

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.



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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 **H 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) ~~IA 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 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 ~~†~~:

~~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



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(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



1 radiation machine for mammography is withdrawn, a person must
2 apply for the certificate in the manner provided for an initial
3 certificate.

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

5 457.186 Upon request, the Division shall hold an
6 administrative hearing concerning the denial or withdrawal of ~~an~~
7 ~~application for a certificate of authorization to operate a radiation~~
8 ~~machine for mammography or~~ a certificate of authorization for a
9 radiation machine for mammography.

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

11 459.010 As used in NRS 459.010 to 459.290, inclusive, unless
12 the context requires otherwise:

13 1. "By-product material" means:

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

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

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

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

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

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

38 6. "Source material" means:

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

43 (b) Any ore containing one or more of the materials enumerated
44 in paragraph (a) in such concentration as the Governor declares by
45 order to be source material after the Nuclear Regulatory



* S B 2 1 9 R 2 *

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 **H**, *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 **H** *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 **H** *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 **H**, *and 597.761 to 597.7622, inclusive.*



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4. Collect and disseminate information relating to control of sources of ionizing radiation ~~H~~ *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 ~~H~~ *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 597.762, 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 597.762, inclusive*, shall not be disclosed or opened to public inspection



1 except as otherwise provided in NRS 239.0115 or as may be
2 necessary for the performance of the functions of the State Board of
3 Health.

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

5 459.201 1. The State Board of Health shall, with due regard
6 for compatibility with federal programs, adopt regulations for:

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

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

14 (c) Control of other sources of ionizing radiation **†† and tanning**
15 **equipment operated in tanning establishments.**

16 2. The Division may require:

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

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

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

28 4. Regulations promulgated pursuant to NRS 459.010 to
29 459.290, inclusive, may provide for recognition of such other state
30 or federal licenses as the State Board of Health may consider
31 desirable, subject to such registration requirements as the State
32 Board of Health may prescribe.

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

34 459.260 1. **The Division may suspend, revoke or amend a**
35 **license or registration issued pursuant to NRS 459.201 to a person**
36 **who has violated any provision of NRS 459.010 to 459.290,**
37 **inclusive, or 597.761 to 597.7622, inclusive, or any rule,**
38 **regulation or order issued pursuant thereto.**

39 2. In the event of an emergency, the Division may impound, or
40 order the impounding of, sources of ionizing radiation **or tanning**
41 **equipment being operated in a tanning establishment** in the
42 possession of any person who is not equipped to observe, or who
43 fails to observe, any provision of NRS 459.010 to 459.290,
44 inclusive, **or 597.761 to 597.7622, inclusive,** or any rules or



1 regulations issued ~~under NRS 459.010 to 459.290, inclusive,~~
2 *pursuant thereto.*

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

4 459.270 1. If, in the judgment of the Division, any person is
5 engaged in or is about to engage in any act or practice which
6 constitutes or will constitute a violation of any provision of NRS
7 459.010 to 459.290, inclusive, *or 597.761 to 597.7622, inclusive,* or
8 any rule, regulation or order issued ~~under NRS 459.010 to 459.290,~~
9 ~~inclusive,~~ *pursuant thereto,* the Division may request the Attorney
10 General to apply to the district court for an order enjoining such act
11 or practice, or for an order directing compliance with any provision
12 of NRS 459.010 to 459.290, inclusive, *and 597.761 to 597.7622,*
13 *inclusive,* or any rule, regulation or order issued ~~under NRS~~
14 ~~459.010 to 459.290, inclusive,~~ *pursuant thereto.*

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

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

20 459.290 Every person is guilty of a misdemeanor who:

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

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

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

32 7.095 1. An attorney shall not contract for or collect a fee
33 contingent on the amount of recovery for representing a person
34 seeking damages in connection with an action for injury or death
35 against a provider of health care based upon professional negligence
36 in excess of:

37 (a) Forty percent of the first \$50,000 recovered;

38 (b) Thirty-three and one-third percent of the next \$50,000
39 recovered;

40 (c) Twenty-five percent of the next \$500,000 recovered; and

41 (d) Fifteen percent of the amount of recovery that exceeds
42 \$600,000.

43 2. The limitations set forth in subsection 1 apply to all forms of
44 recovery, including, without limitation, settlement, arbitration and
45 judgment.



