

Amendment No. 86

Senate Amendment to Senate Bill No. 186	(BDR 54-514)
Proposed by: Senate Committee on Commerce and Labor	
Amends: Summary: No Title: No Preamble: No Joint Sponsorship: No Digest: Yes	

Adoption of this amendment will MAINTAIN the 2/3s majority vote requirement for final passage of S.B. 186 (§§ 2, 4).

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

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

ALA/RRY



Date: 4/8/2019

S.B. No. 186—Enacts provisions governing the interstate practice of physical therapy. (BDR 54-514)



SENATE BILL NO. 186—SENATOR SEEVERS GANSERT

FEBRUARY 18, 2019

Referred to Committee on Commerce and Labor

SUMMARY—Enacts provisions governing the interstate practice of physical therapy. (BDR 54-514)

FISCAL NOTE: Effect on Local Government: No.
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 physical therapy; enacting and entering into the Physical Therapy Licensure Compact; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

The Physical Therapy Licensure Compact is an interstate compact that allows a person who is licensed as a physical therapist or physical therapist assistant in a state that is a member of the Compact to practice as a physical therapist or physical therapist assistant in other states that are members of the Compact. The Compact only authorizes a physical therapist or physical therapist assistant to provide services in person in a state in which he or she is not licensed. Before practicing as a physical therapist or physical therapist assistant under the Compact, the Compact requires a physical therapist or physical therapist assistant to: (1) hold a license in his or her home state; (2) have no encumbrances on his or her license; (3) be eligible to practice under the Compact; (4) have had no adverse actions taken against any license or authority to practice under the Compact within the previous 2 years; (5) notify the Physical Therapy Compact Commission that he or she is seeking to practice under the Compact within the other state; (6) pay any applicable fees; (7) meet any requirements in the state ***in which*** he or she seeks to practice under the Compact; and (8) report any adverse action taken against him or her within 30 days from the date the adverse action is taken. The Compact requires that the states who are members of the Compact create and establish a joint public agency called the Physical Therapy Compact Commission. The Commission is authorized to: (1) establish bylaws; (2) make rules that facilitate and coordinate implementation and administration of the Compact; (3) hold meetings, including closed meetings; (4) levy on and collect an annual assessment from each state that is a member of the Compact; (5) develop, maintain and utilize a coordinated database and reporting system; and (6) resolve disputes related to the Compact among states that are members of the Compact. **Section 2** of this bill enacts the Physical Therapy Licensure Compact. **Sections 3-5** of this bill set forth various provisions that incorporate the Compact into existing law.

The Compact requires a participating state to comply with various rules. To ensure this State's compliance with these rules, **section 3** of this bill requires the Nevada Physical Therapy Board to ~~[administer]~~ ***carry out the State's compliance with*** the Compact in this State.

The Compact authorizes a state that is a member of the Compact to charge a fee for granting a compact privilege. ***Existing law requires all fees that relate to physical therapists, physical therapist assistants and physical therapist technicians which are collected to be deposited by the Board in banks, credit unions, savings and loan***

associations or savings banks in this State. (NRS 640.070) Section 4 of this bill authorizes the Board to adopt regulations to ~~implement~~ carry out the State's compliance with the Compact ~~in this State~~, including regulations that establish such fees. If the Board establishes such fees by regulation, **section 4** requires the Board to deposit the money collected from such fees in ~~the State General Fund~~ banks, credit unions, savings and loan associations or savings banks in this State and authorizes the Board to present claims to the State Board of Examiners for recommendation to the Interim Finance Committee to spend money if the money is needed to meet the financial obligations imposed on this State as a result of participating in the Compact.

The Compact authorizes the Commission, the Executive Board of the Commission or other committees of the Commission to convene a closed, nonpublic meeting to discuss certain topics or disclose certain information. **Section 5** of this bill provides that if such a closed meeting occurs, any record created as a result of such a meeting shall not be considered a public record. **Section 30** of this bill makes a conforming change.

Sections 6-29 and 31-38 of this bill make conforming changes by clarifying that a physical therapist or physical therapist assistant can be: (1) licensed to practice or to assist in the practice of physical therapy in this State; or (2) authorized to practice or to assist in the practice of physical therapy in this State under the Compact. Additionally, **section 25** of this bill defines the term "licensed physical therapist" for the entirety of the Nevada Revised Statutes to mean a physical therapist who is: (1) licensed under existing law; or (2) authorized to practice physical therapy in this State under the Compact.

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

Section 1. Chapter 640 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 5, inclusive, of this act.

Sec. 2. *The Physical Therapy Licensure Compact, set forth in this section, is hereby enacted into law and entered into with all other jurisdictions legally joining the Compact, in substantially the form set forth in this section:*

PHYSICAL THERAPY LICENSURE COMPACT

ARTICLE I. PURPOSE

The purpose of this Compact is to facilitate interstate practice of physical therapy with the goal of improving public access to physical therapy services. The practice of physical therapy occurs in the state where the patient or client is located at the time of the patient or client encounter. The Compact preserves the regulatory authority of states to protect public health and safety through the current system of state licensure.

This Compact is designed to achieve the following objectives:

- 1. Increase public access to physical therapy services by providing for the mutual recognition of other member state licenses;*
- 2. Enhance the states' ability to protect the public's health and safety;*
- 3. Encourage the cooperation of member states in regulating multistate physical therapy practice;*
- 4. Support spouses of relocating military members;*
- 5. Enhance the exchange of licensure, investigative and disciplinary information between member states; and*
- 6. Allow a remote state to hold a provider of services with a compact privilege in that state accountable to that state's practice standards.*

ARTICLE II. DEFINITIONS

As used in this Compact, and except as otherwise provided, the following definitions apply:

1. *“Active Duty Military” means full-time duty status in the active uniformed service of the United States, including, without limitation, members of the National Guard and Reserve on active duty orders pursuant to 10 U.S.C. §§ 1209 and 1211.*

2. *“Adverse Action” means disciplinary action taken by a physical therapy licensing board based upon misconduct, unacceptable performance or a combination of both.*

3. *“Alternative Program” means a nondisciplinary monitoring or practice remediation process approved by a physical therapy licensing board. This includes, without limitation, substance abuse issues.*

4. *“Compact privilege” means the authorization granted by a remote state to allow a licensee from another member state to practice as a physical therapist or work as a physical therapist assistant in the remote state under its laws and rules. The practice of physical therapy occurs in the member state where the patient or client is located at the time of the patient or client encounter.*

5. *“Continuing competence” means a requirement, as a condition of license renewal, to provide evidence of participation in, or completion of, educational and professional activities relevant to practice or area of work.*

6. *“Data system” means a repository of information about licensees, including, without limitation, examination, licensure, investigative, compact privilege and adverse action.*

7. *“Encumbered license” means a license that a physical therapy licensing board has limited in any way.*

8. *“Executive Board” means a group of directors elected or appointed to act on behalf of, and within the powers granted to them by, the Commission.*

9. *“Home state” means the member state that is the licensee’s primary state of residence.*

10. *“Investigative information” means information, records and documents received or generated by a physical therapy licensing board pursuant to an investigation.*

11. *“Jurisprudence requirement” means the assessment of an individual’s knowledge of the laws and rules governing the practice of physical therapy in a state.*

12. *“Licensee” means an individual who currently holds an authorization from the State to practice as a physical therapist or to work as a physical therapist assistant.*

13. *“Member state” means a state that has enacted the Compact.*

14. *“Party state” means any member state in which a licensee holds a current license or compact privilege or is applying for a license or compact privilege.*

15. *“Physical therapist” means an individual who is licensed by a state to practice physical therapy.*

16. *“Physical therapist assistant” means an individual who is licensed or certified by a state and who assists the physical therapist in selected components of physical therapy.*

17. *“Physical therapy,” “physical therapy practice” or “the practice of physical therapy” means the care and services provided by or under the direction and supervision of a licensed physical therapist.*

1 18. *“Physical Therapy Compact Commission” or “Commission” means the*
2 *national administrative body whose membership consists of all states that have*
3 *enacted the Compact.*

4 19. *“Physical therapy licensing board” or “licensing board” means the*
5 *agency of a state that is responsible for the licensing and regulation of physical*
6 *therapists and physical therapist assistants.*

7 20. *“Remote state” means a member state, other than the home state, where*
8 *a licensee is exercising or seeking to exercise the compact privilege.*

9 21. *“Rule” means a regulation, principle or directive promulgated by the*
10 *Commission that has the force of law.*

11 22. *“State” means any state, commonwealth, district or territory of the*
12 *United States of America that regulates the practice of physical therapy.*

13 ARTICLE III. STATE PARTICIPATION IN THE COMPACT

14 1. *To participate in the Compact, a state must:*

15 (a) *Participate fully in the Commission’s data system, including, without*
16 *limitation, using the Commission’s unique identifier as defined in rules;*

17 (b) *Have a mechanism in place for receiving and investigating complaints*
18 *about licensees;*

19 (c) *Notify the Commission, in compliance with the terms of the Compact and*
20 *rules, of any adverse action or the availability of investigative information*
21 *regarding a licensee;*

22 (d) *Fully implement a criminal background check requirement, within a time*
23 *frame established by rule, by receiving the results of the Federal Bureau of*
24 *Investigation record search on criminal background checks and use the results in*
25 *making licensure decisions in accordance with subsection 2;*

26 (e) *Comply with the rules of the Commission;*

27 (f) *Utilize a recognized national examination as a requirement for licensure*
28 *pursuant to the rules of the Commission; and*

