

Amendment No. 624

Senate Amendment to Senate Bill No. 219 First Reprint

(BDR 40-889)

Proposed by: Senator Woodhouse

Amends: Summary: No Title: No Preamble: No Joint Sponsorship: No Digest: No

Adoption of this amendment will MAINTAIN the 2/3s majority vote requirement for final passage of S.B. 219 R1 (§§ 3, 7, 29-32, 35-41).

| 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.

EWR/BJE



Date: 4/25/2017

S.B. No. 219—Revises provisions relating to radiation. (BDR 40-889)



SENATE BILL NO. 219—SENATORS WOODHOUSE; AND DENIS

FEBRUARY 27, 2017

Referred to Committee on Natural Resources

SUMMARY—Revises provisions relating to radiation. (BDR 40-889)

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 radiation; providing for the Division of Public and Behavioral Health of the Department of Health and Human Services and the State Board of Health to regulate tanning equipment operated in a tanning establishment; authorizing the Division to suspend, revoke or amend the license or registration of a person who violates certain provisions; establishing the Radiologic Imaging and Radiation Therapy Advisory Committee; requiring certain persons to obtain a license from the Division before engaging in radiation therapy or radiologic imaging; authorizing the Division to issue a limited license to engage in radiologic imaging; authorizing the holders of licenses and limited licenses to perform certain tasks; prescribing the requirements for the issuance and renewal of licenses and limited licenses; authorizing certain persons to practice as radiologist assistants; prescribing additional qualifications for a person to be authorized to perform certain types of radiation therapy and radiologic imaging; authorizing the Division to conduct an inspection for certain purposes; authorizing the Division to impose disciplinary action or seek an injunction in certain circumstances; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the State Board of Health to adopt regulations for the control of sources of ionizing radiation. (NRS 459.201) Existing law also authorizes the Division of Public and Behavioral Health of the Department of Health and Human Services to require the registration and inspection of sources of ionizing radiation and impound a source of ionizing radiation in an emergency. (NRS 459.260) **Sections 3, 4 and 5** of this bill make these provisions applicable to tanning equipment operated in tanning establishments as well. **Section 8** of this bill makes it a misdemeanor to operate unregistered tanning equipment in a tanning establishment.

Existing law prohibits the owner or operator of a tanning establishment or tanning equipment from allowing a person who is less than 18 years of age from using the tanning

equipment of the tanning establishment. (NRS 597.7617) Existing law also imposes certain other duties on the owner or operator of a tanning establishment or tanning equipment. (NRS 597.7617-597.762) **Sections 3, 4, 6 and 7** of this bill authorize the State Board and the Division to enforce these provisions. **Section 8** makes the failure to perform these duties a misdemeanor.

Existing law requires the State Board to adopt regulations for the licensing of persons to: (1) receive, possess or transfer radioactive materials and devices; and (2) engage in certain other activities relating to radioactive materials. (NRS 459.201) **Section 6** of this bill authorizes the Division to suspend, revoke or amend the license or registration of any person who violates any provision of statute or regulations governing radioactive materials, radiation or tanning establishments.

Sections 11-44 of this bill enact provisions for the licensing and regulation of persons who engage in radiation therapy or radiologic imaging. **Section 27** of this bill provides that certain providers of health care, including chiropractor's assistants, are exempt from such licensing and regulation. **Section 46** of this bill: (1) authorizes a chiropractor's assistant to perform radiography within the practice of chiropractic if he or she has successfully completed certain training; and (2) prohibits a chiropractor's assistant from otherwise engaging in radiation therapy or radiologic imaging.

Section 30 of this bill prohibits a person from engaging in: (1) radiologic imaging unless he or she has obtained a license or limited license from the Division; or (2) radiation therapy unless he or she had obtained a license from the Division. **Section 30** also provides for the issuance of provisional licenses and provisional limited licenses to certain persons. **Sections 31 and 32** of this bill prescribe the qualifications for obtaining a license or a limited license. **Section 32** also establishes the types of limited licenses that may be issued. **Sections 33 and 43** of this bill provide for the denial or suspension of a license or a limited license if the licensee is delinquent in child support payments, in conformance with federal law. **Section 34** of this bill authorizes certain holders of a license to engage in radiation therapy or radiologic imaging to practice as a radiologist assistant. **Sections 1.1 and 48** of this bill authorize the holder of a license to engage in radiation therapy or radiologic imaging or a person training to obtain such a license to take certain actions with regard to drugs to the same extent as was previously authorized for a radiologic or nuclear medicine technician or trainee. **Section 1.2** of this bill authorizes the suspension or revocation of a license to engage in radiation therapy or radiologic imaging if the holder of the license is convicted of certain crimes involving dangerous drugs.

Section 35 of this bill authorizes: (1) an unlicensed person to engage in radiation therapy or radiologic imaging without compensation; or (2) a licensee to practice outside the scope of his or her license under supervision for the purpose of qualifying for a certification that is a prerequisite for being licensed. **Section 35** also authorizes the Division to issue a temporary student license, which authorizes an unlicensed person to engage in radiation therapy or radiologic imaging for compensation for the purpose of qualifying for certification that is a prerequisite for being licensed.

Sections 37-39 of this bill prescribe the required qualifications to perform computed tomography, fluoroscopy and mammography, respectively. **Section 1.5** of this bill removes a requirement in existing law that a person obtain a certificate of authorization to operate a radiation machine for mammography before operating a radiation machine for mammography. (NRS 457.183) **Sections 1.3, 1.7, 1.8 and 57** of this bill remove references to such certificates. **Section 1.6** of this bill makes a conforming change. **Section 36** of this bill authorizes a person who is currently practicing radiation therapy, radiologic imaging, computed tomography, mammography or fluoroscopy to continue to do so without meeting the requirements of this bill if he or she registers with the Division and meets certain other requirements.

Section 40 of this bill authorizes the Division to inspect any building for the purpose of enforcing the provisions of this bill governing radiation therapy and radiologic imaging. **Section 41** of this bill: (1) prescribes the grounds for disciplinary action against a holder of a license or limited license; and (2) authorizes a person whose license has been revoked to apply to the Division for reinstatement after 2 years. **Section 42** of this bill requires the Division to: (1) investigate a complaint filed against a licensee; and (2) provide a licensee against whom disciplinary action may be imposed with the opportunity for a hearing. **Section 44** of this bill authorizes the Division to seek an injunction to prevent a violation of provisions of this bill

governing the licensing and regulation of persons who engage in radiation therapy or radiologic imaging. **Section 44** also provides that a person who violates any such provision is guilty of a misdemeanor.

Section 28 of this bill establishes the Radiologic Imaging and Radiation Therapy Advisory Committee to: (1) review regulations of the Division concerning radiation therapy and radiologic imaging; and (2) advise the Division and the Legislature concerning radiation therapy and radiologic imaging.

Existing law requires the Legislative Committee on Health Care to review each regulation that certain licensing entities adopt which relates to standards for the issuance or renewal of a license. (NRS 439B.225) **Section 1** of this bill requires the Committee to review regulations relating to the standards for the issuance of a full license or limited license under the provisions of this bill. **Sections 8.05-8.75, 8.85, 45, 46 and 51-54** of this bill make certain provisions governing reporting concerning other providers of health services apply to the holders of licenses and limited licenses.

Existing law prohibits the Division from issuing or renewing the registration of a radiation machine unless the applicant attests that the radiologic technicians and nuclear medicine technicians employed by the applicant have knowledge of and are in compliance with certain guidelines for the prevention of transmission of infection agents. (NRS 459.035) **Section 3.5** of this bill deletes those provisions and instead requires the operator of a radiation machine to be properly licensed and in compliance with the provisions of this bill concerning radiation therapy and radiologic imaging. **Section 30** of this bill requires a person to have knowledge of and be in compliance with those guidelines in order to obtain or renew a license or limited license.

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

Section 1. NRS 439B.225 is hereby amended to read as follows:

439B.225 1. As used in this section, "licensing board" means any division or board empowered to adopt standards for the issuance or renewal of licenses, permits or certificates of registration pursuant to NRS 435.3305 to 435.339, inclusive, chapter 449, 625A, 630, 630A, 631, 632, 633, 634, 634A, 635, 636, 637, 637B, 639, 640, 640A, 640D, 641, 641A, 641B, 641C, 652 or 654 of NRS ~~or~~ **sections 11 to 44, inclusive, of this act.**

2. The Committee shall review each regulation that a licensing board proposes or adopts that relates to standards for the issuance or renewal of licenses, permits or certificates of registration issued to a person or facility regulated by the board, giving consideration to:

(a) Any oral or written comment made or submitted to it by members of the public or by persons or facilities affected by the regulation;

(b) The effect of the regulation on the cost of health care in this State;

(c) The effect of the regulation on the number of licensed, permitted or registered persons and facilities available to provide services in this State; and

(d) Any other related factor the Committee deems appropriate.

3. After reviewing a proposed regulation, the Committee shall notify the agency of the opinion of the Committee regarding the advisability of adopting or revising the proposed regulation.

4. The Committee shall recommend to the Legislature as a result of its review of regulations pursuant to this section any appropriate legislation.

Sec. 1.1. NRS 454.213 is hereby amended to read as follows:

454.213 1. A drug or medicine referred to in NRS 454.181 to 454.371, inclusive, may be possessed and administered by:

(a) A practitioner.

(b) A physician assistant licensed pursuant to chapter 630 or 633 of NRS, at the direction of his or her supervising physician or a licensed dental hygienist acting in the office of and under the supervision of a dentist.

(c) Except as otherwise provided in paragraph (d), a registered nurse licensed to practice professional nursing or licensed practical nurse, at the direction of a prescribing physician, physician assistant licensed pursuant to chapter 630 or 633 of NRS, dentist, podiatric physician or advanced practice registered nurse, or pursuant to a chart order, for administration to a patient at another location.

(d) In accordance with applicable regulations of the Board, a registered nurse licensed to practice professional nursing or licensed practical nurse who is:

(1) Employed by a health care agency or health care facility that is authorized to provide emergency care, or to respond to the immediate needs of a patient, in the residence of the patient; and

(2) Acting under the direction of the medical director of that agency or facility who works in this State.

(e) A medication aide - certified at a designated facility under the supervision of an advanced practice registered nurse or registered nurse and in accordance with standard protocols developed by the State Board of Nursing. As used in this paragraph, "designated facility" has the meaning ascribed to it in NRS 632.0145.

(f) Except as otherwise provided in paragraph (g), an advanced emergency medical technician or a paramedic, as authorized by regulation of the State Board of Pharmacy and in accordance with any applicable regulations of:

(1) The State Board of Health in a county whose population is less than 100,000;

(2) A county board of health in a county whose population is 100,000 or more; or

(3) A district board of health created pursuant to NRS 439.362 or 439.370 in any county.

(g) An advanced emergency medical technician or a paramedic who holds an endorsement issued pursuant to NRS 450B.1975, under the direct supervision of a local health officer or a designee of the local health officer pursuant to that section.

(h) A respiratory therapist employed in a health care facility. The therapist may possess and administer respiratory products only at the direction of a physician.

(i) A dialysis technician, under the direction or supervision of a physician or registered nurse only if the drug or medicine is used for the process of renal dialysis.

(j) A medical student or student nurse in the course of his or her studies at an accredited college of medicine or approved school of professional or practical nursing, at the direction of a physician and:

(1) In the presence of a physician or a registered nurse; or

(2) Under the supervision of a physician or a registered nurse if the student is authorized by the college or school to administer the drug or medicine outside the presence of a physician or nurse.

➤ A medical student or student nurse may administer a dangerous drug in the presence or under the supervision of a registered nurse alone only if the circumstances are such that the registered nurse would be authorized to administer it personally.

(k) Any person designated by the head of a correctional institution.

(l) An ultimate user or any person designated by the ultimate user pursuant to a written agreement.

(m) A ~~nuclear medicine technologist,~~ *person licensed pursuant to section 31 of this act*, at the direction of a physician and in accordance with any conditions established by regulation of the Board.

(n) ~~{A radiologic technologist, at the direction of a physician and in accordance with any conditions established by regulation of the Board.~~

~~{(o)}~~ A chiropractic physician, but only if the drug or medicine is a topical drug used for cooling and stretching external tissue during therapeutic treatments.

~~{(p)}~~ (o) A physical therapist, but only if the drug or medicine is a topical drug which is:

(1) Used for cooling and stretching external tissue during therapeutic treatments; and

(2) Prescribed by a licensed physician for:

(I) Iontophoresis; or

(II) The transmission of drugs through the skin using ultrasound.

~~{(q)}~~ (p) In accordance with applicable regulations of the State Board of Health, an employee of a residential facility for groups, as defined in NRS 449.017, pursuant to a written agreement entered into by the ultimate user.

~~{(r)}~~ (q) A veterinary technician or a veterinary assistant at the direction of his or her supervising veterinarian.

~~{(s)}~~ (r) In accordance with applicable regulations of the Board, a registered pharmacist who:

(1) Is trained in and certified to carry out standards and practices for immunization programs;

(2) Is authorized to administer immunizations pursuant to written protocols from a physician; and

(3) Administers immunizations in compliance with the "Standards for Immunization Practices" recommended and approved by the Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention.

~~{(t)}~~ (s) A registered pharmacist pursuant to written guidelines and protocols developed and approved pursuant to NRS 639.2809.

~~{(u)}~~ (t) A person who is enrolled in a training program to become a physician assistant licensed pursuant to chapter 630 or 633 of NRS, dental hygienist, advanced emergency medical technician, paramedic, respiratory therapist, dialysis technician, nuclear medicine technologist, radiologic technologist, physical therapist or veterinary technician *or to obtain a license to engage in radiation therapy and radiologic imaging pursuant to section 31 of this act* if the person possesses and administers the drug or medicine in the same manner and under the same conditions that apply, respectively, to a physician assistant licensed pursuant to chapter 630 or 633 of NRS, dental hygienist, advanced emergency medical technician, paramedic, respiratory therapist, dialysis technician, ~~nuclear medicine technologist, radiologic technologist,~~ physical therapist or veterinary technician *or person licensed to engage in radiation therapy and radiologic imaging* who may possess and administer the drug or medicine, and under the direct supervision of a person licensed or registered to perform the respective medical art or a supervisor of such a person.

~~{(v)}~~ (u) A medical assistant, in accordance with applicable regulations of the:

(1) Board of Medical Examiners, at the direction of the prescribing physician and under the supervision of a physician or physician assistant.