* S B 2 1 9 R 2 *

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



1 to introduce such evidence, the plaintiff may introduce evidence of
2 any amount that the plaintiff has paid or contributed to secure the
3 plaintiff's right to any insurance benefits concerning which the
4 defendant has introduced evidence.

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

7 (a) Recover any amount against the plaintiff; or

8 (b) Be subrogated to the rights of the plaintiff against a
9 defendant.

10 3. In an action for injury or death against a provider of health
11 care based upon professional negligence, a district court shall, at the
12 request of either party, enter a judgment ordering that money
13 damages or its equivalent for future damages of the judgment
14 creditor be paid in whole or in part by periodic payments rather than
15 by a lump-sum payment if the award equals or exceeds \$50,000 in
16 future damages.

17 4. In entering a judgment ordering the payment of future
18 damages by periodic payments pursuant to subsection 3, the court
19 shall make a specific finding as to the dollar amount of periodic
20 payments that will compensate the judgment creditor for such future
21 damages. As a condition to authorizing periodic payments of future
22 damages, the court shall require a judgment debtor who is not
23 adequately insured to post security adequate to assure full payment
24 of such damages awarded by the judgment. Upon termination of
25 periodic payments of future damages, the court shall order the return
26 of this security, or so much as remains, to the judgment debtor.

27 5. A judgment ordering the payment of future damages by
28 periodic payments entered pursuant to subsection 3 must specify the
29 recipient or recipients of the payments, the dollar amount of the
30 payments, the interval between payments, and the number of
31 payments or the period of time over which payments will be made.
32 Such payments must only be subject to modification in the event of
33 the death of the judgment creditor. Money damages awarded for loss
34 of future earnings must not be reduced or payments terminated by
35 reason of the death of the judgment creditor, but must be paid to
36 persons to whom the judgment creditor owed a duty of support, as
37 provided by law, immediately before the judgment creditor's death.
38 In such cases, the court that rendered the original judgment may,
39 upon petition of any party in interest, modify the judgment to award
40 and apportion the unpaid future damages in accordance with this
41 subsection.

42 6. If the court finds that the judgment debtor has exhibited a
43 continuing pattern of failing to make the periodic payments as
44 specified pursuant to subsection 5, the court shall find the judgment
45 debtor in contempt of court and, in addition to the required periodic



* S B 2 1 9 R 2 *

1 payments, shall order the judgment debtor to pay the judgment
2 creditor all damages caused by the failure to make such periodic
3 payments, including, but not limited to, court costs and attorney's
4 fees.

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

9 8. As used in this section:

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

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

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

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

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

32 200.471 1. As used in this section:

33 (a) "Assault" means:

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

36 (2) Intentionally placing another person in reasonable
37 apprehension of immediate bodily harm.

38 (b) "Officer" means:

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

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

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

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



* S B 2 1 9 R 2 *

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

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

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

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

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

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

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

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

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

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

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



* S B 2 1 9 R 2 *

(b) If the assault is made with the use of a deadly weapon or the present ability to use a deadly weapon, 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.

(c) If paragraph (d) does not apply to the circumstances of the crime and 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 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



* S B 2 1 9 R 2 *

(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, attends or treats an older 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 an older 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 personal care services in the home.

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



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

(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, exploitation, isolation or abandonment of an older person and refers them to persons and agencies where their requests and needs can be met.

(k) Every social worker.

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

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

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

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 an older person has died as a result of abuse, neglect, isolation or abandonment, the person shall, as soon as reasonably practicable, report this belief to the appropriate medical examiner or coroner, who shall investigate the cause of death of the older person and submit to the appropriate local law enforcement agencies, the appropriate prosecuting attorney, the Aging and Disability Services Division of the Department of Health and Human Services and the Unit for the Investigation and Prosecution of Crimes his or her written findings. The written findings must include the information required pursuant to the provisions of NRS 200.5094, when possible.

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



- 1 (a) Aging and Disability Services Division;
- 2 (b) Repository for Information Concerning Crimes Against
- 3 Older Persons created by NRS 179A.450; and
- 4 (c) Unit for the Investigation and Prosecution of Crimes.

