

Amendment No. 220

Assembly Amendment to Assembly Bill No. 156 (BDR 40-581)

Proposed by: Assembly Committee on Health and Human Services**Amends:** Summary: No Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes

Adoption of this amendment will MAINTAIN the unfunded mandate not requested by the affected local government to A.B. 156 (§ 3).

ASSEMBLY ACTION			Initial and Date	SENATE ACTION			Initial and Date
Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/> _____	Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/> _____
Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/> _____	Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/> _____
Receded	<input type="checkbox"/>	Not	<input type="checkbox"/> _____	Receded	<input type="checkbox"/>	Not	<input type="checkbox"/> _____

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) variations of green bold underlining is language proposed to be added in this amendment; (3) ~~red-strikethrough~~ is deleted language in the original bill; (4) ~~purple double-strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill proposed to be retained in this amendment.

CSL/RBL



Date: 4/18/2017

A.B. No. 156—Authorizes public and private schools to obtain and use an albuterol inhaler in certain circumstances. (BDR 40-581)



ASSEMBLY BILL NO. 156—~~ASSEMBLYMAN~~ ASSEMBLYMEN YEAGER AND OSCARSON

PREFILED FEBRUARY 13, 2017

Referred to Committee on Health and Human Services

SUMMARY—Authorizes public and private schools to obtain and use an albuterol inhaler in certain circumstances. (BDR 40-581)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
Effect on the State: Yes.

CONTAINS UNFUNDED MANDATE (§ 3)
(NOT REQUESTED BY AFFECTED LOCAL GOVERNMENT)

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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 public health; authorizing public and private schools to obtain and maintain an albuterol inhaler and certain other devices under certain conditions; requiring certain training relating to the storage and use of an albuterol inhaler; requiring public and private schools, to the extent feasible, to develop a comprehensive action plan relating to symptoms of ~~respiratory distress;~~ an asthmatic attack; authorizing certain providers of health care to issue an order for an albuterol inhaler and certain other devices to a public or private school; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires each public school, including, without limitation, each charter school, to obtain an order from a provider of health care to acquire and maintain auto-injectable epinephrine at the public school for use in treating anaphylaxis. (NRS 386.870) Existing law also authorizes private schools to obtain and maintain auto-injectable epinephrine under similar circumstances. (NRS 394.1995) **Section 3** of this bill requires each public school, including, without limitation, each charter school, to obtain an order from a provider of health care to maintain one albuterol inhaler and not less than two spacers or holding chambers designed for use with that albuterol inhaler at the school for the treatment of ~~respiratory distress;~~ an asthmatic attack. **Section 9** of this bill similarly authorizes a private school to maintain these devices.

Existing law authorizes certain providers of health care, including physicians, osteopathic physicians, physician assistants and advanced practice registered nurses, to issue an order for auto-injectable epinephrine to be maintained at a public or private school for the treatment of anaphylaxis. (NRS 630.374, 632.239, 633.707) **Sections 11, 12 and 14** of this bill similarly authorize physicians, osteopathic physicians, physician assistants and advanced practice registered nurses to issue an order for one albuterol inhaler and not less than two spacers or holding chambers designed for use with that albuterol inhaler to be maintained at a public or private school for the treatment of ~~respiratory distress;~~ an asthmatic attack.

Existing law requires each public and private school, if a private school elects to maintain auto-injectable epinephrine at the school, to provide certain training relating to the storage and administration of auto-injectable epinephrine. (NRS 386.870, 394.1995) Existing law also requires each public and private school, to the extent feasible, to develop a comprehensive action plan relating to anaphylaxis, including, without limitation, the signs and symptoms of this condition. (NRS 386.875, 394.1997) **Section 1** of this bill authorizes a school nurse or other designated employee of a public or private school to possess and administer a dose of albuterol from an albuterol inhaler if the school nurse or other employee has received training in the proper storage and use of an albuterol inhaler. **Section 6** of this bill also requires a charter school to designate a school nurse or other employee of the school who is authorized to administer a dose of albuterol from an albuterol inhaler. **Sections 6, 7 and 9** of this bill require that training relating to the storage and administration of a dose of albuterol from an albuterol inhaler must be provided to certain authorized employees of a public or private school. **Sections 5 and 10** of this bill additionally require that each public school and private school, to the extent feasible, develop a comprehensive action plan relating to ~~respiratory distress~~ asthmatic attacks.