(2) State Board of Osteopathic Medicine, at the direction of the prescribing physician and under the supervision of a physician or physician assistant.

2. As used in this section, "accredited college of medicine" has the meaning ascribed to it in NRS 453.375.

Sec. 1.2. NRS 454.361 is hereby amended to read as follows:

454.361 A conviction of the violation of any of the provisions of NRS 454.181 to 454.371, inclusive, constitutes grounds for the suspension or revocation

of any license issued to such person pursuant to the provisions of chapters 630, 631, 633, 635, 636, 638 or 639 of NRS ~~or~~ *or sections 11 to 44, inclusive, of this act.*

Sec. 1.3. NRS 457.065 is hereby amended to read as follows:

457.065 The State Board of Health shall adopt regulations for the administration of this chapter which include, without limitation, standards for the ~~following:~~

~~1. Training and performance of a person who operates a radiation machine for mammography which are at least as stringent as the requirements for accreditation established by the American College of Radiology.~~

~~2. Inspection~~ *inspection* and authorization of a radiation machine for mammography which are at least as stringent as the requirements for accreditation established by the American College of Radiology.

Sec. 1.5. NRS 457.183 is hereby amended to read as follows:

457.183 1. A person shall not operate a radiation machine for mammography unless the person:

(a) ~~Has a certificate of authorization to operate a radiation machine issued by the Division;~~ *Meets the requirements of section 36 or 39 of this act;* or

(b) Is licensed pursuant to chapter 630 or 633 of NRS.

2. ~~To obtain a certificate of authorization to operate a radiation machine for mammography, a person must:~~

~~(a) Submit an application to the Division on a form provided by the Division and provide any additional information required by the Division;~~

~~(b) Be certified by the American Registry of Radiologic Technologists or meet the standards established by the Division pursuant to subsection 1 of NRS 457.065;~~

~~(c) Pass an examination if the Division determines that an examination for certification is necessary to protect the health and safety of the residents of this State;~~

~~(d) Submit the statement required pursuant to NRS 457.1833; and~~

~~(e) Pay the fee required by the Division, which must be calculated to cover the administrative costs directly related to the process of issuing the certificates.~~

~~3. An application for the issuance of a certificate of authorization to operate a radiation machine for mammography must include the social security number of the applicant.~~

~~4. The Division shall certify a person to operate a radiation machine for mammography if the person complies with the provisions of subsection 2 and meets the standards adopted pursuant to subsection 1 of NRS 457.065.~~

~~5. A certificate of authorization to operate a radiation machine for mammography expires 3 years after the date on which it was issued unless it is renewed before that date. The Division shall require continuing education as a prerequisite to the renewal of a certificate and shall charge a fee for renewal that is calculated to cover the administrative costs directly related to the renewal of a certificate.~~

~~6.~~ A person who is ~~certified~~ *authorized by subsection 1* to operate a radiation machine for mammography ~~pursuant to this section~~ shall not operate such a machine without a valid certificate of authorization issued pursuant to NRS 457.184 for the machine.

Sec. 1.6. NRS 457.184 is hereby amended to read as follows:

457.184 1. The owner, lessee or other responsible person shall not ~~operate or~~ allow to be operated a radiation machine for mammography unless he or she:

(a) Has a valid certificate of authorization from the Division for the machine; and

(b) Is accredited by the American College of Radiology or meets the standards established by the State Board of Health pursuant to ~~subsection 2 of~~ NRS 457.065.

2. To obtain a certificate of authorization from the Division for a radiation machine for mammography, a person must:

- (a) Submit an application to the Division on a form provided by the Division;
- (b) Provide any additional information required by the Division; and
- (c) Pay the fee required by the Division which must be calculated to cover the administrative costs directly related to the process of issuing the certificates.

3. After an inspection, the Division shall issue a certificate of authorization for a radiation machine for mammography if the machine:

- (a) Meets the standards adopted by the State Board of Health pursuant to ~~subsection 2 of~~ NRS 457.065;

- (b) Is specifically designed to perform mammography; and

- (c) Is used to perform mammography and may be used for screening, diagnostic or therapeutic purposes.

4. A certificate of authorization for a radiation machine for mammography expires 1 year after the date on which it was issued unless renewed before that date. The Division may require an inspection of the machine as a prerequisite to renewal of a certificate and shall charge a fee for renewal that is calculated to cover the administrative costs directly related to the process of renewing certificates.

5. A person who owns or leases or is otherwise responsible for more than one radiation machine for mammography shall obtain a certificate of authorization for each radiation machine.

Sec. 1.7. NRS 457.185 is hereby amended to read as follows:

457.185 1. The Division shall grant or deny an application for ~~a certificate of authorization to operate a radiation machine for mammography or~~ a certificate of authorization for a radiation machine for mammography within 4 months after receipt of a complete application.

2. ~~The Division shall withdraw the certificate of authorization to operate a radiation machine for mammography if it finds that the person violated the provisions of subsection 6 of NRS 457.183.~~

~~3.~~ The Division shall deny or withdraw the certificate of authorization of a radiation machine for mammography if it finds that the owner, lessee or other responsible person violated the provisions of subsection 1 of NRS 457.184.

~~4.~~ 3. If ~~a certificate of authorization to operate a radiation machine for mammography or~~ a certificate of authorization for a radiation machine for mammography is withdrawn, a person must apply for the certificate in the manner provided for an initial certificate.

Sec. 1.8. NRS 457.186 is hereby amended to read as follows:

457.186 Upon request, the Division shall hold an administrative hearing concerning the denial or withdrawal of ~~an application for a certificate of authorization to operate a radiation machine for mammography or~~ a certificate of authorization for a radiation machine for mammography.

Sec. 1.9. NRS 459.010 is hereby amended to read as follows:

459.010 As used in NRS 459.010 to 459.290, inclusive, unless the context requires otherwise:

1. "By-product material" means:

- (a) Any radioactive material, except special nuclear material, yielded in or made radioactive by exposure to the radiation incident to the process of producing or making use of special nuclear material; and

- (b) The tailings or wastes produced by the extraction or concentration of uranium or thorium from any ore which is processed primarily for the extraction of the uranium or thorium.

2. "Division" means the Division of Public and Behavioral Health of the Department of Health and Human Services.

3. "General license" means a license effective pursuant to regulations adopted by the State Board of Health without the filing of an application to transfer, acquire, own, possess or use quantities of, or devices or equipment for utilizing, by-product material, source material, special nuclear material or other radioactive material occurring naturally or produced artificially.

4. "Ionizing radiation" means gamma rays and X-rays, alpha and beta particles, high-speed electrons, neutrons, protons and other nuclear particles, but not sound or radio waves, or visible, infrared or ultraviolet light.

5. "Person" includes any agency or political subdivision of this State, any other state or the United States, but not the Nuclear Regulatory Commission or its successor, or any federal agency licensed by the Nuclear Regulatory Commission or any successor to such a federal agency.

6. "Source material" means:

(a) Uranium, thorium or any other material which the Governor declares by order to be source material after the Nuclear Regulatory Commission or any successor thereto has determined that material to be source material.

(b) Any ore containing one or more of the materials enumerated in paragraph (a) in such concentration as the Governor declares by order to be source material after the Nuclear Regulatory Commission or any successor thereto has determined the material in the concentration to be source material.

7. "Special nuclear material" means:

(a) Plutonium, uranium 233, uranium enriched in the isotope 233 or in the isotope 235 and any other material which the Governor declares by order to be special nuclear material after the Nuclear Regulatory Commission or any successor thereto has determined such material to be special nuclear material, but does not include source material.

(b) Any material artificially enriched by any of the materials enumerated in paragraph (a), but does not include source material.

8. "Specific license" means a license issued pursuant to the filing of an application to use, manufacture, produce, transfer, receive, acquire, own or possess quantities of, or devices or equipment for utilizing, by-product material, source material, special nuclear material or other radioactive material occurring naturally or produced artificially.

9. *"Tanning equipment" has the meaning ascribed to it in NRS 597.7615.*

10. *"Tanning establishment" has the meaning ascribed to it in NRS 597.7616.*

Sec. 2. NRS 459.020 is hereby amended to read as follows:

459.020 The Division is hereby designated as the state radiation control agency, and is authorized to take all action necessary or appropriate to carry out the provisions of NRS 459.010 to 459.290, inclusive ~~§~~ , and ~~597.761 to 597.7622,~~ *inclusive.*

Sec. 3. NRS 459.030 is hereby amended to read as follows:

459.030 For the protection of public health and safety, the Division shall:

1. Develop and conduct programs for the evaluation of and response to hazards associated with the use of sources of ionizing radiation ~~§~~ *and tanning equipment operated in tanning establishments.*

2. Develop programs and formulate, with due regard for compatibility with federal programs, regulations for adoption by the State Board of Health regarding:

(a) Licensing and regulation of by-product materials, source materials, special nuclear materials and other radioactive materials, including radioactive waste.

(b) Control of other sources of ionizing radiation ~~§~~ *and tanning equipment operated in tanning establishments.*

3. Adopt such regulations as may be necessary to administer the provisions of NRS 459.010 to 459.290, inclusive ~~§~~, and 597.761 to 597.7622, inclusive.

4. Collect and disseminate information relating to control of sources of ionizing radiation ~~§~~ and tanning equipment operated in tanning establishments, including:

(a) Maintenance of a file of all license applications, issuances, denials, amendments, transfers, renewals, modifications, suspensions and revocations.

(b) Maintenance of a file of registrants possessing sources of ionizing radiation and operating tanning equipment in a tanning establishment which require registration pursuant to the provisions of NRS 459.010 to 459.290, inclusive. The file must include a record of any administrative or judicial action pertaining to such registrants.

(c) Maintenance of a file of all regulations, pending or promulgated, relating to the regulation of sources of ionizing radiation ~~§~~ and tanning equipment operated in tanning establishments, and any proceedings pertaining to the regulations.

Sec. 3.5. NRS 459.035 is hereby amended to read as follows:

459.035 The Division shall not issue or renew the registration of a radiation machine pursuant to regulations adopted by the State Board of Health unless the applicant for issuance or renewal of the registration attests that the ~~radiologic technologists and nuclear medicine technologists~~ persons employed by the applicant ~~have knowledge of and are in compliance with the guidelines of the Centers for Disease Control and Prevention concerning the prevention of transmission of infectious agents through safe and appropriate injection practices.~~ to operate the radiation machine are properly licensed pursuant to sections 11 to 44, inclusive, of this act and are in compliance with the provisions of those sections.

Sec. 4. NRS 459.050 is hereby amended to read as follows:

459.050 1. Any authorized representative of the Division may enter at any reasonable time upon any private or public property for the purpose of determining whether there is compliance with or violation of the provisions of NRS 459.010 to 459.290, inclusive, or 597.761 to 597.7622, inclusive, or of the rules and regulations promulgated ~~under NRS 459.010 to 459.290, inclusive.~~ pursuant thereto, and the owner, occupant or person in charge of such property shall permit such entry and inspection.

2. Entry into areas under the jurisdiction of the Federal Government shall be effected only with the concurrence of the Federal Government or its duly designated representative.

3. Any report of investigation or inspection, or any information concerning trade secrets or secret industrial processes obtained under NRS 459.010 to 459.290, inclusive, and 597.761 to 597.7622, inclusive, shall not be disclosed or opened to public inspection except as otherwise provided in NRS 239.0115 or as may be necessary for the performance of the functions of the State Board of Health.

Sec. 5. NRS 459.201 is hereby amended to read as follows:

459.201 1. The State Board of Health shall, with due regard for compatibility with federal programs, adopt regulations for:

(a) General or specific licensing of persons to receive, possess or transfer radioactive materials, or devices or equipment utilizing such materials. Every such regulation shall provide for amendment, suspension or revocation of licenses.

(b) Licensing and regulation of by-product materials, source materials, special nuclear materials and other radioactive materials, including radioactive waste.

(c) Control of other sources of ionizing radiation ~~§~~ and tanning equipment operated in tanning establishments.

2. The Division may require:

(a) Registration and inspection of sources of ionizing radiation which do not require specific licensing ~~†† and tanning equipment operated in tanning establishments.~~

(b) Compliance with specific standards to be promulgated by the State Board of Health.

3. The State Board of Health may exempt certain sources of ionizing radiation ~~††~~ or kinds of uses or users of such sources, from the licensing or registration requirements set forth in this section if the Board makes a finding that the exemption of such sources of ionizing radiation ~~††~~ or kinds of uses or users of such sources, will not constitute a significant risk to the health and safety of the public.

4. Regulations promulgated pursuant to NRS 459.010 to 459.290, inclusive, may provide for recognition of such other state or federal licenses as the State Board of Health may consider desirable, subject to such registration requirements as the State Board of Health may prescribe.

Sec. 6. NRS 459.260 is hereby amended to read as follows:

459.260 1. *The Division may suspend, revoke or amend a license or registration issued pursuant to NRS 459.201 to a person who has violated any provision of NRS 459.010 to 459.290, inclusive, or 597.761 to 597.7622, inclusive, or any rule, regulation or order issued pursuant thereto.*

2. In the event of an emergency, the Division may impound, or order the impounding of, sources of ionizing radiation *or tanning equipment being operated in a tanning establishment* in the possession of any person who is not equipped to observe, or who fails to observe, any provision of NRS 459.010 to 459.290, inclusive, *or 597.761 to 597.7622, inclusive,* or any rules or regulations issued ~~under NRS 459.010 to 459.290, inclusive.†~~ *pursuant thereto.*

Sec. 7. NRS 459.270 is hereby amended to read as follows:

459.270 1. If, in the judgment of the Division, any person is engaged in or is about to engage in any act or practice which constitutes or will constitute a violation of any provision of NRS 459.010 to 459.290, inclusive, *or 597.761 to 597.7622, inclusive,* or any rule, regulation or order issued ~~under NRS 459.010 to 459.290, inclusive.†~~ *pursuant thereto,* the Division may request the Attorney General to apply to the district court for an order enjoining such act or practice, or for an order directing compliance with any provision of NRS 459.010 to 459.290, inclusive, *and 597.761 to 597.7622, inclusive,* or any rule, regulation or order issued ~~under NRS 459.010 to 459.290, inclusive.†~~ *pursuant thereto.*

2. Upon a showing by the Division that such person has engaged in or is about to engage in any such act or practice, a permanent or temporary injunction, restraining order or other appropriate order may be granted by the court.