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

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

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

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

19 200.50935 1. Any person who is described in subsection 3
20 and who, in a professional or occupational capacity, knows or has
21 reasonable cause to believe that a vulnerable person has been
22 abused, neglected, exploited, isolated or abandoned shall:

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

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

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

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

39 (a) Every physician, dentist, dental hygienist, chiropractor,
40 optometrist, podiatric physician, medical examiner, resident, intern,
41 professional or practical nurse, perfusionist, physician assistant
42 licensed pursuant to chapter 630 or 633 of NRS, psychiatrist,
43 psychologist, marriage and family therapist, clinical professional
44 counselor, clinical alcohol and drug abuse counselor, alcohol and
45 drug abuse counselor, music therapist, athletic trainer, driver of an



* S B 2 1 9 R 2 *

1 ambulance, paramedic, licensed dietitian , *holder of a license or a*
2 *limited license issued under the provisions of sections 11 to 44,*
3 *inclusive, of this act* or other person providing medical services
4 licensed or certified to practice in this State, who examines, attends
5 or treats a vulnerable person who appears to have been abused,
6 neglected, exploited, isolated or abandoned.

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

13 (c) A coroner.

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

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

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

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

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

27 (i) Every social worker.

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

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

31 5. If a person who is required to make a report pursuant to
32 subsection 1 knows or has reasonable cause to believe that a
33 vulnerable person has died as a result of abuse, neglect, isolation or
34 abandonment, the person shall, as soon as reasonably practicable,
35 report this belief to the appropriate medical examiner or coroner,
36 who shall investigate the cause of death of the vulnerable person and
37 submit to the appropriate local law enforcement agencies and the
38 appropriate prosecuting attorney his or her written findings. The
39 written findings must include the information required pursuant to
40 the provisions of NRS 200.5094, when possible.

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

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



* S B 2 1 9 R 2 *

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

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

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

(a) Pursuant to a criminal prosecution;

(b) Pursuant to NRS 200.50982; or

(c) To persons or agencies enumerated in subsection 3,

↳ is guilty of a misdemeanor.

3. Except as otherwise provided in subsection 2 and NRS 200.50982, 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 available only to:

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

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

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

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

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

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

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

(h) A legal guardian of the older person or vulnerable person, 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 legal guardian of the older person or vulnerable person is not the person suspected of such abuse, neglect, exploitation, isolation or abandonment;



* S B 2 1 9 R 2 *

(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~~ *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~~ *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,



1 119.265, 119.267, 119.280, 119A.280, 119A.653, 119B.370,
2 119B.382, 120A.690, 125.130, 125B.140, 126.141, 126.161,
3 126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817,
4 130.312, 130.712, 136.050, 159.044, 172.075, 172.245, 176.015,
5 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715,
6 178.5691, 179.495, 179A.070, 179A.165, 179A.450, 179D.160,
7 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651,
8 209.392, 209.3925, 209.419, 209.521, 211A.140, 213.010, 213.040,
9 213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218A.350,
10 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 228.270,
11 228.450, 228.495, 228.570, 231.069, 231.1473, 233.190, 237.300,
12 239.0105, 239.0113, 239B.030, 239B.040, 239B.050, 239C.140,
13 239C.210, 239C.230, 239C.250, 239C.270, 240.007, 241.020,
14 241.030, 241.039, 242.105, 244.264, 244.335, 250.087, 250.130,
15 250.140, 250.150, 268.095, 268.490, 268.910, 271A.105, 281.195,
16 281A.350, 281A.440, 281A.550, 284.4068, 286.110, 287.0438,
17 289.025, 289.080, 289.387, 289.830, 293.5002, 293.503, 293.558,
18 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335,
19 338.070, 338.1379, 338.16925, 338.1725, 338.1727, 348.420,
20 349.597, 349.775, 353.205, 353A.049, 353A.085, 353A.100,
21 353C.240, 360.240, 360.247, 360.255, 360.755, 361.044, 361.610,
22 365.138, 366.160, 368A.180, 372A.080, 378.290, 378.300, 379.008,
23 385A.830, 385B.100, 387.626, 387.631, 388.1455, 388.259,
24 388.501, 388.503, 388.513, 388.750, 391.035, 392.029, 392.147,
25 392.264, 392.271, 392.850, 394.167, 394.1698, 394.447, 394.460,
26 394.465, 396.3295, 396.405, 396.525, 396.535, 398.403, 408.3885,
27 408.3886, 408.3888, 408.5484, 412.153, 416.070, 422.2749,
28 422.305, 422A.342, 422A.350, 425.400, 427A.1236, 427A.872,
29 432.205, 432B.175, 432B.280, 432B.290, 432B.407, 432B.430,
30 432B.560, 433.534, 433A.360, 439.840, 439B.420, 440.170,
31 441A.195, 441A.220, 441A.230, 442.330, 442.395, 445A.665,
32 445B.570, 449.209, 449.245, 449.720, 450.140, 453.164, 453.720,
33 453A.610, 453A.700, 458.055, 458.280, 459.050, 459.3866,
34 459.555, 459.7056, 459.846, 463.120, 463.15993, 463.240,
35 463.3403, 463.3407, 463.790, 467.1005, 480.365, 481.063, 482.170,
36 482.5536, 483.340, 483.363, 483.575, 483.659, 483.800, 484E.070,
37 485.316, 503.452, 522.040, 534A.031, 561.285, 571.160, 584.655,
38 587.877, 598.0964, 598.098, 598A.110, 599B.090, 603.070,
39 603A.210, 604A.710, 612.265, 616B.012, 616B.015, 616B.315,
40 616B.350, 618.341, 618.425, 622.310, 623.131, 623A.137, 624.110,
41 624.265, 624.327, 625.425, 625A.185, 628.418, 628B.230,
42 628B.760, 629.047, 629.069, 630.133, 630.30665, 630.336,
43 630A.555, 631.368, 632.121, 632.125, 632.405, 633.283, 633.301,
44 633.524, 634.055, 634.214, 634A.185, 635.158, 636.107, 637.085,
45 637B.288, 638.087, 638.089, 639.2485, 639.570, 640.075,