Section 7 of this bill requires the chief nurse of a school district to provide certain coordination and training relating to albuterol inhalers to schools within the district. **Section 13** of this bill provides that a nurse is not subject to disciplinary action for administering a dose of albuterol from an albuterol inhaler pursuant to a valid order issued by a provider of health care pursuant to **sections 11, 12 or 14**. **Sections 11, 12 and 14** also provide immunity from liability to a physician, osteopathic physician, physician assistant and advanced practice registered nurse , except in cases of gross negligence, for certain actions relating to the acquisition, possession, provision and administration of a dose of albuterol from an albuterol inhaler maintained by a school. **Section 15** of this bill also provides ~~similar~~ immunity to a pharmacist who dispenses an albuterol inhaler or spacers or holding chambers designed for use with that albuterol inhaler to a school.

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

Section 1. Chapter 454 of NRS is hereby amended by adding thereto a new section to read as follows:

A school nurse or other employee of a public or private school who is designated pursuant to section 3, 6 or 9 of this act to administer a dose of albuterol from an albuterol inhaler to a pupil may possess and use an albuterol inhaler maintained by the school if the school nurse or other employee has received training in the proper storage and use of an albuterol inhaler as required by section 3, 6 or 9 of this act.

Sec. 2. Chapter 386 of NRS is hereby amended by adding thereto the provisions set forth as sections 3, 4 and 5 of this act.

Sec. 3. 1. *Each public school, including, without limitation, each charter school, shall obtain an order from a physician, osteopathic physician, physician assistant or advanced practice registered nurse pursuant to NRS 630.374, 632.239 or 633.707, as applicable, for one albuterol inhaler and not less than two spacers or holding chambers designed for use with that albuterol inhaler to be maintained at the school. If an albuterol inhaler maintained by the public school is depleted or expires, the school must discard the inhaler and obtain an additional inhaler to replace the depleted or expired inhaler. If an albuterol inhaler maintained by the public school is used by a pupil, the school must ~~discard~~ obtain an additional spacer or holding chamber to replace the used device and either:*

1 (a) Discard the spacer or holding chamber used to administer the dose of
2 albuterol ~~and obtain an additional spacer or holding chamber to replace the~~
3 ~~used device.~~; or

4 (b) Label the spacer or holding chamber used to administer the dose of
5 albuterol for the future use of the same pupil who was administered the dose of
6 albuterol.

7 2. An albuterol inhaler maintained by a public school pursuant to this
8 section may be administered:

9 (a) At a public school other than a charter school, by a school nurse or any
10 other employee of the public school who has been designated by the principal or
11 other administrator in consultation with the school nurse and has received
12 training in the proper storage and use of an albuterol inhaler pursuant to NRS
13 391.291; or

14 (b) At a charter school, by an employee designated pursuant to section 6 of
15 this act who has received training in the proper storage and use of an albuterol
16 inhaler as required pursuant to section 6 of this act.

17 3. A school nurse or other designated employee of a public school may use
18 an albuterol inhaler maintained at the school to administer a dose of albuterol to
19 ~~any~~ a pupil who has been diagnosed with asthma by a provider of health care
20 on the premises of the public school during regular school hours whom the
21 school nurse or other designated employee reasonably believes is ~~exhibiting~~
22 ~~symptoms of respiratory distress.~~ experiencing an asthmatic attack.

23 4. A public school may accept gifts, grants and donations from any source
24 for the support of the public school in carrying out the provisions of this section,
25 including, without limitation, the acceptance of an albuterol inhaler, spacer or
26 holding chamber from a manufacturer, distributor or wholesaler of such devices.