29 (g) *Have continuing competence requirements as a condition for license*
30 *renewal.*

31 2. *Upon adoption of this Compact, the member state may obtain biometric-*
32 *based information from each physical therapy licensure applicant and submit this*
33 *information to the Federal Bureau of Investigation for a criminal background*
34 *check in accordance with 28 U.S.C. § 534 and 34 U.S.C. § 40316.*

35 3. *A member state shall grant the compact privilege to a licensee holding a*
36 *valid unencumbered license in another member state in accordance with the*
37 *terms of the Compact and rules.*

38 4. *Member states may charge a fee for granting a compact privilege.*

39 ARTICLE IV. COMPACT PRIVILEGE

40 1. *To exercise the compact privilege under the terms and provisions of the*
41 *Compact, the licensee shall:*

42 (a) *Hold a license in the home state;*

43 (b) *Have no encumbrance on any state license;*

44 (c) *Be eligible for a compact privilege in any member state in accordance*
45 *with subsections 4, 7 and 8;*

46 (d) *Have not had any adverse action against any license or compact privilege*
47 *within the previous 2 years;*

48 (e) *Notify the Commission that the licensee is seeking the compact privilege*
49 *within a remote state;*

1 (f) Pay any applicable fees, including, without limitation, any state fee, for
2 the compact privilege;

3 (g) Meet any jurisprudence requirements established by the remote state in
4 which the licensee is seeking a compact privilege; and

5 (h) Report to the Commission adverse action taken by any nonmember state
6 within 30 days from the date the adverse action is taken.

7 2. The compact privilege is valid until the expiration date of the home
8 license. The licensee must comply with the requirements of subsection 1 to
9 maintain the compact privilege in the remote state.

10 3. A licensee providing physical therapy in a remote state under the
11 compact privilege shall function within the laws and regulations of the remote
12 state.

13 4. A licensee providing physical therapy in a remote state is subject to that
14 state's regulatory authority. A remote state may, in accordance with due process
15 and that state's laws, remove a licensee's compact privilege in the remote state for
16 a specific period of time, impose fines or take any other necessary actions to
17 protect the health and safety of its citizens. The licensee is not eligible for a
18 compact privilege in any state until the specific time for removal has passed and
19 all fines are paid.

20 5. If a home state license is encumbered, the licensee shall lose the compact
21 privilege in any remote state until the following occur:

22 (a) The home state license is no longer encumbered; and

23 (b) Two years have elapsed from the date of the adverse action.

24 6. Once an encumbered license in the home state is restored to good
25 standing, the licensee shall meet the requirements of subsection 1 to obtain a
26 compact privilege in any remote state.

27 7. If a licensee's compact privilege in any remote state is removed, the
28 individual shall lose the compact privilege in any remote state until the following
29 occur:

30 (a) The specific period of time for which the compact privilege was removed
31 has ended;

32 (b) All fines have been paid; and

33 (c) Two years have elapsed from the date of the adverse action.

34 8. Once the requirements of subsection 7 have been met, the licensee shall
35 meet the requirements in subsection 1 to obtain a compact privilege in a remote
36 state.

37 38 ARTICLE V. ACTIVE DUTY MILITARY 39 PERSONNEL OR THEIR SPOUSES

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41 A licensee who is active duty military or is the spouse of an individual who is
42 active duty military may designate one of the following as the home state:

43 1. Home of record;

44 2. Permanent change of station; or

45 3. State of current residence if it is different from the permanent change of
46 station state or home of record.

47 48 ARTICLE VI. ADVERSE ACTIONS

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50 1. A home state has the exclusive power to impose adverse action against a
51 license issued by the home state.

1 2. A home state may take adverse action based on the investigative
2 information of a remote state, if the home state follows its own procedures for
3 imposing adverse action.

4 3. This Compact does not override a member state's decision that
5 participation in an alternative program may be used in lieu of adverse action and
6 that such participation must remain nonpublic if required by the member state's
7 laws. Member states shall require licensees who enter any alternative programs
8 in lieu of discipline to agree not to practice in any other member state during the
9 term of the alternative program without prior authorization from such other
10 member state.

11 4. Any member state may investigate actual or alleged violations of the
12 statutes and rules authorizing the practice of physical therapy in any other
13 member state in which a physical therapist or physical therapist assistant holds a
14 license or compact privilege.

15 5. A remote state may:

16 (a) Take adverse actions as set forth in subsection 4 of article IV against a
17 licensee's compact privilege in the state.

18 (b) Issue subpoenas for both hearings and investigations which require the
19 attendance and testimony of witnesses and the production of evidence. Subpoenas
20 issued by a physical therapy licensing board in a party state for the attendance
21 and testimony of witnesses or the production of evidence from another party state
22 must be enforced in the latter state by any court of competent jurisdiction,
23 according to the practice and procedure of that court applicable to subpoenas
24 issued in proceedings pending before it. The issuing authority shall pay any
25 witness fees, travel expenses, mileage and other fees required by the service
26 statutes of the state where the witnesses or evidence are located.

27 (c) If otherwise permitted by state law, recover from the licensee the costs of
28 investigations and disposition of cases resulting from any adverse action taken
29 against that licensee.

30 6. Joint Investigations.

31 (a) In addition to the authority granted to a member state by its respective
32 physical therapy practice act or other applicable state law, a member state may
33 participate with other member states in joint investigations of licensees.

34 (b) Member states shall share any investigative, litigation or compliance
35 materials in furtherance of any joint or individual investigation initiated under
36 the Compact.

37 ARTICLE VII. ESTABLISHMENT OF THE PHYSICAL 38 THERAPY COMPACT COMMISSION

39 1. The Compact member states hereby create and establish a joint public
40 agency known as the Physical Therapy Compact Commission:

41 (a) The Commission is an instrumentality of the Compact member states.

42 (b) Venue is proper and judicial proceedings by or against the Commission
43 must be brought solely and exclusively in a court of competent jurisdiction where
44 the principal office of the Commission is located. The Commission may waive
45 venue and jurisdictional defenses to the extent it adopts or consents to participate
46 in alternative dispute resolution proceedings.

47 (c) This Compact must not be construed to be a waiver of sovereign
48 immunity.

49 2. Membership, voting and meetings.

50 (a) Each member state is limited to one delegate selected by that member
51 state's licensing board.
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1 (b) *The delegate shall be a current member of the licensing board and be a*
2 *physical therapist, physical therapist assistant, public member or the board*
3 *administrator.*

4 (c) *Any delegate may be removed or suspended from office as provided by the*
5 *law of the state from which the delegate is appointed.*

6 (d) *The member state board shall fill any vacancy occurring in the*
7 *Commission.*

8 (e) *Each delegate shall be entitled to one vote with regard to the*
9 *promulgation of rules and creation of bylaws and shall otherwise have an*
10 *opportunity to participate in the business and affairs of the Commission.*

11 (f) *A delegate shall vote in person or by such other means as provided in the*
12 *bylaws. The bylaws may provide for delegates' participation in meetings by*
13 *telephone or other means of communication.*

14 (g) *The Commission shall meet at least once during each calendar year.*
15 *Additional meetings must be held as set forth in the bylaws.*

16 3. *The Commission shall have the following powers and duties:*

17 (a) *Establish the fiscal year of the Commission;*

18 (b) *Establish bylaws;*

19 (c) *Maintain its financial records in accordance with the bylaws;*

20 (d) *Meet and take such actions as are consistent with the provisions of this*
21 *Compact and the bylaws;*

22 (e) *Promulgate uniform rules to facilitate and coordinate implementation*
23 *and administration of this Compact with such rules having the force and effect of*
24 *law and being binding in all member states;*

25 (f) *Bring and prosecute legal proceedings or actions in the name of the*
26 *Commission, provided that the standing of any state physical therapy licensing*
27 *board to sue or be sued under applicable law shall not be affected;*

28 (g) *Purchase and maintain insurance and bonds;*

29 (h) *Borrow, accept or contract for services of personnel, including, without*
30 *limitation, employees of a member state;*

31 (i) *Hire employees, elect or appoint officers, fix compensation, define duties,*
32 *grant such individuals appropriate authority to carry out the purposes of the*
33 *Compact and establish the Commission's personnel policies and programs*
34 *relating to conflicts of interest, qualifications of personnel and other related*
35 *personnel matters;*

36 (j) *Accept any and all appropriate donations and grants of money,*
37 *equipment, supplies, materials and services and receive, utilize and dispose of the*
38 *same, provided that at all times the Commission shall avoid any appearance of*
39 *impropriety or conflict of interest;*

40 (k) *Lease, purchase, accept appropriate gifts or donations of, or otherwise*
41 *own, hold, improve or use, any property, real, personal or mixed, provided that at*
42 *all times the Commission shall avoid any appearance of impropriety;*

43 (l) *Sell, convey, mortgage, pledge, lease, exchange, abandon or otherwise*
44 *dispose of any property real, personal or mixed;*

45 (m) *Establish a budget and make expenditures;*

46 (n) *Borrow money;*

47 (o) *Appoint committees, including, without limitation, standing committees*
48 *composed of members, state regulators, state legislators or their representatives,*
49 *consumer representatives and such other interested persons as may be designated*
50 *in this Compact and the bylaws;*

51 (p) *Provide and receive information from, and cooperate with, law*
52 *enforcement agencies;*

53 (q) *Establish and elect an Executive Board; and*

1 (r) Perform such other functions as may be necessary or appropriate to
2 achieve the purposes of this Compact consistent with the state regulation of
3 physical therapy licensure and practice.