Sec. 8. NRS 459.290 is hereby amended to read as follows:

459.290 Every person is guilty of a misdemeanor who:

1. Uses, manufactures, produces, or knowingly transports, transfers, receives, acquires, owns or possesses any source of ionizing radiation which has not been licensed or registered in accordance with the provisions of NRS 459.010 to 459.290, inclusive, and the regulations adopted ~~under them.†~~ *pursuant thereto or operates tanning equipment which has not been so registered in a tanning establishment.*

2. Violates any of the provisions of NRS 459.010 to 459.290, inclusive, *or 597.761 to 597.7622, inclusive,* or any regulation or order adopted or issued under them.

Sec. 8.05. NRS 7.095 is hereby amended to read as follows:

7.095 1. An attorney shall not contract for or collect a fee contingent on the amount of recovery for representing a person seeking damages in connection with

an action for injury or death against a provider of health care based upon professional negligence in excess of:

- (a) Forty percent of the first \$50,000 recovered;
 - (b) Thirty-three and one-third percent of the next \$50,000 recovered;
 - (c) Twenty-five percent of the next \$500,000 recovered; and
 - (d) Fifteen percent of the amount of recovery that exceeds \$600,000.
2. The limitations set forth in subsection 1 apply to all forms of recovery, including, without limitation, settlement, arbitration and judgment.

3. For the purposes of this section, "recovered" means the net sum recovered by the plaintiff after deducting any disbursements or costs incurred in connection with the prosecution or settlement of the claim. Costs of medical care incurred by the plaintiff and general and administrative expenses incurred by the office of the attorney are not deductible disbursements or costs.

4. As used in this section:

(a) "Professional negligence" means a negligent act or omission to act by a provider of health care in the rendering of professional services, which act or omission is the proximate cause of a personal injury or wrongful death. The term does not include services that are outside the scope of services for which the provider of health care is licensed or services for which any restriction has been imposed by the applicable regulatory board or health care facility.

(b) "Provider of health care" means a physician licensed under chapter 630 or 633 of NRS, dentist, registered nurse, dispensing optician, optometrist, registered physical therapist, podiatric physician, licensed psychologist, chiropractor, doctor of Oriental medicine, *the holder of a license or a limited license issued under the provisions of sections 11 to 44, inclusive, of this act*, medical laboratory director or technician, licensed dietitian or a licensed hospital and its employees.

Sec. 8.1. NRS 41A.017 is hereby amended to read as follows:

41A.017 "Provider of health care" means a physician licensed pursuant to chapter 630 or 633 of NRS, physician assistant, dentist, licensed nurse, dispensing optician, optometrist, registered physical therapist, podiatric physician, licensed psychologist, chiropractor, doctor of Oriental medicine, *the holder of a license or a limited license issued under the provisions of sections 11 to 44, inclusive, of this act*, medical laboratory director or technician, licensed dietitian or a licensed hospital, clinic, surgery center, physicians' professional corporation or group practice that employs any such person and its employees.

Sec. 8.2. NRS 42.021 is hereby amended to read as follows:

42.021 1. In an action for injury or death against a provider of health care based upon professional negligence, if the defendant so elects, the defendant may introduce evidence of any amount payable as a benefit to the plaintiff as a result of the injury or death pursuant to the United States Social Security Act, any state or federal income disability or worker's compensation act, any health, sickness or income-disability insurance, accident insurance that provides health benefits or income-disability coverage, and any contract or agreement of any group, organization, partnership or corporation to provide, pay for or reimburse the cost of medical, hospital, dental or other health care services. If the defendant elects to introduce such evidence, the plaintiff may introduce evidence of any amount that the plaintiff has paid or contributed to secure the plaintiff's right to any insurance benefits concerning which the defendant has introduced evidence.

2. A source of collateral benefits introduced pursuant to subsection 1 may not:

- (a) Recover any amount against the plaintiff; or
- (b) Be subrogated to the rights of the plaintiff against a defendant.

3. In an action for injury or death against a provider of health care based upon professional negligence, a district court shall, at the request of either party, enter a

1 judgment ordering that money damages or its equivalent for future damages of the
2 judgment creditor be paid in whole or in part by periodic payments rather than by a
3 lump-sum payment if the award equals or exceeds \$50,000 in future damages.

4 4. In entering a judgment ordering the payment of future damages by periodic
5 payments pursuant to subsection 3, the court shall make a specific finding as to the
6 dollar amount of periodic payments that will compensate the judgment creditor for
7 such future damages. As a condition to authorizing periodic payments of future
8 damages, the court shall require a judgment debtor who is not adequately insured to
9 post security adequate to assure full payment of such damages awarded by the
10 judgment. Upon termination of periodic payments of future damages, the court
11 shall order the return of this security, or so much as remains, to the judgment
12 debtor.

13 5. A judgment ordering the payment of future damages by periodic payments
14 entered pursuant to subsection 3 must specify the recipient or recipients of the
15 payments, the dollar amount of the payments, the interval between payments, and
16 the number of payments or the period of time over which payments will be made.
17 Such payments must only be subject to modification in the event of the death of the
18 judgment creditor. Money damages awarded for loss of future earnings must not be
19 reduced or payments terminated by reason of the death of the judgment creditor, but
20 must be paid to persons to whom the judgment creditor owed a duty of support, as
21 provided by law, immediately before the judgment creditor's death. In such cases,
22 the court that rendered the original judgment may, upon petition of any party in
23 interest, modify the judgment to award and apportion the unpaid future damages in
24 accordance with this subsection.

25 6. If the court finds that the judgment debtor has exhibited a continuing
26 pattern of failing to make the periodic payments as specified pursuant to subsection
27 5, the court shall find the judgment debtor in contempt of court and, in addition to
28 the required periodic payments, shall order the judgment debtor to pay the
29 judgment creditor all damages caused by the failure to make such periodic
30 payments, including, but not limited to, court costs and attorney's fees.

31 7. Following the occurrence or expiration of all obligations specified in the
32 periodic payment judgment, any obligation of the judgment debtor to make further
33 payments ceases and any security given pursuant to subsection 4 reverts to the
34 judgment debtor.

35 8. As used in this section:

36 (a) "Future damages" includes damages for future medical treatment, care or
37 custody, loss of future earnings, loss of bodily function, or future pain and suffering
38 of the judgment creditor.

39 (b) "Periodic payments" means the payment of money or delivery of other
40 property to the judgment creditor at regular intervals.

41 (c) "Professional negligence" means a negligent act or omission to act by a
42 provider of health care in the rendering of professional services, which act or
43 omission is the proximate cause of a personal injury or wrongful death. The term
44 does not include services that are outside the scope of services for which the
45 provider of health care is licensed or services for which any restriction has been
46 imposed by the applicable regulatory board or health care facility.

47 (d) "Provider of health care" means a physician licensed under chapter 630 or
48 633 of NRS, dentist, licensed nurse, dispensing optician, optometrist, registered
49 physical therapist, podiatric physician, licensed psychologist, chiropractor, doctor
50 of Oriental medicine, *the holder of a license or a limited license issued under the*
51 *provisions of sections 11 to 44, inclusive, of this act*, medical laboratory director or
52 technician, licensed dietitian or a licensed hospital and its employees.

1 **Sec. 8.3.** NRS 200.471 is hereby amended to read as follows:

2 200.471 1. As used in this section:

3 (a) "Assault" means:

4 (1) Unlawfully attempting to use physical force against another person; or

5 (2) Intentionally placing another person in reasonable apprehension of
6 immediate bodily harm.

7 (b) "Officer" means:

8 (1) A person who possesses some or all of the powers of a peace officer;

9 (2) A person employed in a full-time salaried occupation of fire fighting
10 for the benefit or safety of the public;

11 (3) A member of a volunteer fire department;

12 (4) A jailer, guard or other correctional officer of a city or county jail;

13 (5) A justice of the Supreme Court, judge of the Court of Appeals, district
14 judge, justice of the peace, municipal judge, magistrate, court commissioner, master
15 or referee, including a person acting pro tempore in a capacity listed in this
16 subparagraph; or

17 (6) An employee of the State or a political subdivision of the State whose
18 official duties require the employee to make home visits.

19 (c) "Provider of health care" means a physician, a medical student, a
20 perfusionist or a physician assistant licensed pursuant to chapter 630 of NRS, a
21 practitioner of respiratory care, a homeopathic physician, an advanced practitioner
22 of homeopathy, a homeopathic assistant, an osteopathic physician, a physician
23 assistant licensed pursuant to chapter 633 of NRS, a podiatric physician, a podiatry
24 hygienist, a physical therapist, a medical laboratory technician, an optometrist, a
25 chiropractor, a chiropractor's assistant, a doctor of Oriental medicine, a nurse, a
26 student nurse, a certified nursing assistant, a nursing assistant trainee, a medication
27 aide - certified, a dentist, a dental student, a dental hygienist, a dental hygienist
28 student, a pharmacist, a pharmacy student, an intern pharmacist, an attendant on an
29 ambulance or air ambulance, a psychologist, a social worker, a marriage and family
30 therapist, a marriage and family therapist intern, a clinical professional counselor, a
31 clinical professional counselor intern, a licensed dietitian, *the holder of a license or*
32 *a limited license issued under the provisions of sections 11 to 44, inclusive, of this*
33 *act*, an emergency medical technician, an advanced emergency medical technician
34 and a paramedic.

35 (d) "School employee" means a licensed or unlicensed person employed by a
36 board of trustees of a school district pursuant to NRS 391.100 or 391.281.

37 (e) "Sporting event" has the meaning ascribed to it in NRS 41.630.

38 (f) "Sports official" has the meaning ascribed to it in NRS 41.630.

39 (g) "Taxicab" has the meaning ascribed to it in NRS 706.8816.

40 (h) "Taxicab driver" means a person who operates a taxicab.

41 (i) "Transit operator" means a person who operates a bus or other vehicle as
42 part of a public mass transportation system.

43 2. A person convicted of an assault shall be punished:

44 (a) If paragraph (c) or (d) does not apply to the circumstances of the crime and
45 the assault is not made with the use of a deadly weapon or the present ability to use
46 a deadly weapon, for a misdemeanor.

47 (b) If the assault is made with the use of a deadly weapon or the present ability
48 to use a deadly weapon, for a category B felony by imprisonment in the state prison
49 for a minimum term of not less than 1 year and a maximum term of not more than 6
50 years, or by a fine of not more than \$5,000, or by both fine and imprisonment.

51 (c) If paragraph (d) does not apply to the circumstances of the crime and if the
52 assault is committed upon an officer, a provider of health care, a school employee,
53 a taxicab driver or a transit operator who is performing his or her duty or upon a

sports official based on the performance of his or her duties at a sporting event and the person charged knew or should have known that the victim was an officer, a provider of health care, a school employee, a taxicab driver, a transit operator or a sports official, for a gross misdemeanor, unless the assault is made with the use of a deadly weapon or the present ability to use a deadly weapon, then for a category B felony by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, or by a fine of not more than \$5,000, or by both fine and imprisonment.

(d) If the assault is committed upon an officer, a provider of health care, a school employee, a taxicab driver or a transit operator who is performing his or her duty or upon a sports official based on the performance of his or her duties at a sporting event by a probationer, a prisoner who is in lawful custody or confinement or a parolee, and the probationer, prisoner or parolee charged knew or should have known that the victim was an officer, a provider of health care, a school employee, a taxicab driver, a transit operator or a sports official, for a category D felony as provided in NRS 193.130, unless the assault is made with the use of a deadly weapon or the present ability to use a deadly weapon, then for a category B felony by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, or by a fine of not more than \$5,000, or by both fine and imprisonment.

Sec. 8.4. NRS 200.5093 is hereby amended to read as follows:

200.5093 1. Any person who is described in subsection 4 and who, in a professional or occupational capacity, knows or has reasonable cause to believe that an older person has been abused, neglected, exploited, isolated or abandoned shall:

(a) Except as otherwise provided in subsection 2, report the abuse, neglect, exploitation, isolation or abandonment of the older person to:

(1) The local office of the Aging and Disability Services Division of the Department of Health and Human Services;

(2) A police department or sheriff's office; or

(3) A toll-free telephone service designated by the Aging and Disability Services Division of the Department of Health and Human Services; and

(b) Make such a report as soon as reasonably practicable but not later than 24 hours after the person knows or has reasonable cause to believe that the older person has been abused, neglected, exploited, isolated or abandoned.

2. If a person who is required to make a report pursuant to subsection 1 knows or has reasonable cause to believe that the abuse, neglect, exploitation, isolation or abandonment of the older person involves an act or omission of the Aging and Disability Services Division, another division of the Department of Health and Human Services or a law enforcement agency, the person shall make the report to an agency other than the one alleged to have committed the act or omission.

3. Each agency, after reducing a report to writing, shall forward a copy of the report to the Aging and Disability Services Division of the Department of Health and Human Services and the Unit for the Investigation and Prosecution of Crimes.

4. A report must be made pursuant to subsection 1 by the following persons:

(a) Every physician, dentist, dental hygienist, chiropractor, optometrist, podiatric physician, medical examiner, resident, intern, professional or practical nurse, physician assistant licensed pursuant to chapter 630 or 633 of NRS, perfusionist, psychiatrist, psychologist, marriage and family therapist, clinical professional counselor, clinical alcohol and drug abuse counselor, alcohol and drug abuse counselor, music therapist, athletic trainer, driver of an ambulance, paramedic, licensed dietitian, *holder of a license or a limited license issued under the provisions of sections 11 to 44, inclusive, of this act* or other person providing medical services licensed or certified to practice in this State, who examines,

1 attends or treats an older person who appears to have been abused, neglected,
2 exploited, isolated or abandoned.

3 (b) Any personnel of a hospital or similar institution engaged in the admission,
4 examination, care or treatment of persons or an administrator, manager or other
5 person in charge of a hospital or similar institution upon notification of the
6 suspected abuse, neglect, exploitation, isolation or abandonment of an older person
7 by a member of the staff of the hospital.

8 (c) A coroner.

9 (d) Every person who maintains or is employed by an agency to provide
10 personal care services in the home.

11 (e) Every person who maintains or is employed by an agency to provide
12 nursing in the home.

13 (f) Every person who operates, who is employed by or who contracts to
14 provide services for an intermediary service organization as defined in NRS
15 449.4304.

16 (g) Any employee of the Department of Health and Human Services.

17 (h) Any employee of a law enforcement agency or a county's office for
18 protective services or an adult or juvenile probation officer.

19 (i) Any person who maintains or is employed by a facility or establishment that
20 provides care for older persons.

