizes an advanced practice registered nurse to certify such a disability. Existing law also requires a court to appoint two psychiatrists or psychologists to examine the competency of a defendant to stand trial. (NRS 178.415) **Section 5** of this bill authorizes the court to appoint, as part of the appointment of two professionals, one or more advanced practice registered nurses who have obtained certain psychiatric training and experience to examine the competency of a defendant.

Existing law authorizes certain persons to file an application for the emergency admission of a person alleged to be a person with mental illness to certain facilities. (NRS 433A.160) With certain exceptions, existing law requires an application for the emergency admission of a person alleged to be a person with a mental illness to be accompanied by a certificate of a psychiatrist or licensed psychologist or, if neither is available, a physician, stating that the person has a mental illness and, because of that mental illness, is likely to harm himself or herself or others if not admitted to certain facilities or programs. (NRS 433A.170, 433A.200) **Sections 1 and 11-19** of this bill: (1) expand the list of persons who are authorized to evaluate such a person alleged to have a mental illness and provide a certificate stating that the person has a mental illness to include an advanced practice registered nurse who has obtained certain psychiatric training and experience; and (2) authorize such an advanced practice registered nurse to conduct such an evaluation for an involuntary court-ordered admission, transfer or early release of a person with mental illness.

Under existing law, a medical certificate of death or certificate of stillbirth must be signed by a physician or certain other qualified persons. (NRS 440.340, 440.380) Existing law also allows a physician to authorize a physician assistant or registered nurse to make a pronouncement of death if the physician anticipates such death. (NRS 440.415, 632.474) **Sections 20-30** of this bill authorize an advanced practice registered nurse to: (1) sign a medical certificate of death or certificate of stillbirth; and (2) authorize a physician assistant or registered nurse to make such pronouncement of death.

Existing law allows any person who is of sound mind and 18 years of age or older to execute a declaration governing the withholding or withdrawal of life-sustaining treatment. (NRS 449.600, 449.610) Under existing law, a directive governing the withholding or withdrawal of life-sustaining treatment becomes operative when it is communicated to the declarant's attending physician and the declarant is determined by the attending physician to be in a terminal condition and no longer able to make decisions regarding the administration of life-sustaining treatment. (NRS 449.617) **Sections 32, 33 and 36-48** of this bill authorize an attending advanced practice registered nurse to: (1) diagnose a person as being in a terminal condition and no longer able to make decisions regarding life-sustaining treatment for the purpose of determining whether a declaration or written consent to the withholding or withdrawal of life-sustaining treatment is operative; and (2) withhold or withdraw life-sustaining treatment in accordance with such a declaration or written consent.

Existing law requires the State Board of Health to adopt a Physician Order for Life-Sustaining Treatment form (POLST form), a document which records the wishes of a patient and directs any provider of health care regarding the provision of life-resuscitating treatment and life-sustaining treatment. (NRS 449.694) Existing law additionally allows certain patients suffering from a terminal condition to obtain a do-not-resuscitate order from a physician and a do-not-resuscitate identification from the health authority. (NRS 450B.510-450B.525) **Sections 34, 35**



70 **and 49-60** of this bill authorize an advanced practice registered nurse to make
71 certain determinations related to a POLST form and to execute a POLST form for a
72 patient. **Sections 65-81** of this bill authorize an advanced practice registered nurse
73 to: (1) determine whether a patient is in a terminal condition for his or her
74 application for a do-not-resuscitate identification from the health authority; and (2)
75 issue a do-not-resuscitate order.

76 Under existing law, the use of a mechanical or chemical restraint on a person
77 with a disability is authorized under certain permissible uses or for use in an
78 emergency. Existing law further requires a physician to sign a medical order
79 authorizing such use. (NRS 449.779, 449.780) **Sections 6, 8-10, 61 and 62** of this
80 bill authorize an advanced practice registered nurse to sign an order authorizing the
81 use of a mechanical or chemical restraint on a person with a disability for such
82 permissible uses or for use in an emergency.

83 Existing law requires each organization for youth sports that sanctions or
84 sponsors competitive sports for youths in this State to adopt a policy concerning the
85 prevention and treatment of injuries to the head which may occur during a youth's
86 participation in competitive sports, including, without limitation, concussion of the
87 brain. The policy must require that a youth who sustains or is suspected of
88 sustaining an injury to the head while participating in such an activity or event: (1)
89 be immediately removed from the activity or event; and (2) may not return to the
90 activity or event unless the parent or legal guardian of the pupil provides a written
91 statement from a provider of health care indicating that the pupil is medically
92 cleared to participate and the date on which the pupil may return to the activity or
93 event. (NRS 455A.200) **Section 83** of this bill expands the definition of "provider
94 of health care" to include an advanced practice registered nurse.

95 Under existing law, the Department of Motor Vehicles is authorized to issue
96 special license plates, a special or temporary parking placard or a special or
97 temporary parking sticker to a person with a disability who has certification of such
98 disability completed by a physician and applies for such a plate, placard or sticker.
99 **Sections 84-87** of this bill authorize an advanced practice registered nurse to
100 determine whether a person has a disability and provide that person certification for
101 purposes of obtaining a special license plate, a special or temporary parking placard
102 or a special or temporary parking sticker from the Department.

103 **Sections 88-123** of this bill revise the Nevada Industrial Insurance Act to
104 authorize an advanced practice registered nurse to: (1) examine and provide
105 treatment to an injured employee who has experienced an industrial accident; (2)
106 provide certification of death resulting from an injury; (3) file claims of
107 compensation after providing treatment to an injured employee; (4) be appointed to
108 panels of providers who have demonstrated special competence and interest in
109 industrial health; (5) rate permanent partial and total disabilities if he or she has
110 completed an advanced program of training in rating disabilities; (6) review appeals
111 of determinations concerning accident benefits; (7) conduct independent medical
112 examinations upon an order from a hearing officer and testify to his or her findings;
113 (8) examine an injured employee to determine if he or she is capable of
114 participating in a program of vocational rehabilitation; and (9) determine if an
115 injured employee is in need of a life care plan after a catastrophic injury.

116 Existing law requires a person who wishes to be employed as a taxicab driver
117 to obtain a health certificate issued by a physician or chiropractic physician stating
118 that he or she has examined the prospective driver and found that the prospective
119 driver meets certain health requirements. (NRS 706.495, 706.8842) **Sections 124**
120 **and 125** of this bill authorize an advanced practice registered nurse to issue a health
121 certificate to a prospective driver found by the advanced practice registered nurse to
122 meet the health requirements.



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

Section 1. NRS 632.120 is hereby amended to read as follows:
632.120 1. The Board shall:

(a) Adopt regulations establishing reasonable standards:

(1) For the denial, renewal, suspension and revocation of,
and the placement of conditions, limitations and restrictions upon, a
license to practice professional or practical nursing or a certificate to
practice as a nursing assistant or medication aide - certified.

(2) Of professional conduct for the practice of nursing.

(3) For prescribing and dispensing controlled substances and
dangerous drugs in accordance with applicable statutes.

(4) For the psychiatric training and experience necessary for
an advanced practice registered nurse to be authorized to make

~~the~~ :

(I) The examinations described in NRS 178.415.

*(II) The evaluations and examinations described in NRS
433A.160, 433A.240 and 433A.430.*

(III) The certifications described in NRS 433A.170,
433A.195 and 433A.200.

(b) Prepare and administer examinations for the issuance of a
license or certificate under this chapter.

(c) Investigate and determine the eligibility of an applicant for a
license or certificate under this chapter.

(d) Carry out and enforce the provisions of this chapter and the
regulations adopted pursuant thereto.

2. The Board may adopt regulations establishing reasonable:

(a) Qualifications for the issuance of a license or certificate
under this chapter.

(b) Standards for the continuing professional competence of
licensees or holders of a certificate. The Board may evaluate
licensees or holders of a certificate periodically for compliance with
those standards.

3. The Board may adopt regulations establishing a schedule of
reasonable fees and charges, in addition to those set forth in NRS
632.345, for:

(a) Investigating licensees or holders of a certificate and
applicants for a license or certificate under this chapter;

(b) Evaluating the professional competence of licensees or
holders of a certificate;

(c) Conducting hearings pursuant to this chapter;

(d) Duplicating and verifying records of the Board; and



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(e) Surveying, evaluating and approving schools of practical nursing, and schools and courses of professional nursing, and collect the fees established pursuant to this subsection.

4. For the purposes of this chapter, the Board shall, by regulation, define the term "in the process of obtaining accreditation."

5. The Board may adopt such other regulations, not inconsistent with state or federal law, as may be necessary to carry out the provisions of this chapter relating to nursing assistant trainees, nursing assistants and medication aides - certified.

6. The Board may adopt such other regulations, not inconsistent with state or federal law, as are necessary to enable it to administer the provisions of this chapter.

Sec. 2. NRS 632.237 is hereby amended to read as follows:

632.237 1. The Board may issue a license to practice as an advanced practice registered nurse to a registered nurse:

(a) Who is licensed by endorsement pursuant to NRS 632.161 or 632.162 and holds a corresponding valid and unrestricted license to practice as an advanced practice registered nurse in the District of Columbia or any other state or territory of the United States; or

(b) Who:

(1) Has completed an educational program designed to prepare a registered nurse to:

(I) Perform designated acts of medical diagnosis;

(II) Prescribe therapeutic or corrective measures; and

(III) Prescribe controlled substances, poisons, dangerous drugs and devices;

(2) Except as otherwise provided in subsection ~~6.~~ 7, submits proof that he or she is certified as an advanced practice registered nurse by the American Board of Nursing Specialties, the National Commission for Certifying Agencies of the Institute for Credentialing Excellence, or their successor organizations, or any other nationally recognized certification agency approved by the Board; and

(3) Meets any other requirements established by the Board for such licensure.

2. An advanced practice registered nurse may:

(a) Engage in selected medical diagnosis and treatment; ~~and~~

(b) If authorized pursuant to NRS 639.2351 and subject to the limitations set forth in subsection 3, prescribe controlled substances, poisons, dangerous drugs and devices ~~and~~ ; and

(c) Provide his or her signature, certification, stamp, verification or endorsement when a signature, certification, stamp, verification or endorsement by a physician is required if providing such a signature, certification, stamp, verification or endorsement



1 *is within the authorized scope of practice of an advanced practice*
2 *registered nurse.*

3 ➔ An advanced practice registered nurse shall not engage in any
4 diagnosis, treatment or other conduct which the advanced practice
5 registered nurse is not qualified to perform.

6 3. An advanced practice registered nurse who is authorized to
7 prescribe controlled substances, poisons, dangerous drugs and
8 devices pursuant to NRS 639.2351 shall not prescribe a controlled
9 substance listed in schedule II unless:

10 (a) The advanced practice registered nurse has at least 2 years or
11 2,000 hours of clinical experience; or

12 (b) The controlled substance is prescribed pursuant to a protocol
13 approved by a collaborating physician.

14 4. An advanced practice registered nurse may perform the acts
15 described in *paragraphs (a) and (b) of* subsection 2 by using
16 equipment that transfers information concerning the medical
17 condition of a patient in this State electronically, telephonically or
18 by fiber optics, including, without limitation, through telehealth, as
19 defined in NRS 629.515, from within or outside this State or the
20 United States.

21 5. *Nothing in paragraph (c) of subsection 2 shall be deemed*
22 *to expand the scope of practice of an advanced practice registered*
23 *nurse who provides his or her signature, certification, stamp,*
24 *verification or endorsement in the place of a physician.*

25 6. The Board shall adopt regulations:

26 (a) Specifying any additional training, education and experience
27 necessary for licensure as an advanced practice registered nurse.

28 (b) Delineating the authorized scope of practice of an advanced
29 practice registered nurse ~~H~~ , *including, without limitation, when*
30 *an advanced practice registered nurse is qualified to provide his or*
31 *her signature, certification, stamp, verification or endorsement in*
32 *the place of a physician.*

33 (c) Establishing the procedure for application for licensure as an
34 advanced practice registered nurse.

35 ~~6-1~~ 7. The provisions of subparagraph (2) of paragraph (b) of
36 subsection 1 do not apply to an advanced practice registered nurse
37 who obtains a license before July 1, 2014.

38 **Sec. 3.** NRS 632.474 is hereby amended to read as follows:

39 632.474 A registered nurse who is authorized by a physician *or*
40 *advanced practice registered nurse* pursuant to NRS 440.415 may
41 make a pronouncement of death.

42 **Sec. 4.** NRS 6.030 is hereby amended to read as follows:

43 6.030 1. The court may at any time temporarily excuse any
44 juror on account of:

45 (a) Sickness or physical disability.



(b) Serious illness or death of a member of the juror's immediate family.

(c) Undue hardship or extreme inconvenience.

(d) Public necessity.

2. In addition to the reasons set forth in subsection 1, the court may at any time temporarily excuse a person who provides proof that the person is the primary caregiver of another person who has a documented medical condition which requires the assistance of another person at all times.

3. A person temporarily excused shall appear for jury service as the court may direct.

4. The court shall permanently excuse any person from service as a juror if the person is incapable, by reason of a permanent physical or mental disability, of rendering satisfactory service as a juror. The court may require the prospective juror to submit a ~~physician's~~ certificate *completed by a physician or an advanced practice registered nurse licensed pursuant to NRS 632.237* concerning the nature and extent of the disability and the certifying physician *or advanced practice registered nurse* may be required to testify concerning the disability when the court so directs.

Sec. 5. NRS 178.415 is hereby amended to read as follows:

178.415 1. Except as otherwise provided in this subsection, the court shall appoint two psychiatrists, ~~two~~ psychologists ~~or one psychiatrist and one psychologist,~~ *advanced practice registered nurses who have the psychiatric training and experience prescribed by the State Board of Nursing pursuant to NRS 632.120, or any combination of two such persons,* to examine the defendant. If the defendant is accused of a misdemeanor, the court of jurisdiction shall appoint a psychiatric social worker, or other person who is especially qualified by the Division, to examine the defendant.

2. Except as otherwise provided in this subsection, at a hearing in open court, the court that orders the examination must receive the report of the examination. If a justice court orders the examination of a defendant who is charged with a gross misdemeanor or felony, the district court must receive the report of the examination.

3. The court that receives the report of the examination shall permit counsel for both sides to examine the person or persons appointed to examine the defendant. The prosecuting attorney and the defendant may:

(a) Introduce other evidence including, without limitation, evidence related to treatment to competency and the possibility of ordering the involuntary administration of medication; and

(b) Cross-examine one another's witnesses.



4. The court that receives the report of the examination shall then make and enter its finding of competence or incompetence.

5. The court shall not appoint a person to provide a report or an evaluation pursuant to this section, unless the person is certified by the Division pursuant to NRS 178.417.

Sec. 6. NRS 388.503 is hereby amended to read as follows:

388.503 1. Except as otherwise provided in subsection 2, mechanical restraint may be used on a pupil with a disability only if:

(a) An emergency exists that necessitates the use of mechanical restraint;

(b) A medical order authorizing the use of mechanical restraint from the pupil's treating physician *or advanced practice registered nurse* is included in the pupil's individualized education program before the application of the mechanical restraint;

(c) The physician *or advanced practice registered nurse* who signed the order required pursuant to paragraph (b) or the attending physician *or attending advanced practice registered nurse* examines the pupil as soon as practicable after the application of the mechanical restraint;

(d) The mechanical restraint is applied by a member of the staff of the school who is trained and qualified to apply mechanical restraint;

(e) The pupil is given the opportunity to move and exercise the parts of his or her body that are restrained at least 10 minutes per every 60 minutes of restraint, unless otherwise prescribed by the physician *or advanced practice registered nurse* who signed the order;

(f) A member of the staff of the school lessens or discontinues the restraint every 15 minutes to determine whether the pupil will stop injury to himself or herself without the use of the restraint;

(g) The record of the pupil contains a notation that includes the time of day that the restraint was lessened or discontinued pursuant to paragraph (f), the response of the pupil and the response of the member of the staff of the school who applied the mechanical restraint;

(h) A member of the staff of the school continuously monitors the pupil during the time that mechanical restraint is used on the pupil; and

(i) The mechanical restraint is used only for the period that is necessary to contain the behavior of the pupil so that the pupil is no longer an immediate threat of causing physical injury to himself or herself.

2. Mechanical restraint may be used on a pupil with a disability and the provisions of subsection 1 do not apply if the mechanical restraint is used to:



1 (a) Treat the medical needs of the pupil;
2 (b) Protect a pupil who is known to be at risk of injury to
3 himself or herself because he or she lacks coordination or suffers
4 from frequent loss of consciousness;

5 (c) Provide proper body alignment to a pupil; or

6 (d) Position a pupil who has physical disabilities in a manner
7 prescribed in the pupil's individualized education program.

8 3. If mechanical restraint is used on a pupil with a disability in
9 an emergency, the use of the procedure must be reported in the
10 pupil's cumulative record and a confidential file maintained for the
11 pupil not later than 1 working day after the procedure is used. A
12 copy of the report must be provided to the board of trustees of the
13 school district or its designee, the pupil's individualized education
14 program team and the parent or guardian of the pupil. If the board of
15 trustees or its designee determines that a denial of the pupil's rights
16 has occurred, the board of trustees or its designee shall submit a
17 report to the Department in accordance with NRS 388.513.

18 4. If a pupil with a disability has three reports of the use of
19 mechanical restraint in his or her record pursuant to subsection 3 in
20 1 school year, the school district shall notify the school in which
21 the pupil is enrolled to review the circumstances of the use of the
22 restraint on the pupil and provide a report of its findings to the
23 school district.

24 5. If a pupil with a disability has five reports of the use of
25 mechanical restraint in his or her record pursuant to subsection 3 in
26 1 school year, the pupil's individualized education program must be
27 reviewed in accordance with the Individuals with Disabilities
28 Education Act, 20 U.S.C. §§ 1414 et seq., and the regulations
29 adopted pursuant thereto. If mechanical restraint continues after the
30 pupil's individualized education program has been reviewed, the
31 school district and the parent or legal guardian of the pupil shall
32 include in the pupil's individualized education program additional
33 methods that are appropriate for the pupil to ensure that restraint
34 does not continue, including, without limitation, mentoring, training,
35 a functional behavioral assessment, a positive behavior plan and
36 positive behavioral supports.

37 **Sec. 7.** NRS 392.425 is hereby amended to read as follows:

38 392.425 1. The parent or legal guardian of a pupil who has
39 asthma, anaphylaxis or diabetes may submit a written request to the
40 principal or, if applicable, the school nurse of the public school in
41 which the pupil is enrolled to allow the pupil to self-administer
42 medication for the treatment of the pupil's asthma, anaphylaxis or
43 diabetes while the pupil is on the grounds of a public school,
44 participating in an activity sponsored by a public school or on a
45 school bus.



2. A public school shall establish protocols for containing blood-borne pathogens and the handling and disposal of needles, medical devices and other medical waste and provide a copy of these protocols and procedures to the parent or guardian of a pupil who requests permission for the pupil to self-administer medication pursuant to subsection 1.

3. A written request made pursuant to subsection 1 must include:

(a) A signed statement of a physician *or advanced practice registered nurse* indicating that the pupil has asthma, anaphylaxis or diabetes and is capable of self-administration of the medication while the pupil is on the grounds of a public school, participating in an activity sponsored by a public school or on a school bus;

(b) A written treatment plan prepared by the physician *or advanced practice registered nurse* pursuant to which the pupil will manage his or her asthma, anaphylaxis or diabetes if the pupil experiences an asthmatic attack, anaphylactic shock or diabetic episode while on the grounds of a public school, participating in an activity sponsored by a public school or on a school bus; and

(c) A signed statement of the parent or legal guardian:

(1) Indicating that the parent or legal guardian grants permission for the pupil to self-administer the medication while the pupil is on the grounds of a public school, participating in an activity sponsored by a public school or on a school bus;

(2) Acknowledging that the parent or legal guardian is aware of and understands the provisions of subsections 4 and 5;

(3) Acknowledging the receipt of the protocols provided pursuant to subsection 2;

(4) Acknowledging that the protocols established pursuant to subsection 2 have been explained to the pupil who will self-administer the medication and that he or she has agreed to comply with the protocols; and

(5) Acknowledging that authorization to self-administer medication pursuant to this section may be revoked if the pupil fails to comply with the protocols established pursuant to subsection 2.

4. The provisions of this section do not create a duty for the board of trustees of the school district, the school district, the public school in which the pupil is enrolled, or an employee or agent thereof, that is in addition to those duties otherwise required in the course of service or employment.

5. If a pupil is granted authorization pursuant to this section to self-administer medication, the board of trustees of the school district, the school district and the public school in which the pupil is enrolled, and any employee or agent thereof, are immune from liability for the injury to or death of:



(a) The pupil as a result of self-administration of a medication pursuant to this section or the failure of the pupil to self-administer such a medication; and

(b) Any other person as a result of exposure to or injury caused by needles, medical devices or other medical waste from the self-administration of medication by a pupil pursuant to this section.

6. Upon receipt of a request that complies with subsection 3, the principal or, if applicable, the school nurse of the public school in which a pupil is enrolled shall provide written authorization for the pupil to carry and self-administer medication to treat his or her asthma, anaphylaxis or diabetes while the pupil is on the grounds of a public school, participating in an activity sponsored by a public school or on a school bus. The written authorization must be filed with the principal or, if applicable, the school nurse of the public school in which the pupil is enrolled and must include:

(a) The name and purpose of the medication which the pupil is authorized to self-administer;

(b) The prescribed dosage and the duration of the prescription;

(c) The times or circumstances, or both, during which the medication is required or recommended for self-administration;

(d) The side effects that may occur from an administration of the medication;

(e) The name and telephone number of the pupil's physician *or advanced practice registered nurse* and the name and telephone number of the person to contact in the case of a medical emergency concerning the pupil; and

(f) The procedures for the handling and disposal of needles, medical devices and other medical waste.

7. The written authorization provided pursuant to subsection 6 is valid for 1 school year. If a parent or legal guardian submits a written request that complies with subsection 3, the principal or, if applicable, the school nurse of the public school in which the pupil is enrolled shall renew and, if necessary, revise the written authorization.

8. If a parent or legal guardian of a pupil who is authorized pursuant to this section to carry medication on his or her person provides to the principal or, if applicable, the school nurse of the public school in which the pupil is enrolled doses of the medication in addition to the dosage that the pupil carries on his or her person, the principal or, if applicable, the school nurse shall ensure that the additional medication is:

(a) Stored on the premises of the public school in a location that is secure; and

(b) Readily available if the pupil experiences an asthmatic attack, anaphylactic shock or diabetic episode during school hours.



9. As used in this section:

(a) *“Advanced practice registered nurse” means a registered nurse who holds a valid license as an advanced practice registered nurse issued by the State Board of Nursing pursuant to NRS 632.237.*

(b) “Medication” means any medicine prescribed by a physician *or advanced practice registered nurse* for the treatment of anaphylaxis, asthma or diabetes, including, without limitation, asthma inhalers, auto-injectable epinephrine and insulin.

~~(b)~~ (c) “Physician” means a person who is licensed to practice medicine pursuant to chapter 630 of NRS or osteopathic medicine pursuant to chapter 633 of NRS.

~~(c)~~ (d) “Self-administer” means the auto-administration of a medication pursuant to the prescription for the medication or written directions for such a medication.