4 4. The Executive Board may act on behalf of the Commission according to
5 the terms of this Compact:

6 (a) The Executive Board shall be composed of nine members:

7 (1) Seven voting members who are elected by the Commission from the
8 current membership of the Commission;

9 (2) One ex-officio, nonvoting member from the recognized national
10 physical therapy professional association; and

11 (3) One ex-officio, nonvoting member from the recognized membership
12 organization of the physical therapy licensing boards.

13 (b) The ex-officio members shall be selected by their respective
14 organizations.

15 (c) The Commission may remove any member of the Executive Board as
16 provided in the bylaws.

17 (d) The Executive Board shall meet at least annually.

18 (e) The Executive Board shall:

19 (1) Recommend to the entire Commission changes to the rules or bylaws,
20 changes to this Compact legislation, fees paid by Compact member states,
21 including, without limitation, annual dues, and any Commission Compact fee
22 charged to licensees for the compact privilege;

23 (2) Ensure Compact administration services are appropriately provided,
24 contractual or otherwise;

25 (3) Prepare and recommend the budget;

26 (4) Maintain financial records on behalf of the Commission;

27 (5) Monitor Compact compliance of member states and provide
28 compliance reports to the Commission;

29 (6) Establish additional committees as necessary; and

30 (7) Other duties as provided in the rules or bylaws.

31 5. Meetings of the Commission.

32 (a) All meetings shall be open to the public, and public notice of meetings
33 must be given in the same manner as required under the rulemaking provisions
34 in article IX.

35 (b) The Commission or the Executive Board or other committees of the
36 Commission may convene in a closed, nonpublic meeting if the Commission or
37 Executive Board or other committees of the Commission must discuss:

38 (1) Noncompliance of a member state with its obligations under the
39 Compact;

40 (2) The employment, compensation, discipline or other matters, practices
41 or procedures related to specific employees or other matters related to the
42 Commission's internal personnel practices and procedures;

43 (3) Current, threatened or reasonably anticipated litigation;

44 (4) Negotiation of contracts for the purchase, lease or sale of goods,
45 services or real estate;

46 (5) Accusing any person of a crime or formally censuring any person;

47 (6) Disclosure of trade secrets or commercial or financial information
48 that is privileged or confidential;

49 (7) Disclosure of information of a personal nature if the disclosure
50 would constitute a clearly unwarranted invasion of personal privacy;

51 (8) Disclosure of investigative records compiled for law enforcement
52 purposes;

1 (9) Disclosure of information related to any investigative reports
2 prepared by or on behalf of or for use of the Commission or other committee
3 charged with responsibility of investigation or determination of compliance issues
4 pursuant to the Compact; or

5 (10) Matters specifically exempted from disclosure by federal or member
6 state statute.

7 (c) If a meeting, or portion of a meeting, is closed pursuant to this provision,
8 the Commission's legal counsel or designee shall certify that the meeting may be
9 closed and shall reference each relevant exempting provision.

10 (d) The Commission shall keep minutes that fully and clearly describe all
11 matters discussed in a meeting and shall provide a full and accurate summary of
12 actions taken, and the reasons therefore, including, without limitation, a
13 description of the views expressed. All documents considered in connection with
14 an action must be identified in such minutes. All minutes and documents of a
15 closed meeting must remain under seal, subject to release by a majority vote of
16 the Commission or order of a court of competent jurisdiction.

17 6. Financing of the Commission.

18 (a) The Commission shall pay, or provide for the payment of, the reasonable
19 expenses of its establishment, organization and ongoing activities.

20 (b) The Commission may accept any and all appropriate revenue sources,
21 donations and grants of money, equipment, supplies, materials and services.

22 (c) The Commission may levy on and collect an annual assessment from
23 each member state or impose fees on other parties to cover the cost of the
24 operations and activities of the Commission and its staff, which must be in a total
25 amount sufficient to cover its annual budget as approved each year for which
26 revenue is not provided by other sources. The aggregate annual assessment
27 amount must be allocated based upon a formula to be determined by the
28 Commission, which shall promulgate a rule binding upon all member states.

29 (d) The Commission shall not incur obligations of any kind prior to securing
30 the funds adequate to meet the same, nor shall the Commission pledge the credit
31 of any of the member states, except by and with the authority of the member state.

32 (e) The Commission shall keep accurate accounts of all receipts and
33 disbursements. The receipts and disbursements of the Commission are subject to
34 the audit and accounting procedures established under its bylaws. However, all
35 receipts and disbursements of funds handled by the Commission must be audited
36 yearly by a certified or licensed public accountant, and the report of the audit
37 shall be included in and become part of the annual report of the Commission.

38 7. Qualified immunity, defense and indemnification.

39 (a) The members, officers, executive director, employees and representatives
40 of the Commission shall be immune from suit and liability, either personally or in
41 their official capacity, for any claim for damage to or loss of property or personal
42 injury or other civil liability caused by or arising out of any actual or alleged act,
43 error or omission that occurred, or that the person against whom the claim is
44 made had a reasonable basis for believing occurred within the scope of
45 Commission employment, duties or responsibilities, provided that nothing in this
46 paragraph shall be construed to protect any such person from suit or liability for
47 any damage, loss, injury or liability caused by the intentional, willful or wanton
48 misconduct of that person.

49 (b) The Commission shall defend any member, officer, executive director,
50 employee or representative of the Commission in any civil action seeking to
51 impose liability arising out of any actual or alleged act, error or omission that
52 occurred within the scope of Commission employment, duties or responsibilities,
53 or that the person against whom the claim is made had a reasonable basis for

believing occurred within the scope of Commission employment, duties or responsibilities, provided that this paragraph may not be construed to prohibit that person from retaining his or her own counsel, and provided further that the actual or alleged act, error or omission did not result from that person's intentional, willful or wanton misconduct.

(c) The Commission shall indemnify and hold harmless any member, officer, executive director, employee or representative of the Commission for the amount of any settlement or judgment obtained against that person arising out of any actual or alleged act, error or omission that occurred within the scope of Commission employment, duties or responsibilities, or that such person had a reasonable basis for believing occurred within the scope of Commission employment, duties or responsibilities, provided that the actual or alleged act, error or omission did not result from the intentional, willful or wanton misconduct of that person.

ARTICLE VIII. DATA SYSTEM

1. The Commission shall provide for the development, maintenance and utilization of a coordinated database and reporting system containing licensure, adverse action and investigative information on all licensed individuals in member states.

2. Notwithstanding any other provision of state law to the contrary, a member state shall submit a uniform data set to the data system on all individuals to whom this Compact is applicable as required by the rules of the Commission, including, without limitation:

(a) Identifying information;

(b) Licensure data;

(c) Adverse actions against a license or compact privilege;

(d) Nonconfidential information related to alternative program participation;

(e) Any denial of application for licensure and the reason for such denial; and

(f) Other information that may facilitate the administration of this Compact, as determined by the rules of the Commission.

3. Investigative information pertaining to a licensee in any member state will only be available to other party states.

4. The Commission shall promptly notify all member states of any adverse action taken against a licensee or an individual applying for a license. Adverse action information pertaining to a licensee in any member state will be available to any other member state.

5. Member states contributing information to the data system may designate information that may not be shared with the public without the express permission of the contributing state.

6. Any information submitted to the data system that is subsequently required to be expunged by the laws of the member state contributing the information shall be removed from the data system.

ARTICLE IX. RULEMAKING

1. The Commission shall exercise its rulemaking powers pursuant to the criteria set forth in this article and the rules adopted pursuant to this article. Rules and amendments shall become binding as of the date specified in each rule or amendment.

2. If a majority of the legislatures of the member states rejects a rule by enactment of a statute or resolution in the same manner used to adopt the Compact within 4 years of the date of adoption of the rule, then such rule shall have no further force and effect in any member state.

3. Rules or amendments to the rules must be adopted at a regular or special meeting of the Commission.

4. Prior to promulgation and adoption of a final rule or rules by the Commission, and at least 30 days in advance of the meeting at which the rule will be considered and voted upon, the Commission shall file a Notice of Proposed Rulemaking:

(a) On the website of the Commission or other publicly accessible platform; and

(b) On the website of each member state physical therapy licensing board or other publicly accessible platform or the publication in which each state would otherwise publish proposed rules.

5. The Notice of Proposed Rulemaking must include, without limitation:

(a) The proposed time, date and location of the meeting in which the rule will be considered and voted upon;

(b) The text of the proposed rule or amendment and the reason for the proposed rule;

(c) A request for comments on the proposed rule from any interested person; and

(d) The manner in which interested persons may submit notice to the Commission of the interested persons' intentions to attend the public hearing and any written comments.

6. Prior to adoption of a proposed rule, the Commission shall allow persons to submit written data, facts, opinions and arguments, which must be made available to the public.

7. The Commission shall grant an opportunity for a public hearing before it adopts a rule or amendment if a hearing is requested by:

(a) At least twenty-five persons;

(b) A state or federal governmental subdivision or agency; or

(c) An association having at least twenty-five members.

8. If a hearing is held on the proposed rule or amendment, the Commission shall publish the place, time and date of the scheduled public hearing. If the hearing is held via electronic means, the Commission shall publish the mechanism for access to the electronic hearing.