21 (j) Any person who maintains, is employed by or serves as a volunteer for an
22 agency or service which advises persons regarding the abuse, neglect, exploitation,
23 isolation or abandonment of an older person and refers them to persons and
24 agencies where their requests and needs can be met.

25 (k) Every social worker.

26 (l) Any person who owns or is employed by a funeral home or mortuary.

27 (m) Every person who operates or is employed by a peer support recovery
28 organization, as defined in NRS 449.01563.

29 (n) Every person who operates or is employed by a community health worker
30 pool, as defined in NRS 449.0028, or with whom a community health worker pool
31 contracts to provide the services of a community health worker, as defined in NRS
32 449.0027.

33 5. A report may be made by any other person.

34 6. If a person who is required to make a report pursuant to subsection 1 knows
35 or has reasonable cause to believe that an older person has died as a result of abuse,
36 neglect, isolation or abandonment, the person shall, as soon as reasonably
37 practicable, report this belief to the appropriate medical examiner or coroner, who
38 shall investigate the cause of death of the older person and submit to the appropriate
39 local law enforcement agencies, the appropriate prosecuting attorney, the Aging
40 and Disability Services Division of the Department of Health and Human Services
41 and the Unit for the Investigation and Prosecution of Crimes his or her written
42 findings. The written findings must include the information required pursuant to the
43 provisions of NRS 200.5094, when possible.

44 7. A division, office or department which receives a report pursuant to this
45 section shall cause the investigation of the report to commence within 3 working
46 days. A copy of the final report of the investigation conducted by a division, office
47 or department, other than the Aging and Disability Services Division of the
48 Department of Health and Human Services, must be forwarded within 30 days after
49 the completion of the report to the:

50 (a) Aging and Disability Services Division;

51 (b) Repository for Information Concerning Crimes Against Older Persons
52 created by NRS 179A.450; and

53 (c) Unit for the Investigation and Prosecution of Crimes.

8. If the investigation of a report results in the belief that an older person is abused, neglected, exploited, isolated or abandoned, the Aging and Disability Services Division of the Department of Health and Human Services or the county's office for protective services may provide protective services to the older person if the older person is able and willing to accept them.

9. A person who knowingly and willfully violates any of the provisions of this section is guilty of a misdemeanor.

10. As used in this section, "Unit for the Investigation and Prosecution of Crimes" means the Unit for the Investigation and Prosecution of Crimes Against Older Persons in the Office of the Attorney General created pursuant to NRS 228.265.

Sec. 8.5. NRS 200.50935 is hereby amended to read as follows:

200.50935 1. Any person who is described in subsection 3 and who, in a professional or occupational capacity, knows or has reasonable cause to believe that a vulnerable person has been abused, neglected, exploited, isolated or abandoned shall:

(a) Report the abuse, neglect, exploitation, isolation or abandonment of the vulnerable person to a law enforcement agency; and

(b) Make such a report as soon as reasonably practicable but not later than 24 hours after the person knows or has reasonable cause to believe that the vulnerable person has been abused, neglected, exploited, isolated or abandoned.

2. If a person who is required to make a report pursuant to subsection 1 knows or has reasonable cause to believe that the abuse, neglect, exploitation, isolation or abandonment of the vulnerable person involves an act or omission of a law enforcement agency, the person shall make the report to a law enforcement agency other than the one alleged to have committed the act or omission.

3. A report must be made pursuant to subsection 1 by the following persons:

(a) Every physician, dentist, dental hygienist, chiropractor, optometrist, podiatric physician, medical examiner, resident, intern, professional or practical nurse, perfusionist, physician assistant licensed pursuant to chapter 630 or 633 of NRS, psychiatrist, psychologist, marriage and family therapist, clinical professional counselor, clinical alcohol and drug abuse counselor, alcohol and drug abuse counselor, music therapist, athletic trainer, driver of an ambulance, paramedic, licensed dietitian, *holder of a license or a limited license issued under the provisions of sections 11 to 44, inclusive, of this act* or other person providing medical services licensed or certified to practice in this State, who examines, attends or treats a vulnerable person who appears to have been abused, neglected, exploited, isolated or abandoned.

(b) Any personnel of a hospital or similar institution engaged in the admission, examination, care or treatment of persons or an administrator, manager or other person in charge of a hospital or similar institution upon notification of the suspected abuse, neglect, exploitation, isolation or abandonment of a vulnerable person by a member of the staff of the hospital.

(c) A coroner.

(d) Every person who maintains or is employed by an agency to provide nursing in the home.

(e) Any employee of the Department of Health and Human Services.

(f) Any employee of a law enforcement agency or an adult or juvenile probation officer.

(g) Any person who maintains or is employed by a facility or establishment that provides care for vulnerable persons.

(h) Any person who maintains, is employed by or serves as a volunteer for an agency or service which advises persons regarding the abuse, neglect, exploitation,

1 isolation or abandonment of a vulnerable person and refers them to persons and
2 agencies where their requests and needs can be met.

3 (i) Every social worker.

4 (j) Any person who owns or is employed by a funeral home or mortuary.

5 4. A report may be made by any other person.

6 5. If a person who is required to make a report pursuant to subsection 1 knows
7 or has reasonable cause to believe that a vulnerable person has died as a result of
8 abuse, neglect, isolation or abandonment, the person shall, as soon as reasonably
9 practicable, report this belief to the appropriate medical examiner or coroner, who
10 shall investigate the cause of death of the vulnerable person and submit to the
11 appropriate local law enforcement agencies and the appropriate prosecuting
12 attorney his or her written findings. The written findings must include the
13 information required pursuant to the provisions of NRS 200.5094, when possible.

14 6. A law enforcement agency which receives a report pursuant to this section
15 shall immediately initiate an investigation of the report.

16 7. A person who knowingly and willfully violates any of the provisions of
17 this section is guilty of a misdemeanor.

18 **Sec. 8.6.** NRS 200.5095 is hereby amended to read as follows:

19 200.5095 1. Reports made pursuant to NRS 200.5093, 200.50935 and
20 200.5094, and records and investigations relating to those reports, are confidential.

21 2. A person, law enforcement agency or public or private agency, institution
22 or facility who willfully releases data or information concerning the reports and
23 investigation of the abuse, neglect, exploitation, isolation or abandonment of older
24 persons or vulnerable persons, except:

25 (a) Pursuant to a criminal prosecution;

26 (b) Pursuant to NRS 200.50982; or

27 (c) To persons or agencies enumerated in subsection 3,
28 ➡ is guilty of a misdemeanor.

29 3. Except as otherwise provided in subsection 2 and NRS 200.50982, data or
30 information concerning the reports and investigations of the abuse, neglect,
31 exploitation, isolation or abandonment of an older person or a vulnerable person is
32 available only to:

33 (a) A physician who is providing care to an older person or a vulnerable person
34 who may have been abused, neglected, exploited, isolated or abandoned;

35 (b) An agency responsible for or authorized to undertake the care, treatment
36 and supervision of the older person or vulnerable person;

37 (c) A district attorney or other law enforcement official who requires the
38 information in connection with an investigation of the abuse, neglect, exploitation,
39 isolation or abandonment of the older person or vulnerable person;

40 (d) A court which has determined, in camera, that public disclosure of such
41 information is necessary for the determination of an issue before it;

42 (e) A person engaged in bona fide research, but the identity of the subjects of
43 the report must remain confidential;

44 (f) A grand jury upon its determination that access to such records is necessary
45 in the conduct of its official business;

46 (g) Any comparable authorized person or agency in another jurisdiction;

47 (h) A legal guardian of the older person or vulnerable person, if the identity of
48 the person who was responsible for reporting the alleged abuse, neglect,
49 exploitation, isolation or abandonment of the older person or vulnerable person to
50 the public agency is protected, and the legal guardian of the older person or
51 vulnerable person is not the person suspected of such abuse, neglect, exploitation,
52 isolation or abandonment;

(i) If the older person or vulnerable person is deceased, the executor or administrator of his or her estate, if the identity of the person who was responsible for reporting the alleged abuse, neglect, exploitation, isolation or abandonment of the older person or vulnerable person to the public agency is protected, and the executor or administrator is not the person suspected of such abuse, neglect, exploitation, isolation or abandonment; or

(j) The older person or vulnerable person named in the report as allegedly being abused, neglected, exploited, isolated or abandoned, if that person is not legally incompetent.

4. If the person who is reported to have abused, neglected, exploited, isolated or abandoned an older person or a vulnerable person is the holder of a license or certificate issued pursuant to chapters 449, 630 to 641B, inclusive, or 654 of NRS, **or sections 11 to 44, inclusive, of this act**, the information contained in the report must be submitted to the board that issued the license.

5. If data or information concerning the reports and investigations of the abuse, neglect, exploitation, isolation or abandonment of an older person or a vulnerable person is made available pursuant to paragraph (b) or (j) of subsection 3 or subsection 4, the name and any other identifying information of the person who made the report must be redacted before the data or information is made available.

Sec. 8.7. NRS 200.810 is hereby amended to read as follows:

200.810 "Health care procedure" means any medical procedure, other than a surgical procedure, that requires a license to perform pursuant to chapters 630 to 637, inclusive, 639 or 640 of NRS **or sections 11 to 44, inclusive, of this act.**

Sec. 8.75. NRS 200.820 is hereby amended to read as follows:

200.820 "Surgical procedure" means any invasive medical procedure where a break in the skin is created and there is contact with the mucosa or any minimally invasive medical procedure where a break in the skin is created or which involves manipulation of the internal body cavity beyond a natural or artificial body orifice which requires a license to perform pursuant to chapters 630 to 637, inclusive, 639 or 640 of NRS **or sections 11 to 44, inclusive, of this act.**

Sec. 8.8. NRS 239.010 is hereby amended to read as follows:

239.010 1. Except as otherwise provided in this section and NRS 1.4683, 1.4687, 1A.110, 41.071, 49.095, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, 75A.100, 75A.150, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280, 119A.653, 119B.370, 119B.382, 120A.690, 125.130, 125B.140, 126.141, 126.161, 126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817, 130.312, 130.712, 136.050, 159.044, 172.075, 172.245, 176.015, 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715, 178.5691, 179.495, 179A.070, 179A.165, 179A.450, 179D.160, 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3925, 209.419, 209.521, 211A.140, 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218A.350, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 228.270, 228.450, 228.495, 228.570, 231.069, 231.1473, 233.190, 237.300, 239.0105, 239.0113, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210, 239C.230, 239C.250, 239C.270, 240.007, 241.020, 241.030, 241.039, 242.105, 244.264, 244.335, 250.087, 250.130, 250.140, 250.150, 268.095, 268.490, 268.910, 271A.105, 281.195, 281A.350, 281A.440, 281A.550, 284.4068, 286.110, 287.0438, 289.025, 289.080, 289.387, 289.830, 293.5002, 293.503, 293.558, 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379, 338.16925, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205, 353A.049,

353A.085, 353A.100, 353C.240, 360.240, 360.247, 360.255, 360.755, 361.044, 361.610, 365.138, 366.160, 368A.180, 372A.080, 378.290, 378.300, 379.008, 385A.830, 385B.100, 387.626, 387.631, 388.1455, 388.259, 388.501, 388.503, 388.513, 388.750, 391.035, 392.029, 392.147, 392.264, 392.271, 392.850, 394.167, 394.1698, 394.447, 394.460, 394.465, 396.3295, 396.405, 396.525, 396.535, 398.403, 408.3885, 408.3886, 408.3888, 408.5484, 412.153, 416.070, 422.2749, 422.305, 422A.342, 422A.350, 425.400, 427A.1236, 427A.872, 432.205, 432B.175, 432B.280, 432B.290, 432B.407, 432B.430, 432B.560, 433.534, 433A.360, 439.840, 439B.420, 440.170, 441A.195, 441A.220, 441A.230, 442.330, 442.395, 445A.665, 445B.570, 449.209, 449.245, 449.720, 450.140, 453.164, 453.720, 453A.610, 453A.700, 458.055, 458.280, 459.050, 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403, 463.3407, 463.790, 467.1005, 480.365, 481.063, 482.170, 482.5536, 483.340, 483.363, 483.575, 483.659, 483.800, 484E.070, 485.316, 503.452, 522.040, 534A.031, 561.285, 571.160, 584.655, 587.877, 598.0964, 598.098, 598A.110, 599B.090, 603.070, 603A.210, 604A.710, 612.265, 616B.012, 616B.015, 616B.315, 616B.350, 618.341, 618.425, 622.310, 623.131, 623A.137, 624.110, 624.265, 624.327, 625.425, 625A.185, 628.418, 628B.230, 628B.760, 629.047, 629.069, 630.133, 630.30665, 630.336, 630A.555, 631.368, 632.121, 632.125, 632.405, 633.283, 633.301, 633.524, 634.055, 634.214, 634A.185, 635.158, 636.107, 637.085, 637B.288, 638.087, 638.089, 639.2485, 639.570, 640.075, 640A.220, 640B.730, 640C.400, 640C.745, 640C.760, 640D.190, 640E.340, 641.090, 641A.191, 641B.170, 641C.760, 642.524, 643.189, 644.446, 645.180, 645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135, 645E.300, 645E.375, 645G.510, 645H.320, 645H.330, 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.228, 654.110, 656.105, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310, 671.170, 673.430, 675.380, 676A.340, 676A.370, 677.243, 679B.122, 679B.152, 679B.159, 679B.190, 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.410, 681B.540, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.110, 687A.115, 687C.010, 688C.230, 688C.480, 688C.490, 692A.117, 692C.190, 692C.3536, 692C.3538, 692C.354, 692C.420, 693A.480, 693A.615, 696B.550, 703.196, 704B.320, 704B.325, 706.1725, 706A.230, 710.159, 711.600, *and section 40 of this act*, sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes of Nevada 2013 and unless otherwise declared by law to be confidential, all public books and public records of a governmental entity must be open at all times during office hours to inspection by any person, and may be fully copied or an abstract or memorandum may be prepared from those public books and public records. Any such copies, abstracts or memoranda may be used to supply the general public with copies, abstracts or memoranda of the records or may be used in any other way to the advantage of the governmental entity or of the general public. This section does not supersede or in any manner affect the federal laws governing copyrights or enlarge, diminish or affect in any other manner the rights of a person in any written book or record which is copyrighted pursuant to federal law.

