

Amendment No. 729

Assembly Amendment to Senate Bill No. 292	(BDR 54-319)
Proposed by: Assembly Committee on Commerce and Labor	
Amends: Summary: Yes Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes	

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

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

MKM/BJF



Date: 5/18/2017

S.B. No. 292—Exempts physicians who are licensed in another jurisdiction from provisions governing the practice of medicine for certain purposes relating to athletics. (BDR 54-319)



SENATE BILL NO. 292—SENATOR HARDY

MARCH 16, 2017

Referred to Committee on Commerce, Labor and Energy

SUMMARY—Exempts ~~physicians~~ **certain professionals** who are licensed in another jurisdiction from provisions governing the practice of ~~medicine~~ **those professions** for certain purposes relating to athletics. (BDR 54-319)

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

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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 ~~physicians~~ **professions**; exempting ~~physicians and osteopathic physicians~~ **certain professionals** who hold a valid and unrestricted license to practice in another jurisdiction from provisions governing the practice of ~~medicine or osteopathic medicine~~ **those professions** for certain purposes relating to athletics; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires a person to be licensed by the Board of Medical Examiners, ~~the~~ **Chiropractic Physicians' Board of Nevada, State Board of Oriental Medicine, State Board of Physical Therapy Examiners or Board of Athletic Trainers** before practicing ~~medicine~~ **the profession regulated by the applicable board** in this State. (NRS 630.160, 633.741 ~~or~~ **634.227, 634A.230, 640.169, 640B.700**) Sections 1, ~~and~~ **3, 5, 7, 9 and 11** of this bill provide for a temporary exemption from this requirement for a ~~physician~~ **professional** who holds a valid and unrestricted license to practice in another jurisdiction and is practicing ~~medicine or osteopathic medicine~~ **his or her profession** for certain purposes relating to athletic competition or training. Such an exemption lasts for 10 days, but may be extended for not more than 20 additional days upon application to the ~~Board of Medical Examiners or the State Board of Osteopathic Medicine,~~ **board.** ~~A~~ **professional** who is practicing under such an exemption is prohibited from: (1) practicing ~~medicine~~ **at a medical facility;** ~~or~~ (2) providing services to persons outside the scope of the exemption ~~or~~ **or (3) practicing his or her profession under such an exemption for more than 60 days in a calendar year.** Sections 2, ~~and~~ **4, 6, 8, 10 and 12** of this bill provide that a person practicing ~~medicine or osteopathic medicine~~ **his or her profession** under such an exemption is not subject to regulation under chapter 630, ~~or~~ **633, 634, 634A, 640 or 640B** of NRS while practicing within the scope of the exemption.

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

Section 1. Chapter 630 of NRS is hereby amended by adding thereto a new section to read as follows:

1. ~~##~~ Except as otherwise provided in subsection 5, if a physician who holds a valid and unrestricted license to practice medicine in another state or territory of the United States or another country has entered into a written or oral agreement to provide services to members of ~~an~~ a visiting athletic team or organization, ~~and other persons affiliated with the team or organization,~~ the physician is temporarily exempt from licensure and may practice medicine in this State while providing services pursuant to the agreement to members of the visiting athletic team or organization ~~for other persons affiliated with the team or organization~~ who are present in this State for the purpose of engaging in ~~coaching, facilitating or traveling to or from~~ competition or training.

2. ~~##~~ Except as otherwise provided in subsection 5, if a physician who holds a valid and unrestricted license to practice medicine in another state or territory of the United States or another country has been invited by the governing body of a national organization to provide services to persons participating in ~~coaching at or otherwise facilitating~~ an athletic event or training sanctioned or operated by the organization, the physician is temporarily exempt from licensure and may practice medicine in this State while providing services to such persons.

3. Except as otherwise provided in this subsection ~~##~~ and subsection 4, an exemption described in this section is valid for a period of not more than 10 days for each competition or training session. Upon the application of a physician, the Board may grant an exemption of not more than 20 additional days for each competition or training session.

4. A physician who is practicing medicine under an exemption described in this section shall not:

(a) Practice medicine at a medical facility; ~~##~~

(b) Provide services to persons who are not described in subsection 1 or 2, as applicable ~~##~~; or

(c) Practice medicine under such an exemption for more than 60 days in a calendar year.

5. The provisions of this section do not apply to any contest or exhibition of unarmed combat conducted pursuant to chapter 467 of NRS.