(a) All persons wishing to be heard at the hearing shall notify the executive director of the Commission or other designated member in writing of their desire to appear and testify at the hearing not less than 5 business days before the scheduled date of the hearing.

(b) Hearings shall be conducted in a manner providing each person who wishes to comment a fair and reasonable opportunity to comment orally or in writing.

(c) All hearings must be recorded. A copy of the recording must be made available on request.

(d) This article may not be construed as requiring a separate hearing on each rule. Rules may be grouped for the convenience of the Commission at hearings required by this article.

9. Following the scheduled hearing date, or by the close of business on the scheduled hearing date if the hearing was not held, the Commission shall consider all written and oral comments received.

1 10. If written notice of intent to attend the public hearing by interested
2 parties is not received, the Commission may proceed with promulgation of the
3 proposed rule without a public hearing.

4 11. By majority vote of all members, the Commission shall take final action
5 on the proposed rule and shall determine the effective date of the rule, if any,
6 based on the rulemaking record and the full text of the rule.

7 12. Upon determination that an emergency exists, the Commission may
8 consider and adopt an emergency rule without prior notice, opportunity for
9 comment or hearing, provided that the usual rulemaking procedures provided in
10 the Compact and in this article must be retroactively applied to the rule as soon
11 as reasonably possible, in no event later than 90 days after the effective date of
12 the rule. For the purposes of this subsection, an emergency rule is one that must
13 be adopted immediately in order to:

14 (a) Meet an imminent threat to public health, safety or welfare;

15 (b) Prevent a loss of Commission or member state funds;

16 (c) Meet a deadline for the promulgation of an administrative rule that is
17 established by federal law or rule; or

18 (d) Protect public health and safety.

19 13. The Commission or an authorized committee of the Commission may
20 direct revisions to a previously adopted rule or amendment for purposes of
21 correcting typographical errors, errors in format, errors in consistency or
22 grammatical errors. Public notice of any revisions must be posted on the website
23 of the Commission. The revision shall be subject to challenge by any person for a
24 period of 30 days after posting. The revision may be challenged only on grounds
25 that the revision results in a material change to a rule. A challenge must be made
26 in writing and delivered to the chair of the Commission prior to the end of the
27 notice period. If a challenge is not made, the revision must take effect without
28 further action. If the revision is challenged, the revision may not take effect
29 without the approval of the Commission.

30 31 ARTICLE X. OVERSIGHT, DISPUTE RESOLUTION AND 32 ENFORCEMENT

33 34 1. Oversight.

35 (a) The executive, legislative and judicial branches of state government in
36 each member state shall enforce this Compact and take all actions necessary and
37 appropriate to effectuate the Compact's purposes and intent. The provisions of
38 this Compact and the rules promulgated under this Compact have standing as
39 statutory law.

40 (b) All courts shall take judicial notice of the Compact and the rules in any
41 judicial or administrative proceeding in a member state pertaining to the subject
42 matter of this Compact which may affect the powers, responsibilities or actions of
43 the Commission.

44 (c) The Commission is entitled to receive service of process in any such
45 proceeding and has standing to intervene in such a proceeding for all purposes.
46 Failure to provide service of process to the Commission shall render a judgment
47 or order void as to the Commission, this Compact or promulgated rules.

48 2. Default, technical assistance and termination.

49 (a) If the Commission determines that a member state has defaulted in the
50 performance of its obligations or responsibilities under this Compact or the
51 promulgated rules, the Commission shall:

1 (1) *Provide written notice to the defaulting state and other member states*
2 *of the nature of the default, the proposed means of curing the default and any*
3 *other action to be taken by the Commission; and*

4 (2) *Provide remedial training and specific technical assistance regarding*
5 *the default.*

6 (b) *If a state in default fails to cure the default, the defaulting state may be*
7 *terminated from the Compact upon an affirmative vote of a majority of the*
8 *member states and all rights, privileges and benefits conferred by this Compact*
9 *may be terminated on the effective date of termination. A cure of the default does*
10 *not relieve the offending state of obligations or liabilities incurred during the*
11 *period of default.*

12 (c) *Termination of membership in the Compact shall be imposed only after*
13 *all other means of securing compliance have been exhausted. Notice of intent to*
14 *suspend or terminate shall be given by the Commission to the governor, the*
15 *majority and minority leaders of the defaulting state's legislature and each of the*
16 *member states.*

17 (d) *A state that has been terminated is responsible for all assessments,*
18 *obligations and liabilities incurred through the effective date of termination,*
19 *including, without limitation, obligations that extend beyond the effective date of*
20 *termination.*

21 (e) *The Commission shall not bear any costs related to a state that is found to*
22 *be in default or that has been terminated from the Compact, unless agreed upon*
23 *in writing between the Commission and the defaulting state.*

24 (f) *The defaulting state may appeal the action of the Commission by*
25 *petitioning the United States District Court for the District of Columbia or the*
26 *federal district where the Commission has its principal offices. The prevailing*
27 *member shall be awarded all costs of such litigation, including, without*
28 *limitation, reasonable attorney's fees.*

29 3. *Dispute resolution.*

30 (a) *Upon request by a member state, the Commission shall attempt to resolve*
31 *disputes related to the Compact that arise among member states and between*
32 *member and nonmember states.*

33 (b) *The Commission shall promulgate a rule providing for both mediation*
34 *and binding dispute resolution for disputes as appropriate.*

35 4. *Enforcement.*

36 (a) *The Commission, in the reasonable exercise of its discretion, shall*
37 *enforce the provisions and rules of this Compact.*

38 (b) *By majority vote, the Commission may initiate legal action in the United*
39 *States District Court for the District of Columbia or the federal district where the*
40 *Commission has its principal offices against a member state in default to enforce*
41 *compliance with the provisions of the Compact and its promulgated rules and*
42 *bylaws. The relief sought may include both injunctive relief and damages. If*
43 *judicial enforcement is necessary, the prevailing member shall be awarded all*
44 *costs of such litigation, including, without limitation, reasonable attorney's fees.*

45 (c) *The remedies herein are not the exclusive remedies of the Commission.*
46 *The Commission may pursue any other remedies available under federal or state*
47 *law.*

48
49 **ARTICLE XI. DATE OF IMPLEMENTATION OF THE INTERSTATE**
50 **COMMISSION FOR PHYSICAL THERAPY PRACTICE AND ASSOCIATED**
51 **RULES, WITHDRAWAL AND AMENDMENT**

1 1. The Compact shall come into effect on the date on which the Compact
2 statute is enacted into law in the tenth member state. The provisions, which
3 become effective at that time, are limited to the powers granted to the Commission
4 relating to assembly and the promulgation of rules. Thereafter, the Commission
5 shall meet and exercise rulemaking powers necessary to the implementation and
6 administration of the Compact.

7 2. Any state that joins the Compact subsequent to the Commission's initial
8 adoption of the rules shall be subject to the rules as they exist on the date on
9 which the Compact becomes law in that state. Any rule that has been previously
10 adopted by the Commission shall have the full force and effect of law on the day
11 the Compact becomes law in that state.

12 3. Any member state may withdraw from this Compact by enacting a statute
13 repealing the same.

14 (a) A member state's withdrawal shall not take effect until 6 months after
15 enactment of the repealing statute.

16 (b) Withdrawal shall not affect the continuing requirement of the
17 withdrawing state's physical therapy licensing board to comply with the
18 investigative and adverse action reporting requirements of this Compact prior to
19 the effective date of withdrawal.

20 4. This Compact shall not be construed to invalidate or prevent any physical
21 therapy licensure agreement or other cooperative arrangement between a
22 member state and a nonmember state that does not conflict with the provisions of
23 this Compact.

24 5. This Compact may be amended by the member states. An amendment to
25 this Compact shall not become effective and binding upon any member state until
26 it is enacted into the laws of all member states.

27 ARTICLE XII. CONSTRUCTION AND SEVERABILITY

28
29 This Compact must be liberally construed so as to effectuate the purposes of
30 the Compact. The provisions of this Compact are severable and if any phrase,
31 clause, sentence or provision of this Compact is declared to be contrary to the
32 constitution of any party state or of the United States or the applicability thereof
33 to any government, agency, person or circumstance is held invalid, the validity of
34 the remainder of this Compact and the applicability of the remainder of this
35 Compact to any government, agency, person or circumstance shall not be
36 affected thereby. If this Compact is held contrary to the constitution of any party
37 state, the Compact shall remain in full force and effect as to the remaining party
38 states and in full force and effect as to the party state affected as to all severable
39 matters.

40
41 Sec. 3. The Board shall ~~administer~~ carry out the State's compliance with
42 the provisions of the Physical Therapy Licensure Compact enacted in section 2 of
43 this act.

44 Sec. 4. 1. The Board may adopt regulations necessary to ~~implement~~
45 carry out the State's compliance with the provisions of the Physical Therapy
46 Licensure Compact enacted in section 2 of this act, including, without limitation,
47 regulations that establish fees for physical therapists and physical therapist
48 assistants seeking authorization to practice or to assist in the practice of physical
49 therapy in this State pursuant to the Physical Therapy Licensure Compact.