2. A governmental entity may not reject a book or record which is copyrighted solely because it is copyrighted.

3. A governmental entity that has legal custody or control of a public book or record shall not deny a request made pursuant to subsection 1 to inspect or copy or receive a copy of a public book or record on the basis that the requested public book or record contains information that is confidential if the governmental entity can redact, delete, conceal or separate the confidential information from the information included in the public book or record that is not otherwise confidential.

4. A person may request a copy of a public record in any medium in which the public record is readily available. An officer, employee or agent of a governmental entity who has legal custody or control of a public record:

(a) Shall not refuse to provide a copy of that public record in a readily available medium because the officer, employee or agent has already prepared or would prefer to provide the copy in a different medium.

(b) Except as otherwise provided in NRS 239.030, shall, upon request, prepare the copy of the public record and shall not require the person who has requested the copy to prepare the copy himself or herself.

Sec. 8.85 NRS 432B.220 is hereby amended to read as follows:

432B.220 1. Any person who is described in subsection 4 and who, in his or her professional or occupational capacity, knows or has reasonable cause to believe that a child has been abused or neglected shall:

(a) Except as otherwise provided in subsection 2, report the abuse or neglect of the child to an agency which provides child welfare services or to a law enforcement agency; and

(b) Make such a report as soon as reasonably practicable but not later than 24 hours after the person knows or has reasonable cause to believe that the child has been abused or neglected.

2. If a person who is required to make a report pursuant to subsection 1 knows or has reasonable cause to believe that the abuse or neglect of the child involves an act or omission of:

(a) A person directly responsible or serving as a volunteer for or an employee of a public or private home, institution or facility where the child is receiving child care outside of the home for a portion of the day, the person shall make the report to a law enforcement agency.

(b) An agency which provides child welfare services or a law enforcement agency, the person shall make the report to an agency other than the one alleged to have committed the act or omission, and the investigation of the abuse or neglect of the child must be made by an agency other than the one alleged to have committed the act or omission.

3. Any person who is described in paragraph (a) of subsection 4 who delivers or provides medical services to a newborn infant and who, in his or her professional or occupational capacity, knows or has reasonable cause to believe that the newborn infant has been affected by prenatal illegal substance abuse or has withdrawal symptoms resulting from prenatal drug exposure shall, as soon as reasonably practicable but not later than 24 hours after the person knows or has reasonable cause to believe that the newborn infant is so affected or has such symptoms, notify an agency which provides child welfare services of the condition of the infant and refer each person who is responsible for the welfare of the infant to an agency which provides child welfare services for appropriate counseling, training or other services. A notification and referral to an agency which provides child welfare services pursuant to this subsection shall not be construed to require prosecution for any illegal action.

4. A report must be made pursuant to subsection 1 by the following persons:

(a) A person providing services licensed or certified in this State pursuant to, without limitation, chapter 450B, 630, 630A, 631, 632, 633, 634, 634A, 635, 636, 637, 637B, 639, 640, 640A, 640B, 640C, 640D, 640E, 641, 641A, 641B or 641C of NRS ~~or~~ **or sections 11 to 44, inclusive, of this act.**

(b) Any personnel of a medical facility licensed pursuant to chapter 449 of NRS who are engaged in the admission, examination, care or treatment of persons or an administrator, manager or other person in charge of such a medical facility

upon notification of suspected abuse or neglect of a child by a member of the staff of the medical facility.

(c) A coroner.

(d) A member of the clergy, practitioner of Christian Science or religious healer, unless the person has acquired the knowledge of the abuse or neglect from the offender during a confession.

(e) A person working in a school who is licensed or endorsed pursuant to chapter 391 or 641B of NRS.

(f) Any person who maintains or is employed by a facility or establishment that provides care for children, children's camp or other public or private facility, institution or agency furnishing care to a child.

(g) Any person licensed pursuant to chapter 424 of NRS to conduct a foster home.

(h) Any officer or employee of a law enforcement agency or an adult or juvenile probation officer.

(i) Except as otherwise provided in NRS 432B.225, an attorney.

(j) Any person who maintains, is employed by or serves as a volunteer for an agency or service which advises persons regarding abuse or neglect of a child and refers them to persons and agencies where their requests and needs can be met.

(k) Any person who is employed by or serves as a volunteer for a youth shelter. As used in this paragraph, "youth shelter" has the meaning ascribed to it in NRS 244.427.

(l) Any adult person who is employed by an entity that provides organized activities for children.

5. A report may be made by any other person.

6. If a person who is required to make a report pursuant to subsection 1 knows or has reasonable cause to believe that a child has died as a result of abuse or neglect, the person shall, as soon as reasonably practicable, report this belief to an agency which provides child welfare services or a law enforcement agency. If such a report is made to a law enforcement agency, the law enforcement agency shall notify an agency which provides child welfare services and the appropriate medical examiner or coroner of the report. If such a report is made to an agency which provides child welfare services, the agency which provides child welfare services shall notify the appropriate medical examiner or coroner of the report. The medical examiner or coroner who is notified of a report pursuant to this subsection shall investigate the report and submit his or her written findings to the appropriate agency which provides child welfare services, the appropriate district attorney and a law enforcement agency. The written findings must include, if obtainable, the information required pursuant to the provisions of subsection 2 of NRS 432B.230.

7. The agency, board, bureau, commission, department, division or political subdivision of the State responsible for the licensure, certification or endorsement of a person who is described in subsection 4 and who is required in his or her professional or occupational capacity to be licensed, certified or endorsed in this State shall, at the time of initial licensure, certification or endorsement:

(a) Inform the person, in writing or by electronic communication, of his or her duty as a mandatory reporter pursuant to this section;

(b) Obtain a written acknowledgment or electronic record from the person that he or she has been informed of his or her duty pursuant to this section; and

(c) Maintain a copy of the written acknowledgment or electronic record for as long as the person is licensed, certified or endorsed in this State.

8. The employer of a person who is described in subsection 4 and who is not required in his or her professional or occupational capacity to be licensed, certified or endorsed in this State must, upon initial employment of the person:

(a) Inform the person, in writing or by electronic communication, of his or her duty as a mandatory reporter pursuant to this section;

(b) Obtain a written acknowledgment or electronic record from the person that he or she has been informed of his or her duty pursuant to this section; and

(c) Maintain a copy of the written acknowledgment or electronic record for as long as the person is employed by the employer.

Sec. 8.9. NRS 597.7618 is hereby amended to read as follows:

597.7618 An owner or operator shall post in a conspicuous place in the tanning establishment a notice that states substantially the following:

1. It is unlawful for the owner or operator of a tanning establishment to allow a person who is less than 18 years of age to use any tanning equipment.

2. An owner or operator of a tanning establishment who violates any provision of NRS **459.010 to 459.290, inclusive, or** 597.761 to 597.7622, inclusive, may be subject to civil action.

3. Any person may report a violation of NRS **459.010 to 459.290, inclusive, or** 597.761 to 597.7622, inclusive, to any law enforcement agency.

4. Health risks associated with tanning include, without limitation, skin cancer, premature aging of the skin and burns to the skin.

Sec. 9. NRS 597.762 is hereby amended to read as follows:

597.762 An owner or operator shall ensure that:

1. A person who is qualified to operate the tanning equipment and who is able to inform users about, and assist such users in, the proper use of tanning equipment is present at the tanning establishment during operating hours.

2. Tanning equipment is properly sanitized after each use.

3. Each user, before he or she begins to use tanning equipment, is provided with properly sanitized and securely fitting protective eyewear that protects the wearer's eyes from ultraviolet radiation and allows enough vision to maintain balance.

4. Users wear the protective eyewear described in subsection 3 when using tanning equipment.

5. Each user is shown how to maintain the proper exposure distance from the tanning equipment as recommended by the manufacturer.

6. A timing device which is accurate within 10 percent of any selected time interval is used and is remotely located so a user cannot set his or her own exposure time when using tanning equipment.

7. Tanning equipment is equipped with a mechanism that allows the user to turn off the tanning equipment.

8. Each user is limited to the maximum exposure time recommended by the manufacturer for his or her skin type.

9. A user is not allowed to use the tanning equipment more than once in any 24-hour period.

10. The interior temperature of the tanning equipment does not exceed 100 degrees Fahrenheit.

11. Acknowledgments signed by each user indicating that he or she understands the notices and warnings prescribed by NRS 597.7618 and 597.7619, and that he or she agrees to use protective eyewear, are retained for at least 1 year or until the user signs a new acknowledgment.

12. Tanning equipment is used and operated in accordance with any applicable regulations adopted by the State Board of Health or the Division of Public and Behavioral Health of the Department of Health and Human Services pursuant to NRS 459.010 to 459.290, inclusive.

1 Sec. 10. Title 54 of NRS is hereby amended by adding thereto a new chapter
2 to consist of the provisions set forth as sections 11 to 44, inclusive, of this act.

3 Sec. 11. *As used in this chapter, the words and terms defined in sections 12*
4 *to 26, inclusive, of this act have the meanings ascribed to them in those sections.*

5 Sec. 12. *“Computed tomography” means the process of producing*
6 *sectional and three-dimensional images using external ionizing radiation.*

7 Sec. 13. *“Direct supervision” means supervision where the person*
8 *providing supervision is present in the building with the person being supervised*
9 *and available to furnish assistance if needed.*

10 Sec. 14. *“Division” means the Division of Public and Behavioral Health of*
11 *the Department of Health and Human Services.*

12 Sec. 15. *“Fluoroscopy” means the exposure of a patient to ionizing*
13 *radiation in a fluoroscopy mode, including the positioning of the patient and the*
14 *fluoroscopy equipment and the selection of exposure factors.*

15 Sec. 16. *“Ionizing radiation” has the meaning ascribed to it in NRS*
16 *459.010.*

17 Sec. 17. *“License” means a license to engage in radiation therapy and*
18 *radiologic imaging issued pursuant to section 31 of this act. The term does not*
19 *include a limited license.*

20 Sec. 18. *“Limited license” means a limited license to engage in radiologic*
21 *imaging issued pursuant to section 32 of this act.*

22 Sec. 19. *“Mammography” has the meaning ascribed to it in NRS 457.182.*

23 Sec. 20. *“Radiation” has the meaning ascribed to it in NRS 457.182.*

24 Sec. 21. *“Radiation therapy” means the administration of ionizing*
25 *radiation for therapeutic purposes.*

26 Sec. 22. *“Radiography” has the meaning ascribed to it in NRS 457.182.*

27 Sec. 23. *“Radiologic imaging” means the use of ionizing radiation to*
28 *diagnose or visualize a medical condition.*

29 Sec. 24. *“Radiologist” means a physician certified by or eligible to be*
30 *certified by the American Board of Radiology, the American Osteopathic Board*
31 *of Radiology, the Royal College of Radiologists or the Royal College of*
32 *Physicians and Surgeons of Canada, or their successor organizations, in*
33 *radiology.*

34 Sec. 25. *“Radiologist assistant” means a person who meets the*
35 *requirements of section 34 of this act.*

36 Sec. 26. *“Supervision” means assuming responsibility for and control of*
37 *the technical aspects of administering radiation for diagnostic or therapeutic*
38 *purposes and the quality of those services, and ensuring that radiation is*
39 *administered safely, including, without limitation, ensuring that all persons*
40 *involved are adequately protected from radiation.*

41 Sec. 27. *The provisions of this chapter do not apply to:*

42 1. *A physician or physician assistant licensed pursuant to chapter 630 or*
43 *633 of NRS;*

44 2. *A dentist, dental hygienist or other person working under the direct*
45 *supervision of a dentist; or*

46 3. *A chiropractor or chiropractor’s assistant.*

47 Sec. 28. *1. The Radiologic Imaging and Radiation Therapy Advisory*
48 *Committee is hereby created.*

49 2. *The Committee consists of seven members, all of whom are voting*
50 *members, appointed by the Governor. The Governor shall ensure that the*
51 *members of the Committee represent the geographic diversity of this State. The*
52 *Governor shall appoint to the Committee:*

1 (a) One member who holds a license and is certified by the American
2 Registry of Radiologic Technologists, or its successor organization, in the
3 primary pathway of radiography.

4 (b) One member who holds a license and is certified by the American
5 Registry of Radiologic Technologists, or its successor organization, in the
6 primary pathway of nuclear medicine technology.

7 (c) One member who holds a license and is certified by the American
8 Registry of Radiologic Technologists, or its successor organization, in the
9 primary pathway of radiation therapy.

10 (d) One member who holds a limited license.

11 (e) One member who is a radiologist.

12 (f) One member who is a physician, other than a radiologist, or a dentist,
13 chiropractor or podiatrist.

14 (g) One member who is a radiation safety officer or medical physicist.

15 3. After the initial terms, the members of the Committee serve terms of 3
16 years. A vacancy on the Committee must be filled in the same manner as the
17 initial appointment. No member may serve more than 2 consecutive terms.

18 4. Members of the Committee serve without compensation, except that each
19 member of the Committee is entitled to receive the per diem allowance and travel
20 expenses provided for state officers and employees generally.

21 5. The Committee shall annually elect a Chair, who must be a person
22 described in paragraphs (a) to (d), inclusive, of subsection 2, and a Vice Chair.

23 6. The Committee shall meet at least twice each year on the call of the
24 Chair or a majority of its members. The Committee may meet by telephone,
25 videoconference or other electronic means in accordance with the provisions of
26 chapter 241 of NRS.

27 7. The Committee shall:

28 (a) Review each regulation that the Division proposes or adopts pursuant to
29 the provisions of this chapter and notify the Division of the opinion of the
30 Committee regarding the advisability of adopting or revising the regulation.

31 (b) Make any other recommendations to the Division and the Legislature
32 concerning radiation therapy or radiologic imaging as it deems proper.

33 Sec. 29. 1. The State Board of Health shall adopt regulations:

34 (a) Establishing fees for the application for and issuance and renewal of a
35 license or limited license.

36 (b) Defining the scope of practice for radiologist assistants and persons who
37 hold licenses and limited licenses. Such regulations must be not less restrictive
38 than the standards of practice adopted by the American Society of Radiologic
39 Technologists or its successor organization.

40 (c) Prescribing the requirements for continuing education for the renewal of
41 a license or limited license. Such regulations must require the holder of a license
42 to complete more hours of continuing education than the holder of a limited
43 license.

44 (d) Prescribing the qualifications of persons who are authorized to supervise
45 the holder of a limited license, the tasks for which such supervision is required
46 and the level of supervision required.

47 (e) Defining the terms "crime involving moral turpitude" and
48 "unprofessional conduct" for the purposes of section 41 of this act.