6. As used in this section, "visiting athletic team or organization" means an athletic team or organization which is primarily based at a location outside of this State.

Sec. 2. NRS 630.047 is hereby amended to read as follows:

630.047 1. This chapter does not apply to:

(a) A medical officer or perfusionist or practitioner of respiratory care of the Armed Forces or a medical officer or perfusionist or practitioner of respiratory care of any division or department of the United States in the discharge of his or her official duties, including, without limitation, providing medical care in a hospital in accordance with an agreement entered into pursuant to NRS 449.2455;

(b) Physicians who are called into this State, other than on a regular basis, for consultation with or assistance to a physician licensed in this State, and who are legally qualified to practice in the state where they reside;

(c) Physicians who are legally qualified to practice in the state where they reside and come into this State on an irregular basis to:

(1) Obtain medical training approved by the Board from a physician who is licensed in this State; or

(2) Provide medical instruction or training approved by the Board to physicians licensed in this State;

(d) *Physicians who are temporarily exempt from licensure pursuant to section 1 of this act and are practicing medicine within the scope of the exemption;*

(e) Any person permitted to practice any other healing art under this title who does so within the scope of that authority, or healing by faith or Christian Science;

~~(f)~~ (f) The practice of respiratory care by a student as part of a program of study in respiratory care that is approved by the Board, or is recognized by a national organization which is approved by the Board to review such programs, if the student is enrolled in the program and provides respiratory care only under the supervision of a practitioner of respiratory care;

~~(g)~~ (g) The practice of respiratory care by a student who:

(1) Is enrolled in a clinical program of study in respiratory care which has been approved by the Board;

(2) Is employed by a medical facility, as defined in NRS 449.0151; and

(3) Provides respiratory care to patients who are not in a critical medical condition or, in an emergency, to patients who are in a critical medical condition and a practitioner of respiratory care is not immediately available to provide that care and the student is directed by a physician to provide respiratory care under the supervision of the physician until a practitioner of respiratory care is available;

~~(h)~~ (h) The practice of respiratory care by a person on himself or herself or gratuitous respiratory care provided to a friend or a member of a person's family if the provider of the care does not represent himself or herself as a practitioner of respiratory care;

~~(i)~~ (i) A person who is employed by a physician and provides respiratory care or services as a perfusionist under the supervision of that physician;

~~(j)~~ (j) The maintenance of medical equipment for perfusion or respiratory care that is not attached to a patient; and

~~(k)~~ (k) A person who installs medical equipment for respiratory care that is used in the home and gives instructions regarding the use of that equipment if the person is trained to provide such services and is supervised by a provider of health care who is acting within the authorized scope of his or her practice.

2. This chapter does not repeal or affect any statute of Nevada regulating or affecting any other healing art.

3. This chapter does not prohibit:

(a) Gratuitous services outside of a medical school or medical facility by a person who is not a physician, perfusionist, physician assistant or practitioner of respiratory care in cases of emergency.

(b) The domestic administration of family remedies.

Sec. 3. Chapter 633 of NRS is hereby amended by adding thereto a new section to read as follows:

1. ~~Except as otherwise provided in subsection 5, if an osteopathic physician who holds a valid and unrestricted license to practice osteopathic medicine in another state or territory of the United States or another country has entered into a written or oral agreement to provide services to members of a~~ ~~visiting athletic team or organization, and other persons affiliated with the team or organization,~~ the osteopathic physician is temporarily exempt from licensure and may practice osteopathic medicine in this State while providing services pursuant to the agreement to members of the visiting athletic team or organization ~~for other persons affiliated with the team or organization~~ who are

present in this State for the purpose of engaging in ~~in, coaching, facilitating or traveling to or from~~ competition or training.

2. ~~HH~~ Except as otherwise provided in subsection 5, if an osteopathic physician who holds a valid and unrestricted license to practice osteopathic medicine in another state or territory of the United States or another country has been invited by the governing body of a national organization to provide services to persons participating in, coaching at or otherwise facilitating an athletic event or training sanctioned or operated by the organization, the osteopathic physician is temporarily exempt from licensure and may practice osteopathic medicine in this State while providing services to such persons.

3. Except as otherwise provided in this subsection ~~HH~~ and subsection 4, an exemption described in this section is valid for a period of not more than 10 days for each competition or training session. Upon the application of an osteopathic physician, the Board may grant an exemption of not more than 20 additional days for each competition or training session.