Sec. 8. NRS 394.369 is hereby amended to read as follows:

394.369 1. Except as otherwise provided in subsection 2, mechanical restraint may be used on a pupil with a disability only if:

(a) An emergency exists that necessitates the use of mechanical restraint;

(b) A medical order authorizing the use of mechanical restraint from the pupil’s treating physician *or advanced practice registered nurse* is included in the pupil’s services plan developed pursuant to 34 C.F.R. § 300.138 or the pupil’s individualized education program, whichever is appropriate, before the application of the mechanical restraint;

(c) The physician *or advanced practice registered nurse* who signed the order required pursuant to paragraph (b) or the attending physician *or attending advanced practice registered nurse* examines the pupil as soon as practicable after the application of the mechanical restraint;

(d) The mechanical restraint is applied by a member of the staff of the private school who is trained and qualified to apply mechanical restraint;

(e) The pupil is given the opportunity to move and exercise the parts of his or her body that are restrained at least 10 minutes per every 60 minutes of restraint, unless otherwise prescribed by the physician *or advanced practice registered nurse* who signed the order;

(f) A member of the staff of the private school lessens or discontinues the restraint every 15 minutes to determine whether the pupil will stop injury to himself or herself without the use of the restraint;

(g) The record of the pupil contains a notation that includes the time of day that the restraint was lessened or discontinued pursuant



1 to paragraph (f), the response of the pupil and the response of the
2 member of the staff of the private school who applied the
3 mechanical restraint;

4 (h) A member of the staff of the private school continuously
5 monitors the pupil during the time that mechanical restraint is used
6 on the pupil; and

7 (i) The mechanical restraint is used only for the period that is
8 necessary to contain the behavior of the pupil so that the pupil is no
9 longer an immediate threat of causing physical injury to himself or
10 herself.

11 2. Mechanical restraint may be used on a pupil with a disability
12 and the provisions of subsection 1 do not apply if the mechanical
13 restraint is used to:

14 (a) Treat the medical needs of the pupil;

15 (b) Protect a pupil who is known to be at risk of injury to
16 himself or herself because he or she lacks coordination or suffers
17 from frequent loss of consciousness;

18 (c) Provide proper body alignment to a pupil; or

19 (d) Position a pupil who has physical disabilities in a manner
20 prescribed in the pupil's service plan developed pursuant to 34
21 C.F.R. § 300.138 or the pupil's individualized education program,
22 whichever is appropriate.

23 3. If mechanical restraint is used on a pupil with a disability in
24 an emergency, the use of the procedure must be reported in the
25 pupil's cumulative record not later than 1 working day after
26 the procedure is used. A copy of the report must be provided to the
27 Superintendent, the administrator of the private school, the pupil's
28 individualized education program team, if applicable, and the parent
29 or guardian of the pupil. If the administrator of the private school
30 determines that a denial of the pupil's rights has occurred, the
31 administrator shall submit a report to the Superintendent in
32 accordance with NRS 394.378.

33 4. If a pupil with a disability has three reports of the use of
34 mechanical restraint in his or her record pursuant to subsection 3 in
35 1 school year, the private school in which the pupil is enrolled shall
36 review the circumstances of the use of the restraint on the pupil and
37 provide a report to the Superintendent on its findings.

38 5. If a pupil with a disability has five reports of the use of
39 mechanical restraint in his or her record pursuant to subsection 3 in
40 1 school year, the pupil's individualized education program or the
41 pupil's services plan, as applicable, must be reviewed in accordance
42 with the Individuals with Disabilities Education Act, 20 U.S.C. §§
43 1414 et seq., and the regulations adopted pursuant thereto. If
44 mechanical restraint continues after the pupil's individualized
45 education program or services plan has been reviewed, the private



1 school and the parent or legal guardian of the pupil shall include in
2 the pupil's individualized education program or services plan, as
3 applicable, additional methods that are appropriate for the pupil to
4 ensure that the restraint does not continue, including, without
5 limitation, mentoring, training, a functional behavioral assessment, a
6 positive behavior plan and positive behavioral supports.

7 6. As used in this section, "individualized education program"
8 has the meaning ascribed to it in 20 U.S.C. § 1414(d)(1)(A).

9 **Sec. 9.** NRS 433.5496 is hereby amended to read as follows:

10 433.5496 1. Except as otherwise provided in subsections 2
11 and 4, mechanical restraint may be used on a person with a
12 disability who is a consumer only if:

13 (a) An emergency exists that necessitates the use of mechanical
14 restraint;

15 (b) A medical order authorizing the use of mechanical restraint
16 is obtained from the consumer's treating physician *or advanced*
17 *practice registered nurse* before the application of the mechanical
18 restraint or not later than 15 minutes after the application of the
19 mechanical restraint;

20 (c) The physician *or advanced practice registered nurse* who
21 signed the order required pursuant to paragraph (b) or the attending
22 physician *or attending advanced practice registered nurse*
23 examines the consumer not later than 1 working day immediately
24 after the application of the mechanical restraint;

25 (d) The mechanical restraint is applied by a member of the staff
26 of the facility who is trained and qualified to apply mechanical
27 restraint;

28 (e) The consumer is given the opportunity to move and exercise
29 the parts of his or her body that are restrained at least 10 minutes per
30 every 60 minutes of restraint;

31 (f) A member of the staff of the facility lessens or discontinues
32 the restraint every 15 minutes to determine whether the consumer
33 will stop or control his or her inappropriate behavior without the use
34 of the restraint;

35 (g) The record of the consumer contains a notation that includes
36 the time of day that the restraint was lessened or discontinued
37 pursuant to paragraph (f), the response of the consumer and the
38 response of the member of the staff of the facility who applied the
39 mechanical restraint;

40 (h) A member of the staff of the facility continuously monitors
41 the consumer during the time that mechanical restraint is used on the
42 consumer; and

43 (i) The mechanical restraint is used only for the period that is
44 necessary to contain the behavior of the consumer so that the
45 consumer is no longer an immediate threat of causing physical



1 injury to himself or herself or others or causing severe property
2 damage.

3 2. Mechanical restraint may be used on a person with a
4 disability who is a consumer and the provisions of subsection 1 do
5 not apply if the mechanical restraint is used to:

6 (a) Treat the medical needs of a consumer;

7 (b) Protect a consumer who is known to be at risk of injury to
8 himself or herself because the consumer lacks coordination or
9 suffers from frequent loss of consciousness;

10 (c) Provide proper body alignment to a consumer; or

11 (d) Position a consumer who has physical disabilities in a
12 manner prescribed in the consumer's plan of services.

13 3. If mechanical restraint is used on a person with a disability
14 who is a consumer in an emergency, the use of the procedure must
15 be reported as a denial of rights pursuant to NRS 433.534 or
16 435.610, as applicable, regardless of whether the use of the
17 procedure is authorized by statute. The report must be made not
18 later than 1 working day after the procedure is used.

19 4. The provisions of this section do not apply to a forensic
20 facility, as that term is defined in subsection 5 of NRS 433.5499.

21 **Sec. 10.** NRS 433.5503 is hereby amended to read as follows:

22 433.5503 1. Chemical restraint may only be used on a person
23 with a disability who is a consumer if:

24 (a) The consumer has been diagnosed as mentally ill, as defined
25 in NRS 433A.115, and is receiving mental health services from a
26 facility;

27 (b) The chemical restraint is administered to the consumer while
28 he or she is under the care of the facility;

29 (c) An emergency exists that necessitates the use of chemical
30 restraint;

31 (d) A medical order authorizing the use of chemical restraint is
32 obtained from the consumer's attending physician , ~~††~~ psychiatrist
33 ~~††~~ *or advanced practice registered nurse;*

34 (e) The physician , ~~††~~ psychiatrist *or advanced practice*
35 *registered nurse* who signed the order required pursuant to
36 paragraph (d) examines the consumer not later than 1 working day
37 immediately after the administration of the chemical restraint; and

38 (f) The chemical restraint is administered by a person licensed to
39 administer medication.

40 2. If chemical restraint is used on a person with a disability
41 who is a consumer, the use of the procedure must be reported as a
42 denial of rights pursuant to NRS 433.534 or 435.610, as applicable,
43 regardless of whether the use of the procedure is authorized by
44 statute. The report must be made not later than 1 working day after
45 the procedure is used.



Sec. 11. NRS 433A.160 is hereby amended to read as follows:

433A.160 1. Except as otherwise provided in subsection 2, an application for the emergency admission of a person alleged to be a person with mental illness for evaluation, observation and treatment may only be made by an accredited agent of the Department, an officer authorized to make arrests in the State of Nevada or a physician, physician assistant, psychologist, marriage and family therapist, clinical professional counselor, social worker or registered nurse. The agent, officer, physician, physician assistant, psychologist, marriage and family therapist, clinical professional counselor, social worker or registered nurse may:

(a) Without a warrant:

(1) Take a person alleged to be a person with mental illness into custody to apply for the emergency admission of the person for evaluation, observation and treatment; and

(2) Transport the person alleged to be a person with mental illness to a public or private mental health facility or hospital for that purpose, or arrange for the person to be transported by:

(I) A local law enforcement agency;

(II) A system for the nonemergency medical transportation of persons whose operation is authorized by the Nevada Transportation Authority;

(III) An entity that is exempt pursuant to NRS 706.745 from the provisions of NRS 706.386 or 706.421; or

(IV) If medically necessary, an ambulance service that holds a permit issued pursuant to the provisions of chapter 450B of NRS,

➔ only if the agent, officer, physician, physician assistant, psychologist, marriage and family therapist, clinical professional counselor, social worker or registered nurse has, based upon his or her personal observation of the person alleged to be a person with mental illness, probable cause to believe that the person has a mental illness and, because of that illness, is likely to harm himself or herself or others if allowed his or her liberty.

(b) Apply to a district court for an order requiring:

(1) Any peace officer to take a person alleged to be a person with mental illness into custody to allow the applicant for the order to apply for the emergency admission of the person for evaluation, observation and treatment; and

(2) Any agency, system or service described in subparagraph (2) of paragraph (a) to transport the person alleged to be a person with mental illness to a public or private mental health facility or hospital for that purpose.

➔ The district court may issue such an order only if it is satisfied that there is probable cause to believe that the person has a mental



1 illness and, because of that illness, is likely to harm himself or
2 herself or others if allowed his or her liberty.

3 2. An application for the emergency admission of a person
4 alleged to be a person with mental illness for evaluation, observation
5 and treatment may be made by a spouse, parent, adult child or legal
6 guardian of the person. The spouse, parent, adult child or legal
7 guardian and any other person who has a legitimate interest in the
8 person alleged to be a person with mental illness may apply to a
9 district court for an order described in paragraph (b) of subsection 1.

10 3. The application for the emergency admission of a person
11 alleged to be a person with mental illness for evaluation, observation
12 and treatment must reveal the circumstances under which the person
13 was taken into custody and the reasons therefor.

14 4. Except as otherwise provided in this subsection, each person
15 admitted to a public or private mental health facility or hospital
16 under an emergency admission must be evaluated at the time of
17 admission by a psychiatrist or a psychologist. If a psychiatrist or a
18 psychologist is not available to conduct an evaluation at the time of
19 admission, a physician *or an advanced practice registered nurse*
20 *who has the training and experience prescribed by the State Board*
21 *of Nursing pursuant to NRS 632.120* may conduct the evaluation.
22 Each such emergency admission must be approved by a psychiatrist.

23 5. As used in this section, "an accredited agent of the
24 Department" means any person appointed or designated by the
25 Director of the Department to take into custody and transport to a
26 mental health facility pursuant to subsections 1 and 2 those persons
27 in need of emergency admission.

28 **Sec. 12.** NRS 433A.200 is hereby amended to read as follows:

29 433A.200 1. Except as otherwise provided in NRS
30 432B.6075, a proceeding for an involuntary court-ordered admission
31 of any person in the State of Nevada may be commenced by the
32 filing of a petition for the involuntary admission to a mental health
33 facility or to a program of community-based or outpatient services
34 with the clerk of the district court of the county where the person
35 who is to be treated resides. The petition may be filed by the spouse,
36 parent, adult children or legal guardian of the person to be treated or
37 by any physician, physician assistant, psychologist, social worker or
38 registered nurse, by an accredited agent of the Department or by any
39 officer authorized to make arrests in the State of Nevada. The
40 petition must be accompanied:

41 (a) By a certificate of a physician, a licensed psychologist, a
42 physician assistant under the supervision of a psychiatrist, a clinical
43 social worker who has the psychiatric training and experience
44 prescribed by the Board of Examiners for Social Workers pursuant
45 to NRS 641B.160, an advanced practice registered nurse who has



1 the psychiatric training and experience prescribed by the State
2 Board of Nursing pursuant to NRS 632.120 or an accredited agent
3 of the Department stating that he or she has examined the person
4 alleged to be a person with mental illness and has concluded that the
5 person has a mental illness and, because of that illness, is likely to
6 harm himself or herself or others if allowed his or her liberty or if
7 not required to participate in a program of community-based or
8 outpatient services; or

9 (b) By a sworn written statement by the petitioner that:

10 (1) The petitioner has, based upon the petitioner's personal
11 observation of the person alleged to be a person with mental illness,
12 probable cause to believe that the person has a mental illness and,
13 because of that illness, is likely to harm himself or herself or others
14 if allowed his or her liberty or if not required to participate in a
15 program of community-based or outpatient services; and

16 (2) The person alleged to be a person with mental illness has
17 refused to submit to examination or treatment by a physician,
18 psychiatrist, ~~or~~ licensed psychologist ~~or~~ *or advanced practice
19 registered nurse who has the psychiatric training and experience
20 prescribed by the State Board of Nursing pursuant to
21 NRS 632.120.*

22 2. Except as otherwise provided in NRS 432B.6075, if the
23 person to be treated is a minor and the petitioner is a person other
24 than a parent or guardian of the minor, the petition must, in addition
25 to the certificate or statement required by subsection 1, include a
26 statement signed by a parent or guardian of the minor that the parent
27 or guardian does not object to the filing of the petition.

28 **Sec. 13.** NRS 433A.210 is hereby amended to read as follows:

29 433A.210 In addition to the requirements of NRS 433A.200, a
30 petition filed pursuant to that section with the clerk of the district
31 court to commence proceedings for involuntary court-ordered
32 admission of a person pursuant to NRS 433A.145 or 433A.150 must
33 include a certified copy of:

34 1. The application for the emergency admission of the person
35 made pursuant to NRS 433A.160; and

36 2. A petition executed by a psychiatrist, licensed psychologist,
37 ~~or~~ physician ~~or~~ *or advanced practice registered nurse who has
38 the psychiatric training and experience prescribed by the State
39 Board of Nursing pursuant to NRS 632.120,* including, without
40 limitation, a sworn statement that:

41 (a) He or she has examined the person alleged to be a person
42 with mental illness;

43 (b) In his or her opinion, there is a reasonable degree of certainty
44 that the person alleged to be a person with mental illness suffers
45 from a mental illness;



(c) Based on his or her personal observation of the person alleged to be a person with mental illness and other facts set forth in the petition, the person poses a risk of imminent harm to himself or herself or others; and

(d) In his or her opinion, involuntary admission of the person alleged to be a person with mental illness to a mental health facility or hospital is medically necessary to prevent the person from harming himself or herself or others.

Sec. 14. NRS 433A.240 is hereby amended to read as follows:

433A.240 1. After the filing of a petition to commence proceedings for the involuntary court-ordered admission of a person pursuant to NRS 433A.200 or 433A.210, the court shall promptly cause two or more physicians , ~~and~~ licensed psychologists ~~and~~ *or advanced practice registered nurses who have the psychiatric training and experience prescribed by the State Board of Nursing pursuant to NRS 632.120*, one of whom must always be a physician, to examine the person alleged to be a person with mental illness, or request an evaluation by an evaluation team from the Division of the person alleged to be a person with mental illness.

2. To conduct the examination of a person who is not being detained at a mental health facility or hospital under emergency admission pursuant to an application made pursuant to NRS 433A.160, the court may order a peace officer to take the person into protective custody and transport the person to a mental health facility or hospital where the person may be detained until a hearing is had upon the petition.

3. If the person is not being detained under an emergency admission pursuant to an application made pursuant to NRS 433A.160, the person may be allowed to remain in his or her home or other place of residence pending an ordered examination or examinations and to return to his or her home or other place of residence upon completion of the examination or examinations. The person may be accompanied by one or more of his or her relations or friends to the place of examination.

4. Each physician , ~~and~~ licensed psychologist *and advanced practice registered nurse* who examines a person pursuant to subsection 1 shall, in conducting such an examination, consider the least restrictive treatment appropriate for the person.

5. Except as otherwise provided in this subsection, each physician , ~~and~~ licensed psychologist *and advanced practice registered nurse* who examines a person pursuant to subsection 1 shall, not later than 48 hours before the hearing set pursuant to NRS 433A.220, submit to the court in writing a summary of his or her findings and evaluation regarding the person alleged to be a person with mental illness. If the person alleged to be a person with mental



1 illness is admitted under an emergency admission pursuant to an
2 application made pursuant to NRS 433A.160, the written findings
3 and evaluation must be submitted to the court not later than 24 hours
4 before the hearing set pursuant to subsection 1 of NRS 433A.220.

5 **Sec. 15.** NRS 433A.280 is hereby amended to read as follows:

6 433A.280 In proceedings for involuntary court-ordered
7 admission, the court shall hear and consider all relevant testimony,
8 including, but not limited to, the testimony of examining personnel
9 who participated in the evaluation of the person alleged to be a
10 person with mental illness and the certificates of physicians , ~~for~~
11 certified psychologists *or advanced practice registered nurses*
12 accompanying the petition. The court may consider testimony
13 relating to any past actions of the person alleged to be a person with
14 mental illness if such testimony is probative of the question of
15 whether the person is presently mentally ill and presents a clear and
16 present danger of harm to himself or herself or others.

17 **Sec. 16.** NRS 433A.330 is hereby amended to read as follows:

18 433A.330 1. When an involuntary court admission to a
19 mental health facility is ordered under the provisions of this chapter,
20 the involuntarily admitted person, together with the court orders and
21 certificates of the physicians, certified psychologists , *advanced*
22 *practice registered nurses* or evaluation team and a full and
23 complete transcript of the notes of the official reporter made at the
24 examination of such person before the court, must be delivered to
25 the sheriff of the county who shall:

26 (a) Transport the person; or

27 (b) Arrange for the person to be transported by:

28 (1) A system for the nonemergency medical transportation of
29 persons whose operation is authorized by the Nevada Transportation
30 Authority; or

31 (2) If medically necessary, an ambulance service that holds a
32 permit issued pursuant to the provisions of chapter 450B of NRS,
33 to the appropriate public or private mental health facility.

34 2. No person with mental illness may be transported to the
35 mental health facility without at least one attendant of the same sex
36 or a relative in the first degree of consanguinity or affinity being in
37 attendance.

38 **Sec. 17.** NRS 433A.360 is hereby amended to read as follows:

39 433A.360 1. A clinical record for each consumer must be
40 diligently maintained by any division facility, private institution,
41 facility offering mental health services or program of community-
42 based or outpatient services. The record must include information
43 pertaining to the consumer's admission, legal status, treatment and
44 individualized plan for habilitation. The clinical record is not a
45 public record and no part of it may be released, except:



(a) If the release is authorized or required pursuant to NRS 439.538.

(b) The record must be released to physicians, *advanced practice registered nurses*, attorneys and social agencies as specifically authorized in writing by the consumer, the consumer's parent, guardian or attorney.

(c) The record must be released to persons authorized by the order of a court of competent jurisdiction.

(d) The record or any part thereof may be disclosed to a qualified member of the staff of a division facility, an employee of the Division or a member of the staff of an agency in Nevada which has been established pursuant to the Developmental Disabilities Assistance and Bill of Rights Act of 2000, 42 U.S.C. §§ 15001 et seq., or the Protection and Advocacy for Mentally Ill Individuals Act of 1986, 42 U.S.C. §§ 10801 et seq., when the Administrator deems it necessary for the proper care of the consumer.

(e) Information from the clinical records may be used for statistical and evaluative purposes if the information is abstracted in such a way as to protect the identity of individual consumers.

(f) To the extent necessary for a consumer to make a claim, or for a claim to be made on behalf of a consumer for aid, insurance or medical assistance to which the consumer may be entitled, information from the records may be released with the written authorization of the consumer or the consumer's guardian.

(g) The record must be released without charge to any member of the staff of an agency in Nevada which has been established pursuant to 42 U.S.C. §§ 15001 et seq. or 42 U.S.C. §§ 10801 et seq. if:

(1) The consumer is a consumer of that office and the consumer or the consumer's legal representative or guardian authorizes the release of the record; or

(2) A complaint regarding a consumer was received by the office or there is probable cause to believe that the consumer has been abused or neglected and the consumer:

(I) Is unable to authorize the release of the record because of the consumer's mental or physical condition; and

(II) Does not have a guardian or other legal representative or is a ward of the State.

(h) The record must be released as provided in NRS 433.332 or 433B.200 and in chapter 629 of NRS.

2. As used in this section, "consumer" includes any person who seeks, on the person's own or others' initiative, and can benefit from, care, treatment and training in a private institution or facility offering mental health services, from treatment to competency in a



1 private institution or facility offering mental health services, or from
2 a program of community-based or outpatient services.

3 **Sec. 18.** NRS 433A.430 is hereby amended to read as follows:

4 433A.430 1. Whenever the Administrator determines that
5 division facilities within the State are inadequate for the care of any
6 person with mental illness, the Administrator may designate two
7 physicians, licensed under the provisions of chapter 630 or 633 of
8 NRS ~~H~~ and familiar with the field of psychiatry, *or advanced*
9 *practice registered nurses who have the psychiatric training and*
10 *experience prescribed by the State Board of Nursing pursuant to*
11 *NRS 632.120*, to examine that person. If the two physicians *or*
12 *advanced practice registered nurses* concur with the opinion of the
13 Administrator, the Administrator may:

14 (a) Transfer the person to a state that is a party to the Interstate
15 Compact on Mental Health ratified and enacted in NRS 433.4543 in
16 the manner provided in the Compact; or

17 (b) Contract with appropriate corresponding authorities in any
18 other state of the United States that is not a party to the Compact
19 and has adequate facilities for such purposes for the reception,
20 detention, care or treatment of that person, but if the person in any
21 manner objects to the transfer, the procedures in subsection 3 of
22 NRS 433.484 and subsections 2 and 3 of NRS 433.534 must be
23 followed. The two physicians *or advanced practice registered*
24 *nurses* so designated are entitled to a reasonable fee for their
25 services which must be paid by the county of the person's last
26 known residence.

27 2. Money to carry out the provisions of this section must be
28 provided by direct legislative appropriation.

29 **Sec. 19.** NRS 433A.750 is hereby amended to read as follows:

30 433A.750 1. A person who:

31 (a) Without probable cause for believing a person to be mentally
32 ill causes or conspires with or assists another to cause the
33 involuntary court-ordered admission of the person under this
34 chapter; or

35 (b) Causes or conspires with or assists another to cause the
36 denial to any person of any right accorded to the person under this
37 chapter,

38 ~~is~~ is guilty of a category D felony and shall be punished as provided
39 in NRS 193.130.

40 2. Unless a greater penalty is provided in subsection 1, a
41 person who knowingly and willfully violates any provision of this
42 chapter regarding the admission of a person to, or discharge of a
43 person from, a public or private mental health facility or a program
44 of community-based or outpatient services is guilty of a gross
45 misdemeanor.



3. A person who, without probable cause for believing another person to be mentally ill, executes a petition, application or certificate pursuant to this chapter, by which the person secures or attempts to secure the apprehension, hospitalization, detention, admission or restraint of the person alleged to be mentally ill, or any physician, psychiatrist, licensed psychologist, *advanced practice registered nurse* or other person professionally qualified in the field of psychiatric mental health who knowingly makes any false certificate or application pursuant to this chapter as to the mental condition of any person is guilty of a category D felony and shall be punished as provided in NRS 193.130.

Sec. 20. Chapter 440 of NRS is hereby amended by adding thereto a new section to read as follows:

“Advanced practice registered nurse” means a registered nurse who holds a valid license as an advanced practice registered nurse issued by the State Board of Nursing pursuant to NRS 632.237.