* S B 2 1 9 R 2 *

1 640A.220, 640B.730, 640C.400, 640C.745, 640C.760, 640D.190,
2 640E.340, 641.090, 641A.191, 641B.170, 641C.760, 642.524,
3 643.189, 644.446, 645.180, 645.625, 645A.050, 645A.082,
4 645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135,
5 645E.300, 645E.375, 645G.510, 645H.320, 645H.330, 647.0945,
6 647.0947, 648.033, 648.197, 649.065, 649.067, 652.228, 654.110,
7 656.105, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310,
8 671.170, 673.430, 675.380, 676A.340, 676A.370, 677.243,
9 679B.122, 679B.152, 679B.159, 679B.190, 679B.285, 679B.690,
10 680A.270, 681A.440, 681B.260, 681B.410, 681B.540, 683A.0873,
11 685A.077, 686A.289, 686B.170, 686C.306, 687A.110, 687A.115,
12 687C.010, 688C.230, 688C.480, 688C.490, 692A.117, 692C.190,
13 692C.3536, 692C.3538, 692C.354, 692C.420, 693A.480, 693A.615,
14 696B.550, 703.196, 704B.320, 704B.325, 706.1725, 706A.230,
15 710.159, 711.600, *and section 40 of this act*, sections 35, 38 and 41
16 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter
17 391, Statutes of Nevada 2013 and unless otherwise declared by law
18 to be confidential, all public books and public records of a
19 governmental entity must be open at all times during office hours to
20 inspection by any person, and may be fully copied or an abstract or
21 memorandum may be prepared from those public books and public
22 records. Any such copies, abstracts or memoranda may be used to
23 supply the general public with copies, abstracts or memoranda of the
24 records or may be used in any other way to the advantage of the
25 governmental entity or of the general public. This section does not
26 supersede or in any manner affect the federal laws governing
27 copyrights or enlarge, diminish or affect in any other manner the
28 rights of a person in any written book or record which is
29 copyrighted pursuant to federal law.

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

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

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

44 (a) Shall not refuse to provide a copy of that public record in a
45 readily available medium because the officer, employee or agent has



1 already prepared or would prefer to provide the copy in a different
2 medium.

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

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

9 432B.220 1. Any person who is described in subsection 4
10 and who, in his or her professional or occupational capacity, knows
11 or has reasonable cause to believe that a child has been abused or
12 neglected shall:

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

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

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

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

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

33 3. Any person who is described in paragraph (a) of subsection
34 4 who delivers or provides medical services to a newborn infant and
35 who, in his or her professional or occupational capacity, knows or
36 has reasonable cause to believe that the newborn infant has been
37 affected by prenatal illegal substance abuse or has withdrawal
38 symptoms resulting from prenatal drug exposure shall, as soon as
39 reasonably practicable but not later than 24 hours after the person
40 knows or has reasonable cause to believe that the newborn infant is
41 so affected or has such symptoms, notify an agency which provides
42 child welfare services of the condition of the infant and refer each
43 person who is responsible for the welfare of the infant to an agency
44 which provides child welfare services for appropriate counseling,
45 training or other services. A notification and referral to an agency



* S B 2 1 9 R 2 *

1 which provides child welfare services pursuant to this subsection
2 shall not be construed to require prosecution for any illegal action.