49 2. The State Board of Health may adopt any other regulations necessary or
50 convenient to carry out the provisions of this chapter.

51 3. All money received from fees and penalties pursuant to the provisions of
52 this chapter must be forwarded to the State Treasurer for deposit in the State
53 General Fund.

1 4. *The Division shall enforce the provisions of this chapter and may incur*
2 *any necessary expenses not in excess of money appropriated for that purpose by*
3 *the State or received from the Federal Government.*

4 **Sec. 30.** *1. Except as otherwise provided in sections 27, 35 and 36 of this*
5 *act, a person shall not engage in:*

6 (a) *Radiologic imaging unless he or she has obtained a license or limited*
7 *license from the Division.*

8 (b) *Radiation therapy unless he or she has obtained a license from the*
9 *Division.*

10 (c) *Radiologic imaging or radiation therapy outside the scope of practice*
11 *authorized for his or her license or limited license by the regulations adopted*
12 *pursuant to section 29 of this act.*

13 2. *A person who wishes to obtain or renew a license or limited license must*
14 *apply to the Division in the form prescribed by the Division.*

15 3. *A license or limited license expires 2 years after the date on which the*
16 *license was issued and must be renewed on or before that date.*

17 4. *The Division shall not issue or renew a license or limited license unless*
18 *the applicant for issuance or renewal of the license attests to knowledge of and*
19 *compliance with the guidelines of the Centers for Disease Control and Prevention*
20 *concerning the prevention of transmission of infectious agents through safe and*
21 *appropriate injection practices.*

22 5. *The Division may issue a provisional license or provisional limited*
23 *license to a person who holds an equivalent license or certificate in another state.*

24 6. *A provisional license or provisional limited license may not be renewed*
25 *and expires:*

26 (a) *On the date that the holder of the provisional license or provisional*
27 *limited license is issued a license or limited license by the Division;*

28 (b) *On the date that the application of the holder of the provisional license or*
29 *provisional limited license for a license or limited license is denied by the*
30 *Division; or*

31 (c) *One year after the date on which the holder of the provisional license or*
32 *provisional limited license is initially hired to engage in radiation therapy or*
33 *radiologic imaging.*

34 **Sec. 31.** *The Division may issue a license to engage in radiation therapy*
35 *and radiologic imaging to a person who:*

36 1. *Has successfully completed a course of study that meets the requirements*
37 *of the Joint Review Committee on Education in Radiologic Technology, the Joint*
38 *Review Committee on Educational Programs in Nuclear Medicine Technology,*
39 *their successor organizations or another national accrediting organization*
40 *approved by the Division; and*

41 2. *Is certified by the American Registry of Radiologic Technologists, or its*
42 *successor organization, in the primary pathway of radiography, nuclear medicine*
43 *technology or radiation therapy or the Nuclear Medicine Technology*
44 *Certification Board, or its successor organization, in nuclear medicine or meets*
45 *any alternative standards prescribed by regulation of the Division.*

46 **Sec. 32.** *1. The Division may issue a limited license to engage in*
47 *radiologic imaging to a person who has:*

48 (a) *Completed a course of study in limited X-ray machine operation that*
49 *incorporates the Limited X-Ray Machine Operator Curriculum prescribed by the*
50 *American Society of Radiologic Technologists or its successor organization; and*

51 (b) *Passed an examination for limited X-ray machine operators administered*
52 *by the American Registry of Radiologic Technologists or its successor*
53 *organization, or;*

1 (1) *If applying for a limited license in spine and extremity radiography,*
2 *be certified by the American Chiropractory Registry of Radiologic Technologists*
3 *or its successor organization.*

4 (2) *If applying for a limited license in podiatric radiography, be licensed*
5 *as a podiatry hygienist pursuant to NRS 635.093 or certified by the American*
6 *Society of Podiatric Medical Assistants or its successor organization.*

7 (3) *If applying for a limited license in bone densitometry, be certified as a*
8 *bone densitometry technologist or a certified densitometry technologist by the*
9 *International Society for Clinical Densitometry, or its successor organization, or*
10 *has successfully completed the examination for bone densitometry equipment*
11 *operators administered by the American Registry of Radiologic Technologists or*
12 *its successor organization.*

13 2. *The holder of a limited license may perform radiologic imaging only*
14 *within the scope of the limited license, as defined in this subsection and the*
15 *regulations adopted pursuant to section 29 of this act, and under the supervision*
16 *prescribed by those regulations. The Division may issue a limited license in:*

17 (a) *Chest radiography, which authorizes the holder of the limited license to*
18 *engage in radiography of the thorax, heart and lungs.*

19 (b) *Extremities radiography, which authorizes the holder of the limited*
20 *license to engage in radiography of the upper and lower extremities, including*
21 *the pelvic girdle.*

22 (c) *Spine and extremity radiography, which authorizes the holder of the*
23 *limited license to engage in radiography of the vertebral column and the upper*
24 *and lower extremities, including the pelvic girdle.*

25 (d) *Skull and sinus radiography, which authorizes the holder of the limited*
26 *license to engage in radiography of the skull and face.*

27 (e) *Podiatric radiography, which authorizes the holder of the limited license*
28 *to engage in radiography of the foot, ankle and lower leg below the knee.*

29 (f) *Bone densitometry, which authorizes the holder of the limited license to*
30 *engage in the determination of bone mass by measuring the radiation absorption*
31 *of the bone.*

32 3. *The holder of a limited license shall not perform procedures using*
33 *contrast media, mammography, nuclear medicine or radiation therapy.*

34 4. *As used in this section, "bone densitometry" means the quantitative*
35 *assessment of bone mass using single or dual energy X-ray absorptiometry.*

36 Sec. 33. 1. *In addition to any other requirements set forth in this chapter:*

37 (a) *An applicant for the issuance of a license or limited license shall include*
38 *the social security number of the applicant in the application submitted to the*
39 *Division.*

40 (b) *An applicant for the issuance or renewal of a license or limited license*
41 *shall submit to the Division the statement prescribed by the Division of Welfare*
42 *and Supportive Services of the Department of Health and Human Services*
43 *pursuant to NRS 425.520. The statement must be completed and signed by the*
44 *applicant.*

45 2. *The Division shall include the statement required pursuant to subsection*
46 *1 in:*

47 (a) *The application or any other forms that must be submitted for the*
48 *issuance or renewal of the license; or*

49 (b) *A separate form prescribed by the Division.*

50 3. *A license or limited license may not be issued or renewed by the Division*
51 *if the applicant:*

52 (a) *Fails to submit the statement required pursuant to subsection 1; or*

1 (b) Indicates on the statement submitted pursuant to subsection 1 that the
2 applicant is subject to a court order for the support of a child and is not in
3 compliance with the order or a plan approved by the district attorney or other
4 public agency enforcing the order for the repayment of the amount owed
5 pursuant to the order.

6 4. If an applicant indicates on the statement submitted pursuant to
7 subsection 1 that the applicant is subject to a court order for the support of a
8 child and is not in compliance with the order or a plan approved by the district
9 attorney or other public agency enforcing the order for the repayment of the
10 amount owed pursuant to the order, the Division shall advise the applicant to
11 contact the district attorney or other public agency enforcing the order to
12 determine the actions that the applicant may take to satisfy the arrearage.

13 Sec. 34. 1. The holder of a license may practice as a radiologist assistant
14 if the holder is:

15 (a) Certified by the American Registry of Radiologic Technologists, or its
16 successor organization, in the primary pathway of radiography and is registered
17 as a Radiologist Assistant by the Registry; or

18 (b) Certified by the Certification Board of Radiology Practitioner Assistants.

19 2. In addition to the activities that the holder of a license is authorized to
20 perform by the regulations adopted pursuant to section 29 of this act, a
21 radiologist assistant:

22 (a) May perform activities relating to the care and management of patients,
23 including radiologic imaging and interventional procedures guided by radiologic
24 imaging, under the direct supervision of a radiologist.

25 (b) May provide initial observations concerning the images of a patient to a
26 supervising radiologist.

27 (c) Shall not interpret images of a patient or otherwise engage in the practice
28 of medicine, as defined in NRS 630.020.

29 Sec. 35. 1. A person who does not meet the requirements of section 30 of
30 this act may, without compensation, engage in radiation therapy or radiologic
31 imaging under the direct supervision of a physician, chiropractor or podiatrist or
32 a person who holds a license for the purpose of qualifying for any certification
33 that is a prerequisite to obtain a license or a limited license.

34 2. A holder of a license or limited license may engage in radiation therapy
35 or radiologic imaging outside the scope of practice authorized for his or her
36 license or limited license by the regulations adopted pursuant to section 29 of this
37 act under the direct supervision of a physician, chiropractor or podiatrist or
38 person who holds a license and is authorized to practice in that area if the
39 licensee:

40 (a) Is doing so to qualify for certification by a national accrediting
41 organization in that area; and

42 (b) Registers with the Division before doing so.

43 3. The Division may issue a temporary student license to a person who is
44 enrolled in a program to qualify for any certification that is a prerequisite to
45 obtain a license or limited license. A holder of a temporary student license may
46 engage in any activity described in subsection 1 for compensation.

47 4. A temporary student license may not be renewed and expires:

48 (a) On the date that the holder of the temporary student license is issued a
49 license or limited license by the Division;

50 (b) On the date that the application of the holder of the temporary student
51 license for a license or limited license is denied by the Division; or

52 (c) One year after the date on which the holder of the temporary student
53 license is initially hired to engage in radiation therapy or radiologic imaging.

1 Sec. 36. *A person who is employed in a position where he or she is*
2 *performing radiation therapy, radiologic imaging, computed tomography,*
3 *fluoroscopy or mammography on January 1, 2018, may continue to do so without*
4 *obtaining a license from the Division if he or she:*

- 5 1. *Registers with the Division in the form prescribed by the Division;*
- 6 2. *Provides any information requested by the Division;*
- 7 3. *Does not change the scope of his or her practice; and*
- 8 4. *Completes the continuing education required by the Division for the*
9 *holder of a license or limited license, as applicable, who provides the same*
10 *services as those provided by the person.*

11 Sec. 37. 1. *A person who is subject to the provisions of this chapter shall*
12 *not perform computed tomography except as authorized by this section and*
13 *section 36 of this act.*

14 2. *Except as otherwise provided in this section, a holder of a license may*
15 *only perform computed tomography within his or her scope of practice, as*
16 *authorized by the regulations adopted pursuant to section 29 of this act, if he or*
17 *she is certified by:*

18 (a) *The American Registry of Radiologic Technologists, or its successor*
19 *organization, in the primary pathway of nuclear medicine technology or*
20 *radiation therapy.*

21 (b) *The Nuclear Medicine Technology Certification Board, or its successor*
22 *organization, in nuclear medicine.*

23 3. *A holder of a license who is certified by the American Registry of*
24 *Radiologic Technologists or the Nuclear Medicine Technology Certification*
25 *Board, or their successor organizations, in computed tomography may perform*
26 *computed tomography.*

27 4. *A holder of a license who does not meet the requirements of subsection 2*
28 *or 3 may perform computed tomography if he or she:*

29 (a) *Is performing computed tomography to qualify for certification by the*
30 *American Registry of Radiologic Technologists or the Nuclear Medicine*
31 *Technology Certification Board, or their successor organizations, in computed*
32 *tomography; and*

33 (b) *Registers with the Division before performing computed tomography.*

34 Sec. 38. 1. *A person who is subject to the provisions of this chapter shall*
35 *not perform fluoroscopy except as authorized in this section and section 36 of this*
36 *act.*

37 2. ~~*A radiologist assistant may perform fluoroscopy under the direct*~~
38 ~~*supervision of a radiologist.*~~

39 ~~*3. A holder of a license who is certified by the American Registry of*~~
40 ~~*Radiologic Technologists, or its successor organization, in the primary pathway*~~
41 ~~*of radiography may perform fluoroscopy.*~~

42 ~~*4. A holder of a license who does not meet the requirements of subsection*~~
43 ~~*3.1 may perform fluoroscopy under the direct supervision of a physician or the*~~
44 ~~*holder of a license who meets those requirements, only within the scope of his or*~~
45 ~~*her practice to the extent authorized by the regulations adopted pursuant to*~~
46 ~~*section 29 of this act.*~~

47 Sec. 39. 1. *A person who is subject to the provisions of this chapter shall*
48 *not perform mammography except as authorized in this section and section 36 of*
49 *this act.*

50 2. *A holder a license may perform mammography if he or she is certified in*
51 *mammography by the American Registry of Radiologic Technologists or its*
52 *successor organization.*

3. *A holder of a license who does not meet the requirements of subsection 2 may perform mammography under the personal supervision of a physician or a holder of a license who meets those requirements if he or she:*

(a) Is performing mammography to qualify for certification in mammography by the American Registry of Radiologic Technologists or its successor organization; and

(b) Has registered with the Division.

4. *As used in this section, "personal supervision" means supervision where the person providing supervision is present in the room with the person being supervised.*

Sec. 40. *1. Any authorized representative of the Division may enter at any reasonable time upon any private or public property for the purpose of determining whether there is compliance with or violation of the provisions of this chapter or the regulations adopted pursuant thereto, and the owner, occupant or person in charge of such property shall permit such entry and inspection.*

2. Entry into areas under the jurisdiction of the Federal Government shall be effected only with the concurrence of the Federal Government or its duly designated representative.

3. Any report of investigation or inspection shall not be disclosed or opened to public inspection except as otherwise provided in NRS 239.0115 or as may be necessary for the performance of the functions of the State Board of Health.

Sec. 41. *1. The Division may deny, suspend, revoke or refuse to renew a license or limited license issued pursuant to the provisions of this chapter, impose limitations on the practice of a holder of such a license or limited license or impose a civil penalty of up to \$1,000 per violation if a person:*

(a) Obtains a license or limited license through fraud, misrepresentation or concealment of material facts;

(b) Engages in unprofessional conduct, as defined by the regulations adopted pursuant to section 29 of this act;

(c) Is convicted of a crime involving moral turpitude, as defined by the regulations adopted pursuant to section 29 of this act, or any crime which indicates that the person is unfit to engage in radiologic imaging or radiation therapy;

(d) Violates any provision of this chapter or any regulations adopted pursuant thereto;

(e) Is guilty of malpractice, gross negligence or incompetence while engaging in radiation therapy or radiologic imaging;

(f) Engages in conduct that could result in harm to a member of the public; or

(g) Has disciplinary action imposed in another jurisdiction against a license or certificate that is equivalent to a license or limited license issued pursuant to this chapter.