50 2. If the Board establishes fees pursuant to subsection 1, the Board shall
51 deposit the money collected from the imposition of the fees ~~in the State General~~
52 ~~Fund~~ pursuant to NRS 640.070. The Board may present a claim to the State
53 Board of Examiners for recommendation to the Interim Finance Committee if

1 *money is needed to meet the financial obligations imposed on this State as a*
2 *result of participation in the Physical Therapy Licensure Compact.*

3 **Sec. 5.** *If a meeting, or a portion of a meeting, of the Physical Therapy*
4 *Compact Commission is closed pursuant to subsection 5 of article VII of the*
5 *Physical Therapy Licensure Compact enacted in section 2 of this act, any record*
6 *created pursuant to such a closed meeting shall not be considered a public record*
7 *pursuant to NRS 239.010.*

8 **Sec. 6.** NRS 640.021 is hereby amended to read as follows:

9 640.021 "Physical therapist" means a person who is ~~licensed~~ :

10 1. *Licensed* as such in accordance with the provisions of this chapter ~~and~~ ; or

11 2. *Authorized to the practice of physical therapy in this State pursuant to*
12 *the Physical Therapy Licensure Compact enacted in section 2 of this act.*

13 **Sec. 7.** NRS 640.0213 is hereby amended to read as follows:

14 640.0213 "Physical therapist assistant" means a person who assists in the
15 practice of physical therapy under the supervision of a ~~licensed~~ physical therapist
16 and who is ~~licensed~~ :

17 1. *Licensed* under the provisions of this chapter ~~and~~ ; or

18 2. *Authorized to assist in the practice of physical therapy in this State*
19 *pursuant to the Physical Therapy Licensure Compact enacted in section 2 of this*
20 *act.*

21 **Sec. 8.** NRS 640.030 is hereby amended to read as follows:

22 640.030 1. The Nevada Physical Therapy Board, consisting of five
23 members appointed by the Governor, and any nonvoting advisory members
24 appointed by the Board pursuant to NRS 640.055, is hereby created.

25 2. The Governor shall appoint:

26 (a) Three members who are ~~licensed~~ physical therapists ~~in the State of~~
27 ~~Nevada~~, *licensed as such in accordance with the provisions of this chapter.*

28 (b) One member who is a licensed physical therapist assistant in the State of
29 Nevada.

30 (c) One member who is a representative of the general public. This member
31 must not be:

32 (1) A physical therapist or a physical therapist assistant; or

33 (2) The spouse or the parent or child, by blood, marriage or adoption, of a
34 physical therapist or a physical therapist assistant.

35 3. No member of the Board may serve more than two consecutive terms.

36 4. The Governor may remove any voting member of the Board for
37 incompetency, neglect of duty, gross immorality or malfeasance in office.

38 5. A majority of the voting members of the Board constitutes a quorum.

39 6. No member of the Board may be held liable in a civil action for any act
40 which he or she has performed in good faith in the execution of his or her duties
41 under this chapter.

42 7. The Board shall comply with the provisions of chapter 241 of NRS, and all
43 meetings of the Board must be conducted in accordance with that chapter.

44 **Sec. 9.** NRS 640.050 is hereby amended to read as follows:

45 640.050 1. The Board shall:

46 (a) Enforce the provisions of this chapter and any regulations adopted pursuant
47 thereto;

48 (b) Evaluate the qualifications and determine the eligibility of an applicant for
49 a license as a physical therapist or physical therapist assistant and, upon payment of
50 the applicable fee, issue the appropriate license to a qualified applicant;

51 ~~(c) Determine if an applicant for authorization to practice or to assist in the~~
52 ~~practice of physical therapy in this State pursuant to the Physical Therapy~~
53 ~~Licensure Compact enacted in section 2 of this act holds a valid and~~

~~unencumbered license in another state that is a member of the Physical Therapy Licensure Compact and otherwise complies with the Physical Therapy Licensure Compact and any regulations adopted pursuant to section 4 of this act;~~

~~—(d)~~ Investigate any complaint filed with the Board against a ~~{licensee;}~~ *physical therapist or physical therapist assistant*; and

~~(d)~~ ~~{e}~~ Unless the Board determines that extenuating circumstances exist, forward to the appropriate law enforcement agency any substantiated information submitted to the Board concerning a person who practices as a physical therapist or physical therapist assistant without a license ~~{}~~ *or without authorization to practice or assist in the practice of physical therapy in this State pursuant to the Physical Therapy Licensure Compact enacted in section 2 of this act.*

2. The Board may adopt reasonable regulations to carry this chapter into effect, including, but not limited to, regulations concerning the:

(a) Issuance and display of licenses ~~{}~~ *or authorizations to practice or to assist in the practice of physical therapy in this State pursuant to the Physical Therapy Licensure Compact enacted in section 2 of this act.*

(b) Supervision of physical therapist assistants and physical therapist technicians.

3. The Board shall prepare and maintain a record of its proceedings, including, without limitation, any disciplinary proceedings.

4. The Board shall maintain a list of licensed physical therapists ~~{authorized to}~~ *who practice physical therapy in this State* and physical therapist assistants ~~{licensed to}~~ *who assist in the practice of physical therapy in this State.*

5. The Board may:

(a) Maintain offices in as many localities in the State as it finds necessary to carry out the provisions of this chapter.

(b) Employ attorneys, investigators and other professional consultants and clerical personnel necessary to the discharge of its duties.

(c) Adopt a seal of which a court may take judicial notice.

6. Any member or agent of the Board may enter any premises in this State where a person who holds a license issued pursuant to the provisions of this chapter *or who holds an authorization to practice or assist in the practice of physical therapy in this State pursuant to the Physical Therapy Licensure Compact enacted in section 2 of this act* practices physical therapy or as a physical therapist assistant and inspect the premises to determine whether a violation of any provision of this chapter or any regulation adopted pursuant thereto has occurred, including, without limitation, an inspection to determine whether any person at the premises is practicing physical therapy or as a physical therapist assistant without the appropriate license issued pursuant to the provisions of this chapter ~~{}~~ *or without authorization to practice or assist in the practice of physical therapy in this State pursuant to the Physical Therapy Licensure Compact enacted in section 2 of this act.*

7. Any voting member of the Board may administer an oath to a person testifying in a matter that relates to the duties of the Board.

Sec. 10. NRS 640.070 is hereby amended to read as follows:

640.070 1. All fees collected under this chapter must be deposited by the Board in banks, credit unions, savings and loan associations or savings banks in the State of Nevada.

2. All expenses incident to the operation of this chapter must be paid from the revenue derived therefrom.

3. In a manner consistent with the provisions of chapter 622A of NRS, the Board may delegate to a hearing officer or panel its authority to take any disciplinary action pursuant to this chapter and impose and collect administrative

1 fines therefor. If the Board so delegates its authority, the Board may deposit the
2 money from the fines in banks, credit unions, savings and loan associations or
3 savings banks in this State for the support of the Board. In addition, the hearing
4 officer or panel may assess a ~~{licensee}~~ *physical therapist or physical therapist*
5 *assistant* against whom disciplinary action is taken any costs and fees incurred by
6 the Board as a result of the hearing. The money from the reimbursed costs and fees
7 may also be deposited for use by the Board.

8 4. If a hearing officer or panel is not authorized to take disciplinary action
9 pursuant to subsection 3, the Board shall deposit the money collected from the
10 imposition of administrative fines in the State General Fund. The Board may
11 present a claim to the State Board of Examiners for recommendation to the Interim
12 Finance Committee if money is needed to pay attorney's fees or the costs of an
13 investigation, or both.

14 **Sec. 11.** NRS 640.155 is hereby amended to read as follows:

15 640.155 1. After conducting an inspection pursuant to NRS 640.050, a
16 member or agent of the Board may issue a citation to a ~~{licensee}~~ *physical therapist*
17 *or physical therapist assistant* if the member or agent concludes that, based on a
18 preponderance of the evidence, the ~~{licensee}~~ *physical therapist or physical*
19 *therapist assistant* has violated:

20 (a) Subsection 3 of NRS 640.110;

21 (b) Any regulation of the Board that requires a ~~{licensee}~~ *physical therapist or*
22 *physical therapist assistant* to provide his or her address to the Board, display his
23 or her license *or authorization to practice or assist in the practice of physical*
24 *therapy in this State pursuant to the Physical Therapy Licensure Compact*
25 *enacted in section 2 of this act* or a copy thereof, practice only under the name
26 listed on his or her license, *authorization* or document in the record of a patient
27 any treatment provided to the patient; or

28 (c) Any regulation of the Board establishing requirements for the supervision
29 of an unlicensed person by a physical therapist or limiting the number of persons
30 who may be supervised by a physical therapist.

31 2. A citation issued pursuant to this section may include, without limitation,
32 an order to:

33 (a) Take action to correct any condition resulting from any act that constitutes
34 a violation of a provision set forth in subsection 1, at the cost of the person who
35 committed the violation. If the citation contains such an order, the citation must:

36 (1) State the time permitted for compliance, which must be not less than 5
37 business days after the date the person receives the citation; and

38 (2) Specifically describe the corrective action to be taken.

39 (b) Pay an administrative fine not to exceed the amount prescribed pursuant to
40 subsection 3.

41 (c) Reimburse the Board for any expenses incurred to investigate the violation,
42 in an amount not to exceed \$150.

43 3. Any administrative fine imposed pursuant to this section must be:

44 (a) For a first violation, in the amount prescribed by regulation of the Board,
45 which must be not less than \$100 or more than \$500;

46 (b) For a second violation, in the amount prescribed by regulation of the Board,
47 which must be not less than \$250 or more than \$1,000; and

48 (c) For a third violation and for each additional violation, in the amount
49 determined by the Board after the ~~{licensee}~~ *physical therapist or physical*
50 *therapist assistant* appears before the Board.