Sec. 21. NRS 440.340 is hereby amended to read as follows:

440.340 1. Stillborn children or those dead at birth shall be registered as a stillbirth and a certificate of stillbirth shall be filed with the local health officer in the usual form and manner.

2. The medical certificate of the cause of death shall be signed by the attending physician ~~H~~ *or advanced practice registered nurse*, if any.

3. Midwives shall not sign certificates of stillbirth for stillborn children; but such cases, and stillbirths occurring without attendance of either physician, *advanced practice registered nurse* or midwife, shall be treated as deaths without medical attention as provided for in this chapter.

Sec. 22. NRS 440.380 is hereby amended to read as follows:

440.380 1. The medical certificate of death must be signed by the physician ~~H~~ *or advanced practice registered nurse*, if any, last in attendance on the deceased, or pursuant to regulations adopted by the Board, it may be signed by the attending physician's associate physician, the chief medical officer of the hospital or institution in which the death occurred, or the pathologist who performed an autopsy upon the deceased. The person who signs the medical certificate of death shall specify:

(a) The social security number of the deceased.

(b) The hour and day on which the death occurred.

(c) The cause of death, so as to show the cause of disease or sequence of causes resulting in death, giving first the primary cause of death or the name of the disease causing death, and the contributory or secondary cause, if any, and the duration of each.

2. In deaths in hospitals or institutions, or of nonresidents, the physician *or advanced practice registered nurse* shall furnish the



1 information required under this section, and may state where, in ~~the~~
2 ~~physician's~~ *his or her* opinion, the disease was contracted.

3 **Sec. 23.** NRS 440.390 is hereby amended to read as follows:

4 440.390 The certificate of stillbirth must be presented by the
5 funeral director or person acting as undertaker to the physician *or*
6 *advanced practice registered nurse* in attendance at the stillbirth,
7 for the certificate of the fact of stillbirth and the medical data
8 pertaining to stillbirth as the physician *or advanced practice*
9 *registered nurse* can furnish them in his or her professional
10 capacity.

11 **Sec. 24.** NRS 440.400 is hereby amended to read as follows:

12 440.400 Indefinite and unsatisfactory terms, indicating only
13 symptoms of disease or conditions resulting from disease, will not
14 be held sufficient for issuing a burial or removal permit. Any
15 certificate containing only such terms as defined by the State Board
16 of Health shall be returned to the physician *or advanced practice*
17 *registered nurse* for correction and more definite statement.

18 **Sec. 25.** NRS 440.415 is hereby amended to read as follows:

19 440.415 1. A physician *or advanced practice registered*
20 *nurse* who anticipates the death of a patient because of an illness,
21 infirmity or disease may authorize a specific registered nurse or
22 physician assistant or the registered nurses or physician assistants
23 employed by a medical facility or program for hospice care to make
24 a pronouncement of death if they attend the death of the patient.

25 2. Such an authorization is valid for 120 days. Except as
26 otherwise provided in subsection 3, the authorization must:

27 (a) Be a written order entered on the chart of the patient;

28 (b) State the name of the registered nurse or nurses or physician
29 assistant or assistants authorized to make the pronouncement of
30 death; and

31 (c) Be signed and dated by the physician ~~H~~ *or advanced*
32 *practice registered nurse*.

33 3. If the patient is in a medical facility or under the care of a
34 program for hospice care, the physician *or advanced practice*
35 *registered nurse* may authorize the registered nurses or physician
36 assistants employed by the facility or program to make
37 pronouncements of death without specifying the name of each nurse
38 or physician assistant, as applicable.

39 4. If a pronouncement of death is made by a registered nurse or
40 physician assistant, the physician *or advanced practice registered*
41 *nurse* who authorized that action shall sign the medical certificate of
42 death within 24 hours after being presented with the certificate.

43 5. If a patient in a medical facility is pronounced dead by a
44 registered nurse or physician assistant employed by the facility, the
45 registered nurse or physician assistant may release the body of the



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1 patient to a licensed funeral director pending the completion of the
2 medical certificate of death by the attending physician *or attending*
3 *advanced practice registered nurse* if the physician , *advanced*
4 *practice registered nurse* or the medical director or chief of the
5 medical staff of the facility has authorized the release in writing.

6 6. The Board may adopt regulations concerning the
7 authorization of a registered nurse or physician assistant to make
8 pronouncements of death.

9 7. As used in this section:

10 (a) *“Advanced practice registered nurse” means a registered*
11 *nurse who holds a valid license as an advanced practice registered*
12 *nurse issued by the State Board of Nursing pursuant to*
13 *NRS 632.237.*

14 (b) “Medical facility” means:

15 (1) A facility for skilled nursing as defined in NRS 449.0039;

16 (2) A facility for hospice care as defined in NRS 449.0033;

17 (3) A hospital as defined in NRS 449.012;

18 (4) An agency to provide nursing in the home as defined in
19 NRS 449.0015; or

20 (5) A facility for intermediate care as defined in
21 NRS 449.0038.

22 ~~(b)~~ (c) “Physician assistant” means a person who holds a
23 license as a physician assistant pursuant to chapter 630 or 633 of
24 NRS.

25 ~~(c)~~ (d) “Program for hospice care” means a program for
26 hospice care licensed pursuant to chapter 449 of NRS.

27 ~~(d)~~ (e) “Pronouncement of death” means a declaration of the
28 time and date when the cessation of the cardiovascular and
29 respiratory functions of a patient occurs as recorded in the patient’s
30 medical record by the attending provider of health care in
31 accordance with the provisions of this chapter.

32 **Sec. 26.** NRS 440.420 is hereby amended to read as follows:

33 440.420 1. In case of any death occurring without medical
34 attendance, the funeral director shall notify the local health officer,
35 coroner or coroner’s deputy of such death and refer the case to the
36 local health officer, coroner or coroner’s deputy for immediate
37 investigation and certification.

38 2. Where there is no qualified physician *or advanced practice*
39 *registered nurse* in attendance, and in such cases only, the local
40 health officer is authorized to make the certificate and return from
41 the statements of relatives or other persons having adequate
42 knowledge of the facts.

43 3. If the death was caused by unlawful or suspicious means, the
44 local health officer shall then refer the case to the coroner for
45 investigation and certification.



4. In counties which have adopted an ordinance authorizing a coroner's examination in cases of sudden infant death syndrome, the funeral director shall notify the local health officer whenever the cause or suspected cause of death is sudden infant death syndrome. The local health officer shall then refer the case to the coroner for investigation and certification.

5. The coroner or the coroner's deputy may certify the cause of death in any case which is referred to the coroner by the local health officer or pursuant to a local ordinance.

Sec. 27. NRS 440.470 is hereby amended to read as follows:
440.470 The funeral director or person acting as undertaker shall present the certificate to the attending physician ~~or~~ *or attending advanced practice registered nurse*, if any, or to the health officer or coroner, for the medical certificate of the cause of death and other particulars necessary to complete the record.

Sec. 28. NRS 440.720 is hereby amended to read as follows:
440.720 Any physician *or advanced practice registered nurse* who was in medical attendance upon any deceased person at the time of death who neglects or refuses to make out and deliver to the funeral director, sexton or other person in charge of the interment, removal or other disposition of the body, upon request, the medical certificate of the cause of death shall be punished by a fine of not more than \$250.

Sec. 29. NRS 440.730 is hereby amended to read as follows:
440.730 If any physician *or advanced practice registered nurse* knowingly makes a false certification of the cause of death in any case, the physician *or advanced practice registered nurse* shall be punished by a fine of not more than \$250.

Sec. 30. NRS 440.770 is hereby amended to read as follows:
440.770 Any person who furnishes false information to a physician, *advanced practice registered nurse*, funeral director, midwife or informant for the purpose of making incorrect certification of births or deaths shall be punished by a fine of not more than \$250.

Sec. 31. Chapter 449 of NRS is hereby amended by adding thereto the provisions set forth as sections 32 to 35, inclusive, of this act.

Sec. 32. *"Advanced practice registered nurse" means a registered nurse who holds a valid license as an advanced practice registered nurse issued by the State Board of Nursing pursuant to NRS 632.237.*

Sec. 33. *"Attending advanced practice registered nurse" means an advanced practice registered nurse who has primary responsibility for the treatment and care of the patient.*



Sec. 34. “Advanced practice registered nurse” has the meaning ascribed to it in section 32 of this act.

Sec. 35. “Attending advanced practice registered nurse” has the meaning ascribed to it in section 33 of this act.

Sec. 36. NRS 449.535 is hereby amended to read as follows:

449.535 1. NRS 449.535 to 449.690, inclusive, *and sections 32 and 33 of this act* may be cited as the Uniform Act on Rights of the Terminally Ill.

2. NRS 449.535 to 449.690, inclusive, **and sections 32 and 33 of this act** must be applied and construed to effectuate its general purpose to make uniform the law with respect to the subject of those sections among states enacting the Uniform Act on Rights of the Terminally Ill.

Sec. 37. NRS 449.540 is hereby amended to read as follows:

449.540 As used in NRS 449.535 to 449.690, inclusive, ***and sections 32 and 33 of this act***, unless the context otherwise requires, the words and terms defined in NRS 449.550 to 449.590, inclusive, ***and sections 32 and 33 of this act*** have the meanings ascribed to them in those sections.

Sec. 38. NRS 449.585 is hereby amended to read as follows:

449.585 “Qualified patient” means a patient 18 or more years of age who has executed a declaration and who has been determined by the attending physician *or attending advanced practice registered nurse* to be in a terminal condition.

Sec. 39. NRS 449.590 is hereby amended to read as follows:

449.590 “Terminal condition” means an incurable and irreversible condition that, without the administration of life-sustaining treatment, will, in the opinion of the attending physician **H** *or attending advanced practice registered nurse*, result in death within a relatively short time.

Sec. 40. NRS 449.610 is hereby amended to read as follows:

449.610 A declaration directing a physician *or advanced practice registered nurse* to withhold or withdraw life-sustaining treatment may, but need not, be in the following form:

DECLARATION

If I should have an incurable and irreversible condition that, without the administration of life-sustaining treatment, will, in the opinion of my attending physician **H or attending advanced practice registered nurse**, cause my death within a relatively short time, and I am no longer able to make decisions regarding my medical treatment, I direct my attending physician **H or attending advanced practice registered nurse**, pursuant to NRS 449.535 to 449.690,



1 inclusive, *and sections 32 and 33 of this act*, to withhold or
2 withdraw treatment that only prolongs the process of dying
3 and is not necessary for my comfort or to alleviate pain.
4

5 If you wish to include this statement in this declaration, you
6 must INITIAL the statement in the box provided:
7

8 Withholding or withdrawal of
9 artificial nutrition and hydration may
10 result in death by starvation or
11 dehydration. Initial this box if you
12 want to receive or continue receiving
13 artificial nutrition and hydration by
14 way of the gastrointestinal tract after
15 all other treatment is withheld
16 pursuant to this declaration.
17

18 [.....]
19

20 Signed this day of,
21

22 Signature
23 Address
24

25 The declarant voluntarily signed this writing in my presence.
26

27 Witness
28 Address
29

30 Witness
31 Address
32

33 **Sec. 41.** NRS 449.613 is hereby amended to read as follows:
34 449.613 1. A declaration that designates another person to
35 make decisions governing the withholding or withdrawal of life-
36 sustaining treatment may, but need not, be in the following form:
37

38 DECLARATION

39 If I should have an incurable and irreversible condition that,
40 without the administration of life-sustaining treatment, will,
41 in the opinion of my attending physician **H or attending**
42 **advanced practice registered nurse**, cause my death within a
43 relatively short time, and I am no longer able to make
44 decisions regarding my medical treatment, I appoint
45 or, if he or she is not reasonably available



* A B 1 1 6 *

or is unwilling to serve,, to make decisions on my behalf regarding withholding or withdrawal of treatment that only prolongs the process of dying and is not necessary for my comfort or to alleviate pain, pursuant to NRS 449.535 to 449.690, inclusive **H**, and sections 32 and 33 of this act. (If the person or persons I have so appointed are not reasonably available or are unwilling to serve, I direct my attending physician **H** or attending advanced practice registered nurse, pursuant to those sections, to withhold or withdraw treatment that only prolongs the process of dying and is not necessary for my comfort or to alleviate pain.) Strike language in parentheses if you do not desire it.

If you wish to include this statement in this declaration, you must INITIAL the statement in the box provided:

Withholding or withdrawal of artificial nutrition and hydration may result in death by starvation or dehydration. Initial this box if you want to receive or continue receiving artificial nutrition and hydration by way of the gastrointestinal tract after all other treatment is withheld pursuant to this declaration.

[.....]

Signed this day of,

Signature

Address

The declarant voluntarily signed this writing in my presence.

Witness

Address

Witness

Address

Name and address of each designee.

Name

Address



* A B 1 1 6 *

2. The designation of an agent pursuant to chapter 162A of NRS, or the judicial appointment of a guardian, who is authorized to make decisions regarding the withholding or withdrawal of life-sustaining treatment, constitutes for the purpose of NRS 449.535 to 449.690, inclusive, *and sections 32 and 33 of this act*, a declaration designating another person to act for the declarant pursuant to subsection 1.

Sec. 42. NRS 449.617 is hereby amended to read as follows:

449.617 A declaration becomes operative when it is communicated to the attending physician *or attending advanced practice registered nurse* and the declarant is determined by the attending physician *or attending advanced practice registered nurse* to be in a terminal condition and no longer able to make decisions regarding administration of life-sustaining treatment. When the declaration becomes operative, the attending physician and other providers of health care shall act in accordance with its provisions and with the instructions of a person designated pursuant to NRS 449.600 or comply with the requirements of NRS 449.628 to transfer care of the declarant.

Sec. 43. NRS 449.622 is hereby amended to read as follows:

449.622 Upon determining that a declarant is in a terminal condition, the attending physician *or attending advanced practice registered nurse* who knows of a declaration shall record the determination, and the terms of the declaration if not already a part of the record, in the declarant's medical record.

Sec. 44. NRS 449.624 is hereby amended to read as follows:

449.624 1. A qualified patient may make decisions regarding life-sustaining treatment so long as the patient is able to do so.

2. NRS 449.535 to 449.690, inclusive, *and sections 32 and 33 of this act* do not affect the responsibility of the attending physician or other provider of health care to provide treatment for a patient's comfort or alleviation of pain.

3. Artificial nutrition and hydration by way of the gastrointestinal tract shall be deemed a life-sustaining treatment and must be withheld or withdrawn from a qualified patient unless a different desire is expressed in writing by the patient. For a patient who has no effective declaration, artificial nutrition and hydration must not be withheld unless a different desire is expressed in writing by the patient's authorized representative or the family member with the authority to consent or withhold consent.

4. Life-sustaining treatment must not be withheld or withdrawn pursuant to a declaration from a qualified patient known to the attending physician *or attending advanced practice registered nurse* to be pregnant so long as it is probable that the fetus will



1 develop to the point of live birth with continued application of life-
2 sustaining treatment.

3 **Sec. 45.** NRS 449.626 is hereby amended to read as follows:

4 449.626 1. If written consent to the withholding or
5 withdrawal of the treatment, attested by two witnesses, is given to
6 the attending physician **H or attending advanced practice**
7 **registered nurse**, the attending physician **or attending advanced**
8 **practice registered nurse** may withhold or withdraw life-sustaining
9 treatment from a patient who:

10 (a) Has been determined by the attending physician **or attending**
11 **advanced practice registered nurse** to be in a terminal condition
12 and no longer able to make decisions regarding administration of
13 life-sustaining treatment; and

14 (b) Has no effective declaration.

15 2. The authority to consent or to withhold consent under
16 subsection 1 may be exercised by the following persons, in order of
17 priority:

18 (a) The spouse of the patient;

19 (b) An adult child of the patient or, if there is more than one
20 adult child, a majority of the adult children who are reasonably
21 available for consultation;

22 (c) The parents of the patient;

23 (d) An adult sibling of the patient or, if there is more than one
24 adult sibling, a majority of the adult siblings who are reasonably
25 available for consultation; or

26 (e) The nearest other adult relative of the patient by blood or
27 adoption who is reasonably available for consultation.

28 3. If a class entitled to decide whether to consent is not
29 reasonably available for consultation and competent to decide, or
30 declines to decide, the next class is authorized to decide, but an
31 equal division in a class does not authorize the next class to decide.

32 4. A decision to grant or withhold consent must be made in
33 good faith. A consent is not valid if it conflicts with the expressed
34 intention of the patient.

35 5. A decision of the attending physician **or attending advanced**
36 **practice registered nurse** acting in good faith that a consent is valid
37 or invalid is conclusive.

38 6. Life-sustaining treatment must not be withheld or withdrawn
39 pursuant to this section from a patient known to the attending
40 physician **or attending advanced practice registered nurse** to be
41 pregnant so long as it is probable that the fetus will develop to the
42 point of live birth with continued application of life-sustaining
43 treatment.



Sec. 46. NRS 449.640 is hereby amended to read as follows:

449.640 1. If a patient in a terminal condition has a declaration in effect and becomes comatose or is otherwise rendered incapable of communicating with his or her attending physician ~~or~~ *or attending advanced practice registered nurse*, the physician *or advanced practice registered nurse* must give weight to the declaration as evidence of the patient's directions regarding the application of life-sustaining treatments, but the attending physician *or attending advanced practice registered nurse* may also consider other factors in determining whether the circumstances warrant following the directions.

2. No hospital or other medical facility, physician, *advanced practice registered nurse* or person working under the direction of a physician *or advanced practice registered nurse* is subject to criminal or civil liability for failure to follow the directions of the patient to withhold or withdraw life-sustaining treatments.

Sec. 47. NRS 449.660 is hereby amended to read as follows:

449.660 1. A physician or other provider of health care who willfully fails to transfer the care of a patient in accordance with NRS 449.628 is guilty of a gross misdemeanor.

2. A physician *or advanced practice registered nurse* who willfully fails to record a determination of terminal condition or the terms of a declaration in accordance with NRS 449.622 is guilty of a misdemeanor.

3. A person who willfully conceals, cancels, defaces or obliterates the declaration of another without the declarant's consent or who falsifies or forges a revocation of the declaration of another is guilty of a misdemeanor.

4. A person who falsifies or forges the declaration of another, or willfully conceals or withholds personal knowledge of a revocation, with the intent to cause a withholding or withdrawal of life-sustaining treatment contrary to the wishes of the declarant and thereby directly causes life-sustaining treatment to be withheld or withdrawn and death to be hastened is guilty of murder.

5. A person who requires or prohibits the execution of a declaration as a condition of being insured for, or receiving, health care is guilty of a misdemeanor.

6. A person who coerces or fraudulently induces another to execute a declaration, or who falsifies or forges the declaration of another except as provided in subsection 4, is guilty of a gross misdemeanor.

7. The penalties provided in this section do not displace any sanction applicable under other law.



Sec. 48. NRS 449.690 is hereby amended to read as follows:

449.690 1. A declaration executed in another state in compliance with the law of that state or of this State is valid for purposes of NRS 449.535 to 449.690, inclusive ~~H~~, and *sections 32 and 33 of this act.*

2. An instrument executed anywhere before July 1, 1977, which clearly expresses the intent of the declarant to direct the withholding or withdrawal of life-sustaining treatment from the declarant when the declarant is in a terminal condition and becomes comatose or is otherwise rendered incapable of communicating with his or her attending physician ~~H~~ *or attending advanced practice registered nurse*, if executed in a manner which attests voluntary execution, or executed anywhere before October 1, 1991, which substantially complies with NRS 449.600, and has not been subsequently revoked, is effective under NRS 449.535 to 449.690, inclusive ~~H~~, and *sections 32 and 33 of this act.*

3. As used in this section, “state” includes the District of Columbia, the Commonwealth of Puerto Rico, and a territory or insular possession subject to the jurisdiction of the United States.

Sec. 49. NRS 449.691 is hereby amended to read as follows:

449.691 As used in NRS 449.691 to 449.697, inclusive, *and sections 34 and 35 of this act*, unless the context otherwise requires, the words and terms defined in NRS 449.6912 to 449.6934, inclusive, *and sections 34 and 35 of this act* have the meanings ascribed to them in those sections.

Sec. 50. NRS 449.693 is hereby amended to read as follows:

449.693 ~~Physician~~ *Provider* Order for Life-Sustaining Treatment form” or “POLST form” means the form prescribed pursuant to NRS 449.694 that:

1. Records the wishes of the patient; and

2. Directs a provider of health care regarding the provision of life-resuscitating treatment and life-sustaining treatment.

Sec. 51. NRS 449.694 is hereby amended to read as follows:

449.694 The Board shall prescribe a standardized ~~Physician~~ *Provider* Order for Life-Sustaining Treatment form, commonly known as a POLST form, which:

1. Is uniquely identifiable and has a uniform color;

2. Provides a means by which to indicate whether the patient has made an anatomical gift pursuant to NRS 451.500 to 451.598, inclusive;

3. Gives direction to a provider of health care or health care facility regarding the use of emergency care and life-sustaining treatment;

4. Is intended to be honored by any provider of health care who treats the patient in any health-care setting, including, without



1 limitation, the patient’s residence, a health care facility or the scene
2 of a medical emergency; and

3 5. Includes such other features and information as the Board
4 may deem advisable.

5 **Sec. 52.** NRS 449.6942 is hereby amended to read as follows:

6 449.6942 1. A physician *or advanced practice registered*
7 *nurse* shall take the actions described in subsection 2:

8 (a) If the physician *or advanced practice registered nurse*
9 diagnoses a patient with a terminal condition;

10 (b) If the physician *or advanced practice registered nurse*
11 determines, for any reason, that a patient has a life expectancy of
12 less than 5 years; or

13 (c) At the request of a patient.

14 2. Upon the occurrence of any of the events specified in
15 subsection 1, the physician *or advanced practice registered nurse*
16 shall explain to the patient:

17 (a) The existence and availability of the ~~{Physician}~~ *Provider*
18 Order for Life-Sustaining Treatment form;

19 (b) The features of and procedures offered by way of the POLST
20 form; and

21 (c) The differences between a POLST form and the other types
22 of advance directives.

23 3. Upon the request of the patient, the physician *or advanced*
24 *practice registered nurse* shall complete the POLST form based on
25 the preferences and medical indications of the patient.

26 4. A POLST form is valid upon execution by a physician *or*
27 *advanced practice registered nurse* and:

28 (a) If the patient is 18 years of age or older and of sound mind,
29 the patient;

30 (b) If the patient is 18 years of age or older and incompetent, the
31 representative of the patient; or

32 (c) If the patient is less than 18 years of age, the patient and a
33 parent or legal guardian of the patient.

34 5. As used in this section, “terminal condition” has the
35 meaning ascribed to it in NRS 449.590.

36 **Sec. 53.** NRS 449.6944 is hereby amended to read as follows:

37 449.6944 1. A ~~{Physician}~~ *Provider* Order for Life-
38 Sustaining Treatment form may be revoked at any time and in any
39 manner by:

40 (a) The patient who executed it, if competent, without regard to
41 his or her age or physical condition;

42 (b) If the patient is incompetent, the representative of the
43 patient; or

44 (c) If the patient is less than 18 years of age, a parent or legal
45 guardian of the patient.



2. The revocation of a POLST form is effective upon the communication to a provider of health care, by the patient or a witness to the revocation, of the desire to revoke the form. The provider of health care to whom the revocation is communicated shall:

(a) Make the revocation a part of the medical record of the patient; or

(b) Cause the revocation to be made a part of the medical record of the patient.