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

5 (a) A person providing services licensed or certified in this State
6 pursuant to, without limitation, chapter 450B, 630, 630A, 631, 632,
7 633, 634, 634A, 635, 636, 637, 637B, 639, 640, 640A, 640B, 640C,
8 640D, 640E, 641, 641A, 641B or 641C of NRS ~~H~~ *or sections 11 to*
9 *44, inclusive, of this act.*

10 (b) Any personnel of a medical facility licensed pursuant to
11 chapter 449 of NRS who are engaged in the admission, examination,
12 care or treatment of persons or an administrator, manager or other
13 person in charge of such a medical facility upon notification of
14 suspected abuse or neglect of a child by a member of the staff of the
15 medical facility.

16 (c) A coroner.

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

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

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

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

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

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

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

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

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

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

41 6. If a person who is required to make a report pursuant to
42 subsection 1 knows or has reasonable cause to believe that a child
43 has died as a result of abuse or neglect, the person shall, as soon as
44 reasonably practicable, report this belief to an agency which
45 provides child welfare services or a law enforcement agency. If such



1 a report is made to a law enforcement agency, the law enforcement
2 agency shall notify an agency which provides child welfare services
3 and the appropriate medical examiner or coroner of the report. If
4 such a report is made to an agency which provides child welfare
5 services, the agency which provides child welfare services shall
6 notify the appropriate medical examiner or coroner of the report.
7 The medical examiner or coroner who is notified of a report
8 pursuant to this subsection shall investigate the report and submit
9 his or her written findings to the appropriate agency which provides
10 child welfare services, the appropriate district attorney and a law
11 enforcement agency. The written findings must include, if
12 obtainable, the information required pursuant to the provisions of
13 subsection 2 of NRS 432B.230.

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

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

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

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

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

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

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

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

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

43 597.7618 An owner or operator shall post in a conspicuous
44 place in the tanning establishment a notice that states substantially
45 the following:



* S B 2 1 9 R 2 *

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

4 2. An owner or operator of a tanning establishment who
5 violates any provision of NRS *459.010 to 459.290, inclusive, or*
6 597.761 to 597.7622, inclusive, may be subject to civil action.

7 3. Any person may report a violation of NRS *459.010 to*
8 *459.290, inclusive, or* 597.761 to 597.7622, inclusive, to any law
9 enforcement agency.

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

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

14 597.762 An owner or operator shall ensure that:

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

19 2. Tanning equipment is properly sanitized after each use.

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

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

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

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

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

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

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

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

41 11. Acknowledgments signed by each user indicating that he or
42 she understands the notices and warnings prescribed by NRS
43 597.7618 and 597.7619, and that he or she agrees to use protective
44 eyewear, are retained for at least 1 year or until the user signs a new
45 acknowledgment.



* S B 2 1 9 R 2 *

1 12. *Tanning equipment is used and operated in accordance*
2 *with any applicable regulations adopted by the State Board of*
3 *Health or the Division of Public and Behavioral Health of the*
4 *Department of Health and Human Services pursuant to NRS*
5 *459.010 to 459.290, inclusive.*

6 Sec. 10. Title 54 of NRS is hereby amended by adding thereto
7 a new chapter to consist of the provisions set forth as sections 11 to
8 44, inclusive, of this act.

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

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

15 Sec. 13. *“Direct supervision” means supervision where the*
16 *person providing supervision is present in the building with the*
17 *person being supervised and available to furnish assistance if*
18 *needed.*

19 Sec. 14. *“Division” means the Division of Public and*
20 *Behavioral Health of the Department of Health and Human*
21 *Services.*

22 Sec. 15. *“Fluoroscopy” means the exposure of a patient to*
23 *ionizing radiation in a fluoroscopy mode, including the*
24 *positioning of the patient and the fluoroscopy equipment and the*
25 *selection of exposure factors.*

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

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

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

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

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

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

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

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

43 Sec. 24. *“Radiologist” means a physician certified by or*
44 *eligible to be certified by the American Board of Radiology, the*
45 *American Osteopathic Board of Radiology, the Royal College of*



Radiologists or the Royal College of Physicians and Surgeons of Canada, or their successor organizations, in radiology.