2. At least 2 years after the date of a revocation of a license, application may be made to the Division for reinstatement. The Division has complete discretion to accept or reject an application for reinstatement.

Sec. 42. *1. The Division may, upon its own motion, and shall, upon the verified complaint in writing of any person setting forth facts which, if proven, would constitute grounds for initiating disciplinary action, investigate the actions of any person who engages in radiation therapy or radiologic imaging. A complaint may be filed anonymously. If a complaint is filed anonymously, the Division may accept the complaint but may refuse to consider the complaint if anonymity of the complainant makes processing the complaint impossible or*

1 *unfair to the person who is the subject of the complaint. The Division shall retain*
2 *all complaints received by the Division pursuant to this section for at least 10*
3 *years, including, without limitation, any complaints not acted upon by the*
4 *Division.*

5 *2. The Division shall, before initiating proceedings to deny, suspend, revoke*
6 *or refuse to renew a license or limited license or impose disciplinary action, notify*
7 *the accused person in writing of any charges made. The notice may be served by*
8 *delivery of the notice personally to the accused person or by mailing it by*
9 *registered or certified mail to the place of business last specified by the accused*
10 *person, as registered with the Division.*

11 *3. In any proceeding under the provisions of this chapter for the denial,*
12 *suspension, revocation or refusal to renew a license or limited license or the*
13 *imposition of disciplinary action pursuant to section 41 of this act, the Division*
14 *shall afford an opportunity for a hearing on the record upon the request of the*
15 *person against whom such actions may be taken. The Division may compel the*
16 *attendance of witnesses or the production of documents or objects by subpoena.*

17 *4. The Division shall render a written decision at the conclusion of every*
18 *hearing, and the record and decision in every hearing must be available for*
19 *inspection by any interested person.*

20 *5. The Division may delegate to a hearing officer or panel its authority to*
21 *take any disciplinary action pursuant to the provisions of this chapter.*

22 *6. Any disciplinary action taken by a hearing officer or panel pursuant to*
23 *subsection 5 is subject to the same procedural requirements which apply to*
24 *disciplinary actions taken by the Division pursuant to subsection 4, and the*
25 *officer or panel has those powers and duties given to the Division in relation*
26 *thereto.*

27 *7. A decision of the hearing officer or panel denying, suspending, revoking*
28 *or refusing to renew a license or limited license or imposing disciplinary action*
29 *pursuant to section 41 of this act is a final decision for the purposes of judicial*
30 *review.*

31 **Sec. 43. 1.** *If the Division receives a copy of a court order issued pursuant*
32 *to NRS 425.540 that provides for the suspension of all professional, occupational*
33 *and recreational licenses, certificates and permits issued to a person who is the*
34 *holder of a license or limited license, the Division shall deem the license or*
35 *limited license issued to that person to be suspended at the end of the 30th day*
36 *after the date on which the court order was issued unless the Division receives a*
37 *letter issued to the holder of the license or limited license by the district attorney*
38 *or other public agency pursuant to NRS 425.550 stating that the holder of the*
39 *license or limited license has complied with the subpoena or warrant or has*
40 *satisfied the arrearage pursuant to NRS 425.560.*

41 *2. The Division shall reinstate a license or limited license that has been*
42 *suspended by a district court pursuant to NRS 425.540 if the Division receives a*
43 *letter issued by the district attorney or other public agency pursuant to NRS*
44 *425.550 to the person whose license or limited license was suspended stating that*
45 *the person whose license or limited license was suspended has complied with the*
46 *subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.*

47 **Sec. 44. 1.** *The Division or the Attorney General may maintain in any*
48 *court of competent jurisdiction a suit to enjoin any person from violating a*
49 *provision of this chapter or any regulations adopted pursuant thereto.*

50 *2. Such an injunction:*

51 *(a) May be issued without proof of actual damage sustained by any person,*
52 *this provision being a preventive as well as a punitive measure.*

1 ***(b) Does not relieve any person from criminal prosecution under the***
2 ***provisions of subsection 3.***

3 ***3. A person who violates any provision of this chapter is guilty of a***
4 ***misdemeanor.***

5 **Sec. 45.** NRS 622.520 is hereby amended to read as follows:

6 622.520 1. A regulatory body that regulates a profession pursuant to
7 chapters 630, 630A, 632 to 641C, inclusive, or 644 of NRS ***or sections 11 to 44,***
8 ***inclusive, of this act*** in this State may enter into a reciprocal agreement with the
9 corresponding regulatory authority of the District of Columbia or any other state or
10 territory of the United States for the purposes of:

11 (a) Authorizing a qualified person licensed in the profession in that state or
12 territory to practice concurrently in this State and one or more other states or
13 territories of the United States; and

14 (b) Regulating the practice of such a person.

15 2. A regulatory body may enter into a reciprocal agreement pursuant to
16 subsection 1 only if the regulatory body determines that:

17 (a) The corresponding regulatory authority is authorized by law to enter into
18 such an agreement with the regulatory body; and

19 (b) The applicable provisions of law governing the practice of the respective
20 profession in the state or territory on whose behalf the corresponding regulatory
21 authority would execute the reciprocal agreement are substantially similar to the
22 corresponding provisions of law in this State.

23 3. A reciprocal agreement entered into pursuant to subsection 1 must not
24 authorize a person to practice his or her profession concurrently in this State unless
25 the person:

26 (a) Has an active license to practice his or her profession in another state or
27 territory of the United States.

28 (b) Has been in practice for at least the 5 years immediately preceding the date
29 on which the person submits an application for the issuance of a license pursuant to
30 a reciprocal agreement entered into pursuant to subsection 1.

31 (c) Has not had his or her license suspended or revoked in any state or territory
32 of the United States.

33 (d) Has not been refused a license to practice in any state or territory of the
34 United States for any reason.

35 (e) Is not involved in and does not have pending any disciplinary action
36 concerning his or her license or practice in any state or territory of the United
37 States.

38 (f) Pays any applicable fees for the issuance of a license that are otherwise
39 required for a person to obtain a license in this State.

40 (g) Submits to the applicable regulatory body the statement required by NRS
41 425.520.

42 4. If the regulatory body enters into a reciprocal agreement pursuant to
43 subsection 1, the regulatory body must prepare an annual report before January 31
44 of each year outlining the progress of the regulatory body as it relates to the
45 reciprocal agreement and submit the report to the Director of the Legislative
46 Counsel Bureau for transmittal to the next session of the Legislature in odd-
47 numbered years or to the Legislative Committee on Health Care in even-numbered
48 years.

49 **Sec. 46.** NRS 632.472 is hereby amended to read as follows:

50 632.472 1. The following persons shall report in writing to the Executive
51 Director of the Board any conduct of a licensee or holder of a certificate which
52 constitutes a violation of the provisions of this chapter:

(a) Any physician, dentist, dental hygienist, chiropractor, optometrist, podiatric physician, medical examiner, resident, intern, professional or practical nurse, nursing assistant, medication aide - certified, perfusionist, physician assistant licensed pursuant to chapter 630 or 633 of NRS, psychiatrist, psychologist, marriage and family therapist, clinical professional counselor, alcohol or drug abuse counselor, music therapist, *holder of a license or limited license issued pursuant to sections 11 to 44, inclusive, of this act*, driver of an ambulance, paramedic or other person providing medical services licensed or certified to practice in this State.

(b) Any personnel of a medical facility or facility for the dependent engaged in the admission, examination, care or treatment of persons or an administrator, manager or other person in charge of a medical facility or facility for the dependent upon notification by a member of the staff of the facility.

(c) A coroner.

(d) Any person who maintains or is employed by an agency to provide personal care services in the home.

(e) Any person who operates, who is employed by or who contracts to provide services for an intermediary service organization as defined in NRS 449.4304.

(f) Any person who maintains or is employed by an agency to provide nursing in the home.

(g) Any employee of the Department of Health and Human Services.

(h) Any employee of a law enforcement agency or a county's office for protective services or an adult or juvenile probation officer.

(i) Any person who maintains or is employed by a facility or establishment that provides care for older persons.

(j) Any person who maintains, is employed by or serves as a volunteer for an agency or service which advises persons regarding the abuse, neglect or exploitation of an older person and refers them to persons and agencies where their requests and needs can be met.

(k) Any social worker.

(l) Any person who operates or is employed by a community health worker pool or with whom a community health worker pool contracts to provide the services of a community health worker, as defined in NRS 449.0027.

(m) Any person who operates or is employed by a peer support recovery organization.

2. Every physician who, as a member of the staff of a medical facility or facility for the dependent, has reason to believe that a nursing assistant or medication aide - certified has engaged in conduct which constitutes grounds for the denial, suspension or revocation of a certificate shall notify the superintendent, manager or other person in charge of the facility. The superintendent, manager or other person in charge shall make a report as required in subsection 1.

3. A report may be filed by any other person.

4. Any person who in good faith reports any violation of the provisions of this chapter to the Executive Director of the Board pursuant to this section is immune from civil liability for reporting the violation.

5. As used in this section:

(a) "Agency to provide personal care services in the home" has the meaning ascribed to it in NRS 449.0021.

(b) "Community health worker pool" has the meaning ascribed to it in NRS 449.0028.

(c) "Peer support recovery organization" has the meaning ascribed to it in NRS 449.01563.

1 **Sec. 47.** Chapter 634 of NRS is hereby amended by adding thereto a new
2 section to read as follows:

3 1. *Except as authorized by this section, a chiropractor's assistant shall not*
4 *engage in radiologic imaging or radiation therapy.*

5 2. *A chiropractor's assistant may perform radiography only:*

6 (a) *Within the practice of chiropractic; and*

7 (b) *Except as otherwise provided in subsection 3, if he or she has*
8 *successfully completed the training prescribed by the Board pursuant to*
9 *subsection 4.*

10 3. *A chiropractor's assistant who has not successfully completed the*
11 *training prescribed by the Board pursuant to subsection 4 may perform*
12 *radiography under the direct supervision of a chiropractor as part of such*
13 *training.*

14 4. *The Board shall adopt regulations prescribing training that a*
15 *chiropractor's assistant must receive before performing radiography.*

16 5. *As used in this section:*

17 (a) *"Radiation therapy" has the meaning ascribed to it in section 21 of this*
18 *act.*

19 (b) *"Radiography" has the meaning ascribed to it in NRS 457.182.*

20 (c) *"Radiologic imaging" has the meaning ascribed to it in section 23 of this*
21 *act.*

22 **Sec. 48.** NRS 639.100 is hereby amended to read as follows:

23 639.100 1. Except as otherwise provided in this chapter, it is unlawful for
24 any person to manufacture, engage in wholesale distribution, compound, sell or
25 dispense, or permit to be manufactured, distributed at wholesale, compounded, sold
26 or dispensed, any drug, poison, medicine or chemical, or to dispense or compound,
27 or permit to be dispensed or compounded, any prescription of a practitioner, unless
28 the person:

29 (a) Is a prescribing practitioner, a person licensed to engage in wholesale
30 distribution, a ~~technologist in radiology or nuclear medicine~~ *person licensed*
31 *pursuant to section 31 of this act* under the supervision of the prescribing
32 practitioner, a registered pharmacist, or a registered nurse certified in oncology
33 under the supervision of the prescribing practitioner; and

34 (b) Complies with the regulations adopted by the Board.

35 2. A person who violates any provision of subsection 1:

36 (a) If no substantial bodily harm results, is guilty of a category D felony; or

37 (b) If substantial bodily harm results, is guilty of a category C felony,

38 ➤ and shall be punished as provided in NRS 193.130.

39 3. Sales representatives, manufacturers or wholesalers selling only in
40 wholesale lots and not to the general public and compounders or sellers of medical
41 gases need not be registered pharmacists. A person shall not act as a manufacturer
42 or wholesaler unless the person has obtained a license from the Board.

43 4. Any nonprofit cooperative organization or any manufacturer or wholesaler
44 who furnishes, sells, offers to sell or delivers a controlled substance which is
45 intended, designed and labeled "For Veterinary Use Only" is subject to the
46 provisions of this chapter, and shall not furnish, sell or offer to sell such a substance
47 until the organization, manufacturer or wholesaler has obtained a license from the
48 Board.

49 5. Each application for such a license must be made on a form furnished by
50 the Board and an application must not be considered by the Board until all the
51 information required thereon has been completed. Upon approval of the application
52 by the Board and the payment of the required fee, the Board shall issue a license to

the applicant. Each license must be issued to a specific person for a specific location.

6. The Board shall not condition, limit, restrict or otherwise deny to a prescribing practitioner the issuance of a certificate, license, registration, permit or authorization to prescribe controlled substances or dangerous drugs because the practitioner is located outside this State.

Sec. 49. NRS 644.449 is hereby amended to read as follows:

644.449 1. If the Board determines that a complaint filed with the Board concerns a matter within the jurisdiction of another licensing board, the Board shall refer the complaint to the other licensing board within 5 days after making the determination.

2. The Board may refer a complaint pursuant to subsection 1 orally, electronically or in writing.

3. The provisions of subsection 1 apply to any complaint filed with the Board, including, without limitation:

(a) A complaint which concerns a person who or entity which is licensed, certified or otherwise regulated by the Board or by another licensing board; and

(b) A complaint which concerns a person who or entity which is licensed, certified or otherwise regulated solely by another licensing board.

4. The provisions of this section do not prevent the Board from acting upon a complaint which concerns a matter within the jurisdiction of the Board regardless of whether the Board refers the complaint pursuant to subsection 1.

5. The Board or an officer or employee of the Board is immune from any civil liability for any decision or action taken in good faith and without malicious intent in carrying out the provisions of this section.

6. As used in this section, "licensing board" means ~~the~~ :

(a) A board created pursuant to chapter 630, 630A, 631, 632, 633, 634, 634A, 635, 636, 637, 637B, 639, 640, 640A, 640B, 640C, 640D, 640E, 641, 641A, 641B, 641C, 643, 644 or 654 of NRS ~~the~~ ; and

(b) *The Division of Public and Behavioral Health of the Department of Health and Human Services.*

Sec. 50. NRS 654.185 is hereby amended to read as follows:

654.185 1. If the Board determines that a complaint filed with the Board concerns a matter within the jurisdiction of another licensing board, the Board shall refer the complaint to the other licensing board within 5 days after making the determination.