Sec. 54. NRS 449.6946 is hereby amended to read as follows:

449.6946 1. If a valid ~~Physician~~ **Provider** Order for Life-Sustaining Treatment form sets forth a declaration, direction or order which conflicts with a declaration, direction or order set forth in one or more of the other types of advance directives:

(a) The declaration, direction or order set forth in the document executed most recently is valid; and

(b) Any other declarations, directions or orders that do not conflict with a declaration, direction or order set forth in another document referenced in this subsection remain valid.

2. If a valid POLST form sets forth a declaration, direction or order to provide life-resuscitating treatment to a patient who also possesses a do-not-resuscitate identification, a provider of health care shall not provide life-resuscitating treatment if the do-not-resuscitate identification is on the person of the patient when the need for life-resuscitating treatment arises.

Sec. 55. NRS 449.6948 is hereby amended to read as follows:

449.6948 1. A provider of health care is not guilty of unprofessional conduct or subject to civil or criminal liability if:

(a) The provider of health care withholds emergency care or life-sustaining treatment:

(1) In compliance with a ~~Physician~~ **Provider** Order for Life-Sustaining Treatment form and the provisions of NRS 449.691 to 449.697, inclusive ~~††~~, and *sections 34 and 35 of this act*; or

(2) In violation of a ~~Physician~~ **Provider** Order for Life-Sustaining Treatment form if the provider of health care is acting in accordance with a declaration, direction or order set forth in one or more of the other types of advance directives and:

(I) Complies with the provisions of NRS 449.695; or

(II) Reasonably and in good faith, at the time the emergency care or life-sustaining treatment is withheld, is unaware of the existence of the POLST form or believes that the POLST form has been revoked pursuant to NRS 449.6944; or

(b) The provider of health care provides emergency care or life-sustaining treatment:



(1) Pursuant to an oral or written request made by the patient, the representative of the patient, or a parent or legal guardian of the patient, who may revoke the POLST form pursuant to NRS 449.6944;

(2) Pursuant to an observation that the patient, the representative of the patient or a parent or legal guardian of the patient has revoked, or otherwise indicated that he or she wishes to revoke, the POLST form pursuant to NRS 449.6944; or

(3) In violation of a POLST form, if the provider of health care reasonably and in good faith, at the time the emergency care or life-sustaining treatment is provided, is unaware of the existence of the POLST form or believes that the POLST form has been revoked pursuant to NRS 449.6944.

2. A health care facility, ambulance service, fire-fighting agency or other entity that employs a provider of health care is not guilty of unprofessional conduct or subject to civil or criminal liability for the acts or omissions of the employee carried out in accordance with the provisions of subsection 1.

Sec. 56. NRS 449.695 is hereby amended to read as follows:

449.695 1. Except as otherwise provided in this section and NRS 449.6946, a provider of health care shall comply with a valid ~~Physician~~ *Provider* Order for Life-Sustaining Treatment form, regardless of whether the provider of health care is employed by a health care facility or other entity affiliated with the physician *or advanced practice registered nurse* who executed the POLST form.

2. A physician *or advanced practice registered nurse* may medically evaluate the patient and, based upon the evaluation, may recommend new orders consistent with the most current information available about the patient's health status and goals of care. Before making a modification to a valid POLST form, the physician *or advanced practice registered nurse* shall consult the patient or, if the patient is incompetent, shall make a reasonable attempt to consult the representative of the patient and the patient's attending physician ~~H~~ *or attending advanced practice registered nurse*.

3. Except as otherwise provided in subsection 4, a provider of health care who is unwilling or unable to comply with a valid POLST form shall take all reasonable measures to transfer the patient to a physician *, advanced practice registered nurse* or health care facility so that the POLST form will be followed.

4. Life-sustaining treatment must not be withheld or withdrawn pursuant to a POLST form of a patient known to the attending physician *or attending advanced practice registered nurse* to be pregnant, so long as it is probable that the fetus will develop to the point of live birth with the continued application of life-sustaining treatment.



5. Nothing in this section requires a provider of health care to comply with a valid POLST form if the provider of health care does not have actual knowledge of the existence of the form.

Sec. 57. NRS 449.6952 is hereby amended to read as follows:

449.6952 1. Unless he or she has knowledge to the contrary, a provider of health care may assume that a ~~Physician~~ **Provider** Order for Life-Sustaining Treatment form complies with the provisions of NRS 449.691 to 449.697, inclusive, *and sections 34 and 35 of this act* and is valid.

2. The provisions of NRS 449.691 to 449.697, inclusive, *and sections 34 and 35 of this act* do not create a presumption concerning the intention of a:

(a) Patient if the patient, the representative of the patient or a parent or legal guardian of the patient has revoked the POLST form pursuant to NRS 449.6944; or

(b) Person who has not executed a POLST form,
➔ concerning the use or withholding of emergency care or life-sustaining treatment.

Sec. 58. NRS 449.6954 is hereby amended to read as follows:

449.6954 1. Death that results when emergency care or life-sustaining treatment has been withheld pursuant to a ~~Physician~~ **Provider** Order for Life-Sustaining Treatment form and in accordance with the provisions of NRS 449.691 to 449.697, inclusive, *and sections 34 and 35 of this act* does not constitute a suicide or homicide.

2. The execution of a POLST form does not affect the sale, procurement or issuance of a policy of life insurance or an annuity, nor does it affect, impair or modify the terms of an existing policy of life insurance or an annuity. A policy of life insurance or an annuity is not legally impaired or invalidated if emergency care or life-sustaining treatment has been withheld from an insured who has executed a POLST form, notwithstanding any term in the policy or annuity to the contrary.

3. A person may not prohibit or require the execution of a POLST form as a condition of being insured for, or receiving, health care.

Sec. 59. NRS 449.6956 is hereby amended to read as follows:

449.6956 1. It is unlawful for:

(a) A provider of health care to willfully fail to transfer the care of a patient in accordance with subsection 3 of NRS 449.695.

(b) A person to willfully conceal, cancel, deface or obliterate a ~~Physician~~ **Provider** Order for Life-Sustaining Treatment form without the consent of the patient who executed the form.

(c) A person to falsify or forge the POLST form of another person, or willfully conceal or withhold personal knowledge of the



1 revocation of the POLST form of another person, with the intent to
2 cause the withholding or withdrawal of emergency care or life-
3 sustaining treatment contrary to the wishes of the patient.

4 (d) A person to require or prohibit the execution of a POLST
5 form as a condition of being insured for, or receiving, health care in
6 violation of subsection 3 of NRS 449.6954.

7 (e) A person to coerce or fraudulently induce another to execute
8 a POLST form.

9 2. A person who violates any of the provisions of this section is
10 guilty of a misdemeanor.

11 **Sec. 60.** NRS 449.696 is hereby amended to read as follows:

12 449.696 1. A ~~Physician~~ *Provider* Order for Life-Sustaining
13 Treatment form executed in another state in compliance with the
14 laws of that state or this State is valid for the purposes of NRS
15 449.691 to 449.697, inclusive ~~H~~ *, and sections 34 and 35 of this*
16 *act.*

17 2. As used in this section, “state” includes the District of
18 Columbia, the Commonwealth of Puerto Rico and a territory or
19 insular possession subject to the jurisdiction of the United States.

20 **Sec. 61.** NRS 449.779 is hereby amended to read as follows:

21 449.779 1. Except as otherwise provided in subsection 2,
22 mechanical restraint may be used on a person with a disability who
23 is a patient at a facility only if:

24 (a) An emergency exists that necessitates the use of mechanical
25 restraint;

26 (b) A medical order authorizing the use of mechanical restraint
27 is obtained from the patient’s treating physician *or advanced*
28 *practice registered nurse* before the application of the mechanical
29 restraint or not later than 15 minutes after the application of the
30 mechanical restraint;

31 (c) The physician *or advanced practice registered nurse* who
32 signed the order required pursuant to paragraph (b) or the attending
33 physician *or attending advanced practice registered nurse*
34 examines the patient not later than 1 working day immediately after
35 the application of the mechanical restraint;

36 (d) The mechanical restraint is applied by a member of the staff
37 of the facility who is trained and qualified to apply mechanical
38 restraint;

39 (e) The patient is given the opportunity to move and exercise the
40 parts of his or her body that are restrained at least 10 minutes per
41 every 60 minutes of restraint;

42 (f) A member of the staff of the facility lessens or discontinues
43 the restraint every 15 minutes to determine whether the patient will
44 stop or control his or her inappropriate behavior without the use of
45 the restraint;



(g) The record of the patient contains a notation that includes the time of day that the restraint was lessened or discontinued pursuant to paragraph (f), the response of the patient and the response of the member of the staff of the facility who applied the mechanical restraint;

(h) A member of the staff of the facility continuously monitors the patient during the time that mechanical restraint is used on the patient; and

(i) The patient is released from the mechanical restraint as soon as the behavior of the patient no longer presents an immediate threat to himself or herself or others.

2. Mechanical restraint may be used on a person with a disability who is a patient at a facility and the provisions of subsection 1 do not apply if the mechanical restraint is used to:

(a) Treat the medical needs of a patient;

(b) Protect a patient who is known to be at risk of injury to himself or herself because the patient lacks coordination or suffers from frequent loss of consciousness;

(c) Provide proper body alignment to a patient; or

(d) Position a patient who has physical disabilities in a manner prescribed in the patient's plan of treatment.

3. If mechanical restraint is used on a person with a disability who is a patient at a facility in an emergency, the use of the procedure must be reported as a denial of rights pursuant to NRS 449.786, regardless of whether the use of the procedure is authorized by statute. The report must be made not later than 1 working day after the procedure is used.

Sec. 62. NRS 449.780 is hereby amended to read as follows:

449.780 1. Chemical restraint may only be used on a person with a disability who is a patient at a facility if:

(a) The patient has been diagnosed as a person with mental illness, as defined in NRS 433A.115, and is receiving mental health services from a facility;

(b) The chemical restraint is administered to the patient while he or she is under the care of the facility;

(c) An emergency exists that necessitates the use of chemical restraint;

(d) A medical order authorizing the use of chemical restraint is obtained from the patient's attending physician , ~~or~~ psychiatrist ~~or~~ *or advanced practice registered nurse;*

(e) The physician , ~~or~~ psychiatrist *or advanced practice registered nurse* who signed the order required pursuant to paragraph (d) examines the patient not later than 1 working day immediately after the administration of the chemical restraint; and



(f) The chemical restraint is administered by a person licensed to administer medication.

2. If chemical restraint is used on a person with a disability who is a patient, the use of the procedure must be reported as a denial of rights pursuant to NRS 449.786, regardless of whether the use of the procedure is authorized by statute. The report must be made not later than 1 working day after the procedure is used.

Sec. 63. NRS 449.905 is hereby amended to read as follows:

449.905 “Advance directive” means an advance directive for health care. The term includes:

1. A declaration governing the withholding or withdrawal of life-sustaining treatment as set forth in NRS 449.535 to 449.690, inclusive ~~§~~, *and sections 32 and 33 of this act*;

2. A durable power of attorney for health care as set forth in NRS 162A.700 to 162A.865, inclusive;

3. A do-not-resuscitate order as defined in NRS 450B.420; and

4. A ~~Physician~~ *Provider* Order for Life-Sustaining Treatment form as defined in NRS 449.693.

Sec. 64. NRS 449.945 is hereby amended to read as follows:

449.945 1. The provisions of NRS 449.900 to 449.965, inclusive, do not require a provider of health care to inquire whether a patient has an advance directive registered on the Registry or to access the Registry to determine the terms of the advance directive.

2. A provider of health care who relies in good faith on the provisions of an advance directive retrieved from the Registry is immune from criminal and civil liability as set forth in:

(a) NRS 449.630, if the advance directive is a declaration governing the withholding or withdrawal of life-sustaining treatment executed pursuant to NRS 449.535 to 449.690, inclusive, *and sections 32 and 33 of this act* or a durable power of attorney for health care executed pursuant to NRS 162A.700 to 162A.865, inclusive;

(b) NRS 449.691 to 449.697, inclusive, *and sections 34 and 35 of this act*, if the advance directive is a ~~Physician~~ *Provider* Order for Life-Sustaining Treatment form; or

(c) NRS 450B.540, if the advance directive is a do-not-resuscitate order as defined in NRS 450B.420.

Sec. 65. Chapter 450B of NRS is hereby amended by adding thereto the provisions set forth as sections 66 and 67 of this act.

Sec. 66. *“Advanced practice registered nurse” has the meaning ascribed to it in section 32 of this act.*

Sec. 67. *“Attending advanced practice registered nurse” has the meaning ascribed to it in section 33 of this act.*



1 **Sec. 68.** NRS 450B.400 is hereby amended to read as follows:
2 450B.400 As used in NRS 450B.400 to 450B.590, inclusive,
3 *and sections 66 and 67 of this act*, unless the context otherwise
4 requires, the words and terms defined in NRS 450B.405 to
5 450B.475, inclusive, *and sections 66 and 67 of this act* have the
6 meanings ascribed to them in those sections.

7 **Sec. 69.** NRS 450B.410 is hereby amended to read as follows:
8 450B.410 “Do-not-resuscitate identification” means:

9 1. A form of identification approved by the health authority,
10 which signifies that:

11 (a) A person is a qualified patient who wishes not to be
12 resuscitated in the event of cardiac or respiratory arrest; or

13 (b) The patient’s attending physician *or attending advanced*
14 *practice registered nurse* has:

15 (1) Issued a do-not-resuscitate order for the patient;

16 (2) Obtained the written approval of the patient concerning
17 the order; and

18 (3) Documented the grounds for the order in the patient’s
19 medical record.

20 2. The term also includes a valid do-not-resuscitate
21 identification issued under the laws of another state.

22 **Sec. 70.** NRS 450B.420 is hereby amended to read as follows:

23 450B.420 “Do-not-resuscitate order” means a written directive
24 issued by a physician *or advanced practice registered nurse*
25 licensed in this state that emergency life-resuscitating treatment
26 must not be administered to a qualified patient. The term also
27 includes a valid do-not-resuscitate order issued under the laws of
28 another state.

29 **Sec. 71.** NRS 450B.470 is hereby amended to read as follows:

30 450B.470 “Qualified patient” means:

31 1. A patient 18 years of age or older who has been determined
32 by the patient’s attending physician *or attending advanced practice*
33 *registered nurse* to be in a terminal condition and who:

34 (a) Has executed a declaration in accordance with the
35 requirements of NRS 449.600;

36 (b) Has executed a ~~{Physician}~~ *Provider* Order for Life-
37 Sustaining Treatment form pursuant to NRS 449.691 to 449.697,
38 inclusive, *and sections 34 and 35 of this act*, if the form provides
39 that the patient is not to receive life-resuscitating treatment; or

40 (c) Has been issued a do-not-resuscitate order pursuant to
41 NRS 450B.510.

42 2. A patient who is less than 18 years of age and who:

43 (a) Has been determined by the patient’s attending physician *or*
44 *attending advanced practice registered nurse* to be in a terminal
45 condition; and



(b) Has executed a ~~{Physician}~~ *Provider* Order for Life-Sustaining Treatment form pursuant to NRS 449.691 to 449.697, inclusive, *and sections 34 and 35 of this act*, if the form provides that the patient is not to receive life-resuscitating treatment or has been issued a do-not-resuscitate order pursuant to NRS 450B.510.

Sec. 72. NRS 450B.480 is hereby amended to read as follows:

450B.480 The provisions of NRS 450B.400 to 450B.590, inclusive, *and sections 66 and 67 of this act* apply only to emergency medical services administered to a qualified patient:

1. Before he or she is admitted to a medical facility; or

2. While the qualified patient is being prepared to be transferred, or is being transferred, from one health care facility to another health care facility.

Sec. 73. NRS 450B.500 is hereby amended to read as follows:

450B.500 Each do-not-resuscitate identification issued by the health authority must include, without limitation:

1. An identification number that is unique to the qualified patient to whom the identification is issued;

2. The name and date of birth of the patient; and

3. The name of the attending physician *or attending advanced practice registered nurse* of the patient.

Sec. 74. NRS 450B.510 is hereby amended to read as follows:

450B.510 1. A physician *or advanced practice registered nurse* licensed in this state may issue a written do-not-resuscitate order only to a patient who has been determined to be in a terminal condition.

2. Except as otherwise provided in subsection 3, the order is effective only if the patient has agreed to its terms, in writing, while the patient is capable of making an informed decision.

3. If the patient is a minor, the order is effective only if:

(a) The parent or legal guardian of the minor has agreed to its terms, in writing; and

(b) The minor has agreed to its terms, in writing, while the minor is capable of making an informed decision if, in the opinion of the attending physician ~~H~~ *or attending advanced practice registered nurse*, the minor is of sufficient maturity to understand the nature and effect of withholding life-resuscitating treatment.

4. A physician *or advanced practice registered nurse* who issues a do-not-resuscitate order may apply, on behalf of the patient, to the health authority for a do-not-resuscitate identification for that patient.

Sec. 75. NRS 450B.520 is hereby amended to read as follows:

450B.520 Except as otherwise provided in NRS 450B.525:

1. A qualified patient may apply to the health authority for a do-not-resuscitate identification by submitting an application on a



1 form provided by the health authority. To obtain a do-not-resuscitate
2 identification, the patient must comply with the requirements
3 prescribed by the board and sign a form which states that the patient
4 has informed each member of his or her family within the first
5 degree of consanguinity or affinity, whose whereabouts are known
6 to the patient, or if no such members are living, the patient's legal
7 guardian, if any, or if he or she has no such members living and has
8 no legal guardian, his or her caretaker, if any, of the patient's
9 decision to apply for an identification.

10 2. An application must include, without limitation:

11 (a) Certification by the patient's attending physician *or*
12 *attending advanced practice registered nurse* that the patient
13 suffers from a terminal condition;

14 (b) Certification by the patient's attending physician *or*
15 *attending advanced practice registered nurse* that the patient is
16 capable of making an informed decision or, when the patient was
17 capable of making an informed decision, that the patient:

18 (1) Executed:

19 (I) A written directive that life-resuscitating treatment be
20 withheld under certain circumstances;

21 (II) A durable power of attorney for health care pursuant
22 to NRS 162A.700 to 162A.865, inclusive; or

23 (III) A ~~Physician~~ *Provider* Order for Life-Sustaining
24 Treatment form pursuant to NRS 449.691 to 449.697, inclusive, *and*
25 *sections 34 and 35 of this act*, if the form provides that the patient is
26 not to receive life-resuscitating treatment; or

27 (2) Was issued a do-not-resuscitate order pursuant to
28 NRS 450B.510;

29 (c) A statement that the patient does not wish that life-
30 resuscitating treatment be undertaken in the event of a cardiac or
31 respiratory arrest;

32 (d) The name, signature and telephone number of the patient's
33 attending physician ~~or~~ *or attending advanced practice registered*
34 *nurse*; and

35 (e) The name and signature of the patient or the agent who is
36 authorized to make health care decisions on the patient's behalf
37 pursuant to a durable power of attorney for health care decisions.

38 **Sec. 76.** NRS 450B.525 is hereby amended to read as follows:

39 450B.525 1. A parent or legal guardian of a minor may apply
40 to the health authority for a do-not-resuscitate identification on
41 behalf of the minor if the minor has been:

42 (a) Determined by his or her attending physician *or attending*
43 *advanced practice registered nurse* to be in a terminal condition;
44 and

45 (b) Issued a do-not-resuscitate order pursuant to NRS 450B.510.



2. To obtain such a do-not-resuscitate identification, the parent or legal guardian must:

(a) Submit an application on a form provided by the health authority; and

(b) Comply with the requirements prescribed by the board.

3. An application submitted pursuant to subsection 2 must include, without limitation:

(a) Certification by the minor's attending physician *or attending advanced practice registered nurse* that the minor:

(1) Suffers from a terminal condition; and

(2) Has executed a ~~Physician~~ *Provider* Order for Life-Sustaining Treatment form pursuant to NRS 449.691 to 449.697, inclusive, *and sections 34 and 35 of this act*, if the form provides that the minor is not to receive life-resuscitating treatment or has been issued a do-not-resuscitate order pursuant to NRS 450B.510;

(b) A statement that the parent or legal guardian of the minor does not wish that life-resuscitating treatment be undertaken in the event of a cardiac or respiratory arrest;

(c) The name of the minor;

(d) The name, signature and telephone number of the minor's attending physician ~~†~~ *or attending advanced practice registered nurse*; and

(e) The name, signature and telephone number of the minor's parent or legal guardian.

4. The parent or legal guardian of the minor may revoke the authorization to withhold life-resuscitating treatment by removing or destroying or requesting the removal or destruction of the identification or otherwise indicating to a person that he or she wishes to have the identification removed or destroyed.

5. If, in the opinion of the attending physician ~~†~~ *or attending advanced practice registered nurse*, the minor is of sufficient maturity to understand the nature and effect of withholding life-resuscitating treatment:

(a) The do-not-resuscitate identification obtained pursuant to this section is not effective without the assent of the minor.

(b) The minor may revoke the authorization to withhold life-resuscitating treatment by removing or destroying or requesting the removal or destruction of the identification or otherwise indicating to a person that the minor wishes to have the identification removed or destroyed.

Sec. 77. NRS 450B.540 is hereby amended to read as follows:

450B.540 1. A person is not guilty of unprofessional conduct or subject to civil or criminal liability if the person:

(a) Is a physician *or advanced practice registered nurse* who:



(1) Causes the withholding of life-resuscitating treatment from a qualified patient who possesses a do-not-resuscitate identification in accordance with the do-not-resuscitate protocol; or

(2) While the patient is being prepared to be transferred, or is being transferred, from one health care facility to another health care facility, carries out a do-not-resuscitate order that is documented in the medical record of a qualified patient, in accordance with the do-not-resuscitate protocol;

(b) Pursuant to the direction of or with the authorization of a physician **H** or advanced practice registered nurse, participates in:

(1) The withholding of life-resuscitating treatment from a qualified patient who possesses a do-not-resuscitate identification in accordance with the do-not-resuscitate protocol; or

(2) While the patient is being prepared to be transferred, or is being transferred, from one health care facility to another health care facility, carrying out a do-not-resuscitate order that is documented in the medical record of a qualified patient, in accordance with the do-not-resuscitate protocol; or

(c) Administers emergency medical services and:

(1) Causes or participates in the withholding of life-resuscitating treatment from a qualified patient who possesses a do-not-resuscitate identification;

(2) Before a qualified patient is admitted to a medical facility, carries out a do-not-resuscitate order that has been issued in accordance with the do-not-resuscitate protocol; or

(3) While the patient is being prepared to be transferred, or is being transferred, from one health care facility to another health care facility, carries out a do-not-resuscitate order that is documented in the medical record of a qualified patient, in accordance with the do-not-resuscitate protocol.

2. A health care facility, ambulance service or fire-fighting agency that employs a person described in subsection 1 is not guilty of unprofessional conduct or subject to civil or criminal liability for the acts or omissions of the employee carried out in accordance with the provisions of subsection 1.

3. A physician **H** or advanced practice registered nurse, a person pursuant to the direction or authorization of a physician **H** or advanced practice registered nurse, a health care facility or a person administering emergency medical services who provides life-resuscitating treatment pursuant to:

(a) An oral or written request made by a qualified patient, or the parent or legal guardian of a qualified patient, who may revoke the authorization to withhold life-resuscitating treatment pursuant to NRS 450B.525 or 450B.530; or



(b) An observation that a qualified patient, or the parent or legal guardian of a qualified patient, has revoked or otherwise indicated that he or she wishes to revoke the authorization to withhold life-resuscitating treatment pursuant to NRS 450B.525 or 450B.530, ➤ is not guilty of unprofessional conduct or subject to civil or criminal liability.

Sec. 78. NRS 450B.550 is hereby amended to read as follows:

450B.550 1. Except as otherwise provided in subsection 2, a person who administers emergency medical services shall comply with do-not-resuscitate protocol when the person observes a do-not-resuscitate identification or carries out a do-not-resuscitate order.