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

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

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

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

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

3. A chiropractor or chiropractor’s assistant.

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

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

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

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

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

(d) One member who holds a limited license.

(e) One member who is a radiologist.

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

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

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

4. Members of the Committee serve without compensation, except that each member of the Committee is entitled to receive the



1 *per diem allowance and travel expenses provided for state officers*
2 *and employees generally.*

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

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

10 7. *The Committee shall:*

11 (a) *Review each regulation that the Division proposes or*
12 *adopts pursuant to the provisions of this chapter and notify the*
13 *Division of the opinion of the Committee regarding the*
14 *advisability of adopting or revising the regulation.*

15 (b) *Make any other recommendations to the Division and the*
16 *Legislature concerning radiation therapy or radiologic imaging as*
17 *it deems proper.*

18 **Sec. 29. 1. The State Board of Health shall adopt**
19 **regulations:**

20 (a) *Establishing fees for the application for and issuance and*
21 *renewal of a license or limited license.*

22 (b) *Defining the scope of practice for radiologist assistants and*
23 *persons who hold licenses and limited licenses. Such regulations*
24 *must be not less restrictive than the standards of practice adopted*
25 *by the American Society of Radiologic Technologists or its*
26 *successor organization.*

27 (c) *Prescribing the requirements for continuing education for*
28 *the renewal of a license or limited license. Such regulations must*
29 *require the holder of a license to complete more hours of*
30 *continuing education than the holder of a limited license.*

31 (d) *Prescribing the qualifications of persons who are*
32 *authorized to supervise the holder of a limited license, the tasks for*
33 *which such supervision is required and the level of supervision*
34 *required.*

35 (e) *Defining the terms "crime involving moral turpitude" and*
36 *"unprofessional conduct" for the purposes of section 41 of this*
37 *act.*

38 2. *The State Board of Health may adopt any other*
39 *regulations necessary or convenient to carry out the provisions of*
40 *this chapter.*

41 3. *All money received from fees and penalties pursuant to the*
42 *provisions of this chapter must be forwarded to the State*
43 *Treasurer for deposit in the State General Fund.*

44 4. *The Division shall enforce the provisions of this chapter*
45 *and may incur any necessary expenses not in excess of money*



1 *appropriated for that purpose by the State or received from the*
2 *Federal Government.*

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

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

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

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

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

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

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

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

27 6. *A provisional license or provisional limited license may not*
28 *be renewed and expires:*

29 *(a) On the date that the holder of the provisional license or*
30 *provisional limited license is issued a license or limited license by*
31 *the Division;*

32 *(b) On the date that the application of the holder of the*
33 *provisional license or provisional limited license for a license or*
34 *limited license is denied by the Division; or*

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

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

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



* S B 2 1 9 R 2 *

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

13 4. *As used in this section, “bone densitometry” means the*
14 *quantitative assessment of bone mass using single or dual energy*
15 *X-ray absorptiometry.*

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

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

21 (b) *An applicant for the issuance or renewal of a license or*
22 *limited license shall submit to the Division the statement*
23 *prescribed by the Division of Welfare and Supportive Services of*
24 *the Department of Health and Human Services pursuant to NRS*
25 *425.520. The statement must be completed and signed by the*
26 *applicant.*

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

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

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

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

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

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

42 4. *If an applicant indicates on the statement submitted*
43 *pursuant to subsection 1 that the applicant is subject to a court*
44 *order for the support of a child and is not in compliance with the*
45 *order or a plan approved by the district attorney or other public*



1 *agency enforcing the order for the repayment of the amount owed*
2 *pursuant to the order, the Division shall advise the applicant to*
3 *contact the district attorney or other public agency enforcing the*
4 *order to determine the actions that the applicant may take to*
5 *satisfy the arrearage.*

6 **Sec. 34.** 1. *The holder of a license may practice as a*
7 *radiologist assistant if the holder is:*

8 *(a) Certified by the American Registry of Radiologic*
9 *Technologists, or its successor organization, in the primary*
10 *pathway of radiography and is registered as a Radiologist*
11 *Assistant by the Registry; or*

12 *(b) Certified by the Certification Board of Radiology*
13 *Practitioner Assistants.*