27 Sec. 4. 1. Each public school shall ensure that an albuterol inhaler
28 maintained at the school pursuant to section 3 of this act is stored in a
29 designated, secure location that is unlocked and easily accessible.

30 2. Each school district shall establish a policy for the schools within the
31 district, other than charter schools, regarding the proper handling and
32 transportation of albuterol inhalers.

33 3. Not later than 30 days after the last day of each school year, each school
34 district and charter school shall submit a report to the Division of Public and
35 Behavioral Health of the Department of Health and Human Services identifying
36 the number of doses of an albuterol inhaler that were administered to pupils
37 pursuant to section 3 of this act at each public school within the school district or
38 charter school, as applicable, during the school year.

39 Sec. 5. Each public school, including, without limitation, each charter
40 school, shall, to the extent feasible, develop a comprehensive action plan
41 concerning symptoms of ~~respiratory distress,~~ an asthmatic attack, which must
42 include, without limitation, information relating to:

43 1. The triggers that may cause ~~respiratory distress,~~ an asthmatic attack;

44 2. Ways to avoid triggers that may cause ~~respiratory distress,~~ an asthmatic
45 attack;

46 3. The signs and symptoms of a person experiencing ~~respiratory distress,~~
47 an asthmatic attack, including, without limitation, an assessment of whether the
48 administration of a dose of albuterol from an albuterol inhaler is necessary;

49 4. How to access an albuterol inhaler when necessary, including, without
50 limitation, the location of an albuterol inhaler that is maintained at the public
51 school pursuant to section 3 of this act;

5. *The method of administering a dose of albuterol from an albuterol inhaler that is maintained at the public school pursuant to section 3 of this act; and*

6. *Medical care that should be received after the administration of a dose of albuterol from an albuterol inhaler.*

Sec. 6. Chapter 388A of NRS is hereby amended by adding thereto a new section to read as follows:

1. *Each charter school shall designate a school nurse or other employee of the school who is authorized to administer a dose of albuterol from an albuterol inhaler pursuant to section 3 of this act.*

2. *Each charter school shall ensure that each employee so designated receives training in the proper storage and use of an albuterol inhaler.*

3. *The governing body of a charter school shall establish a policy for the charter school regarding the proper handling and transportation of albuterol inhalers.*

Sec. 7. NRS 391.291 is hereby amended to read as follows:

391.291 1. The provision of nursing services in a school district by school nurses and other qualified personnel must be under the direction and supervision of a chief nurse who is a registered nurse as provided in NRS 632.240 and who:

(a) Holds an endorsement to serve as a school nurse issued pursuant to regulations adopted by the Commission; or

(b) Is employed by a state, county, city or district health department and provides nursing services to the school district in the course of that employment.

2. A school district shall not employ a person to serve as a school nurse unless the person holds an endorsement to serve as a school nurse issued pursuant to regulations adopted by the Commission.

3. The chief nurse shall ensure that each school nurse:

(a) Coordinates with the principal of each school to designate employees of the school who are authorized to administer auto-injectable epinephrine ~~†~~ *and to use an albuterol inhaler;* and

(b) Provides the employees so designated with training concerning the proper storage and administration of auto-injectable epinephrine ~~†~~ *and the proper storage and use of an albuterol inhaler.*

Sec. 8. Chapter 394 of NRS is hereby amended by adding thereto the provisions set forth as sections 9 and 10 of this act.