2. A person who administers emergency medical services and who is unwilling or unable to comply with the do-not-resuscitate protocol shall take all reasonable measures to transfer a qualified patient who possesses a do-not-resuscitate identification or has been issued a do-not-resuscitate order to a physician , *advanced practice registered nurse* or health care facility in which the do-not-resuscitate protocol may be followed.

Sec. 79. NRS 450B.560 is hereby amended to read as follows:

450B.560 1. Unless he or she has knowledge to the contrary, a physician, any other provider of health care or any person who administers emergency medical services may assume that a do-not-resuscitate identification complies with the provisions of NRS 450B.400 to 450B.590, inclusive, *and sections 66 and 67 of this act* and is valid.

2. The provisions of NRS 450B.400 to 450B.590, inclusive, *and sections 66 and 67 of this act* do not create a presumption concerning the intention of a:

(a) Qualified patient or a parent or legal guardian of a qualified patient who has revoked authorization to withhold life-resuscitating treatment pursuant to NRS 450B.525 or 450B.530; or

(b) Person who has not obtained a do-not-resuscitate identification,

➤ concerning the use or withholding of life-resuscitating treatment in a life-threatening emergency.

Sec. 80. NRS 450B.570 is hereby amended to read as follows:

450B.570 1. Death that results when life-resuscitating treatment has been withheld pursuant to the do-not-resuscitate protocol and in accordance with the provisions of NRS 450B.400 to 450B.590, inclusive, *and sections 66 and 67 of this act* does not constitute a suicide or homicide.

2. The possession of a do-not-resuscitate identification or the issuance of a do-not-resuscitate order does not affect the sale, procurement or issuance of a policy of life insurance or an annuity or impair or modify the terms of a policy of life insurance or an



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1 annuity. A policy of life insurance or an annuity is not legally
2 impaired or invalidated if life-resuscitating treatment has been
3 withheld from an insured who possesses a do-not-resuscitate
4 identification or has been issued a do-not-resuscitate order,
5 notwithstanding any term in the policy or annuity to the contrary.

6 3. A person may not prohibit or require the possession of a do-
7 not-resuscitate identification or the issuance of a do-not-resuscitate
8 order as a condition of being insured for, or receiving, health care.

9 **Sec. 81.** NRS 450B.590 is hereby amended to read as follows:

10 450B.590 The provisions of NRS 450B.400 to 450B.590,
11 inclusive, *and sections 66 and 67 of this act* do not:

12 1. Require a physician or other provider of health care to take
13 action contrary to reasonable medical standards;

14 2. Condone, authorize or approve mercy killing, euthanasia or
15 assisted suicide;

16 3. Substitute for any other legally authorized procedure by
17 which a person may direct that the person not be resuscitated in the
18 event of a cardiac or respiratory arrest;

19 4. Except as otherwise provided in NRS 449.6946, affect or
20 impair any right created pursuant to the provisions of NRS 449.535
21 to 449.690, inclusive, *and sections 32 and 33 of this act* or 449.691
22 to 449.697, inclusive ~~H~~, *and sections 34 and 35 of this act*; or

23 5. Affect the right of a qualified patient to make decisions
24 concerning the use of life-resuscitating treatment, if he or she is able
25 to do so, or impair or supersede a right or responsibility of a person
26 to affect the withholding of medical care in a lawful manner.

27 **Sec. 82.** NRS 451.595 is hereby amended to read as follows:

28 451.595 1. As used in this section:

29 (a) "Advance health-care directive" means a power of attorney
30 for health care or other record signed by a prospective donor, or
31 executed in the manner set forth in NRS 162A.790, containing the
32 prospective donor's direction concerning a health-care decision for
33 the prospective donor.

34 (b) "Declaration" means a record signed by a prospective donor,
35 or executed as set forth in NRS 449.600, specifying the
36 circumstances under which life-sustaining treatment may be
37 withheld or withdrawn from the prospective donor. The term
38 includes a ~~Physician~~ *Provider* Order for Life-Sustaining Treatment
39 form executed pursuant to NRS 449.691 to 449.697, inclusive ~~H~~,
40 *and sections 34 and 35 of this act*.

41 (c) "Health-care decision" means any decision made regarding
42 the health care of the prospective donor.

43 2. If a prospective donor has a declaration or advance health-
44 care directive and the terms of the declaration or advance health-
45 care directive and the express or implied terms of the potential



1 anatomical gift are in conflict concerning the administration of
2 measures necessary to ensure the medical suitability of a part for
3 transplantation or therapy:

4 (a) The attending physician of the prospective donor shall confer
5 with the prospective donor to resolve the conflict or, if the
6 prospective donor is incapable of resolving the conflict, with:

7 (1) An agent acting under the declaration or advance health-
8 care directive of the prospective donor; or

9 (2) If an agent is not named in the declaration or advance
10 health-care directive or the agent is not reasonably available, any
11 other person authorized by law, other than by a provision of NRS
12 451.500 to 451.598, inclusive, to make a health-care decision for the
13 prospective donor.

14 (b) The conflict must be resolved as expeditiously as
15 practicable.

16 (c) Information relevant to the resolution of the conflict may be
17 obtained from the appropriate procurement organization and any
18 other person authorized to make an anatomical gift of the
19 prospective donor's body or part under NRS 451.556.

20 (d) Before the resolution of the conflict, measures necessary to
21 ensure the medical suitability of the part may not be withheld or
22 withdrawn from the prospective donor, if withholding or
23 withdrawing the measures is not medically contraindicated for the
24 appropriate treatment of the prospective donor at the end of his or
25 her life.

26 **Sec. 83.** NRS 455A.200 is hereby amended to read as follows:

27 455A.200 1. Each organization for youth sports that
28 sanctions or sponsors competitive sports for youths in this State
29 shall adopt a policy concerning the prevention and treatment of
30 injuries to the head which may occur during a youth's participation
31 in those competitive sports, including, without limitation, a
32 concussion of the brain. To the extent practicable, the policy must
33 be consistent with the policy adopted by the Nevada Interscholastic
34 Activities Association pursuant to NRS 385B.080. The policy must
35 provide information concerning the nature and risk of injuries to the
36 head which may occur during a youth's participation in competitive
37 sports, including, without limitation, the risks associated with
38 continuing to participate in competitive sports after sustaining such
39 an injury.

40 2. The policy adopted pursuant to subsection 1 must require
41 that if a youth sustains or is suspected of sustaining an injury to the
42 head while participating in competitive sports, the youth:

43 (a) Must be immediately removed from the competitive sport;
44 and



(b) May return to the competitive sport if the parent or legal guardian of the youth provides a signed statement of a provider of health care indicating that the youth is medically cleared for participation in the competitive sport and the date on which the youth may return to the competitive sport.

3. Before a youth participates in competitive sports sanctioned or sponsored by an organization for youth sports in this State, the youth and his or her parent or legal guardian:

(a) Must be provided with a copy of the policy adopted pursuant to subsection 1; and

(b) Must sign a statement on a form prescribed by the organization for youth sports acknowledging that the youth and his or her parent or legal guardian have read and understand the terms and conditions of the policy.

4. As used in this section:

(a) “Provider of health care” means a physician licensed under chapter 630 or 633 of NRS, *an advanced practice registered nurse who holds a valid license as an advanced practice registered nurse issued by the State Board of Nursing pursuant to NRS 632.237*, a physical therapist licensed under chapter 640 of NRS or an athletic trainer licensed under chapter 640B of NRS.

(b) “Youth” means a person under the age of 18 years.

Sec. 84. NRS 482.3833 is hereby amended to read as follows:

482.3833 “Person with a disability of moderate duration” means a person:

1. With a disability which limits or impairs the ability to walk; and

2. Whose disability has been certified by a licensed physician *or advanced practice registered nurse* as being reversible, but estimated to last longer than 6 months.

Sec. 85. NRS 482.3837 is hereby amended to read as follows:

482.3837 “Person with a permanent disability” means a person:

1. With a disability which limits or impairs the ability to walk; and

2. Whose disability has been certified by a licensed physician *or advanced practice registered nurse* as irreversible.

Sec. 86. NRS 482.3839 is hereby amended to read as follows:

482.3839 “Person with a temporary disability” means a person:

1. With a disability which limits or impairs the ability to walk; and

2. Whose disability has been certified by a licensed physician *or advanced practice registered nurse* as estimated to last not longer than 6 months.



1 **Sec. 87.** NRS 482.384 is hereby amended to read as follows:

2 482.384 1. Upon the application of a person with a
3 permanent disability, the Department may issue special license
4 plates for a vehicle, including a motorcycle or moped, registered by
5 the applicant pursuant to this chapter. The application must include
6 a statement from a licensed physician *or advanced practice*
7 *registered nurse* certifying that the applicant is a person with a
8 permanent disability. The issuance of a special license plate to a
9 person with a permanent disability pursuant to this subsection does
10 not preclude the issuance to such a person of a special parking
11 placard for a vehicle other than a motorcycle or moped or a special
12 parking sticker for a motorcycle or moped pursuant to subsection 6.

13 2. Every year after the initial issuance of special license plates
14 to a person with a permanent disability, the Department shall require
15 the person to renew the special license plates in accordance with the
16 procedures for renewal of registration pursuant to this chapter. The
17 Department shall not require a person with a permanent disability to
18 include with the application for renewal a statement from a licensed
19 physician *or advanced practice registered nurse* certifying that the
20 person is a person with a permanent disability.

21 3. Upon the application of an organization which provides
22 transportation for a person with a permanent disability, disability of
23 moderate duration or temporary disability, the Department may
24 issue special license plates for a vehicle registered by the
25 organization pursuant to this chapter, or the Department may issue
26 special parking placards to the organization pursuant to this section
27 to be used on vehicles providing transportation to such persons. The
28 application must include a statement from the organization
29 certifying that:

30 (a) The vehicle for which the special license plates are issued is
31 used primarily to transport persons with permanent disabilities,
32 disabilities of moderate duration or temporary disabilities; or

33 (b) The organization which is issued the special parking
34 placards will only use such placards on vehicles that actually
35 transport persons with permanent disabilities, disabilities of
36 moderate duration or temporary disabilities.

37 4. The Department may charge a fee for special license plates
38 issued pursuant to this section not to exceed the fee charged for the
39 issuance of license plates for the same class of vehicle.

40 5. Special license plates issued pursuant to this section must
41 display the international symbol of access in a color which contrasts
42 with the background and is the same size as the numerals and letters
43 on the plate.

44 6. Upon the application of a person with a permanent disability
45 or disability of moderate duration, the Department may issue:



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(a) A special parking placard for a vehicle other than a motorcycle or moped. Upon request, the Department may issue one additional placard to an applicant to whom special license plates have not been issued pursuant to this section.

(b) A special parking sticker for a motorcycle or moped.

➔ The application must include a statement from a licensed physician *or advanced practice registered nurse* certifying that the applicant is a person with a permanent disability or disability of moderate duration.

7. A special parking placard issued pursuant to subsection 6 must:

(a) Have inscribed on it the international symbol of access which is at least 3 inches in height, is centered on the placard and is white on a blue background;

(b) Have an identification number and date of expiration of:

(1) If the special parking placard is issued to a person with a permanent disability, 10 years after the initial date of issuance; or

(2) If the special parking placard is issued to a person with a disability of moderate duration, 2 years after the initial date of issuance;

(c) Have placed or inscribed on it the seal or other identification of the Department; and

(d) Have a form of attachment which enables a person using the placard to display the placard from the rearview mirror of the vehicle.

8. A special parking sticker issued pursuant to subsection 6 must:

(a) Have inscribed on it the international symbol of access which complies with any applicable federal standards, is centered on the sticker and is white on a blue background;

(b) Have an identification number and a date of expiration of:

(1) If the special parking sticker is issued to a person with a permanent disability, 10 years after the initial date of issuance; or

(2) If the special parking sticker is issued to a person with a disability of moderate duration, 2 years after the initial date of issuance; and

(c) Have placed or inscribed on it the seal or other identification of the Department.

9. Before the date of expiration of a special parking placard or special parking sticker issued to a person with a permanent disability or disability of moderate duration, the person shall renew the special parking placard or special parking sticker. If the applicant for renewal is a person with a disability of moderate duration, the applicant must include with the application for renewal a statement from a licensed physician *or advanced practice*



1 *registered nurse* certifying that the applicant is a person with a
2 disability which limits or impairs the ability to walk, and that such
3 disability, although not irreversible, is estimated to last longer than 6
4 months. A person with a permanent disability is not required to
5 submit evidence of a continuing disability with the application for
6 renewal.

7 10. The Department, or a city or county, may issue, and charge
8 a reasonable fee for, a temporary parking placard for a vehicle other
9 than a motorcycle or moped or a temporary parking sticker for a
10 motorcycle or moped upon the application of a person with a
11 temporary disability. Upon request, the Department, city or county
12 may issue one additional temporary parking placard to an applicant.
13 The application must include a certificate from a licensed physician
14 *or advanced practice registered nurse* indicating:

- 15 (a) That the applicant has a temporary disability; and
- 16 (b) The estimated period of the disability.

17 11. A temporary parking placard issued pursuant to subsection
18 10 must:

19 (a) Have inscribed on it the international symbol of access
20 which is at least 3 inches in height, is centered on the placard and is
21 white on a red background;

22 (b) Have an identification number and a date of expiration; and

23 (c) Have a form of attachment which enables a person using the
24 placard to display the placard from the rearview mirror of the
25 vehicle.

26 12. A temporary parking sticker issued pursuant to subsection
27 10 must:

28 (a) Have inscribed on it the international symbol of access
29 which is at least 3 inches in height, is centered on the sticker and is
30 white on a red background; and

31 (b) Have an identification number and a date of expiration.

32 13. A temporary parking placard or temporary parking
33 sticker is valid only for the period for which a physician *or*
34 *advanced practice registered nurse* has certified the disability, but
35 in no case longer than 6 months. If the temporary disability
36 continues after the period for which the physician *or advanced*
37 *practice registered nurse* has certified the disability, the person with
38 the temporary disability must renew the temporary parking placard
39 or temporary parking sticker before the temporary parking placard
40 or temporary parking sticker expires. The person with the temporary
41 disability shall include with the application for renewal a statement
42 from a licensed physician *or advanced practice registered nurse*
43 certifying that the applicant continues to be a person with a
44 temporary disability and the estimated period of the disability.



1 14. A special or temporary parking placard must be displayed
2 in the vehicle when the vehicle is parked by hanging or attaching the
3 placard to the rearview mirror of the vehicle. If the vehicle has no
4 rearview mirror, the placard must be placed on the dashboard of the
5 vehicle in such a manner that the placard can easily be seen from
6 outside the vehicle when the vehicle is parked.

7 15. Upon issuing a special license plate pursuant to subsection
8 1, a special or temporary parking placard, or a special or temporary
9 parking sticker, the Department, or the city or county, if applicable,
10 shall issue a letter to the applicant that sets forth the name and
11 address of the person with a permanent disability, disability of
12 moderate duration or temporary disability to whom the special
13 license plate, special or temporary parking placard or special or
14 temporary parking sticker has been issued and:

15 (a) If the person receives special license plates, the license plate
16 number designated for the plates; and

17 (b) If the person receives a special or temporary parking placard
18 or a special or temporary parking sticker, the identification number
19 and date of expiration indicated on the placard or sticker.

20 ➔ The letter, or a legible copy thereof, must be kept with the vehicle
21 for which the special license plate has been issued or in which the
22 person to whom the special or temporary parking placard or special
23 or temporary parking sticker has been issued is driving or is a
24 passenger.

25 16. A special or temporary parking sticker must be affixed to
26 the windscreen of the motorcycle or moped. If the motorcycle or
27 moped has no windscreen, the sticker must be affixed to any other
28 part of the motorcycle or moped which may be easily seen when the
29 motorcycle or moped is parked.

30 17. Special or temporary parking placards, special or
31 temporary parking stickers, or special license plates issued pursuant
32 to this section do not authorize parking in any area on a highway
33 where parking is prohibited by law.

34 18. No person, other than the person certified as being a person
35 with a permanent disability, disability of moderate duration or
36 temporary disability, or a person actually transporting such a person,
37 may use the special license plate or plates or a special or temporary
38 parking placard, or a special or temporary parking sticker issued
39 pursuant to this section to obtain any special parking privileges
40 available pursuant to this section.

41 19. Any person who violates the provisions of subsection 18 is
42 guilty of a misdemeanor.

43 20. The Department may review the eligibility of each holder
44 of a special parking placard, a special parking sticker or special
45 license plates, or any combination thereof. Upon a determination of



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ineligibility by the Department, the holder shall surrender the special parking placard, special parking sticker or special license plates, or any combination thereof, to the Department.

21. The Department may adopt such regulations as are necessary to carry out the provisions of this section.

Sec. 88. NRS 616C.005 is hereby amended to read as follows:

616C.005 On or before September 1 of each year:

1. An insurer shall distribute to each employer that it insures any form for reporting injuries that has been revised within the previous 12 months.

2. The Administrator shall make available to physicians , ~~and~~ chiropractors *and advanced practice registered nurses* any form for reporting injuries that has been revised within the previous 12 months.

Sec. 89. NRS 616C.010 is hereby amended to read as follows:

616C.010 1. Whenever any accident occurs to any employee, the employee shall forthwith report the accident and the injury resulting therefrom to his or her employer.

2. When an employer learns of an accident, whether or not it is reported, the employer may direct the employee to submit to, or the employee may request, an examination by a physician , ~~or~~ chiropractor ~~or~~ *or advanced practice registered nurse*, in order to ascertain the character and extent of the injury and render medical attention which is required immediately. The employer shall:

(a) If the employer's insurer has entered into a contract with an organization for managed care or with providers of health care pursuant to NRS 616B.527, furnish the names, addresses and telephone numbers of:

(1) Two or more physicians , ~~or~~ chiropractors *or advanced practice registered nurses* who are qualified to conduct the examination and who are available pursuant to the terms of the contract, if there are two or more such physicians , ~~or~~ chiropractors *or advanced practice registered nurses* within 30 miles of the employee's place of employment; or

(2) One or more physicians , ~~or~~ chiropractors *or advanced practice registered nurses* who are qualified to conduct the examination and who are available pursuant to the terms of the contract, if there are not two or more such physicians , ~~or~~ chiropractors *or advanced practice registered nurses* within 30 miles of the employee's place of employment.

(b) If the employer's insurer has not entered into a contract with an organization for managed care or with providers of health care pursuant to NRS 616B.527, furnish the names, addresses and telephone numbers of:



(1) Two or more physicians , ~~for~~ chiropractors *or advanced practice registered nurses* who are qualified to conduct the examination, if there are two or more such physicians , ~~for~~ chiropractors *or advanced practice registered nurses* within 30 miles of the employee's place of employment; or

(2) One or more physicians , ~~for~~ chiropractors *or advanced practice registered nurses* who are qualified to conduct the examination, if there are not two or more such physicians , ~~for~~ chiropractors *or advanced practice registered nurses* within 30 miles of the employee's place of employment.

3. From among the names furnished by the employer pursuant to subsection 2, the employee shall select one of those physicians , ~~for~~ chiropractors *or advanced practice registered nurses* to conduct the examination, but the employer shall not require the employee to select a particular physician , ~~for~~ chiropractor *or advanced practice registered nurse* from among the names furnished by the employer. Thereupon, the examining physician , ~~for~~ chiropractor *or advanced practice registered nurse* shall report forthwith to the employer and to the insurer the character and extent of the injury. The employer shall not require the employee to disclose or permit the disclosure of any other information concerning the employee's physical condition except as required by NRS 616C.177.

4. Further medical attention, except as otherwise provided in NRS 616C.265, must be authorized by the insurer.

5. This section does not prohibit an employer from requiring the employee to submit to an examination by a physician , ~~for~~ chiropractor *or advanced practice registered nurse* specified by the employer at any convenient time after medical attention which is required immediately has been completed.

6. An employee leasing company must provide to each employee covered under an employee leasing contract instructions on how to notify the leasing company supervisor and client company of an injury in plain, clear language placed in conspicuous type in a specifically labeled area of instructions given to the employee.

Sec. 90. NRS 616C.035 is hereby amended to read as follows:

616C.035 Where death results from injury, the parties entitled to compensation under chapters 616A to 616D, inclusive, of NRS, or someone in their behalf, must make application for compensation to the insurer. The application must be accompanied by:

1. Proof of death;

2. Proof of relationship showing the parties to be entitled to compensation under chapters 616A to 616D, inclusive, of NRS;



3. Certificates of the attending physician ~~†~~ *or attending advanced practice registered nurse*, if any; and

4. Such other proof as required by the regulations of the Division.

Sec. 91. NRS 616C.040 is hereby amended to read as follows:

616C.040 1. Except as otherwise provided in this section, a treating physician , ~~†~~ chiropractor *or advanced practice registered nurse* shall, within 3 working days after first providing treatment to an injured employee for a particular injury, complete and file a claim for compensation with the employer of the injured employee and the employer's insurer. If the employer is a self-insured employer, the treating physician , ~~†~~ chiropractor *or advanced practice registered nurse* shall file the claim for compensation with the employer's third-party administrator. If the physician , ~~†~~ chiropractor *or advanced practice registered nurse* files the claim for compensation by electronic transmission, the physician , ~~†~~ chiropractor *or advanced practice registered nurse* shall, upon request, mail to the insurer or third-party administrator the form that contains the original signatures of the injured employee and the physician , ~~†~~ chiropractor ~~†~~ *or advanced practice registered nurse*. The form must be mailed within 7 days after receiving such a request.

2. A physician , ~~†~~ chiropractor *or advanced practice registered nurse* who has a duty to file a claim for compensation pursuant to subsection 1 may delegate the duty to a medical facility. If the physician , ~~†~~ chiropractor *or advanced practice registered nurse* delegates the duty to a medical facility:

(a) The medical facility must comply with the filing requirements set forth in this section; and

(b) The delegation must be in writing and signed by:

(1) The physician , ~~†~~ chiropractor ~~†~~ *or advanced practice registered nurse*; and

(2) An authorized representative of the medical facility.

3. A claim for compensation required by subsection 1 must be filed on a form prescribed by the Administrator.

4. If a claim for compensation is accompanied by a certificate of disability, the certificate must include a description of any limitation or restrictions on the injured employee's ability to work.

5. Each physician, chiropractor , *advanced practice registered nurse* and medical facility that treats injured employees, each insurer, third-party administrator and employer, and the Division shall maintain at their offices a sufficient supply of the forms prescribed by the Administrator for filing a claim for compensation.

6. The Administrator may impose an administrative fine of not more than \$1,000 for each violation of subsection 1 on:



(a) A physician , ~~MD~~ chiropractor ~~MD~~ *or advanced practice registered nurse*; or

(b) A medical facility if the duty to file the claim for compensation has been delegated to the medical facility pursuant to this section.

Sec. 92. NRS 616C.045 is hereby amended to read as follows:

616C.045 1. Except as otherwise provided in NRS 616B.727, within 6 working days after the receipt of a claim for compensation from a physician , ~~MD~~ chiropractor ~~MD~~ *or advanced practice registered nurse*, or a medical facility if the duty to file the claim for compensation has been delegated to the medical facility pursuant to NRS 616C.040, an employer shall complete and file with his or her insurer or third-party administrator an employer's report of industrial injury or occupational disease.

2. The report must:

(a) Be filed on a form prescribed by the Administrator;

(b) Be signed by the employer or the employer's designee;

(c) Contain specific answers to all questions required by the regulations of the Administrator; and

(d) Be accompanied by a statement of the wages of the employee if the claim for compensation received from the treating physician , ~~MD~~ chiropractor ~~MD~~ *or advanced practice registered nurse*, or a medical facility if the duty to file the claim for compensation has been delegated to the medical facility pursuant to NRS 616C.040, indicates that the injured employee is expected to be off work for 5 days or more.