51 4. The sanctions authorized by this section are separate from, and in addition
52 to, any other remedy, civil or criminal, authorized by this chapter.

Sec. 12. NRS 640.157 is hereby amended to read as follows:

640.157 1. Except as otherwise provided in this subsection, to contest a citation issued pursuant to NRS 640.155, the person must submit a written request for a hearing to the Board not later than 30 days after the date of issuance of the citation. The Board may, for good cause shown, extend the time to submit a request for a hearing.

2. If the person to whom a citation is issued files a timely written request for a hearing to contest the citation:

(a) The Board shall provide notice of and conduct the hearing in accordance with this chapter and the provisions of chapters 233B and 622A of NRS governing the adjudication of contested cases.

(b) At the hearing, the ~~licensee~~ *physical therapist or physical therapist assistant* may contest, without limitation:

(1) The facts forming the basis for the determination that the ~~licensee~~ *physical therapist or physical therapist assistant* has committed an act which constitutes a violation of a provision described in NRS 640.155;

(2) The time allowed to take any corrective action ordered;

(3) The amount of any administrative fine ordered;

(4) The amount of any payment ordered to reimburse the Board for the expenses incurred to investigate the violation; and

(5) Whether any corrective action described in the citation is reasonable.

3. If a person to whom a citation is issued pursuant to NRS 640.155 does not file timely a written request for a hearing to contest the citation, the citation shall be deemed a final order of the Board and any assessed fine deemed due and payable and any corrective action deemed required.

4. For the purposes of this section, a citation issued pursuant to NRS 640.155 shall be deemed to have been received by a person:

(a) On the date on which the citation is personally delivered to the person; or

(b) If the citation is mailed, 3 business days after the date on which the citation is mailed by certified mail to the last known business or residential address of the person.

Sec. 13. NRS 640.160 is hereby amended to read as follows:

640.160 1. The Board, after notice and a hearing as required by law, and upon any ground enumerated in subsection 2, may take one or more of the following actions:

(a) Refuse to issue a license or temporary license *or grant an authorization to practice or assist in the practice of physical therapy in this State pursuant to the Physical Therapy Licensure Compact enacted in section 2 of this act* to any applicant.

(b) Refuse to renew the license or temporary license of any person.

(c) Suspend or revoke the license, ~~for~~ *temporary license or authorization to practice or assist in the practice of physical therapy in this State pursuant to the Physical Therapy Licensure Compact enacted in section 2 of this act* of any person.

(d) Place any person who has been issued a license or temporary license *or who has been granted an authorization to practice or assist in the practice of physical therapy in this State pursuant to the Physical Therapy Licensure Compact enacted in section 2 of this act* on probation.

(e) Impose an administrative fine which does not exceed \$5,000 on any person who has been issued a license ~~or~~ *or who has been authorized to practice or assist in the practice of physical therapy in this State pursuant to the Physical Therapy Licensure Compact enacted in section 2 of this act*.

2. The Board may take action pursuant to subsection 1 if an applicant or person who has been licensed pursuant to this chapter ~~H~~ *or who has been authorized to practice or assist in the practice of physical therapy in this State pursuant to the Physical Therapy Licensure Compact enacted in section 2 of this act:*

(a) Is habitually drunk or is addicted to the use of a controlled substance.

(b) Has been convicted of violating any state or federal law relating to controlled substances.

(c) Is, in the judgment of the Board, guilty of immoral or unprofessional conduct.

(d) Has been convicted of any crime involving moral turpitude.

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

(f) Is guilty, in the judgment of the Board, of gross negligence in his or her practice as a physical therapist which may be evidenced by claims of malpractice settled against a practitioner.

(g) Has obtained or attempted to obtain a license by fraud or material misrepresentation.

(h) Has been declared insane by a court of competent jurisdiction and has not thereafter been lawfully declared sane.

(i) Has entered into any contract or arrangement which provides for the payment of an unearned fee to any person following his or her referral of a patient.

(j) Has employed as a physical therapist any unlicensed *or unauthorized* physical therapist or physical therapist whose license *or authorization* has been suspended.

(k) Has had a license to practice physical therapy suspended, revoked or in any way limited by another jurisdiction.

(l) Is determined to be professionally incompetent by the Board.

(m) Has violated any provision of this chapter or the Board's regulations.

(n) Has operated a medical facility, as defined in NRS 449.0151, at any time during which:

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

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

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

Sec. 14. NRS 640.169 is hereby amended to read as follows:

640.169 1. Except as otherwise provided in NRS 629.091 and 640.120, it is unlawful for any person to practice physical therapy in this State unless the person holds a license or a temporary license issued pursuant to this chapter ~~H~~ *or the person is authorized to practice physical therapy in this State pursuant to the Physical Therapy Licensure Compact enacted in section 2 of this act.* A person who violates the provisions of this subsection is guilty of a gross misdemeanor.

2. In addition to any criminal penalty that may be imposed for a violation of subsection 1, the Board, after notice and hearing, may:

(a) Issue an order against any person who has violated subsection 1 imposing an administrative penalty of not more than \$5,000 for each violation. Any administrative penalty collected pursuant to this paragraph must be deposited in the State General Fund.

(b) Issue and serve on the person an order to cease and desist until the person obtains from the Board the proper license *or authorization* or otherwise demonstrates that he or she is no longer in violation of subsection 1. An order to

1 cease and desist must include a telephone number with which the person may
2 contact the Board.

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

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

11 **Sec. 15.** NRS 640.1695 is hereby amended to read as follows:

12 640.1695 Unless the Board determines that extenuating circumstances exist,
13 the Board shall forward to the appropriate law enforcement agency any
14 substantiated information submitted to the Board concerning a person who practices
15 or offers to practice physical therapy or as a physical therapist assistant without the
16 appropriate license issued pursuant to the provisions of this chapter ~~or~~ *or without*
17 *an authorization to practice or assist in the practice of physical therapy in this*
18 *State pursuant to the Physical Therapy Licensure Compact enacted in section 2*
19 *of this act.*

20 **Sec. 16.** NRS 640.170 is hereby amended to read as follows:

21 640.170 1. A person who is licensed under this chapter as a physical
22 therapist *or authorized to practice physical therapy in this State pursuant to the*
23 *Physical Therapy Licensure Compact enacted in section 2 of this act* shall use the
24 words or letters "P.T." or "Physical Therapist" immediately following his or her
25 name when representing himself or herself as a licensed physical therapist.

26 2. A person who is not licensed under this chapter as a physical therapist ~~or~~
27 *or not authorized to practice physical therapy in this State pursuant to the*
28 *Physical Therapy Licensure Compact enacted in section 2 of this act*, or whose
29 license *or authorization* has been suspended, revoked or has expired and who uses
30 in connection with his or her name the words or letters "L.P.T.," "Licensed
31 Physical Therapist," "R.P.T.," "Registered Physical Therapist," "P.T.," "Physical
32 Therapist," or any other letters, words or insignia indicating or implying that the
33 person is a licensed physical therapist, or who in any other way, orally, or in
34 writing, or in print, by sign, directly or by implication, represents himself or herself
35 as a licensed physical therapist, is guilty of a misdemeanor.

36 3. A sole proprietorship, corporation, limited-liability company, association,
37 partnership or other form of business organization shall not:

38 (a) Use in connection with its name or business activities the words or letters
39 "L.P.T.," "Licensed Physical Therapist," "R.P.T.," "Registered Physical Therapist,"
40 "P.T.," "Physical Therapist," "physical therapy," or any other letters, words or
41 insignia indicating or implying that the sole proprietorship, corporation, limited-
42 liability company, association, partnership or other form of business organization
43 provides, through employees, agents, independent contractors or representatives,
44 services constituting the practice of physical therapy; or

45 (b) Represent in any other way, orally, or in writing, or in print, by sign,
46 directly or by implication, that the sole proprietorship, corporation, limited-liability
47 company, association or partnership provides services constituting the practice of
48 physical therapy,

49 ~~unless~~ the services constituting the practice of physical therapy are provided by
50 or under the supervision of a licensed *or authorized* physical therapist. A sole
51 proprietorship, corporation, limited-liability company, association, partnership or
52 other form of business organization that violates this subsection is guilty of a
53 misdemeanor.

4. In addition to any criminal penalty that may be imposed for a violation of subsection 2 or 3, the Board, after notice and hearing, may:

(a) Issue an order against any person who has violated subsection 2 or 3 imposing an administrative penalty of not more than \$5,000 for each violation. Any administrative penalty collected pursuant to this paragraph must be deposited in the State General Fund.

(b) Issue and serve on the person an order to cease and desist until the person obtains from the Board the proper license *or authorization* or otherwise demonstrates that he or she is no longer in violation of subsection 2 or 3. An order to cease and desist must include a telephone number with which the person may contact the Board.

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

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

Sec. 17. NRS 640.175 is hereby amended to read as follows:

640.175 1. A person who is licensed under NRS 640.092, 640.093 and 640.094 as a physical therapist assistant *or authorized to assist in the practice of physical therapy in this State pursuant to the Physical Therapy Licensure Compact enacted in section 2 of this act* shall use the words or letters "P.T.A." or "Physical Therapist Assistant" immediately following his or her name when representing himself or herself as a ~~licensed~~ physical therapist assistant.