4. An osteopathic physician who is practicing osteopathic medicine under an exemption described in this section shall not:

(a) Practice osteopathic medicine at a medical facility; ~~for~~
(b) Provide services to persons who are not described in subsection 1 or 2, as applicable ~~HH~~; or

(c) Practice osteopathic medicine under such an exemption for more than 60 days in a calendar year.

5. The provisions of this section do not apply to any contest or exhibition of unarmed combat conducted pursuant to chapter 467 of NRS.

6. As used in this section, "visiting athletic team or organization" means an athletic team or organization which is primarily based at a location outside of this State.

Sec. 4. NRS 633.171 is hereby amended to read as follows:

633.171 1. This chapter does not apply to:

(a) The practice of medicine or perfusion pursuant to chapter 630 of NRS, dentistry, chiropractic, podiatry, optometry, respiratory care, faith or Christian Science healing, nursing, veterinary medicine or fitting hearing aids.

(b) A medical officer of the Armed Forces or a medical officer of any division or department of the United States in the discharge of his or her official duties, including, without limitation, providing medical care in a hospital in accordance with an agreement entered into pursuant to NRS 449.2455.

(c) Osteopathic physicians who are called into this State, other than on a regular basis, for consultation or assistance to a physician licensed in this State, and who are legally qualified to practice in the state where they reside.

(d) Osteopathic physicians who are temporarily exempt from licensure pursuant to section 3 of this act and are practicing osteopathic medicine within the scope of the exemption.

2. This chapter does not repeal or affect any law of this State regulating or affecting any other healing art.

3. This chapter does not prohibit:

(a) Gratuitous services of a person in cases of emergency.

(b) The domestic administration of family remedies.

Sec. 5. Chapter 634 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in subsection 5, if a chiropractic physician who holds a valid and unrestricted license to practice chiropractic in another state or territory of the United States or another country has entered into a written or oral agreement to provide services to members of a visiting athletic

1 team or organization, the chiropractic physician is temporarily exempt from
2 licensure and may practice chiropractic in this State while providing services
3 pursuant to the agreement to members of the visiting athletic team or
4 organization who are present in this State for the purpose of engaging in
5 competition or training.

6 2. Except as otherwise provided in subsection 5, if a chiropractic physician
7 who holds a valid and unrestricted license to practice chiropractic in another
8 state or territory of the United States or another country has been invited by the
9 governing body of a national organization to provide services to persons
10 participating in an athletic event or training sanctioned or operated by the
11 organization, the chiropractic physician is temporarily exempt from licensure and
12 may practice chiropractic in this State while providing services to such persons.

13 3. Except as otherwise provided in this subsection and subsection 4, an
14 exemption described in this section is valid for a period of not more than 10 days
15 for each competition or training session. Upon the application of a chiropractor,
16 the Board may grant an exemption of not more than 20 additional days for each
17 competition or training session.

18 4. A chiropractic physician who is practicing chiropractic under an
19 exemption described in this section shall not:

20 (a) Practice chiropractic at a medical facility;

21 (b) Provide services to persons who are not described in subsection 1 or 2, as
22 applicable; or

23 (c) Practice chiropractic under such an exemption for more than 60 days in
24 a calendar year.

25 5. The provisions of this section do not apply to any contest or exhibition of
26 unarmed combat conducted pursuant to chapter 467 of NRS.

27 6. As used in this section, "visiting athletic team or organization" means an
28 athletic team or organization which is primarily based at a location outside of this
29 State.

30 **Sec. 6. NRS 634.227 is hereby amended to read as follows:**

31 634.227 1. A person who:

32 (a) Presents to the Board as his or her own the diploma, license or credentials
33 of another;

34 (b) Gives false or forged evidence of any kind to the Board; or

35 (c) Practices chiropractic under a false or assumed name or falsely personates
36 another licensee,

37 ➤ is guilty of a misdemeanor.

38 2. Except as otherwise provided in NRS 634.105 and 634.1375, and section 5
39 of this act, a person who does not hold a license issued pursuant to this chapter and:

40 (a) Practices chiropractic in this State;

41 (b) Holds himself or herself out as a chiropractor;

42 (c) Uses any combination, variation or abbreviation of the terms
43 "chiropractor," "chiropractic" or "chiropractic physician" as a professional or
44 commercial representation; or

45 (d) Uses any means which directly or indirectly conveys to another person the
46 impression that he or she is qualified or licensed to practice chiropractic,

47 ➤ is guilty of a category D felony and shall be punished as provided in NRS
48 193.130, unless a greater penalty is provided pursuant to NRS 200.830 or 200.840.