3. An employer who files the report required by subsection 1 by electronic transmission shall, upon request, mail to the insurer or third-party administrator the form that contains the original signature of the employer or the employer's designee. The form must be mailed within 7 days after receiving such a request.

4. The Administrator shall impose an administrative fine of not more than \$1,000 on an employer for each violation of this section.

Sec. 93. NRS 616C.050 is hereby amended to read as follows:

616C.050 1. An insurer shall provide to each claimant:

(a) Upon written request, one copy of any medical information concerning the claimant's injury or illness.

(b) A statement which contains information concerning the claimant's right to:

(1) Receive the information and forms necessary to file a claim;

(2) Select a treating physician , ~~MD~~ chiropractor *or advanced practice registered nurse* and an alternative treating physician , ~~MD~~ chiropractor *or advanced practice registered nurse* in accordance with the provisions of NRS 616C.090;



(3) Request the appointment of the Nevada Attorney for Injured Workers to represent the claimant before the appeals officer;

(4) File a complaint with the Administrator;

(5) When applicable, receive compensation for:

(I) Permanent total disability;

(II) Temporary total disability;

(III) Permanent partial disability;

(IV) Temporary partial disability;

(V) All medical costs related to the claimant's injury or disease; or

(VI) The hours the claimant is absent from the place of employment to receive medical treatment pursuant to NRS 616C.477;

(6) Receive services for rehabilitation if the claimant's injury prevents him or her from returning to gainful employment;

(7) Review by a hearing officer of any determination or rejection of a claim by the insurer within the time specified by statute; and

(8) Judicial review of any final decision within the time specified by statute.

2. The insurer's statement must include a copy of the form designed by the Administrator pursuant to subsection 8 of NRS 616C.090 that notifies injured employees of their right to select an alternative treating physician , ~~chiropractor~~ *or advanced practice registered nurse*. The Administrator shall adopt regulations for the manner of compliance by an insurer with the other provisions of subsection 1.

Sec. 94. NRS 616C.055 is hereby amended to read as follows:

616C.055 1. The insurer may not, in accepting responsibility for any charges, use fee schedules which unfairly discriminate among physicians , ~~and~~ chiropractors ~~and~~ *and advanced practice registered nurses*.

2. If a physician , ~~chiropractor~~ *or advanced practice registered nurse* is removed from the panel established pursuant to NRS 616C.090 or from participation in a plan for managed care established pursuant to NRS 616B.527, the physician , ~~chiropractor~~ *or advanced practice registered nurse*, as applicable, must not be paid for any services rendered to the injured employee after the date of the removal.

Sec. 95. NRS 616C.075 is hereby amended to read as follows:

616C.075 If an employee is properly directed to submit to a physical examination and the employee refuses to permit the treating physician , ~~chiropractor~~ *or advanced practice registered nurse* to make an examination and to render medical



1 attention as may be required immediately, no compensation may be
2 paid for the injury claimed to result from the accident.

3 **Sec. 96.** NRS 616C.090 is hereby amended to read as follows:

4 616C.090 1. The Administrator shall establish a panel of
5 physicians , ~~and~~ chiropractors *and advanced practice registered*
6 *nurses* who have demonstrated special competence and interest in
7 industrial health to treat injured employees under chapters 616A to
8 616D, inclusive, or chapter 617 of NRS. Every employer whose
9 insurer has not entered into a contract with an organization for
10 managed care or with providers of health care services pursuant to
11 NRS 616B.527 shall maintain a list of those physicians , ~~and~~
12 chiropractors *and advanced practice registered nurses* on the panel
13 who are reasonably accessible to his or her employees.

14 2. An injured employee whose employer's insurer has not
15 entered into a contract with an organization for managed care or
16 with providers of health care services pursuant to NRS 616B.527
17 may choose a treating physician , ~~or~~ chiropractor *or advanced*
18 *practice registered nurse* from the panel of physicians , ~~and~~
19 chiropractors ~~and~~ *and advanced practice registered nurses*. If the
20 injured employee is not satisfied with the first physician , ~~or~~
21 chiropractor *or advanced practice registered nurse* he or she so
22 chooses, the injured employee may make an alternative choice of
23 physician , ~~or~~ chiropractor *or advanced practice registered nurse*
24 from the panel if the choice is made within 90 days after his or her
25 injury. The insurer shall notify the first physician , ~~or~~ chiropractor
26 *or advanced practice registered nurse* in writing. The notice must
27 be postmarked within 3 working days after the insurer receives
28 knowledge of the change. The first physician , ~~or~~ chiropractor *or*
29 *advanced practice registered nurse* must be reimbursed only for the
30 services the physician , ~~or~~ chiropractor ~~and~~ *or advanced practice*
31 *registered nurse*, as applicable, rendered to the injured employee up
32 to and including the date of notification. Except as otherwise
33 provided in this subsection, any further change is subject to the
34 approval of the insurer, which must be granted or denied within 10
35 days after a written request for such a change is received from the
36 injured employee. If no action is taken on the request within 10
37 days, the request shall be deemed granted. Any request for a change
38 of physician , ~~or~~ chiropractor *or advanced practice registered*
39 *nurse* must include the name of the new physician , ~~or~~
40 chiropractor *or advanced practice registered nurse* chosen by the
41 injured employee. If the treating physician , ~~or~~ chiropractor *or*
42 *advanced practice registered nurse* refers the injured employee to a
43 specialist for treatment, the treating physician , ~~or~~ chiropractor *or*
44 *advanced practice registered nurse* shall provide to the injured
45 employee a list that includes the name of each physician , ~~or~~



1 chiropractor *or advanced practice registered nurse* with that
2 specialization who is on the panel. After receiving the list, the
3 injured employee shall, at the time the referral is made, select a
4 physician , ~~chiropractor~~ *or advanced practice registered nurse*
5 from the list.

6 3. An injured employee whose employer's insurer has entered
7 into a contract with an organization for managed care or with
8 providers of health care services pursuant to NRS 616B.527 must
9 choose a treating physician , ~~chiropractor~~ *or advanced practice*
10 *registered nurse* pursuant to the terms of that contract. If the injured
11 employee is not satisfied with the first physician , ~~chiropractor~~ *or advanced practice registered nurse* he or she so chooses, the
12 injured employee may make an alternative choice of physician , ~~chiropractor~~ *or advanced practice registered nurse* pursuant to the
13 terms of the contract without the approval of the insurer if the
14 choice is made within 90 days after his or her injury. If the injured
15 employee, after choosing a treating physician , ~~chiropractor~~ *or advanced practice registered nurse*, moves to a county which is
16 not served by the organization for managed care or providers of
17 health care services named in the contract and the insurer
18 determines that it is impractical for the injured employee to continue
19 treatment with the physician , ~~chiropractor~~ *or advanced practice registered nurse*, the injured employee must choose a
20 treating physician , ~~chiropractor~~ *or advanced practice registered nurse* who has agreed to the terms of that contract unless
21 the insurer authorizes the injured employee to choose another
22 physician , ~~chiropractor~~ *or advanced practice registered nurse*. If the treating physician , ~~chiropractor~~ *or advanced practice registered nurse* refers the injured employee to a specialist
23 for treatment, the treating physician , ~~chiropractor~~ *or advanced practice registered nurse* shall provide to the injured employee a list
24 that includes the name of each physician , ~~chiropractor~~ *or advanced practice registered nurse* with that specialization who is
25 available pursuant to the terms of the contract with the organization
26 for managed care or with providers of health care services pursuant
27 to NRS 616B.527, as appropriate. After receiving the list, the
28 injured employee shall, at the time the referral is made, select a
29 physician , ~~chiropractor~~ *or advanced practice registered nurse*
30 from the list. If the employee fails to select a physician , ~~chiropractor~~ *or advanced practice registered nurse*, the insurer
31 may select a physician , ~~chiropractor~~ *or advanced practice registered nurse* with that specialization. If a physician , ~~chiropractor~~ *or advanced practice registered nurse* with that
32 specialization is not available pursuant to the terms of the contract,
33 the organization for managed care or the provider of health care



1 services may select a physician , ~~or~~ chiropractor *or advanced*
2 *practice registered nurse* with that specialization.

3 4. If the injured employee is not satisfied with the physician ,
4 ~~or~~ chiropractor *or advanced practice registered nurse* selected by
5 himself or herself or by the insurer, the organization for managed
6 care or the provider of health care services pursuant to subsection 3,
7 the injured employee may make an alternative choice of physician ,
8 ~~or~~ chiropractor *or advanced practice registered nurse* pursuant to
9 the terms of the contract. A change in the treating physician , ~~or~~
10 chiropractor *or advanced practice registered nurse* may be made at
11 any time but is subject to the approval of the insurer, which must be
12 granted or denied within 10 days after a written request for such a
13 change is received from the injured employee. If no action is taken
14 on the request within 10 days, the request shall be deemed granted.
15 Any request for a change of physician , ~~or~~ chiropractor *or*
16 *advanced practice registered nurse* must include the name of the
17 new physician , ~~or~~ chiropractor *or advanced practice registered*
18 *nurse* chosen by the injured employee. If the insurer denies a
19 request for a change in the treating physician , ~~or~~ chiropractor *or*
20 *advanced practice registered nurse* under this subsection, the
21 insurer must include in a written notice of denial to the injured
22 employee the specific reason for the denial of the request.

23 5. Except when emergency medical care is required and except
24 as otherwise provided in NRS 616C.055, the insurer is not
25 responsible for any charges for medical treatment or other accident
26 benefits furnished or ordered by any physician, chiropractor ,
27 *advanced practice registered nurse* or other person selected by the
28 injured employee in disregard of the provisions of this section or for
29 any compensation for any aggravation of the injured employee's
30 injury attributable to improper treatments by such physician,
31 chiropractor , *advanced practice registered nurse* or other person.

32 6. The Administrator may order necessary changes in a panel
33 of physicians , ~~and~~ chiropractors *and advanced practice registered*
34 *nurses* and shall suspend or remove any physician , ~~or~~ chiropractor
35 *or advanced practice registered nurse* from a panel for good cause
36 shown.

37 7. An injured employee may receive treatment by more than
38 one physician , ~~or~~ chiropractor *or advanced practice registered*
39 *nurse* if the insurer provides written authorization for such
40 treatment.

41 8. The Administrator shall design a form that notifies injured
42 employees of their right pursuant to subsections 2, 3 and 4 to select
43 an alternative treating physician , ~~or~~ chiropractor *or advanced*
44 *practice registered nurse* and make the form available to insurers
45 for distribution pursuant to subsection 2 of NRS 616C.050.



1 **Sec. 97.** NRS 616C.095 is hereby amended to read as follows:

2 616C.095 The physician , ~~MD~~ chiropractor *or advanced*
3 *practice registered nurse* shall inform the injured employee of the
4 injured employee's rights under chapters 616A to 616D, inclusive,
5 or chapter 617 of NRS and lend all necessary assistance in making
6 application for compensation and such proof of other matters as
7 required by the rules of the Division, without charge to the
8 employee.

9 **Sec. 98.** NRS 616C.100 is hereby amended to read as follows:

10 616C.100 1. If an injured employee disagrees with the
11 percentage of disability determined by a physician , ~~MD~~
12 chiropractor ~~MD~~ *or advanced practice registered nurse*, the injured
13 employee may obtain a second determination of the percentage of
14 disability. If the employee wishes to obtain such a determination,
15 the employee must select the next physician , ~~MD~~ chiropractor *or*
16 *advanced practice registered nurse* in rotation from the list of
17 qualified physicians , ~~MD~~ chiropractors *or advanced practice*
18 *registered nurses* maintained by the Administrator pursuant to
19 subsection 2 of NRS 616C.490. If a second determination is
20 obtained, the injured employee shall pay for the determination. If
21 the physician , ~~MD~~ chiropractor *or advanced practice registered*
22 *nurse* selected to make the second determination finds a higher
23 percentage of disability than the first physician , ~~MD~~ chiropractor ~~MD~~
24 *or advanced practice registered nurse*, the injured employee may
25 request a hearing officer or appeals officer to order the insurer to
26 reimburse the employee pursuant to the provisions of NRS
27 616C.330 or 616C.360.

28 2. The results of a second determination made pursuant to
29 subsection 1 may be offered at any hearing or settlement conference.

30 **Sec. 99.** NRS 616C.105 is hereby amended to read as follows:

31 616C.105 The Administrator shall not designate a chiropractor
32 *or advanced practice registered nurse* to rate permanent partial
33 disabilities unless the chiropractor *or advanced practice registered*
34 *nurse* has completed an advanced program of training in rating
35 disabilities using the American Medical Association's Guides to the
36 Evaluation of Permanent Impairment which is offered or approved
37 by the Administrator.

38 **Sec. 100.** NRS 616C.130 is hereby amended to read as
39 follows:

40 616C.130 The insurer shall not authorize the payment of any
41 money to a physician , ~~MD~~ chiropractor *or advanced practice*
42 *registered nurse* for services rendered by the physician , ~~MD~~
43 chiropractor ~~MD~~ *or advanced practice registered nurse*, as
44 applicable, in attending an injured employee until an itemized
45 statement for the services has been received by the insurer



1 accompanied by a certificate of the physician , ~~for~~ chiropractor *or*
2 *advanced practice registered nurse* stating that a duplicate of the
3 itemized statement has been filed with the employer of the injured
4 employee.

5 **Sec. 101.** NRS 616C.140 is hereby amended to read as
6 follows:

7 616C.140 1. Any employee who is entitled to receive
8 compensation under chapters 616A to 616D, inclusive, of NRS
9 shall, if:

10 (a) Requested by the insurer or employer; or

11 (b) Ordered by an appeals officer or a hearing officer,

12 ➤ submit to a medical examination at a time and from time to time
13 at a place reasonably convenient for the employee, and as may be
14 provided by the regulations of the Division.

15 2. If the insurer has reasonable cause to believe that an injured
16 employee who is receiving compensation for a permanent total
17 disability is no longer disabled, the insurer may request the
18 employee to submit to an annual medical examination to determine
19 whether the disability still exists. The insurer shall pay the costs of
20 the examination.

21 3. The request or order for an examination must fix a time and
22 place therefor, with due regard for the nature of the medical
23 examination, the convenience of the employee, the employee's
24 physical condition and the employee's ability to attend at the time
25 and place fixed.

26 4. The employee is entitled to have a physician , ~~for~~
27 chiropractor ~~or~~ *or advanced practice registered nurse*, provided and
28 paid for by the employee, present at any such examination.

29 5. If the employee refuses to submit to an examination ordered
30 or requested pursuant to subsection 1 or 2 or obstructs the
31 examination, the right of the employee to compensation is
32 suspended until the examination has taken place, and no
33 compensation is payable during or for the period of suspension.

34 6. Any physician , ~~for~~ chiropractor *or advanced practice*
35 *registered nurse* who makes or is present at any such examination
36 may be required to testify as to the result thereof.

37 **Sec. 102.** NRS 616C.160 is hereby amended to read as
38 follows:

39 616C.160 If, after a claim for compensation is filed pursuant to
40 NRS 616C.020:

41 1. The injured employee seeks treatment from a physician , ~~for~~
42 chiropractor *or advanced practice registered nurse* for a newly
43 developed injury or disease; and

44 2. The employee's medical records for the injury reported do
45 not include a reference to the injury or disease for which treatment



1 is being sought, or there is no documentation indicating that there
2 was possible exposure to an injury described in paragraph (b), (c) or
3 (d) of subsection 2 of NRS 616A.265,

4 → the injury or disease for which treatment is being sought must not
5 be considered part of the employee's original claim for
6 compensation unless the physician, ~~for~~ chiropractor *or advanced*
7 *practice registered nurse* establishes by medical evidence a causal
8 relationship between the injury or disease for which treatment is
9 being sought and the original accident.

10 **Sec. 103.** NRS 616C.230 is hereby amended to read as
11 follows:

12 616C.230 1. Compensation is not payable pursuant to the
13 provisions of chapters 616A to 616D, inclusive, or chapter 617 of
14 NRS for an injury:

15 (a) Caused by the employee's willful intention to injure himself
16 or herself.

17 (b) Caused by the employee's willful intention to injure another.

18 (c) That occurred while the employee was in a state of
19 intoxication, unless the employee can prove by clear and convincing
20 evidence that his or her state of intoxication was not the proximate
21 cause of the injury. For the purposes of this paragraph, an employee
22 is in a state of intoxication if the level of alcohol in the bloodstream
23 of the employee meets or exceeds the limits set forth in subsection 1
24 of NRS 484C.110.

25 (d) That occurred while the employee was under the influence of
26 a controlled or prohibited substance, unless the employee can prove
27 by clear and convincing evidence that his or her being under the
28 influence of a controlled or prohibited substance was not the
29 proximate cause of the injury. For the purposes of this paragraph, an
30 employee is under the influence of a controlled or prohibited
31 substance if the employee had an amount of a controlled or
32 prohibited substance in his or her system at the time of his or her
33 injury that was equal to or greater than the limits set forth in
34 subsection 3 of NRS 484C.110 and for which the employee did not
35 have a current and lawful prescription issued in the employee's
36 name.

37 2. For the purposes of paragraphs (c) and (d) of subsection 1:

38 (a) The affidavit or declaration of an expert or other person
39 described in NRS 50.310, 50.315 or 50.320 is admissible to prove
40 the existence of an impermissible quantity of alcohol or the
41 existence, quantity or identity of an impermissible controlled or
42 prohibited substance in an employee's system. If the affidavit or
43 declaration is to be so used, it must be submitted in the manner
44 prescribed in NRS 616C.355.



(b) When an examination requested or ordered includes testing for the use of alcohol or a controlled or prohibited substance, the laboratory that conducts the testing must be licensed pursuant to the provisions of chapter 652 of NRS.

(c) The results of any testing for the use of alcohol or a controlled or prohibited substance, irrespective of the purpose for performing the test, must be made available to an insurer or employer upon request, to the extent that doing so does not conflict with federal law.

3. No compensation is payable for the death, disability or treatment of an employee if the employee's death is caused by, or insofar as the employee's disability is aggravated, caused or continued by, an unreasonable refusal or neglect to submit to or to follow any competent and reasonable surgical treatment or medical aid.

4. If any employee persists in an unsanitary or injurious practice that imperils or retards his or her recovery, or refuses to submit to such medical or surgical treatment as is necessary to promote his or her recovery, the employee's compensation may be reduced or suspended.

5. An injured employee's compensation, other than accident benefits, must be suspended if:

(a) A physician, ~~for~~ chiropractor *or advanced practice registered nurse* determines that the employee is unable to undergo treatment, testing or examination for the industrial injury solely because of a condition or injury that did not arise out of and in the course of employment; and

(b) It is within the ability of the employee to correct the nonindustrial condition or injury.

➔ The compensation must be suspended until the injured employee is able to resume treatment, testing or examination for the industrial injury. The insurer may elect to pay for the treatment of the nonindustrial condition or injury.

6. As used in this section, "prohibited substance" has the meaning ascribed to it in NRS 484C.080.

Sec. 104. NRS 616C.265 is hereby amended to read as follows:

616C.265 1. Except as otherwise provided in NRS 616C.280, every employer operating under chapters 616A to 616D, inclusive, of NRS, alone or together with other employers, may make arrangements to provide accident benefits as defined in those chapters for injured employees.

2. Employers electing to make such arrangements shall notify the Administrator of the election and render a detailed statement of



1 the arrangements made, which arrangements do not become
2 effective until approved by the Administrator.

3 3. Every employer who maintains a hospital of any kind for his
4 or her employees, or who contracts for the hospital care of injured
5 employees, shall, on or before January 30 of each year, make a
6 written report to the Administrator for the preceding year, which
7 must contain a statement showing:

8 (a) The total amount of hospital fees collected, showing
9 separately the amount contributed by the employees and the amount
10 contributed by the employers;

11 (b) An itemized account of the expenditures, investments or
12 other disposition of such fees; and

13 (c) What balance, if any, remains.

14 4. Every employer who provides accident benefits pursuant to
15 this section:

16 (a) Shall, in accordance with regulations adopted by the
17 Administrator, make a written report to the Division of that
18 employer's actual and expected annual expenditures for claims and
19 such other information as the Division deems necessary to calculate
20 an estimated or final annual assessment and shall, to the extent that
21 the regulations refer to the responsibility of insurers to make such
22 reports, be deemed to be an insurer.

23 (b) Shall pay the assessments collected pursuant to NRS
24 232.680 and 616A.430.

25 5. The reports required by the provisions of subsections 3 and 4
26 must be verified:

27 (a) If the employer is a natural person, by the employer;

28 (b) If the employer is a partnership, by one of the partners;

29 (c) If the employer is a corporation, by the secretary, president,
30 general manager or other executive officer of the corporation; or

31 (d) If the employer has contracted with a physician , ~~for~~
32 chiropractor *or advanced practice registered nurse* for the hospital
33 care of injured employees, by the physician , ~~for~~ chiropractor ~~or~~ *or*
34 *advanced practice registered nurse*.

35 6. No employee is required to accept the services of a
36 physician , ~~for~~ chiropractor *or advanced practice registered nurse*
37 provided by his or her employer, but may seek professional medical
38 services of the employee's choice as provided in NRS 616C.090.
39 Expenses arising from such medical services must be paid by the
40 employer who has elected to provide benefits, pursuant to the
41 provisions of this section, for the employer's injured employees.

42 7. Every employer who fails to notify the Administrator of
43 such election and arrangements, or who fails to render the financial
44 reports required, is liable for accident benefits as provided by
45 NRS 616C.255.



1 **Sec. 105.** NRS 616C.270 is hereby amended to read as
2 follows:

3 616C.270 1. Every employer who has elected to provide
4 accident benefits for his or her injured employees shall prepare and
5 submit a written report to the Administrator:

6 (a) Within 6 days after any accident if an injured employee is
7 examined or treated by a physician , ~~for~~ chiropractor ~~or~~ *or*
8 *advanced practice registered nurse*; and

9 (b) If the injured employee receives additional medical services.

10 2. The Administrator shall review each report to determine
11 whether the employer is furnishing the accident benefits required by
12 chapters 616A to 616D, inclusive, of NRS.

13 3. The content and form of the written reports must be
14 prescribed by the Administrator.

15 **Sec. 106.** NRS 616C.275 is hereby amended to read as
16 follows:

17 616C.275 1. If the Administrator finds that the employer is
18 furnishing the requirements of accident benefits in such a manner
19 that there are reasonable grounds for believing that the health, life or
20 recovery of the employee is being endangered or impaired thereby,
21 or that an employer has failed to provide benefits pursuant to NRS
22 616C.265 for which he or she has made arrangements, the
23 Administrator may, upon application of the employee, or upon the
24 Administrator's own motion, order a change of physicians , ~~for~~
25 chiropractors *or advanced practice registered nurses* or of any other
26 requirements of accident benefits.

27 2. If the Administrator orders a change of physicians , ~~for~~
28 chiropractors *or advanced practice registered nurses* or of any other
29 accident benefits, the cost of the change must be borne by the
30 insurer.

31 3. The cause of action of an injured employee against an
32 employer insured by a private carrier must be assigned to the private
33 carrier.