14 2. *In addition to the activities that the holder of a license is*
15 *authorized to perform by the regulations adopted pursuant to*
16 *section 29 of this act, a radiologist assistant:*

17 *(a) May perform activities relating to the care and*
18 *management of patients, including radiologic imaging and*
19 *interventional procedures guided by radiologic imaging, under the*
20 *direct supervision of a radiologist.*

21 *(b) May provide initial observations concerning the images of*
22 *a patient to a supervising radiologist.*

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

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

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

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

41 *(b) Registers with the Division before doing so.*

42 3. *The Division may issue a temporary student license to a*
43 *person who is enrolled in a program to qualify for any*
44 *certification that is a prerequisite to obtain a license or limited*



* S B 2 1 9 R 2 *

1 *license. A holder of a temporary student license may engage in*
2 *any activity described in subsection 1 for compensation.*

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

5 *(a) On the date that the holder of the temporary student license*
6 *is issued a license or limited license by the Division;*

7 *(b) On the date that the application of the holder of the*
8 *temporary student license for a license or limited license is denied*
9 *by the Division; or*

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

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

18 *1. Registers with the Division in the form prescribed by the*
19 *Division;*

20 *2. Provides any information requested by the Division;*

21 *3. Does not change the scope of his or her practice; and*

22 *4. Completes the continuing education required by the*
23 *Division for the holder of a license or limited license, as*
24 *applicable, who provides the same services as those provided by*
25 *the person.*

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

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

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

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

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

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



* S B 2 1 9 R 2 *

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

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

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

10 2. *A holder of a license may perform fluoroscopy only within*
11 *the scope of his or her practice to the extent authorized by the*
12 *regulations adopted pursuant to section 29 of this act.*

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

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

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

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

26 (b) *Has registered with the Division.*

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

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

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

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

44 **Sec. 41.** 1. *The Division may deny, suspend, revoke or*
45 *refuse to renew a license or limited license issued pursuant to the*



1 *provisions of this chapter, impose limitations on the practice of a*
2 *holder of such a license or limited license or impose a civil penalty*
3 *of up to \$1,000 per violation if a person:*

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

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

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

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

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

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

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

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

25 *Sec. 42. 1. The Division may, upon its own motion, and*
26 *shall, upon the verified complaint in writing of any person setting*
27 *forth facts which, if proven, would constitute grounds for*
28 *initiating disciplinary action, investigate the actions of any person*
29 *who engages in radiation therapy or radiologic imaging. A*
30 *complaint may be filed anonymously. If a complaint is filed*
31 *anonymously, the Division may accept the complaint but may*
32 *refuse to consider the complaint if anonymity of the complainant*
33 *makes processing the complaint impossible or unfair to the person*
34 *who is the subject of the complaint. The Division shall retain all*
35 *complaints received by the Division pursuant to this section for at*
36 *least 10 years, including, without limitation, any complaints not*
37 *acted upon by the Division.*

38 *2. The Division shall, before initiating proceedings to deny,*
39 *suspend, revoke or refuse to renew a license or limited license or*
40 *impose disciplinary action, notify the accused person in writing of*
41 *any charges made. The notice may be served by delivery of the*
42 *notice personally to the accused person or by mailing it by*
43 *registered or certified mail to the place of business last specified by*
44 *the accused person, as registered with the Division.*



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

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

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

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

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

Sec. 43. 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 license or limited license, the Division shall deem the license or limited license 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 license or limited license by the district attorney or other public agency pursuant to NRS 425.550 stating that the holder of the license or limited license has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.*

2. *The Division shall reinstate a license or limited license 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 license or limited license was suspended stating that the person whose license or limited license was suspended has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.*

Sec. 44. 1. *The Division or the Attorney General may maintain in any court of competent jurisdiction a suit to enjoin*



* S B 2 1 9 R 2 *

1 *any person from violating a provision of this chapter or any*
2 *regulations adopted pursuant thereto.*

3 *2. Such an injunction:*

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

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

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

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

12 622.520 1. A regulatory body that regulates a profession
13 pursuant to chapters 630, 630A, 632 to 641C, inclusive, or 644 of
14 NRS *or sections 11 to 44, inclusive, of this act* in this State may
15 enter into a reciprocal agreement with the corresponding regulatory
16 authority of the District of Columbia or any other state or territory
17 of the United States for the purposes of:

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

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

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

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

26 (b) The applicable provisions of law governing the practice of
27 the respective profession in the state or territory on whose behalf the
28 corresponding regulatory authority would execute the reciprocal
29 agreement are substantially similar to the corresponding provisions
30 of law in this State.