Sec. 9. 1. *A private school may obtain an order from a physician, osteopathic physician, physician assistant or advanced practice registered nurse pursuant to NRS 630.374, 632.239 or 633.707, as applicable, for one albuterol inhaler and not less than two spacers or holding chambers designed for use with that albuterol inhaler to be maintained at the school. If an albuterol inhaler maintained by the private school is depleted or expires, the school must discard the inhaler and may obtain an additional inhaler to replace the depleted or expired inhaler. If an albuterol inhaler maintained by the private school is used by a pupil, the school must ~~discard~~ obtain an additional spacer or holding chamber to replace the used device and either:*

(a) Discard the spacer or holding chamber used to administer the dose of albuterol and obtain an additional spacer or holding chamber to replace the used device; or

(b) Label the spacer or holding chamber used to administer the dose of albuterol for the future use of the same pupil who was administered the dose of albuterol.

2. *An albuterol inhaler maintained by a private school pursuant to this section may be used by a school nurse or any other employee of the school who*

1 has been designated by the ~~governing body~~ principal or other administrator of
2 the private school, in consultation with a school nurse, if applicable, and has
3 received training in the proper storage and use of an albuterol inhaler.

4 3. A school nurse or other designated employee may use an albuterol
5 inhaler maintained at the school to administer a dose of albuterol to ~~any~~ a pupil
6 who has been diagnosed with asthma by a provider of health care on the premises
7 of the private school during regular school hours whom the school nurse or other
8 trained employee reasonably believes is ~~exhibiting symptoms of respiratory~~
9 ~~distress,~~ experiencing an asthmatic attack.

10 4. If an albuterol inhaler is maintained at the private school, the school
11 shall ensure that:

12 (a) The albuterol inhaler is stored in a designated, secure location that is
13 unlocked and easily accessible.

14 (b) Each employee designated by the governing body of the private school
15 pursuant to this section receives training in the proper storage and use of an
16 albuterol inhaler.

17 5. The governing body of a private school that maintains an albuterol
18 inhaler shall establish a policy for the school regarding the proper handling and
19 transportation of albuterol inhalers.

20 Sec. 10. The governing body of each private school shall, to the extent
21 feasible, develop a comprehensive action plan concerning symptoms of
22 ~~respiratory distress,~~ an asthmatic attack, which must include, without
23 limitation, information relating to:

24 1. The triggers that may cause ~~respiratory distress,~~ an asthmatic attack;

25 2. Ways to avoid triggers that may cause ~~respiratory distress,~~ an asthmatic
26 attack;

27 3. The signs and symptoms of a person experiencing ~~respiratory distress,~~
28 an asthmatic attack, including, without limitation, an assessment of whether the
29 administration of a dose of albuterol from an albuterol inhaler is necessary;

30 4. How to access an albuterol inhaler when necessary, including, without
31 limitation, the location of an albuterol inhaler within the private school, if an
32 albuterol inhaler is maintained at the private school pursuant to section 9 of this
33 act;

34 5. The method of administering a dose of albuterol from an albuterol
35 inhaler, if an albuterol inhaler is maintained at the private school pursuant to
36 section 9 of this act; and

37 6. Medical care that should be received after the administration of a dose of
38 albuterol from an albuterol inhaler.

39 Sec. 11. NRS 630.374 is hereby amended to read as follows:

40 630.374 1. A physician or physician assistant may issue to a public or
41 private school an order to allow the school to obtain and maintain auto-injectable
42 epinephrine at the school, regardless of whether any person at the school has been
43 diagnosed with a condition which may cause the person to require such medication
44 for the treatment of anaphylaxis.

45 2. A physician or physician assistant may issue to an authorized entity an
46 order to allow the authorized entity to obtain and maintain auto-injectable
47 epinephrine at any location under the control of the authorized entity where
48 allergens capable of causing anaphylaxis may be present, regardless of whether any
49 person employed by, affiliated with or served by the authorized entity has been
50 diagnosed with a condition which may cause the person to require such medication
51 for the treatment of anaphylaxis.