49 3. In addition to any other penalty prescribed by law, if the Board determines
50 that a person has committed any act described in subsection 2, the Board may:

51 (a) Issue and serve on the person an order to cease and desist until the person
52 obtains from the Board the proper license or certificate or otherwise demonstrates

that he or she is no longer in violation of subsection 2. An order to cease and desist must include a telephone number with which the person may contact the Board.

(b) Issue a citation to the person. A citation issued pursuant to this paragraph must be in writing, describe with particularity the nature of the violation and inform the person of the provisions of this paragraph. Each activity in which the person is engaged constitutes a separate offense for which a separate citation may be issued. To appeal a citation, the person must submit a written request for a hearing to the Board not later than 30 days after the date of issuance of the citation.

(c) Assess against the person an administrative fine of not more than \$5,000.

(d) Impose any combination of the penalties set forth in paragraphs (a), (b) and (c).

Sec. 7. Chapter 634A of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in subsection 5, if a doctor of Oriental medicine who holds a valid and unrestricted license to practice Oriental medicine in another state or territory of the United States or another country has entered into a written or oral agreement to provide services to members of a visiting athletic team or organization, the doctor of Oriental medicine is temporarily exempt from licensure and may practice Oriental medicine in this State while providing services pursuant to the agreement to members of the visiting athletic team or organization who are present in this State for the purpose of engaging in competition or training.

2. Except as otherwise provided in subsection 5, if a doctor of Oriental medicine who holds a valid and unrestricted license to practice Oriental medicine in another state or territory of the United States or another country has been invited by the governing body of a national organization to provide services to persons participating in an athletic event or training sanctioned or operated by the organization, the doctor of Oriental medicine is temporarily exempt from licensure and may practice Oriental medicine in this State while providing services to such persons.

3. Except as otherwise provided in this subsection and subsection 4, an exemption described in this section is valid for a period of not more than 10 days for each competition or training session. Upon the application of a doctor of Oriental medicine, the Board may grant an exemption of not more than 20 additional days for each competition or training session.

4. A doctor of Oriental medicine who is practicing Oriental medicine under an exemption described in this section shall not:

(a) Practice Oriental medicine at a medical facility;

(b) Provide services to persons who are not described in subsection 1 or 2, as applicable; or

(c) Practice Oriental medicine under such an exemption for more than 60 days in a calendar year.

5. The provisions of this section do not apply to any contest or exhibition of unarmed combat conducted pursuant to chapter 467 of NRS.

6. As used in this section, "visiting athletic team or organization" means an athletic team or organization which is primarily based at a location outside of this State.

Sec. 8. NRS 634A.025 is hereby amended to read as follows:

634A.025 1. This chapter does not apply to Oriental physicians who are called;

(a) Called into this State for consultation; or

(b) Temporarily exempt from licensure pursuant to section 7 of this act and are practicing Oriental medicine within the scope of the exemption.

2. This chapter does not apply to a practitioner of acupuncture:
- (a) Who is employed by an accredited school of Oriental medicine located in this State;
 - (b) Who is licensed to practice acupuncture in another state or jurisdiction; and
 - (c) Whose practice of acupuncture in this State:
 - (1) Is limited to teaching, supervising or demonstrating the methods and practices of acupuncture to students in a clinical setting; and
 - (2) Does not involve the acceptance of payment from any patient for services relating to his or her practice of acupuncture.
3. This chapter does not prohibit:
- (a) Gratuitous services of druggists or other persons in cases of emergency.
 - (b) The domestic administration of family remedies.
 - (c) Any person from assisting any person in the practice of the healing arts licensed under this chapter, except that such person may not insert needles into the skin or prescribe herbal medicine.
4. For the purposes of this section, "accredited school of Oriental medicine" means a school that has received at least candidacy status for institutional accreditation from the Accreditation Commission for Acupuncture and Oriental Medicine, or its successor organization.

Sec. 9. Chapter 640 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in subsection 5, if a physical therapist who holds a valid and unrestricted license to practice physical therapy in another state or territory of the United States or another country has entered into a written or oral agreement to provide services to members of a visiting athletic team or organization, the physical therapist is temporarily exempt from licensure and may practice physical therapy in this State while providing services pursuant to the agreement to members of the visiting athletic team or organization who are present in this State for the purpose of engaging in competition or training.