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

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

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

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

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



* S B 2 1 9 R 2 *

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

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

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

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

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

632.472 1. The following persons shall report in writing to the Executive Director of the Board any conduct of a licensee or holder of a certificate which 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.

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

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

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

(a) Within the practice of chiropractic; and



* S B 2 1 9 R 2 *

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

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

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

5. As used in this section:

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

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

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

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

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

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

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

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

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

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

and shall be punished as provided in NRS 193.130.

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

4. Any nonprofit cooperative organization or any manufacturer or wholesaler who furnishes, sells, offers to sell or delivers a



* S B 2 1 9 R 2 *

1 controlled substance which is intended, designed and labeled "For
2 Veterinary Use Only" is subject to the provisions of this chapter,
3 and shall not furnish, sell or offer to sell such a substance until the
4 organization, manufacturer or wholesaler has obtained a license
5 from the Board.

6 5. Each application for such a license must be made on a form
7 furnished by the Board and an application must not be considered by
8 the Board until all the information required thereon has been
9 completed. Upon approval of the application by the Board and the
10 payment of the required fee, the Board shall issue a license to the
11 applicant. Each license must be issued to a specific person for a
12 specific location.

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

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

19 644.449 1. If the Board determines that a complaint filed
20 with the Board concerns a matter within the jurisdiction of another
21 licensing board, the Board shall refer the complaint to the other
22 licensing board within 5 days after making the determination.

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

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

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

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

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

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

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

42 (a) A board created pursuant to chapter 630, 630A, 631, 632,
43 633, 634, 634A, 635, 636, 637, 637B, 639, 640, 640A, 640B, 640C,
44 640D, 640E, 641, 641A, 641B, 641C, 643, 644 or 654 of NRS ~~that~~ ;
45 **and**



* S B 2 1 9 R 2 *

(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 ~~that~~:

(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 ~~that~~; 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;



* S B 2 1 9 R 2 *

(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 ~~H~~ *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,



* S B 2 1 9 R 2 *

1 giving the name and address of the claimant and the practitioner and
2 the circumstances of the case.

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

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

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

16 690B.320 1. If an insurer offers to issue a claims-made
17 policy to a practitioner licensed pursuant to chapters 630 to 640,
18 inclusive, of NRS, *or sections 11 to 44, inclusive, of this act*, the
19 insurer shall:

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

22 (b) Disclose to the practitioner the premium for the extended
23 reporting endorsement and the cost formula that the insurer uses to
24 determine the premium for the extended reporting endorsement.

25 (c) Disclose to the practitioner the portion of the premium
26 attributable to funding the extended reporting endorsement offered
27 at no additional cost to the practitioner in the event of the
28 practitioner's death, disability or retirement, if such a benefit is
29 offered.

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

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

38
39 If we adopt any revision that would broaden the coverage
40 under this policy without any additional premium either
41 within the policy period or within 60 days before the policy
42 period, the broadened coverage will immediately apply to this
43 policy.



* S B 2 1 9 R 2 *

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

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

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

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

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

~~(b) An~~ *an* applicant for the issuance or renewal of a license or limited license 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 license; or

(b) A separate form prescribed by the Division.

3. A license or a limited license 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.

Sec. 56. As soon as practicable after the effective date of this act, the Governor shall appoint to the Radiologic Imaging and



1 Radiation Therapy Advisory Committee created by section 28 of
2 this act:

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

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

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

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

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

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

21 3. Sections 1 to 1.8, inclusive, 3.5, 8.05 to 8.85, inclusive, 11 to
22 27, inclusive, 29 to 54, inclusive, and 57 of this act become effective
23 upon passage and approval for the purpose of adopting regulations
24 and performing any other administrative tasks that are necessary to
25 carry out the provisions of this act and on January 1, 2019, for all
26 other purposes.

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

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

35 (b) Are in arrears in the payment for the support of one or more
36 children,

37 ➤ are repealed by the Congress of the United States.

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

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



- 1 (b) Are in arrears in the payment for the support of one or more
- 2 children,
- 3 ➔ 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



* S B 2 1 9 R 2 *

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.



* S B 2 1 9 R 2 *

(b) “Debt” has the meaning ascribed to it in NRS 353C.040.

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* S B 2 1 9 R 2 *