2. Any person:

(a) Who is not licensed as a physical therapist assistant ~~or~~ *or authorized to assist in the practice of physical therapy in this State pursuant to the Physical Therapy Licensure Compact enacted in section 2 of this act;*

(b) Whose license *or authorization* has been suspended or revoked; or

(c) Whose license *or authorization* has expired and has not been reinstated, and who uses in connection with his or her name the words or letters "P.T.A." or "Physical Therapist Assistant," or any other letters, words or insignia indicating or implying that he or she is a ~~licensed~~ physical therapist assistant, or who in any other way, orally, or in writing, or in print, by sign, directly, or by implication, represents himself or herself as a ~~licensed~~ physical therapist assistant, is guilty of a misdemeanor.

3. In addition to any criminal penalty that may be imposed for a violation of subsection 2, the Board, after notice and hearing, may:

(a) Issue an order against any person who has violated subsection 2 imposing an administrative penalty of not more than \$5,000 for each violation. Any administrative penalty collected pursuant to this paragraph must be deposited in the State General Fund.

(b) Issue and serve on the person an order to cease and desist until the person obtains from the Board the proper license *or authorization* or otherwise demonstrates that he or she is no longer in violation of subsection 2. An order to cease and desist must include a telephone number with which the person may contact the Board.

(c) Issue a citation to the person. A citation issued pursuant to this paragraph must be in writing, describe with particularity the nature of the violation and inform the person of the provisions of this paragraph. Each activity in which the person is engaged constitutes a separate offense for which a separate citation may be issued.

To appeal a citation, the person must submit a written request for a hearing to the Board not later than 30 days after the date of issuance of the citation.

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

Sec. 18. NRS 640.180 is hereby amended to read as follows:

640.180 A person who makes a willfully false oath or affirmation in any case in which an oath or affirmation is required by this chapter, or who obtains or attempts to obtain a license *or authorization to practice or assist in the practice of physical therapy in this State pursuant to the Physical Therapy Licensure Compact enacted in section 2 of this act* by any fraudulent representation, is guilty of a misdemeanor.

Sec. 19. NRS 640.190 is hereby amended to read as follows:

640.190 This chapter does not authorize a physical therapist ~~[whether licensed or not]~~ to practice medicine, osteopathic medicine, homeopathic medicine, chiropractic or any other form or method of healing.

Sec. 20. NRS 640A.070 is hereby amended to read as follows:

640A.070 This chapter does not apply to a person:

1. Holding a current license *, authorization* or certificate issued pursuant to chapter 391, 630 to 637B, inclusive, 640 or 640B to 641B, inclusive, of NRS, who practices within the scope of that license *, authorization* or certificate.

2. Employed by the Federal Government who practices occupational therapy within the scope of that employment.

3. Enrolled in an educational program approved by the Board which is designed to lead to a certificate or degree in occupational therapy, if the person is designated by a title which clearly indicates that he or she is a student.

4. Obtaining the supervised fieldwork experience necessary to satisfy the requirements of subsection 3 of NRS 640A.120.

Sec. 21. NRS 640B.145 is hereby amended to read as follows:

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

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

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

3. A person who is temporarily exempt from licensure pursuant to NRS 640B.335 and is practicing athletic training within the scope of the exemption.

Sec. 22. ~~[NRS 640B.170 is hereby amended to read as follows:~~

~~640B.170 1. The Board of Athletic Trainers is hereby created.~~

~~2. The Governor shall appoint to the Board:~~

~~(a) Three members who:~~

~~(1) Are licensed as athletic trainers pursuant to the provisions of this chapter; and~~

~~(2) Have engaged in the practice of athletic training or taught or conducted research concerning the practice of athletic training for the 5 years immediately preceding their appointment;~~

~~(b) One member who is [licensed as] a licensed physical therapist [pursuant to chapter 640 of NRS] and who is also licensed as an athletic trainer pursuant to this chapter; and~~

~~(c) One member who is a representative of the public.~~

~~3. Each member of the Board:~~

~~(a) Must be a resident of this State; and~~

~~(b) May not serve more than two consecutive terms.~~

~~4. After the initial terms, the members of the Board must be appointed to terms of 3 years.~~

~~5. A vacancy on the Board must be filled in the same manner as the original appointment.~~

~~6. The Governor may remove a member of the Board for incompetence, neglect of duty, moral turpitude or malfeasance in office.~~

~~7. No member of the Board may be held liable in a civil action for any act he or she performs in good faith in the execution of his or her duties pursuant to the provisions of this chapter.] (Deleted by amendment.)~~

Sec. 23. NRS 640C.100 is hereby amended to read as follows:

640C.100 1. The provisions of this chapter do not apply to:

(a) A person licensed ~~or authorized~~ pursuant to chapter 630, 630A, 631, 632, 633, 634, 634A, 635, 640, 640A or 640B of NRS if the massage therapy, reflexology or structural integration is performed in the course of the practice for which the person is licensed ~~or authorized~~.

(b) A person licensed as a barber or apprentice pursuant to chapter 643 of NRS if the person is massaging, cleansing or stimulating the scalp, face, neck or skin within the permissible scope of practice for a barber or apprentice pursuant to that chapter.

(c) A person licensed or registered as an esthetician, esthetician's apprentice, hair designer, hair designer's apprentice, hair braider, shampoo technologist, cosmetologist or cosmetologist's apprentice pursuant to chapter 644A of NRS if the person is massaging, cleansing or stimulating the scalp, face, neck or skin within the permissible scope of practice for an esthetician, esthetician's apprentice, hair designer, hair designer's apprentice, hair braider, shampoo technologist, cosmetologist or cosmetologist's apprentice pursuant to that chapter.

(d) A person licensed or registered as a nail technologist or nail technologist's apprentice pursuant to chapter 644A of NRS if the person is massaging, cleansing or stimulating the hands, forearms, feet or lower legs within the permissible scope of practice for a nail technologist or nail technologist's apprentice.

(e) A person who is an employee of an athletic department of any high school, college or university in this State and who, within the scope of that employment, practices massage therapy, reflexology or structural integration on athletes.

(f) Students enrolled in a school of massage therapy, reflexology or structural integration recognized by the Board.

(g) A person who practices massage therapy, reflexology or structural integration solely on members of his or her immediate family.

(h) A person who performs any activity in a licensed brothel.

2. Except as otherwise provided in subsection 3 and NRS 640C.330, the provisions of this chapter preempt the licensure and regulation of a massage therapist, reflexologist or structural integration practitioner by a county, city or town, including, without limitation, conducting a criminal background investigation and examination of a massage therapist, reflexologist or structural integration practitioner or applicant for a license to practice massage therapy, reflexology or structural integration.

3. The provisions of this chapter do not prohibit a county, city or town from requiring a massage therapist, reflexologist or structural integration practitioner to obtain a license or permit to transact business within the jurisdiction of the county, city or town, if the license or permit is required of other persons, regardless of occupation or profession, who transact business within the jurisdiction of the county, city or town.

4. As used in this section, “immediate family” means persons who are related by blood, adoption or marriage, within the second degree of consanguinity or affinity.

Sec. 24. NRS 640E.090 is hereby amended to read as follows:

640E.090 1. The provisions of this chapter do not apply to:

(a) Any person who is licensed, *authorized* or registered in this State as a physician pursuant to chapter 630, 630A or 633 of NRS, dentist, nurse, dispensing optician, optometrist, occupational therapist, practitioner of respiratory care, *licensed* physical therapist, podiatric physician, psychologist, marriage and family therapist, chiropractor, athletic trainer, massage therapist, reflexologist, structural integration practitioner, perfusionist, doctor of Oriental medicine in any form, medical laboratory director or technician or pharmacist who:

(1) Practices within the scope of that license, *authorization* or registration;

(2) Does not represent that he or she is a licensed dietitian or registered dietitian; and

(3) Provides nutrition information incidental to the practice for which he or she is licensed, *authorized* or registered.

(b) A student enrolled in an educational program accredited by the ~~{Commission on}~~ Accreditation ~~{for Dietetics}~~ *Council for Education in Nutrition and Dietetics* of the Academy of Nutrition and Dietetics, if the student engages in the practice of dietetics under the supervision of a licensed dietitian or registered dietitian as part of that educational program.

(c) A registered dietitian employed by the Armed Forces of the United States, the United States Department of Veterans Affairs or any division or department of the Federal Government in the discharge of his or her official duties, including, without limitation, the practice of dietetics or providing nutrition services.

(d) A person who furnishes nutrition information, provides recommendations or advice concerning nutrition, or markets food, food materials or dietary supplements and provides nutrition information, recommendations or advice related to that marketing, if the person does not represent that he or she is a licensed dietitian or registered dietitian. While performing acts described in this paragraph, a person shall be deemed not to be engaged in the practice of dietetics or the providing of nutrition services.

(e) A person who provides services relating to weight loss or weight control through a program reviewed by and in consultation with a licensed dietitian or physician or a dietitian licensed or registered in another state which has equivalent licensure requirements as this State, as long as the person does not change the services or program without the approval of the person with whom he or she is consulting.

2. As used in this section, “nutrition information” means information relating to the principles of nutrition and the effect of nutrition on the human body, including, without limitation:

(a) Food preparation;

(b) Food included in a normal daily diet;

(c) Essential nutrients required by the human body and recommended amounts of essential nutrients, based on nationally established standards;

(d) The effect of nutrients on the human body and the effect of deficiencies in or excess amounts of nutrients in the human body; and

(e) Specific foods or supplements that are sources of essential nutrients.