52 3. *A physician or physician assistant may issue to a public or private school*
53 *an order to allow the school to obtain and maintain one albuterol inhaler and not*

1 *less than two spacers or holding chambers designed for use with that albuterol*
2 *inhaler at the school, regardless of whether any person at the school has been*
3 *diagnosed with a condition which may cause the person to require such*
4 *medication for the treatment of ~~respiratory distress~~ an asthmatic attack.*

5 4. An order issued pursuant to subsection 1, ~~for~~ 2 or 3 must contain:

6 (a) The name and signature of the physician or physician assistant and the
7 address of the physician or physician assistant if not immediately available to the
8 pharmacist;

9 (b) The classification of his or her license;

10 (c) The name of the public or private school or authorized entity to which the
11 order is issued;

12 (d) The name, strength and quantity of the drug authorized to be obtained and
13 maintained by the order; and

14 (e) The date of issue.

15 ~~4.5.~~ 5. A physician or physician assistant is not subject to disciplinary action
16 solely for issuing a valid order pursuant to subsection 1, ~~for~~ 2 or 3 to an entity
17 other than a natural person and without knowledge of a specific natural person who
18 requires the medication.

19 ~~5.5.~~ 6. A physician or physician assistant is not liable for any error or
20 omission ~~not resulting from gross negligence or reckless, willful or wanton~~
21 ~~conduct of the physician or physician assistant~~ concerning the acquisition,
22 possession, provision or administration of auto-injectable ~~+~~

23 ~~(a) Auto-injectable~~ epinephrine maintained by a public or private school or
24 authorized entity pursuant to an order issued by the physician or physician assistant
25 pursuant to subsection 1 or 2 not resulting from gross negligence or reckless, willful
26 or wanton conduct of the physician or physician assistant.

27 ~~6.5 or~~
28 ~~(b) A dose of albuterol from an albuterol inhaler, spacer or holding chamber~~
29 ~~maintained by a public or private school pursuant to an order issued by the~~
30 ~~physician or physician assistant pursuant to subsection 3.~~

31 7. A physician or physician assistant is not liable for any error or omission
32 concerning the acquisition, possession, provision or administration of a dose of
33 albuterol from an albuterol inhaler, spacer or holding chamber maintained by a
34 public or private school pursuant to an order issued by the physician or physician
35 assistant pursuant to subsection 3 not resulting from the gross negligence of the
36 physician or physician assistant.

37 8. As used in this section:

38 (a) "Authorized entity" has the meaning ascribed to it in NRS 450B.710.

39 (b) "Private school" has the meaning ascribed to it in NRS 394.103.

40 (c) "Public school" has the meaning ascribed to it in NRS 385.007.

41 Sec. 12. NRS 632.239 is hereby amended to read as follows:

42 632.239 1. An advanced practice registered nurse may issue to a public or
43 private school an order to allow the school to obtain and maintain auto-injectable
44 epinephrine at the school, regardless of whether any person at the school has been
45 diagnosed with a condition which may cause the person to require such medication
46 for the treatment of anaphylaxis.

47 2. An advanced practice registered nurse may issue to an authorized entity an
48 order to allow the authorized entity to obtain and maintain auto-injectable
49 epinephrine at any location under the control of the authorized entity where
50 allergens capable of causing anaphylaxis may be present, regardless of whether any
51 person employed by, affiliated with or served by the authorized entity has been
52 diagnosed with a condition which may cause the person to require such medication
53 for the treatment of anaphylaxis.

3. *An advanced practice registered nurse may issue to a public or private school an order to allow the school to obtain and maintain one albuterol inhaler and not less than two spacers or holding chambers designed for use with that albuterol inhaler at the school, regardless of whether any person at the school has been diagnosed with a condition which may cause the person to require such medication for the treatment of ~~respiratory distress~~ an asthmatic attack.*

4. An order issued pursuant to subsection 1, ~~for~~ 2 or 3 must contain:

(a) The name and signature of the advanced practice registered nurse and the address of the advanced practice registered nurse if not immediately available to the pharmacist;

(b) The classification of his or her license;

(c) The name of the public or private school or authorized entity to which the order is issued;

(d) The name, strength and quantity of the drug authorized to be obtained and maintained by the order; and

(e) The date of issue.