2. The Board may refer a complaint pursuant to subsection 1 orally, electronically or in writing.

3. The provisions of subsection 1 apply to any complaint filed with the Board, including, without limitation:

(a) A complaint which concerns a person who or entity which is licensed, certified or otherwise regulated by the Board or by another licensing board; and

(b) A complaint which concerns a person who or entity which is licensed, certified or otherwise regulated solely by another licensing board.

4. The provisions of this section do not prevent the Board from acting upon a complaint which concerns a matter within the jurisdiction of the Board regardless of whether the Board refers the complaint pursuant to subsection 1.

5. The Board or an officer or employee of the Board is immune from any civil liability for any decision or action taken in good faith and without malicious intent in carrying out the provisions in this section.

6. As used in this section, "licensing board" means ~~the~~ :

(a) A board created pursuant to chapter 630, 630A, 631, 632, 633, 634, 634A, 635, 636, 637, 637B, 639, 640, 640A, 640B, 640C, 640D, 640E, 641, 641A, 641B, 641C, 643, 644 or 654 of NRS ~~§~~ ; and

(b) *The Division of Public and Behavioral Health of the Department of Health and Human Services.*

Sec. 51. NRS 679B.440 is hereby amended to read as follows:

679B.440 1. The Commissioner may require that reports submitted pursuant to NRS 679B.430 include, without limitation, information regarding:

(a) Liability insurance provided to:

(1) Governmental agencies and political subdivisions of this State, reported separately for:

(I) Cities and towns;

(II) School districts; and

(III) Other political subdivisions;

(2) Public officers;

(3) Establishments where alcoholic beverages are sold;

(4) Facilities for the care of children;

(5) Labor, fraternal or religious organizations; and

(6) Officers or directors of organizations formed pursuant to title 7 of NRS, reported separately for nonprofit entities and entities organized for profit;

(b) Liability insurance for:

(1) Defective products;

(2) Medical or dental malpractice of:

(I) A practitioner licensed pursuant to chapter 630, 630A, 631, 632, 633, 634, 634A, 635, 636, 637, 637B, 639 or 640 of NRS ~~§~~ or sections 11 to 44, inclusive, of this act;

(II) A hospital or other health care facility; or

(III) Any related corporate entity.

(3) Malpractice of attorneys;

(4) Malpractice of architects and engineers; and

(5) Errors and omissions by other professionally qualified persons;

(c) Vehicle insurance, reported separately for:

(1) Private vehicles;

(2) Commercial vehicles;

(3) Liability insurance; and

(4) Insurance for property damage;

(d) Workers' compensation insurance; and

(e) In addition to any information provided pursuant to subparagraph (2) of paragraph (b) or NRS 690B.260, a policy of insurance for medical malpractice. As used in this paragraph, "policy of insurance for medical malpractice" has the meaning ascribed to it in NRS 679B.144.

2. The Commissioner may require that the report include, without limitation, information specifically pertaining to this State or to an insurer in its entirety, in the aggregate or by type of insurance, and for a previous or current year, regarding:

(a) Premiums directly written;

(b) Premiums directly earned;

(c) Number of policies issued;

(d) Net investment income, using appropriate estimates when necessary;

(e) Losses paid;

(f) Losses incurred;

(g) Loss reserves, including:

(1) Losses unpaid on reported claims; and

(2) Losses unpaid on incurred but not reported claims;

- (h) Number of claims, including:
 (1) Claims paid; and
 (2) Claims that have arisen but are unpaid;
(i) Expenses for adjustment of losses, including allocated and unallocated losses;
(j) Net underwriting gain or loss;
(k) Net operation gain or loss, including net investment income; and
(l) Any other information requested by the Commissioner.
3. The Commissioner may also obtain, based upon an insurer in its entirety, information regarding:
 (a) Recoverable federal income tax;
 (b) Net unrealized capital gain or loss; and
 (c) All other expenses not included in subsection 2.

Sec. 52. NRS 686B.030 is hereby amended to read as follows:
686B.030 1. Except as otherwise provided in subsection 2 and NRS 686B.125, the provisions of NRS 686B.010 to 686B.1799, inclusive, apply to all kinds and lines of direct insurance written on risks or operations in this State by any insurer authorized to do business in this State, except:

- (a) Ocean marine insurance;
 (b) Contracts issued by fraternal benefit societies;
 (c) Life insurance and credit life insurance;
 (d) Variable and fixed annuities;
 (e) Credit accident and health insurance;
 (f) Property insurance for business and commercial risks;
 (g) Casualty insurance for business and commercial risks other than insurance covering the liability of a practitioner licensed pursuant to chapters 630 to 640, inclusive, of NRS ~~or sections 11 to 44, inclusive, of this act~~;
 (h) Surety insurance;
 (i) Health insurance offered through a group health plan maintained by a large employer; and
 (j) Credit involuntary unemployment insurance.

2. The exclusions set forth in paragraphs (f) and (g) of subsection 1 extend only to issues related to the determination or approval of premium rates.

Sec. 53. NRS 690B.250 is hereby amended to read as follows:
690B.250 Except as more is required in NRS 630.3067 and 633.526:

1. Each insurer which issues a policy of insurance covering the liability of a practitioner licensed pursuant to chapters 630 to 640, inclusive, of NRS ~~or sections 11 to 44, inclusive, of this act~~ for a breach of his or her professional duty toward a patient shall report to the board which licensed the practitioner within 45 days each settlement or award made or judgment rendered by reason of a claim, if the settlement, award or judgment is for more than \$5,000, giving the name and address of the claimant and the practitioner and the circumstances of the case.

2. A practitioner licensed pursuant to chapters 630 to 640, inclusive, of NRS ~~or sections 11 to 44, inclusive, of this act~~ who does not have insurance covering liability for a breach of his or her professional duty toward a patient shall report to the board which issued the practitioner's license within 45 days of each settlement or award made or judgment rendered by reason of a claim, if the settlement, award or judgment is for more than \$5,000, giving the practitioner's name and address, the name and address of the claimant and the circumstances of the case.

3. These reports are public records and must be made available for public inspection within a reasonable time after they are received by the licensing board.

1 **Sec. 54.** NRS 690B.320 is hereby amended to read as follows:

2 690B.320 1. If an insurer offers to issue a claims-made policy to a
3 practitioner licensed pursuant to chapters 630 to 640, inclusive, of NRS, *or sections*
4 *11 to 44, inclusive, of this act*, the insurer shall:

5 (a) Offer to issue to the practitioner an extended reporting endorsement without
6 a time limitation for reporting a claim.

7 (b) Disclose to the practitioner the premium for the extended reporting
8 endorsement and the cost formula that the insurer uses to determine the premium
9 for the extended reporting endorsement.

10 (c) Disclose to the practitioner the portion of the premium attributable to
11 funding the extended reporting endorsement offered at no additional cost to the
12 practitioner in the event of the practitioner's death, disability or retirement, if such a
13 benefit is offered.

14 (d) Disclose to the practitioner the vesting requirements for the extended
15 reporting endorsement offered at no additional cost to the practitioner in the event
16 of the practitioner's death or retirement, if such a benefit is offered. If such a
17 benefit is not offered, the absence of such a benefit must be disclosed.

18 (e) Include, as part of the insurance contract, language which must be approved
19 by the Commissioner and which must be substantially similar to the following:

20
21 If we adopt any revision that would broaden the coverage under this policy
22 without any additional premium either within the policy period or within 60
23 days before the policy period, the broadened coverage will immediately
24 apply to this policy.
25

26 2. The disclosures required by subsection 1 must be made as part of the offer
27 and acceptance at the inception of the policy and again at each renewal in the form
28 of an endorsement attached to the insurance contract and approved by the
29 Commissioner.

30 3. The requirements set forth in this section are in addition to the
31 requirements set forth in NRS 690B.290.

32 **Sec. 55.** Section 33 of this act is hereby amended to read as follows:

33 Sec. 33. 1. In addition to any other requirements set forth in this
34 chapter ~~+~~

35 ~~—(a) An applicant for the issuance of a license or limited license shall~~
36 ~~include the social security number of the applicant in the application~~
37 ~~submitted to the Division.~~

38 ~~—(b) An~~ *an* applicant for the issuance or renewal of a license or
39 limited license shall submit to the Division the statement prescribed by the
40 Division of Welfare and Supportive Services of the Department of Health
41 and Human Services pursuant to NRS 425.520. The statement must be
42 completed and signed by the applicant.

43 2. The Division shall include the statement required pursuant to
44 subsection 1 in:

45 (a) The application or any other forms that must be submitted for the
46 issuance or renewal of the license; or

47 (b) A separate form prescribed by the Division.

48 3. A license or a limited license may not be issued or renewed by the
49 Division if the applicant:

50 (a) Fails to submit the statement required pursuant to subsection 1; or

51 (b) Indicates on the statement submitted pursuant to subsection 1 that
52 the applicant is subject to a court order for the support of a child and is not
53 in compliance with the order or a plan approved by the district attorney or

other public agency enforcing the order for the repayment of the amount owed pursuant to the order.

4. If an applicant indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order, the Division shall advise the applicant to contact the district attorney or other public agency enforcing the order to determine the actions that the applicant may take to satisfy the arrearage.

Sec. 56. As soon as practicable after the effective date of this act, the Governor shall appoint to the Radiologic Imaging and Radiation Therapy Advisory Committee created by section 28 of this act:

1. One member pursuant to paragraph (g) of subsection 2 of section 28 of this act to an initial term commencing on July 1, 2017, and expiring on June 30, 2018.

2. One member each pursuant to paragraphs (d), (e) and (f) of subsection 2 of section 28 of this act to initial terms commencing on July 1, 2017, and expiring on June 30, 2019.

3. One member each pursuant to paragraphs (a), (b) and (c) of subsection 2 of section 28 of this act to initial terms commencing on July 1, 2017, and expiring on June 30, 2020.

Sec. 57. NRS 457.1833, 457.1837 and 457.1853 are hereby repealed.

Sec. 58. 1. This section and ~~section~~ sections 10, 28 and 56 of this act become effective upon passage and approval.

2. Sections 1.9, 2, 3, 4 to 8, inclusive, 8.9 and 9 of this act become effective upon passage and approval for the purpose of adopting regulations and performing any other administrative tasks that are necessary to carry out the provisions of this act and on January 1, 2018, for all other purposes.

3. Sections 1 to ~~54~~ 1.8, inclusive, 3.5, 8.05 to 8.85, inclusive, 11 to 27, inclusive, 29 to 54, inclusive, and 57 of this act become effective upon passage and approval for the purpose of adopting regulations and performing any other administrative tasks that are necessary to carry out the provisions of this act and on January 1, ~~2018~~, 2019, for all other purposes.

3. Section 55 of this act becomes effective on the date on which the provisions of 42 U.S.C. § 666 requiring each state to establish procedures under which the state has authority to withhold or suspend, or to restrict the use of professional, occupational and recreational licenses of persons who:

(a) Have failed to comply with a subpoena or warrant relating to a proceeding to determine the paternity of a child or to establish or enforce an obligation for the support of a child; or

(b) Are in arrears in the payment for the support of one or more children,
➤ are repealed by the Congress of the United States.

4. Sections 43 and 55 of this act expire by limitation 2 years after the date on which the provisions of 42 U.S.C. § 666 requiring each state to establish procedures under which the state has authority to withhold or suspend, or to restrict the use of professional, occupational and recreational licenses of persons who:

(a) Have failed to comply with a subpoena or warrant relating to a proceeding to determine the paternity of a child or to establish or enforce an obligation for the support of a child; or

(b) Are in arrears in the payment for the support of one or more children,
➤ are repealed by the Congress of the United States.

TEXT OF REPEALED SECTIONS

457.1833 Payment of child support: Statement by applicant for certificate of authorization; grounds for denial of certificate of authorization; duty of Division.

1. An applicant for the issuance or renewal of a certificate of authorization to operate a radiation machine for mammography shall submit to the Division the statement prescribed by the Division of Welfare and Supportive Services of the Department of Health and Human Services pursuant to NRS 425.520. The statement must be completed and signed by the applicant.

2. The Division shall include the statement required pursuant to subsection 1 in:

(a) The application or any other forms that must be submitted for the issuance or renewal of the certificate; or

(b) A separate form prescribed by the Division.

3. A certificate of authorization to operate a radiation machine for mammography may not be issued or renewed by the Division if the applicant:

(a) Fails to submit the statement required pursuant to subsection 1; or

(b) Indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order.

4. If an applicant indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order, the Division shall advise the applicant to contact the district attorney or other public agency enforcing the order to determine the actions that the applicant may take to satisfy the arrearage.

457.1837 Suspension of certificate of authorization for failure to pay child support or comply with certain subpoenas or warrants; reinstatement of certificate of authority.

1. If the Division receives a copy of a court order issued pursuant to NRS 425.540 that provides for the suspension of all professional, occupational and recreational licenses, certificates and permits issued to a person who is the holder of a certificate of authorization to operate a radiation machine for mammography, the Division shall deem the certificate issued to that person to be suspended at the end of the 30th day after the date on which the court order was issued unless the Division receives a letter issued to the holder of the certificate by the district attorney or other public agency pursuant to NRS 425.550 stating that the holder of the certificate has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

2. The Division shall reinstate a certificate of authorization to operate a radiation machine for mammography that has been suspended by a district court pursuant to NRS 425.540 if the Division receives a letter issued by the district attorney or other public agency pursuant to NRS 425.550 to the person whose certificate was suspended stating that the person whose certificate was suspended

has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

457.1853 Application for renewal of certificate: Information concerning state business registration required; conditions which require denial.

1. In addition to any other requirements set forth in this chapter, an applicant for the renewal of a certificate of authorization to operate a radiation machine for mammography must indicate in the application submitted to the Division whether the applicant has a state business registration. If the applicant has a state business registration, the applicant must include in the application the business identification number assigned by the Secretary of State upon compliance with the provisions of chapter 76 of NRS.

2. A certificate of authorization to operate a radiation machine for mammography may not be renewed by the Division if:

(a) The applicant fails to submit the information required by subsection 1; or
(b) The State Controller has informed the Division pursuant to subsection 5 of NRS 353C.1965 that the applicant owes a debt to an agency that has been assigned to the State Controller for collection and the applicant has not:

(1) Satisfied the debt;
(2) Entered into an agreement for the payment of the debt pursuant to NRS 353C.130; or
(3) Demonstrated that the debt is not valid.

3. As used in this section:

(a) "Agency" has the meaning ascribed to it in NRS 353C.020.
(b) "Debt" has the meaning ascribed to it in NRS 353C.040.