34 **Sec. 107.** NRS 616C.280 is hereby amended to read as
35 follows:

36 616C.280 The Administrator may withdraw his or her approval
37 of an employer's providing accident benefits for his or her
38 employees and require the employer to pay the premium collected
39 pursuant to NRS 616C.255 if the employer intentionally:

40 1. Determines incorrectly that a claimed injury did not arise out
41 of and in the course of the employee's employment;

42 2. Fails to advise an injured employee of the employee's rights
43 under chapters 616A to 616D, inclusive, or chapter 617 of NRS;



3. Impedes the determination of disability or benefits by delaying a needed change of an injured employee's physician , ~~chiropractor~~ *or advanced practice registered nurse*;

4. Causes an injured employee to file a legal action to recover any compensation or other medical benefits due the employee from the employer;

5. Violates any of the Administrator's or the Division's regulations regarding the provision of accident benefits by employers; or

6. Discriminates against an employee who claims benefits under chapters 616A to 616D, inclusive, or chapter 617 of NRS.

Sec. 108. NRS 616C.305 is hereby amended to read as follows:

616C.305 1. Except as otherwise provided in subsection 3, any person who is aggrieved by a final determination concerning accident benefits made by an organization for managed care which has contracted with an insurer must, within 14 days of the determination and before requesting a resolution of the dispute pursuant to NRS 616C.345 to 616C.385, inclusive, appeal that determination in accordance with the procedure for resolving complaints established by the organization for managed care.

2. The procedure for resolving complaints established by the organization for managed care must be informal and must include, but is not limited to, a review of the appeal by a qualified physician , ~~chiropractor~~ *or advanced practice registered nurse* who did not make or otherwise participate in making the determination.

3. If a person appeals a final determination pursuant to a procedure for resolving complaints established by an organization for managed care and the dispute is not resolved within 14 days after it is submitted, the person may request a resolution of the dispute pursuant to NRS 616C.345 to 616C.385, inclusive.

Sec. 109. NRS 616C.330 is hereby amended to read as follows:

616C.330 1. The hearing officer shall:

(a) Except as otherwise provided in subsection 2 of NRS 616C.315, within 5 days after receiving a request for a hearing, set the hearing for a date and time within 30 days after his or her receipt of the request at a place in Carson City, Nevada, or Las Vegas, Nevada, or upon agreement of one or more of the parties to pay all additional costs directly related to an alternative location, at any other place of convenience to the parties, at the discretion of the hearing officer;

(b) Give notice by mail or by personal service to all interested parties to the hearing at least 15 days before the date and time scheduled; and



(c) Conduct hearings expeditiously and informally.

2. The notice must include a statement that the injured employee may be represented by a private attorney or seek assistance and advice from the Nevada Attorney for Injured Workers.

3. If necessary to resolve a medical question concerning an injured employee's condition or to determine the necessity of treatment for which authorization for payment has been denied, the hearing officer may order an independent medical examination, which must not involve treatment, and refer the employee to a physician, ~~MD~~ chiropractor *or advanced practice registered nurse* of his or her choice who has demonstrated special competence to treat the particular medical condition of the employee, whether or not the physician, ~~MD~~ chiropractor *or advanced practice registered nurse* is on the insurer's panel of providers of health care. If the medical question concerns the rating of a permanent disability, the hearing officer may refer the employee to a rating physician, ~~MD~~ chiropractor *or advanced practice registered nurse*. The rating physician, ~~MD~~ chiropractor *or advanced practice registered nurse* must be selected in rotation from the list of qualified physicians, ~~and~~ *and advanced practice registered nurses* maintained by the Administrator pursuant to subsection 2 of NRS 616C.490, unless the insurer and injured employee otherwise agree to a rating physician, ~~MD~~ chiropractor *or advanced practice registered nurse*. The insurer shall pay the costs of any medical examination requested by the hearing officer.

4. The hearing officer may consider the opinion of an examining physician, ~~MD~~ chiropractor *or advanced practice registered nurse*, in addition to the opinion of an authorized treating physician, ~~MD~~ chiropractor *or advanced practice registered nurse*, in determining the compensation payable to the injured employee.

5. If an injured employee has requested payment for the cost of obtaining a second determination of his or her percentage of disability pursuant to NRS 616C.100, the hearing officer shall decide whether the determination of the higher percentage of disability made pursuant to NRS 616C.100 is appropriate and, if so, may order the insurer to pay to the employee an amount equal to the maximum allowable fee established by the Administrator pursuant to NRS 616C.260 for the type of service performed, or the usual fee of that physician, ~~MD~~ chiropractor *or advanced practice registered nurse* for such service, whichever is less.

6. The hearing officer shall order an insurer, organization for managed care or employer who provides accident benefits for injured employees pursuant to NRS 616C.265 to pay to the



1 appropriate person the charges of a provider of health care if the
2 conditions of NRS 616C.138 are satisfied.

3 7. The hearing officer may allow or forbid the presence of a
4 court reporter and the use of a tape recorder in a hearing.

5 8. The hearing officer shall render his or her decision within 15
6 days after:

7 (a) The hearing; or

8 (b) The hearing officer receives a copy of the report from the
9 medical examination the hearing officer requested.

10 9. The hearing officer shall render a decision in the most
11 efficient format developed by the Chief of the Hearings Division of
12 the Department of Administration.

13 10. The hearing officer shall give notice of the decision to each
14 party by mail. The hearing officer shall include with the notice of
15 the decision the necessary forms for appealing from the decision.

16 11. Except as otherwise provided in NRS 616C.380, the
17 decision of the hearing officer is not stayed if an appeal from that
18 decision is taken unless an application for a stay is submitted by a
19 party. If such an application is submitted, the decision is
20 automatically stayed until a determination is made on the
21 application. A determination on the application must be made within
22 30 days after the filing of the application. If, after reviewing the
23 application, a stay is not granted by the hearing officer or an appeals
24 officer, the decision must be complied with within 10 days after the
25 refusal to grant a stay.

26 **Sec. 110.** NRS 616C.350 is hereby amended to read as
27 follows:

28 616C.350 1. Any physician , ~~chiropractor~~ *or advanced*
29 *practice registered nurse* who attends an employee within the
30 provisions of chapters 616A to 616D, inclusive, or chapter 617 of
31 NRS in a professional capacity, may be required to testify before an
32 appeals officer. A physician , ~~chiropractor~~ *or advanced practice*
33 *registered nurse* who testifies is entitled to receive the same fees as
34 witnesses in civil cases and, if the appeals officer so orders at his or
35 her own discretion, a fee equal to that authorized for a consultation
36 by the appropriate schedule of fees for physicians , ~~chiropractors~~
37 ~~chiropractors~~ *or advanced practice registered nurses*. These fees
38 must be paid by the insurer.

39 2. Information gained by the attending physician , ~~chiropractor~~
40 *or advanced practice registered nurse* while in
41 attendance on the injured employee is not a privileged
42 communication if:

43 (a) Required by an appeals officer for a proper understanding of
44 the case and a determination of the rights involved; or



(b) The information is related to any fraud that has been or is alleged to have been committed in violation of the provisions of this chapter or chapter 616A, 616B, 616D or 617 of NRS.

Sec. 111. NRS 616C.360 is hereby amended to read as follows:

616C.360 1. A stenographic or electronic record must be kept of the hearing before the appeals officer and the rules of evidence applicable to contested cases under chapter 233B of NRS apply to the hearing.

2. The appeals officer must hear any matter raised before him or her on its merits, including new evidence bearing on the matter.

3. If there is a medical question or dispute concerning an injured employee's condition or concerning the necessity of treatment for which authorization for payment has been denied, the appeals officer may:

(a) Order an independent medical examination and refer the employee to a physician, ~~chiropractor~~ *or advanced practice registered nurse* of his or her choice who has demonstrated special competence to treat the particular medical condition of the employee, whether or not the physician, ~~chiropractor~~ *or advanced practice registered nurse* is on the insurer's panel of providers of health care. If the medical question concerns the rating of a permanent disability, the appeals officer may refer the employee to a rating physician, ~~chiropractor~~ *or advanced practice registered nurse*. The rating physician, ~~chiropractor~~ *or advanced practice registered nurse* must be selected in rotation from the list of qualified physicians, ~~chiropractors~~ *or advanced practice registered nurses* maintained by the Administrator pursuant to subsection 2 of NRS 616C.490, unless the insurer and the injured employee otherwise agree to a rating physician, ~~chiropractor~~ *or advanced practice registered nurse*. The insurer shall pay the costs of any examination requested by the appeals officer.

(b) If the medical question or dispute is relevant to an issue involved in the matter before the appeals officer and all parties agree to the submission of the matter to an independent review organization, submit the matter to an independent review organization in accordance with NRS 616C.363 and any regulations adopted by the Commissioner.

4. The appeals officer may consider the opinion of an examining physician, ~~chiropractor~~ *or advanced practice registered nurse*, in addition to the opinion of an authorized treating physician, ~~chiropractor~~ *or advanced practice registered nurse*, in determining the compensation payable to the injured employee.



5. If an injured employee has requested payment for the cost of obtaining a second determination of his or her percentage of disability pursuant to NRS 616C.100, the appeals officer shall decide whether the determination of the higher percentage of disability made pursuant to NRS 616C.100 is appropriate and, if so, may order the insurer to pay to the employee an amount equal to the maximum allowable fee established by the Administrator pursuant to NRS 616C.260 for the type of service performed, or the usual fee of that physician, ~~for~~ chiropractor *or advanced practice registered nurse* for such service, whichever is less.

6. The appeals officer shall order an insurer, organization for managed care or employer who provides accident benefits for injured employees pursuant to NRS 616C.265 to pay to the appropriate person the charges of a provider of health care if the conditions of NRS 616C.138 are satisfied.

7. Any party to the appeal or contested case or the appeals officer may order a transcript of the record of the hearing at any time before the seventh day after the hearing. The transcript must be filed within 30 days after the date of the order unless the appeals officer otherwise orders.

8. Except as otherwise provided in subsection 9, the appeals officer shall render a decision:

(a) If a transcript is ordered within 7 days after the hearing, within 30 days after the transcript is filed; or

(b) If a transcript has not been ordered, within 30 days after the date of the hearing.

9. The appeals officer shall render a decision on a contested claim submitted pursuant to subsection 2 of NRS 616C.345 within 15 days after:

(a) The date of the hearing; or

(b) If the appeals officer orders an independent medical examination, the date the appeals officer receives the report of the examination,

↪ unless both parties to the contested claim agree to a later date.

10. The appeals officer may affirm, modify or reverse any decision made by a hearing officer and issue any necessary and proper order to give effect to his or her decision.

Sec. 112. NRS 616C.363 is hereby amended to read as follows:

616C.363 1. Not later than 5 business days after the date that an independent review organization receives a request for an external review, the independent review organization shall:

(a) Review the documents and materials submitted for the external review; and



(b) Notify the injured employee, his or her employer and the insurer whether the independent review organization needs any additional information to conduct the external review.

2. The independent review organization shall render a decision on the matter not later than 15 business days after the date that it receives all information that is necessary to conduct the external review.

3. In conducting the external review, the independent review organization shall consider, without limitation:

(a) The medical records of the insured;

(b) Any recommendations of the physician , *chiropractor or advanced practice registered nurse* of the insured; and

(c) Any other information approved by the Commissioner for consideration by an independent review organization.

4. In its decision, the independent review organization shall specify the reasons for its decision. The independent review organization shall submit a copy of its decision to:

(a) The injured employee;

(b) The employer;

(c) The insurer; and

(d) The appeals officer, if any.

5. The insurer shall pay the costs of the services provided by the independent review organization.

6. The Commissioner may adopt regulations to govern the process of external review and to carry out the provisions of this section. Any regulations adopted pursuant to this section must provide that:

(a) All parties must agree to the submission of a matter to an independent review organization before a request for external review may be submitted;

(b) A party may not be ordered to submit a matter to an independent review organization; and

(c) The findings and decisions of an independent review organization are not binding.

Sec. 113. NRS 616C.390 is hereby amended to read as follows:

616C.390 Except as otherwise provided in NRS 616C.392:

1. If an application to reopen a claim to increase or rearrange compensation is made in writing more than 1 year after the date on which the claim was closed, the insurer shall reopen the claim if:

(a) A change of circumstances warrants an increase or rearrangement of compensation during the life of the claimant;

(b) The primary cause of the change of circumstances is the injury for which the claim was originally made; and



(c) The application is accompanied by the certificate of a physician , ~~for a~~ chiropractor *or advanced practice registered nurse* showing a change of circumstances which would warrant an increase or rearrangement of compensation.

2. After a claim has been closed, the insurer, upon receiving an application and for good cause shown, may authorize the reopening of the claim for medical investigation only. The application must be accompanied by a written request for treatment from the physician , ~~for~~ chiropractor *or advanced practice registered nurse* treating the claimant, certifying that the treatment is indicated by a change in circumstances and is related to the industrial injury sustained by the claimant.

3. If a claimant applies for a claim to be reopened pursuant to subsection 1 or 2 and a final determination denying the reopening is issued, the claimant shall not reapply to reopen the claim until at least 1 year after the date on which the final determination is issued.

4. Except as otherwise provided in subsection 5, if an application to reopen a claim is made in writing within 1 year after the date on which the claim was closed, the insurer shall reopen the claim only if:

(a) The application is supported by medical evidence demonstrating an objective change in the medical condition of the claimant; and

(b) There is clear and convincing evidence that the primary cause of the change of circumstances is the injury for which the claim was originally made.

5. An application to reopen a claim must be made in writing within 1 year after the date on which the claim was closed if:

(a) The claimant did not meet the minimum duration of incapacity as set forth in NRS 616C.400 as a result of the injury; and

(b) The claimant did not receive benefits for a permanent partial disability.

➔ If an application to reopen a claim to increase or rearrange compensation is made pursuant to this subsection, the insurer shall reopen the claim if the requirements set forth in paragraphs (a), (b) and (c) of subsection 1 are met.

6. If an employee's claim is reopened pursuant to this section, the employee is not entitled to vocational rehabilitation services or benefits for a temporary total disability if, before the claim was reopened, the employee:

(a) Retired; or

(b) Otherwise voluntarily removed himself or herself from the workforce,



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1 ↳ for reasons unrelated to the injury for which the claim was
2 originally made.

3 7. One year after the date on which the claim was closed, an
4 insurer may dispose of the file of a claim authorized to be reopened
5 pursuant to subsection 5, unless an application to reopen the claim
6 has been filed pursuant to that subsection.

7 8. An increase or rearrangement of compensation is not
8 effective before an application for reopening a claim is made unless
9 good cause is shown. The insurer shall, upon good cause shown,
10 allow the cost of emergency treatment the necessity for which has
11 been certified by a physician , ~~for a~~ chiropractor ~~+~~ *or advanced*
12 *practice registered nurse.*

13 9. A claim that closes pursuant to subsection 2 of NRS
14 616C.235 and is not appealed or is unsuccessfully appealed pursuant
15 to the provisions of NRS 616C.305 and 616C.315 to 616C.385,
16 inclusive, may not be reopened pursuant to this section.

17 10. The provisions of this section apply to any claim for which
18 an application to reopen the claim or to increase or rearrange
19 compensation is made pursuant to this section, regardless of the date
20 of the injury or accident to the claimant. If a claim is reopened
21 pursuant to this section, the amount of any compensation or benefits
22 provided must be determined in accordance with the provisions of
23 NRS 616C.425.

24 **Sec. 114.** NRS 616C.440 is hereby amended to read as
25 follows:

26 616C.440 1. Except as otherwise provided in this section and
27 NRS 616C.175, every employee in the employ of an employer,
28 within the provisions of chapters 616A to 616D, inclusive, of NRS,
29 who is injured by accident arising out of and in the course of
30 employment, or his or her dependents as defined in chapters 616A
31 to 616D, inclusive, of NRS, is entitled to receive the following
32 compensation for permanent total disability:

33 (a) In cases of total disability adjudged to be permanent,
34 compensation per month of 66 2/3 percent of the average monthly
35 wage.

36 (b) If there is a previous disability, as the loss of one eye, one
37 hand, one foot or any other previous permanent disability, the
38 percentage of disability for a subsequent injury must be determined
39 by computing the percentage of the entire disability and deducting
40 therefrom the percentage of the previous disability as it existed at
41 the time of the subsequent injury, but such a deduction for a
42 previous award for permanent partial disability must be made in a
43 reasonable manner and must not be more than the total amount
44 which was paid for the previous award for permanent partial
45 disability. The total amount of the allowable deduction includes,



1 without limitation, compensation for a permanent partial disability
2 that was deducted from:

3 (1) Any compensation the employee received for a
4 temporary total disability; or

5 (2) Any other compensation received by the employee.

6 (c) If the character of the injury is such as to render the
7 employee so physically helpless as to require the service of a
8 constant attendant, an additional allowance may be made so long as
9 such requirements continue, but the allowance may not be made
10 while the employee is receiving benefits for care in a hospital or
11 facility for intermediate care pursuant to the provisions of
12 NRS 616C.265.

13 2. Except as otherwise provided in NRS 616B.028 and
14 616B.029, an injured employee or his or her dependents are not
15 entitled to accrue or be paid any benefits for a permanent total
16 disability during the time the injured employee is incarcerated. The
17 injured employee or his or her dependents are entitled to receive
18 those benefits when the injured employee is released from
19 incarceration if the injured employee is certified as permanently
20 totally disabled by a physician , ~~chiropractor~~ **H or advanced**
21 **practice registered nurse.**

22 3. An employee is entitled to receive compensation for a
23 permanent total disability only so long as the permanent total
24 disability continues to exist. The insurer has the burden of proving
25 that the permanent total disability no longer exists.

26 4. If an employee who has received compensation in a lump
27 sum for a permanent partial disability pursuant to NRS 616C.495 is
28 subsequently determined to be permanently and totally disabled, the
29 insurer of the employee's employer shall recover pursuant to this
30 subsection the actual amount of the lump sum paid to the employee
31 for the permanent partial disability. The insurer shall not recover
32 from the employee, whether by deductions or single payment, or a
33 combination of both, more than the actual amount of the lump sum
34 paid to the employee. To recover the actual amount of the lump
35 sum, the insurer shall:

36 (a) Unless the employee submits a request described in
37 paragraph (b), deduct from the compensation for the permanent total
38 disability an amount that is not more than 10 percent of the rate of
39 compensation for a permanent total disability until the actual
40 amount of the lump sum paid to the employee for the permanent
41 partial disability is recovered; or

42 (b) Upon the request of the employee, accept in a single
43 payment from the employee an amount that is equal to the actual
44 amount of the lump sum paid to the employee for the permanent
45 partial disability, less the actual amount of all deductions made to



1 date by the insurer from the employee for repayment of the lump
2 sum.

3 **Sec. 115.** NRS 616C.475 is hereby amended to read as
4 follows:

5 616C.475 1. Except as otherwise provided in this section,
6 NRS 616C.175 and 616C.390, every employee in the employ of an
7 employer, within the provisions of chapters 616A to 616D,
8 inclusive, of NRS, who is injured by accident arising out of and in
9 the course of employment, or his or her dependents, is entitled to
10 receive for the period of temporary total disability, 66 2/3 percent of
11 the average monthly wage.

12 2. Except as otherwise provided in NRS 616B.028 and
13 616B.029, an injured employee or his or her dependents are not
14 entitled to accrue or be paid any benefits for a temporary total
15 disability during the time the injured employee is incarcerated. The
16 injured employee or his or her dependents are entitled to receive
17 such benefits when the injured employee is released from
18 incarceration if the injured employee is certified as temporarily
19 totally disabled by a physician , ~~chiropractor~~ *or advanced
20 practice registered nurse.*

21 3. If a claim for the period of temporary total disability is
22 allowed, the first payment pursuant to this section must be issued by
23 the insurer within 14 working days after receipt of the initial
24 certification of disability and regularly thereafter.

25 4. Any increase in compensation and benefits effected by the
26 amendment of subsection 1 is not retroactive.

27 5. Payments for a temporary total disability must cease when:

28 (a) A physician , ~~chiropractor~~ *or advanced practice
29 registered nurse* determines that the employee is physically capable
30 of any gainful employment for which the employee is suited, after
31 giving consideration to the employee's education, training and
32 experience;

33 (b) The employer offers the employee light-duty employment or
34 employment that is modified according to the limitations or
35 restrictions imposed by a physician , ~~chiropractor~~ *or advanced
36 practice registered nurse* pursuant to subsection 7; or

37 (c) Except as otherwise provided in NRS 616B.028 and
38 616B.029, the employee is incarcerated.

39 6. Each insurer may, with each check that it issues to an injured
40 employee for a temporary total disability, include a form approved
41 by the Division for the injured employee to request continued
42 compensation for the temporary total disability.

43 7. A certification of disability issued by a physician , ~~chiropractor~~
44 *or advanced practice registered nurse* must:



(a) Include the period of disability and a description of any physical limitations or restrictions imposed upon the work of the employee;

(b) Specify whether the limitations or restrictions are permanent or temporary; and

(c) Be signed by the treating physician, ~~for~~ chiropractor *or advanced practice registered nurse* authorized pursuant to NRS 616B.527 or appropriately chosen pursuant to subsection 3 or 4 of NRS 616C.090.

8. If the certification of disability specifies that the physical limitations or restrictions are temporary, the employer of the employee at the time of the employee's accident may offer temporary, light-duty employment to the employee. If the employer makes such an offer, the employer shall confirm the offer in writing within 10 days after making the offer. The making, acceptance or rejection of an offer of temporary, light-duty employment pursuant to this subsection does not affect the eligibility of the employee to receive vocational rehabilitation services, including compensation, and does not exempt the employer from complying with NRS 616C.545 to 616C.575, inclusive, and 616C.590 or the regulations adopted by the Division governing vocational rehabilitation services. Any offer of temporary, light-duty employment made by the employer must specify a position that:

(a) Is substantially similar to the employee's position at the time of his or her injury in relation to the location of the employment and the hours the employee is required to work;

(b) Provides a gross wage that is:

(1) If the position is in the same classification of employment, equal to the gross wage the employee was earning at the time of his or her injury; or

(2) If the position is not in the same classification of employment, substantially similar to the gross wage the employee was earning at the time of his or her injury; and

(c) Has the same employment benefits as the position of the employee at the time of his or her injury.

Sec. 116. NRS 616C.490 is hereby amended to read as follows:

616C.490 1. Except as otherwise provided in NRS 616C.175, every employee, in the employ of an employer within the provisions of chapters 616A to 616D, inclusive, of NRS, who is injured by an accident arising out of and in the course of employment is entitled to receive the compensation provided for permanent partial disability. As used in this section, "disability" and "impairment of the whole person" are equivalent terms.



2. Within 30 days after receiving from a physician , ~~or~~ chiropractor *or advanced practice registered nurse* a report indicating that the injured employee may have suffered a permanent disability and is stable and ratable, the insurer shall schedule an appointment with the rating physician , ~~or~~ chiropractor *or advanced practice registered nurse* selected pursuant to this subsection to determine the extent of the employee's disability. Unless the insurer and the injured employee otherwise agree to a rating physician , ~~or~~ chiropractor ~~or~~ *or advanced practice registered nurse*:

(a) The insurer shall select the rating physician , ~~or~~ chiropractor *or advanced practice registered nurse* from the list of qualified rating physicians , ~~and~~ chiropractors *and advanced practice registered nurses* designated by the Administrator, to determine the percentage of disability in accordance with the American Medical Association's Guides to the Evaluation of Permanent Impairment as adopted and supplemented by the Division pursuant to NRS 616C.110.

(b) Rating physicians , ~~and~~ chiropractors *and advanced practice registered nurses* must be selected in rotation from the list of qualified physicians , ~~and~~ chiropractors *and advanced practice registered nurses* designated by the Administrator, according to their area of specialization and the order in which their names appear on the list unless the next physician , ~~or~~ chiropractor *or advanced practice registered nurse* is currently an employee of the insurer making the selection, in which case the insurer must select the physician , ~~or~~ chiropractor *or advanced practice registered nurse* who is next on the list and who is not currently an employee of the insurer.