~~4.4~~ 5. An advanced practice registered nurse is not subject to disciplinary action solely for issuing a valid order pursuant to subsection 1, ~~for~~ 2 or 3 to an entity other than a natural person and without knowledge of a specific natural person who requires the medication.

~~4.5~~ 6. An advanced practice registered nurse is not liable for any error or omission ~~not resulting from gross negligence or reckless, willful or wanton conduct of the advanced practice registered nurse~~ concerning the acquisition, possession, provision or administration of auto-injectable ~~+~~

~~(a) Auto injectable~~ epinephrine maintained by a public or private school or authorized entity pursuant to an order issued by the advanced practice registered nurse pursuant to subsection 1 or 2 not resulting from gross negligence or reckless, willful or wanton conduct of the advanced practice registered nurse.

~~4.6~~ ~~+~~ ~~or~~
~~(b) A dose of albuterol from an albuterol inhaler, spacer or holding chamber maintained by a public or private school pursuant to an order issued by the advanced practice registered nurse pursuant to subsection 3.~~

7. An advanced practice registered nurse is not liable for any error or omission concerning the acquisition, possession, provision or administration of a dose of albuterol from an albuterol inhaler, spacer or holding chamber maintained by a public or private school or authorized entity pursuant to an order issued by the advanced practice registered nurse pursuant to subsection 3 not resulting from the gross negligence of the advanced practice registered nurse.

8. As used in this section:

(a) "Authorized entity" has the meaning ascribed to it in NRS 450B.710.

(b) "Private school" has the meaning ascribed to it in NRS 394.103.

(c) "Public school" has the meaning ascribed to it in NRS 385.007.

Sec. 13. NRS 632.347 is hereby amended to read as follows:

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

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

(b) Is guilty of any offense:

(1) Involving moral turpitude; or

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

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

2 (c) Has been convicted of violating any of the provisions of NRS 616D.200,
3 616D.220, 616D.240 or 616D.300 to 616D.440, inclusive.

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

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

10 (f) Is a person with mental incompetence.

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

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

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

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

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

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

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

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

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

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

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

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

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

41 (1) Was procured through a retail pharmacy licensed pursuant to chapter
42 639 of NRS;

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

46 (3) Is marijuana being used for medical purposes in accordance with
47 chapter 453A of NRS; or

48 (4) Is an investigational drug or biological product prescribed to a patient
49 pursuant to NRS 630.3735 or 633.6945.

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

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

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

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

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

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

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

(q) Is an advanced practice registered nurse who has failed to obtain any training required by the Board pursuant to NRS 632.2375.

(r) Is an advanced practice registered nurse who has failed to comply with the provisions of NRS 453.163 or 453.164.

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

3. A licensee or certificate holder is not subject to disciplinary action solely for administering auto-injectable epinephrine pursuant to a valid order issued pursuant to NRS 630.374, **632.239** or 633.707.

4. *A licensee or certificate holder is not subject to disciplinary action solely for administering a dose of albuterol from an albuterol inhaler pursuant to a valid order issued pursuant to NRS 630.374, 632.239 or 633.707.*

5. As used in this section, "investigational drug or biological product" has the meaning ascribed to it in NRS 454.351.

Sec. 14. NRS 633.707 is hereby amended to read as follows:

633.707 1. An osteopathic physician or physician assistant may issue to a public or private school an order to allow the school to obtain and maintain auto-injectable epinephrine at the school, regardless of whether any person at the school has been diagnosed with a condition which may cause the person to require such medication for the treatment of anaphylaxis.

2. An osteopathic physician or physician assistant may issue to an authorized entity an order to allow the authorized entity to obtain and maintain auto-injectable epinephrine at any location under the control of the authorized entity where allergens capable of causing anaphylaxis may be present, regardless of whether any person employed by, affiliated with or served by the authorized entity has been diagnosed with a condition which may cause the person to require such medication for the treatment of anaphylaxis.