2. Except as otherwise provided in subsection 5, if a physical therapist who holds a valid and unrestricted license to practice physical therapy in another state or territory of the United States or another country has been invited by the governing body of a national organization to provide services to persons participating in an athletic event or training sanctioned or operated by the organization, the physical therapist is temporarily exempt from licensure and may practice physical therapy in this State while providing services to such persons.

3. Except as otherwise provided in this subsection and subsection 4, an exemption described in this section is valid for a period of not more than 10 days for each competition or training session. Upon the application of a physical therapist, the Board may grant an exemption of not more than 20 additional days for each competition or training session.

4. A physical therapist who is practicing physical therapy under an exemption described in this section shall not:

- (a) Practice physical therapy at a medical facility;**
- (b) Provide services to persons who are not described in subsection 1 or 2, as applicable; or**
- (c) Practice physical therapy under such an exemption for more than 60 days in a calendar year.**

5. The provisions of this section do not apply to any contest or exhibition of unarmed combat conducted pursuant to chapter 467 of NRS.

6. As used in this section, "visiting athletic team or organization" means an athletic team or organization which is primarily based at a location outside of this State.

Sec. 10. NRS 640.029 is hereby amended to read as follows:

640.029 This chapter does not apply to ~~any~~ :

1. An occupational therapist, occupational therapy assistant or athletic trainer who:

~~++~~ (a) Is licensed to practice in this state;

~~++~~ (b) Practices within the scope of that license; and

~~++~~ (c) Does not represent that he or she is a physical therapist or physical therapist's assistant, or that he or she practices physical therapy. ~~++~~ ; or

2. A physical therapist who is temporarily exempt from licensure pursuant to section 9 of this act and is practicing physical therapy within the scope of the exemption.

Sec. 11. Chapter 640B of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in subsection 5, if an athletic trainer who holds a valid and unrestricted license to practice athletic training in another state or territory of the United States or another country has entered into a written or oral agreement to provide services to members of a visiting athletic team or organization, the athletic trainer is temporarily exempt from licensure and may practice athletic training in this State while providing services pursuant to the agreement to members of the visiting athletic team or organization who are present in this State for the purpose of engaging in competition or training.

2. Except as otherwise provided in subsection 5, if an athletic trainer who holds a valid and unrestricted license to practice athletic training in another state or territory of the United States or another country has been invited by the governing body of a national organization to provide services to persons participating in an athletic event or training sanctioned or operated by the organization, the athletic trainer is temporarily exempt from licensure and may practice athletic training in this State while providing services to such persons.

3. Except as otherwise provided in this subsection and subsection 4, an exemption described in this section is valid for a period of not more than 10 days for each competition or training session. Upon the application of an athletic trainer, the Board may grant an exemption of not more than 20 additional days for each competition or training session.

4. An athletic trainer who is practicing athletic training under an exemption described in this section shall not:

(a) Practice athletic training at a medical facility;

(b) Provide services to persons who are not described in subsection 1 or 2, as applicable; or

(c) Practice athletic training under such an exemption for more than 60 days in a calendar year.

5. The provisions of this section do not apply to any contest or exhibition of unarmed combat conducted pursuant to chapter 467 of NRS.

6. As used in this section, "visiting athletic team or organization" means an athletic team or organization which is primarily based at a location outside of this State.

Sec. 12. NRS 640B.145 is hereby amended to read as follows:

640B.145 The provisions of this chapter do not apply to:

1. A person who is licensed pursuant to chapters 630 to 637, inclusive, or chapter 640 or 640A of NRS, when acting within the scope of that license.

1 2. A person who is employed by the Federal Government and engages in the
2 practice of athletic training within the scope of that employment.

3 3. A person who is ~~employed as an~~ temporarily exempt from licensure
4 pursuant to section 11 of this act and is practicing athletic ~~trainer outside this~~
5 ~~State when engaging in the practice of athletic~~ training within the scope of ~~that~~
6 ~~employment in connection with an athletic event held in this State.~~ the exemption.

7 ~~Sec. 5.~~ **Sec. 13.** This act becomes effective upon passage and approval
8 for the purpose of adopting regulations and performing any other preparatory
9 administrative tasks that are necessary to carry out the provisions of this act, and on
10 January 1, 2018, for all other purposes.