3. If an insurer contacts the treating physician , ~~or~~ chiropractor *or advanced practice registered nurse* to determine whether an injured employee has suffered a permanent disability, the insurer shall deliver to the treating physician , ~~or~~ chiropractor *or advanced practice registered nurse* that portion or a summary of that portion of the American Medical Association's Guides to the Evaluation of Permanent Impairment as adopted by the Division pursuant to NRS 616C.110 that is relevant to the type of injury incurred by the employee.

4. At the request of the insurer, the injured employee shall, before an evaluation by a rating physician , ~~or~~ chiropractor *or advanced practice registered nurse* is performed, notify the insurer of:

(a) Any previous evaluations performed to determine the extent of any of the employee's disabilities; and



(b) Any previous injury, disease or condition sustained by the employee which is relevant to the evaluation performed pursuant to this section.

➡ The notice must be on a form approved by the Administrator and provided to the injured employee by the insurer at the time of the insurer's request.

5. Unless the regulations adopted pursuant to NRS 616C.110 provide otherwise, a rating evaluation must include an evaluation of the loss of motion, sensation and strength of an injured employee if the injury is of a type that might have caused such a loss. Except in the case of claims accepted pursuant to NRS 616C.180, no factors other than the degree of physical impairment of the whole person may be considered in calculating the entitlement to compensation for a permanent partial disability.

6. The rating physician, ~~for~~ chiropractor *or advanced practice registered nurse* shall provide the insurer with his or her evaluation of the injured employee. After receiving the evaluation, the insurer shall, within 14 days, provide the employee with a copy of the evaluation and notify the employee:

(a) Of the compensation to which the employee is entitled pursuant to this section; or

(b) That the employee is not entitled to benefits for permanent partial disability.

7. Each 1 percent of impairment of the whole person must be compensated by a monthly payment:

(a) Of 0.5 percent of the claimant's average monthly wage for injuries sustained before July 1, 1981;

(b) Of 0.6 percent of the claimant's average monthly wage for injuries sustained on or after July 1, 1981, and before June 18, 1993;

(c) Of 0.54 percent of the claimant's average monthly wage for injuries sustained on or after June 18, 1993, and before January 1, 2000; and

(d) Of 0.6 percent of the claimant's average monthly wage for injuries sustained on or after January 1, 2000.

➡ Compensation must commence on the date of the injury or the day following the termination of temporary disability compensation, if any, whichever is later, and must continue on a monthly basis for 5 years or until the claimant is 70 years of age, whichever is later.

8. Compensation benefits may be paid annually to claimants who will be receiving less than \$100 a month.

9. Where there is a previous disability, as the loss of one eye, one hand, one foot, or any other previous permanent disability, the percentage of disability for a subsequent injury must be determined by computing the percentage of the entire disability and deducting



1 therefrom the percentage of the previous disability as it existed at
2 the time of the subsequent injury.

3 10. The Division may adopt schedules for rating permanent
4 disabilities resulting from injuries sustained before July 1, 1973, and
5 reasonable regulations to carry out the provisions of this section.

6 11. The increase in compensation and benefits effected by the
7 amendment of this section is not retroactive for accidents which
8 occurred before July 1, 1973.

9 12. This section does not entitle any person to double payments
10 for the death of an employee and a continuation of payments for a
11 permanent partial disability, or to a greater sum in the aggregate
12 than if the injury had been fatal.

13 **Sec. 117.** NRS 616C.500 is hereby amended to read as
14 follows:

15 616C.500 1. Except as otherwise provided in subsection 2
16 and NRS 616C.175, every employee in the employ of an employer,
17 within the provisions of chapters 616A to 616D, inclusive, of NRS,
18 who is injured by accident arising out of and in the course of
19 employment, is entitled to receive for a temporary partial disability
20 the difference between the wage earned after the injury and the
21 compensation which the injured person would be entitled to receive
22 if temporarily totally disabled when the wage is less than the
23 compensation, but for a period not to exceed 24 months during the
24 period of disability.

25 2. Except as otherwise provided in NRS 616B.028 and
26 616B.029, an injured employee or his or her dependents are not
27 entitled to accrue or be paid any benefits for a temporary partial
28 disability during the time the employee is incarcerated. The injured
29 employee or his or her dependents are entitled to receive such
30 benefits if the injured employee is released from incarceration
31 during the period of disability specified in subsection 1 and the
32 injured employee is certified as temporarily partially disabled by a
33 physician , ~~for~~ chiropractor ~~or~~ *or advanced practice registered*
34 *nurse*.

35 **Sec. 118.** NRS 616C.545 is hereby amended to read as
36 follows:

37 616C.545 If an employee does not return to work for 28
38 consecutive calendar days as a result of an injury arising out of and
39 in the course of his or her employment or an occupational disease,
40 the insurer shall contact the treating physician , ~~for~~ chiropractor *or*
41 *advanced practice registered nurse* to determine whether:

42 1. There are physical limitations on the injured employee's
43 ability to work; and

44 2. The limitations, if any, are permanent or temporary.



1 **Sec. 119.** NRS 616C.550 is hereby amended to read as
2 follows:

3 616C.550 1. If benefits for a temporary total disability will
4 be paid to an injured employee for more than 90 days, the insurer or
5 the injured employee may request a vocational rehabilitation
6 counselor to prepare a written assessment of the injured employee's
7 ability or potential to return to:

8 (a) The position the employee held at the time that he or she was
9 injured; or

10 (b) Any other gainful employment.

11 2. Before completing the written assessment, the counselor
12 shall:

13 (a) Contact the injured employee and:

14 (1) Identify the injured employee's educational background,
15 work experience and career interests; and

16 (2) Determine whether the injured employee has any existing
17 marketable skills.

18 (b) Contact the injured employee's treating physician , ~~for~~
19 chiropractor *or advanced practice registered nurse* and determine:

20 (1) Whether the employee has any temporary or permanent
21 physical limitations;

22 (2) The estimated duration of the limitations;

23 (3) Whether there is a plan for continued medical treatment;
24 and

25 (4) When the employee may return to the position that the
26 employee held at the time of his or her injury or to any other
27 position. The treating physician , ~~for~~ chiropractor *or advanced*
28 *practice registered nurse* shall determine whether an employee may
29 return to the position that the employee held at the time of his or her
30 injury.

31 3. Except as otherwise provided in NRS 616C.542 and
32 616C.547, a vocational rehabilitation counselor shall prepare a
33 written assessment not more than 30 days after receiving a request
34 for a written assessment pursuant to subsection 1. The written
35 assessment must contain a determination as to whether the employee
36 is eligible for vocational rehabilitation services pursuant to NRS
37 616C.590. If the insurer, with the assistance of the counselor,
38 determines that the employee is eligible for vocational rehabilitation
39 services, a plan for a program of vocational rehabilitation must be
40 completed pursuant to NRS 616C.555.

41 4. The Division may, by regulation, require a written
42 assessment to include additional information.

43 5. If an insurer determines that a written assessment requested
44 pursuant to subsection 1 is impractical because of the expected



1 duration of the injured employee's total temporary disability, the
2 insurer shall:

3 (a) Complete a written report which specifies the insurer's
4 reasons for the decision; and

5 (b) Review the claim at least once every 60 days.

6 6. The insurer shall deliver a copy of the written assessment or
7 the report completed pursuant to subsection 5 to the injured
8 employee, his or her employer, the treating physician, ~~for~~
9 chiropractor *or advanced practice registered nurse* and the injured
10 employee's attorney or representative, if applicable.

11 7. For the purposes of this section, "existing marketable skills"
12 include, but are not limited to:

13 (a) Completion of:

14 (1) A program at a trade school;

15 (2) A program which resulted in an associate's degree; or

16 (3) A course of study for certification,

17 ➔ if the program or course of study provided the skills and training
18 necessary for the injured employee to be gainfully employed on a
19 reasonably continuous basis in an occupation that is reasonably
20 available in this State.

21 (b) Completion of a 2-year or 4-year program at a college or
22 university which resulted in a degree.

23 (c) Completion of any portion of a program for a graduate's
24 degree at a college or university.

25 (d) Skills acquired in previous employment, including those
26 acquired during an apprenticeship or a program for on-the-job
27 training.

28 ➔ The skills set forth in paragraphs (a) to (d), inclusive, must have
29 been acquired within the preceding 7 years and be compatible with
30 the physical limitations of the injured employee to be considered
31 existing marketable skills.

32 8. Each written assessment of an injured employee must be
33 signed by a certified vocational rehabilitation counselor.

34 **Sec. 120.** NRS 616C.555 is hereby amended to read as
35 follows:

36 616C.555 1. A vocational rehabilitation counselor shall
37 develop a plan for a program of vocational rehabilitation for each
38 injured employee who is eligible for vocational rehabilitation
39 services pursuant to NRS 616C.590. The counselor shall work with
40 the insurer and the injured employee to develop a program that is
41 compatible with the injured employee's age, sex and physical
42 condition.

43 2. If the counselor determines in a written assessment
44 requested pursuant to NRS 616C.550 that the injured employee has
45 existing marketable skills, the plan must consist of job placement



1 assistance only. When practicable, the goal of job placement
2 assistance must be to aid the employee in finding a position which
3 pays a gross wage that is equal to or greater than 80 percent of the
4 gross wage that the employee was earning at the time of his or her
5 injury. An injured employee must not receive job placement
6 assistance for more than 6 months after the date on which the
7 injured employee was notified that he or she is eligible only for job
8 placement assistance because:

9 (a) The injured employee was physically capable of returning to
10 work; or

11 (b) It was determined that the injured employee had existing
12 marketable skills.

13 3. If the counselor determines in a written assessment
14 requested pursuant to NRS 616C.550 that the injured employee does
15 not have existing marketable skills, the plan must consist of a
16 program which trains or educates the injured employee and provides
17 job placement assistance. Except as otherwise provided in NRS
18 616C.560, such a program must not exceed:

19 (a) If the injured employee has incurred a permanent disability
20 as a result of which permanent restrictions on the ability of the
21 injured employee to work have been imposed but no permanent
22 physical impairment rating has been issued, or a permanent
23 disability with a permanent physical impairment of 1 percent or
24 more but less than 6 percent, 9 months.

25 (b) If the injured employee has incurred a permanent physical
26 impairment of 6 percent or more, but less than 11 percent, 1 year.

27 (c) If the injured employee has incurred a permanent physical
28 impairment of 11 percent or more, 18 months.

29 ➤ The percentage of the injured employee's permanent physical
30 impairment must be determined pursuant to NRS 616C.490.

31 4. A plan for a program of vocational rehabilitation must
32 comply with the requirements set forth in NRS 616C.585.

33 5. A plan created pursuant to subsection 2 or 3 must assist the
34 employee in finding a job or train or educate the employee and
35 assist the employee in finding a job that is a part of an employer's
36 regular business operations and from which the employee will gain
37 skills that would generally be transferable to a job with another
38 employer.

39 6. A program of vocational rehabilitation must not commence
40 before the treating physician , ~~††~~ chiropractor ~~††~~ *or advanced*
41 *practice registered nurse*, or an examining physician , ~~††~~
42 *chiropractor or advanced practice registered nurse* determines that
43 the injured employee is capable of safely participating in the
44 program.



7. If, based upon the opinion of a treating or an examining physician, ~~for~~ chiropractor ~~or~~ *or advanced practice registered nurse*, the counselor determines that an injured employee is not eligible for vocational rehabilitation services, the counselor shall provide a copy of the opinion to the injured employee, the injured employee's employer and the insurer.

8. A plan for a program of vocational rehabilitation must be signed by a certified vocational rehabilitation counselor.

9. If an initial program of vocational rehabilitation pursuant to this section is unsuccessful, an injured employee may submit a written request for the development of a second program of vocational rehabilitation which relates to the same injury. An insurer shall authorize a second program for an injured employee upon good cause shown.

10. If a second program of vocational rehabilitation pursuant to subsection 9 is unsuccessful, an injured employee may submit a written request for the development of a third program of vocational rehabilitation which relates to the same injury. The insurer, with the approval of the employer who was the injured employee's employer at the time of his or her injury, may authorize a third program for the injured employee. If such an employer has terminated operations, the employer's approval is not required for authorization of a third program. An insurer's determination to authorize or deny a third program of vocational rehabilitation may not be appealed.

11. The Division shall adopt regulations to carry out the provisions of this section. The regulations must specify the contents of a plan for a program of vocational rehabilitation.

Sec. 121. NRS 616C.560 is hereby amended to read as follows:

616C.560 1. A program for vocational rehabilitation developed pursuant to subsection 3 of NRS 616C.555 may be extended:

(a) Without condition or limitation, by the insurer at the insurer's sole discretion; or

(b) In accordance with this section if:

(1) The injured employee makes a written request to extend the program not later than 30 days after the program has been completed; and

(2) There are exceptional circumstances which make it unlikely that the injured employee will obtain suitable gainful employment as a result of vocational rehabilitation which is limited to the period for which the injured employee is eligible.

➔ An insurer's determination to grant or deny an extension pursuant to paragraph (a) may not be appealed.



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2. If an injured employee has incurred a permanent physical impairment of less than 11 percent:

(a) The total length of the program, including any extension, must not exceed 2 years.

(b) "Exceptional circumstances" shall be deemed to exist for the purposes of paragraph (b) of subsection 1, if:

(1) The injured employee lacks work experience, training, education or other transferable skills for an occupation which the injured employee is physically capable of performing; or

(2) Severe physical restrictions as a result of the industrial injury have been imposed by a physician, *chiropractor or advanced practice registered nurse* which significantly limit the employee's occupational opportunities.

3. If an injured employee has incurred a permanent physical impairment of 11 percent or more:

(a) The total length of the program, including any extension, must not exceed 2 1/2 years.

(b) "Exceptional circumstances" shall be deemed to exist for the purposes of paragraph (b) of subsection 1, if the injured employee has suffered:

(1) The total and permanent loss of sight of both eyes;

(2) The loss by separation of a leg at or above the knee;

(3) The loss by separation of a hand at or above the wrist;

(4) An injury to the head or spine which results in permanent and complete paralysis of both legs, both arms or a leg and an arm;

(5) An injury to the head which results in a severe cognitive functional impairment which may be established by a nationally recognized form of objective psychological testing;

(6) The loss by separation of an arm at or above the elbow and the loss by separation of a leg at or above the knee;

(7) An injury consisting of second or third degree burns on 50 percent or more of the body, both hands or the face;

(8) A total bilateral loss of hearing;

(9) The total loss or significant and permanent impairment of speech; or

(10) A permanent physical impairment of 50 percent or more determined pursuant to NRS 616C.490, if the severity of the impairment limits the injured employee's gainful employment to vocations that are primarily intellectual and require a longer program of education.

4. The insurer shall deliver a copy of its decision granting or denying an extension to the injured employee and the employer. Except as otherwise provided in this section, the decision shall be deemed to be a final determination of the insurer for the purposes of NRS 616C.315.



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1 **Sec. 122.** NRS 616C.590 is hereby amended to read as
2 follows:

3 616C.590 1. Except as otherwise provided in this section, an
4 injured employee is not eligible for vocational rehabilitation
5 services, unless:

6 (a) The treating physician , ~~or~~ chiropractor *or advanced*
7 *practice registered nurse* approves the return of the injured
8 employee to work but imposes permanent restrictions that prevent
9 the injured employee from returning to the position that the
10 employee held at the time of his or her injury;

11 (b) The injured employee's employer does not offer
12 employment that:

13 (1) The employee is eligible for considering the restrictions
14 imposed pursuant to paragraph (a);

15 (2) Provides a gross wage that is equal to or greater than 80
16 percent of the gross wage that the employee was earning at the time
17 of injury; and

18 (3) Has the same employment benefits as the position of the
19 employee at the time of his or her injury; and

20 (c) The injured employee is unable to return to gainful
21 employment with any other employer at a gross wage that is equal
22 to or greater than 80 percent of the gross wage that the employee
23 was earning at the time of his or her injury.

24 2. If the treating physician , ~~or~~ chiropractor *or advanced*
25 *practice registered nurse* imposes permanent restrictions on the
26 injured employee for the purposes of paragraph (a) of subsection 1,
27 he or she shall specify in writing:

28 (a) The medically objective findings upon which his or her
29 determination is based; and

30 (b) A detailed description of the restrictions.

31 ➔ The treating physician , ~~or~~ chiropractor *or advanced practice*
32 *registered nurse* shall deliver a copy of the findings and the
33 description of the restrictions to the insurer.

34 3. If there is a question as to whether the restrictions imposed
35 upon the injured employee are permanent, the employee may
36 receive vocational rehabilitation services until a final determination
37 concerning the duration of the restrictions is made.

38 4. Vocational rehabilitation services must cease as soon as the
39 injured employee is no longer eligible for the services pursuant to
40 subsection 1.

41 5. An injured employee is not entitled to vocational
42 rehabilitation services solely because the position that the employee
43 held at the time of his or her injury is no longer available.

44 6. An injured employee or the dependents of the injured
45 employee are not entitled to accrue or be paid any money for



1 vocational rehabilitation services during the time the injured
2 employee is incarcerated.

3 7. Any injured employee eligible for compensation other than
4 accident benefits may not be paid those benefits if the injured
5 employee refuses counseling, training or other vocational
6 rehabilitation services offered by the insurer. Except as otherwise
7 provided in NRS 616B.028 and 616B.029, an injured employee
8 shall be deemed to have refused counseling, training and other
9 vocational rehabilitation services while the injured employee is
10 incarcerated.

11 8. If an insurer cannot locate an injured employee for whom it
12 has ordered vocational rehabilitation services, the insurer may close
13 his or her claim 21 days after the insurer determines that the
14 employee cannot be located. The insurer shall make a reasonable
15 effort to locate the employee.

16 9. The reappearance of the injured employee after his or her
17 claim has been closed does not automatically reinstate his or her
18 eligibility for vocational rehabilitation benefits. If the employee
19 wishes to re-establish his or her eligibility for those benefits, the
20 injured employee must file a written application with the insurer to
21 reinstate the claim. The insurer shall reinstate the employee's claim
22 if good cause is shown for the employee's absence.

23 **Sec. 123.** NRS 616C.700 is hereby amended to read as
24 follows:

25 616C.700 1. Notwithstanding any other provision of this
26 chapter, if an insurer accepts a claim for a catastrophic injury, the
27 insurer shall:

28 (a) As soon as reasonably practicable after the date of
29 acceptance of the claim, assign the claim to a qualified adjuster,
30 nurse and vocational rehabilitation counselor;

31 (b) Within 120 days after the date on which the treating
32 physician , *chiropractor or advanced practice registered nurse*
33 determines that the condition of the injured employee has stabilized
34 and that the injured employee requires a life care plan, develop a life
35 care plan in consultation with the adjuster, nurse and vocational
36 rehabilitation counselor assigned to the claim pursuant to paragraph
37 (a); and

38 (c) Pay benefits and provide the proper medical services to the
39 injured employee during the entire period of the development and
40 implementation of the life care plan.

41 2. A life care plan which is developed pursuant to subsection 1
42 must ensure the prompt, efficient and proper provision of medical
43 services to the injured employee.

44 3. In developing a life care plan for an injured employee, the
45 insurer, in consultation with the adjuster, nurse and vocational



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1 rehabilitation counselor assigned to the claim pursuant to paragraph
2 (a) of subsection 1, shall assess the following:

3 (a) The number of home or hospital visits determined to be
4 necessary or appropriate by the registered nurse and vocational
5 rehabilitation counselor;

6 (b) The life expectancy of the injured employee;

7 (c) The medical needs of the injured employee, including,
8 without limitation:

9 (1) Surgery;

10 (2) Prescription medication;

11 (3) Physical therapy; and

12 (4) Maintenance therapy;

13 (d) The effect, if any, of any preexisting medical condition; and

14 (e) The potential of the injured employee for rehabilitation,
15 taking into account:

16 (1) The injured employee's medical condition, age,
17 educational level, work experience and motivation; and

18 (2) Any other relevant factors.

19 4. A life care plan developed pursuant to paragraph (b) of
20 subsection 1 must include, without limitation, a schedule for the
21 adjuster, nurse and vocational rehabilitation counselor assigned to
22 the claim pursuant to paragraph (a) of subsection 1 to meet or
23 communicate with the injured employee, if practicable, and the
24 treating physician *or advanced practice registered nurse* to
25 determine the need for, without limitation:

26 (a) Special medical attention or treatment;

27 (b) Psychological counseling or testing; and

28 (c) Any medical device, including, without limitation:

29 (1) A wheelchair;

30 (2) A prosthesis; and

31 (3) A specially equipped or designed motor vehicle.

32 5. A life care plan developed pursuant to paragraph (b) of
33 subsection 1 must include a plan of action for treatment or
34 vocational rehabilitation of the injured employee or consideration of
35 the possible permanent total disability of the injured employee.

36 6. In addition to any claim determination affecting the rights of
37 an injured employee under his or her claim, or responses to requests
38 on behalf of the injured employee for specific action or information
39 on the claim or any other contact that may occur, an insurer shall:

40 (a) Schedule a personal meeting concerning the status of the
41 claim to take place at least once per calendar month between the
42 adjuster assigned to the claim pursuant to paragraph (a) of
43 subsection 1 and the injured employee or a family member or
44 designated representative of the injured employee; or



(b) If a personal meeting described in paragraph (a) is not practicable, provide a written report concerning the status of the claim and soliciting requests and information at least once per calendar month to the injured employee or a family member or designated representative of the injured employee. The report must be mailed to the injured employee or a family member or designated representative of the injured employee by first-class mail.

7. Except as otherwise provided in this subsection, a life care plan developed pursuant to paragraph (b) of subsection 1 must be based on the condition of the injured employee at the time the life care plan is established. If there is a substantial or significant change in the condition or prognosis of the injured employee, the insurer shall amend the life care plan to reflect the change in the condition or prognosis of the injured employee.

Sec. 124. NRS 706.495 is hereby amended to read as follows:

706.495 1. Before applying to a taxicab motor carrier for employment or a contract or lease as a driver of a taxicab, a person must obtain a medical examiner's certificate with two copies thereof from a medical examiner who is licensed to practice in the State of Nevada. The prospective driver must provide a copy of the certificate to the taxicab motor carrier.

2. A medical examiner shall issue the certificate and copies described in subsection 1 if the medical examiner finds that a prospective driver meets the health requirements established by the Federal Motor Carrier Safety Regulations, 49 C.F.R. §§ 391.41 et seq.

3. The certificate described in subsection 1 must state that the medical examiner has examined the prospective driver and has found that the prospective driver meets the health requirements described in subsection 2. The certificate must be signed and dated by the medical examiner.

4. The medical examiner's certificate required by this section expires 2 years after the date of issuance and may be renewed.

5. As used in this section, "medical examiner" means a physician, as defined in NRS 0.040, *an advanced practice registered nurse licensed pursuant to NRS 632.237* or a chiropractic physician licensed pursuant to chapter 634 of NRS.

Sec. 125. NRS 706.8842 is hereby amended to read as follows:

706.8842 1. Before applying to a certificate holder for employment as a driver, a person must obtain a medical examiner's certificate with two copies thereof from a medical examiner who is licensed to practice in the State of Nevada.

2. A medical examiner shall issue the certificate and copies described in subsection 1 if the medical examiner finds that a



prospective driver meets the health requirements established by the Federal Motor Carrier Safety Regulations, 49 C.F.R. §§ 391.41 et seq.

3. The certificate described in subsection 1 must state that the medical examiner has examined the prospective driver and has found that the prospective driver meets the health requirements described in subsection 2. The certificate must be signed and dated by the medical examiner.

4. The medical examiner's certificate required by this section expires 2 years after the date of issuance and may be renewed.

5. As used in this section, "medical examiner" means a physician, as defined in NRS 0.040, *an advanced practice registered nurse licensed pursuant to NRS 632.237* or a chiropractic physician licensed pursuant to chapter 634 of NRS.

Sec. 126. 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 January 1, 2018, for all other purposes.