3. *An osteopathic physician or physician assistant may issue to a public or private school an order to allow the school to obtain and maintain one albuterol inhaler and not less than two spacers or holding chambers designed for use with that albuterol inhaler at the school, regardless of whether any person at the school has been diagnosed with a condition which may cause the person to require such medication for the treatment of ~~respiratory distress~~ an asthmatic attack.*

4. An order issued pursuant to subsection 1, ~~for~~ 2 or 3 must contain:

(a) The name and signature of the osteopathic physician or physician assistant and the address of the osteopathic physician or physician assistant if not immediately available to the pharmacist;

(b) The classification of his or her license;

(c) The name of the public or private school or authorized entity to which the order is issued;

(d) The name, strength and quantity of the drug authorized to be obtained and maintained by the order; and

(e) The date of issue.

~~14.1~~ 5. An osteopathic physician or physician assistant is not subject to disciplinary action solely for issuing a valid order pursuant to subsection 1, ~~14.2~~ 2 or 3 to an entity other than a natural person and without knowledge of a specific natural person who requires the medication.

~~15.1~~ 6. An osteopathic physician or physician assistant is not liable for any error or omission ~~not resulting from gross negligence or reckless, willful or wanton conduct of the osteopathic physician or physician assistant~~ concerning the acquisition, possession, provision or administration of auto-injectable ~~16.1~~

~~(a) Auto-injectable~~ epinephrine maintained by a public or private school or authorized entity pursuant to an order issued by the osteopathic physician or physician assistant pursuant to subsection 1 or 2 not resulting from gross negligence or reckless, willful or wanton conduct of the osteopathic physician or physician assistant.

~~16.1 or~~
~~(b) A dose of albuterol from an albuterol inhaler, spacer or holding chamber maintained by a public or private school pursuant to an order issued by the osteopathic physician or physician assistant pursuant to subsection 3.~~

7. An osteopathic physician or physician assistant is not liable for any error or omission concerning the acquisition, possession, provision or administration of a dose of albuterol from an albuterol inhaler, spacer or holding chamber maintained by a public or private school or authorized entity pursuant to an order issued by the osteopathic physician or physician assistant pursuant to subsection 3 not resulting from the gross negligence of the osteopathic physician or physician assistant.

8. As used in this section:

(a) "Authorized entity" has the meaning ascribed to it in NRS 450B.710.

(b) "Private school" has the meaning ascribed to it in NRS 394.103.

(c) "Public school" has the meaning ascribed to it in NRS 385.007.

Sec. 15. NRS 639.2357 is hereby amended to read as follows:

639.2357 1. Upon the request of a patient, or a public or private school or an authorized entity for which an order was issued pursuant to NRS 630.374, 632.239 or 633.707, a registered pharmacist shall transfer a prescription or order to another registered pharmacist.

2. A registered pharmacist who transfers a prescription or order pursuant to subsection 1 shall comply with any applicable regulations adopted by the Board relating to the transfer.

3. The provisions of this section do not authorize or require a pharmacist to transfer a prescription or order in violation of:

(a) Any law or regulation of this State;

(b) Federal law or regulation; or

(c) A contract for payment by a third party if the patient is a party to that contract.

4. A pharmacist is not liable for any error or omission concerning the acquisition, possession, provision or administration of auto-injectable epinephrine, a dose of albuterol from an albuterol inhaler or a spacer or holding chamber that the pharmacist has dispensed to a public or private school or authorized entity pursuant to an order issued pursuant to NRS 630.374, 632.239 or 633.707 not resulting from gross negligence or reckless, willful or wanton conduct of the pharmacist.

1 5. As used in this section, “authorized entity” has the meaning ascribed to it in
2 NRS 450B.710.

3 **Sec. 16.** The provisions of NRS 354.599 do not apply to any additional
4 expenses of a local government that are related to the provisions of this act.

5 **Sec. 17.** This act becomes effective on July 1, 2017.