Sec. 25. The Preliminary Chapter of NRS is hereby amended by adding thereto a new section to read as follows:

Except as otherwise expressly provided in a particular statute or required by the context, “licensed physical therapist” means a physical therapist who is:

1 *1. Licensed pursuant to chapter 640 of NRS; or*
2 *2. Authorized to practice physical therapy in this State pursuant to the*
3 *Physical Therapy Licensure Compact enacted in section 2 of this act.*

4 **Sec. 26.** NRS 7.095 is hereby amended to read as follows:

5 7.095 1. An attorney shall not contract for or collect a fee contingent on the
6 amount of recovery for representing a person seeking damages in connection with
7 an action for injury or death against a provider of health care based upon
8 professional negligence in excess of:

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

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

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

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

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

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

20 4. As used in this section:

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

27 (b) "Provider of health care" means a physician licensed under chapter 630 or
28 633 of NRS, dentist, registered nurse, dispensing optician, optometrist, ~~registered~~
29 *licensed* physical therapist, podiatric physician, licensed psychologist, chiropractor,
30 doctor of Oriental medicine, medical laboratory director or technician, licensed
31 dietitian or a licensed hospital and its employees.

32 **Sec. 27.** NRS 41A.017 is hereby amended to read as follows:

33 41A.017 "Provider of health care" means a physician licensed pursuant to
34 chapter 630 or 633 of NRS, physician assistant, dentist, licensed nurse, dispensing
35 optician, optometrist, ~~registered~~ *licensed* physical therapist, podiatric physician,
36 licensed psychologist, chiropractor, doctor of Oriental medicine, medical laboratory
37 director or technician, licensed dietitian or a licensed hospital, clinic, surgery
38 center, physicians' professional corporation or group practice that employs any
39 such person and its employees.

40 **Sec. 28.** NRS 42.021 is hereby amended to read as follows:

41 42.021 1. In an action for injury or death against a provider of health care
42 based upon professional negligence, if the defendant so elects, the defendant may
43 introduce evidence of any amount payable as a benefit to the plaintiff as a result of
44 the injury or death pursuant to the United States Social Security Act, any state or
45 federal income disability or worker's compensation act, any health, sickness or
46 income-disability insurance, accident insurance that provides health benefits or
47 income-disability coverage, and any contract or agreement of any group,
48 organization, partnership or corporation to provide, pay for or reimburse the cost of
49 medical, hospital, dental or other health care services. If the defendant elects to
50 introduce such evidence, the plaintiff may introduce evidence of any amount that
51 the plaintiff has paid or contributed to secure the plaintiff's right to any insurance
52 benefits concerning which the defendant has introduced evidence.

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

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

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

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

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

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

29 6. If the court finds that the judgment debtor has exhibited a continuing
30 pattern of failing to make the periodic payments as specified pursuant to subsection
31 5, the court shall find the judgment debtor in contempt of court and, in addition to
32 the required periodic payments, shall order the judgment debtor to pay the
33 judgment creditor all damages caused by the failure to make such periodic
34 payments, including, but not limited to, court costs and attorney's fees.

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

39 8. As used in this section:

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

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

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

51 (d) "Provider of health care" means a physician licensed under chapter 630 or
52 633 of NRS, dentist, licensed nurse, dispensing optician, optometrist, ~~registered~~
53 **licensed** physical therapist, podiatric physician, licensed psychologist, chiropractor,

1 doctor of Oriental medicine, medical laboratory director or technician, licensed
2 dietitian or a licensed hospital and its employees.

3 **Sec. 29.** NRS 52.320 is hereby amended to read as follows:

4 52.320 As used in NRS 52.320 to 52.375, inclusive, unless the context
5 otherwise requires:

6 1. "Custodian of medical records" means a chiropractor, physician,
7 ~~registered~~ **licensed** physical therapist or licensed nurse who prepares and
8 maintains medical records, or any employee or agent of such a person or a facility
9 for convalescent care, medical laboratory or hospital who has care, custody and
10 control of medical records for such a person or institution.

11 2. "Medical records" includes bills, ledgers, statements and other accounts
12 which show the cost of medical services or care provided to a patient.

13 **Sec. 30.** NRS 239.010 is hereby amended to read as follows:

14 239.010 1. Except as otherwise provided in this section and NRS 1.4683,
15 1.4687, 1A.110, 3.2203, 41.071, 49.095, 49.293, 62D.420, 62D.440, 62E.516,
16 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, 75A.100, 75A.150,
17 76.160, 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413,
18 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345,
19 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260,
20 119.265, 119.267, 119.280, 119A.280, 119A.653, 119B.370, 119B.382, 120A.690,
21 125.130, 125B.140, 126.141, 126.161, 126.163, 126.730, 127.007, 127.057,
22 127.130, 127.140, 127.2817, 128.090, 130.312, 130.712, 136.050, 159.044,
23 159A.044, 172.075, 172.245, 176.01249, 176.015, 176.0625, 176.09129, 176.156,
24 176A.630, 178.39801, 178.4715, 178.5691, 179.495, 179A.070, 179A.165,
25 179D.160, 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392,
26 209.3925, 209.419, 209.521, 211A.140, 213.010, 213.040, 213.095, 213.131,
27 217.105, 217.110, 217.464, 217.475, 218A.350, 218E.625, 218F.150, 218G.130,
28 218G.240, 218G.350, 228.270, 228.450, 228.495, 228.570, 231.069, 231.1473,
29 233.190, 237.300, 239.0105, 239.0113, 239B.030, 239B.040, 239B.050, 239C.140,
30 239C.210, 239C.230, 239C.250, 239C.270, 240.007, 241.020, 241.030, 241.039,
31 242.105, 244.264, 244.335, 247.540, 247.550, 247.560, 250.087, 250.130, 250.140,
32 250.150, 268.095, 268.490, 268.910, 271A.105, 281.195, 281.805, 281A.350,
33 281A.680, 281A.685, 281A.750, 281A.755, 281A.780, 284.4068, 286.110,
34 287.0438, 289.025, 289.080, 289.387, 289.830, 293.4855, 293.5002, 293.503,
35 293.504, 293.558, 293.906, 293.908, 293.910, 293B.135, 293D.510, 331.110,
36 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379, 338.1593, 338.1725,
37 338.1727, 348.420, 349.597, 349.775, 353.205, 353A.049, 353A.085, 353A.100,
38 353C.240, 360.240, 360.247, 360.255, 360.755, 361.044, 361.610, 365.138,
39 366.160, 368A.180, 370.257, 370.327, 372A.080, 378.290, 378.300, 379.008,
40 379.1495, 385A.830, 385B.100, 387.626, 387.631, 388.1455, 388.259, 388.501,
41 388.503, 388.513, 388.750, 388A.247, 388A.249, 391.035, 391.120, 391.925,
42 392.029, 392.147, 392.264, 392.271, 392.315, 392.317, 392.325, 392.327, 392.335,
43 392.850, 394.167, 394.1698, 394.447, 394.460, 394.465, 396.3295, 396.405,
44 396.525, 396.535, 396.9685, 398A.115, 408.3885, 408.3886, 408.3888, 408.5484,
45 412.153, 416.070, 422.2749, 422.305, 422A.342, 422A.350, 425.400, 427A.1236,
46 427A.872, 432.028, 432.205, 432B.175, 432B.280, 432B.290, 432B.407,
47 432B.430, 432B.560, 432B.5902, 433.534, 433A.360, 437.145, 439.840, 439B.420,
48 440.170, 441A.195, 441A.220, 441A.230, 442.330, 442.395, 442.735, 445A.665,
49 445B.570, 449.209, 449.245, 449A.112, 450.140, 453.164, 453.720, 453A.610,
50 453A.700, 458.055, 458.280, 459.050, 459.3866, 459.555, 459.7056, 459.846,
51 463.120, 463.15993, 463.240, 463.3403, 463.3407, 463.790, 467.1005, 480.365,
52 480.940, 481.063, 481.091, 481.093, 482.170, 482.5536, 483.340, 483.363,
53 483.575, 483.659, 483.800, 484E.070, 485.316, 501.344, 503.452, 522.040,

534A.031, 561.285, 571.160, 584.655, 587.877, 598.0964, 598.098, 598A.110, 599B.090, 603.070, 603A.210, 604A.710, 612.265, 616B.012, 616B.015, 616B.315, 616B.350, 618.341, 618.425, 622.310, 623.131, 623A.137, 624.110, 624.265, 624.327, 625.425, 625A.185, 628.418, 628B.230, 628B.760, 629.047, 629.069, 630.133, 630.30665, 630.336, 630A.555, 631.368, 632.121, 632.125, 632.405, 633.283, 633.301, 633.524, 634.055, 634.214, 634A.185, 635.158, 636.107, 637.085, 637B.288, 638.087, 638.089, 639.2485, 639.570, 640.075, 640A.220, 640B.730, 640C.400, 640C.600, 640C.620, 640C.745, 640C.760, 640D.190, 640E.340, 641.090, 641.325, 641A.191, 641A.289, 641B.170, 641B.460, 641C.760, 641C.800, 642.524, 643.189, 644A.870, 645.180, 645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135, 645E.300, 645E.375, 645G.510, 645H.320, 645H.330, 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.228, 654.110, 656.105, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310, 671.170, 673.450, 673.480, 675.380, 676A.340, 676A.370, 677.243, 679B.122, 679B.152, 679B.159, 679B.190, 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.410, 681B.540, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.110, 687A.115, 687C.010, 688C.230, 688C.480, 688C.490, 689A.696, 692A.117, 692C.190, 692C.3507, 692C.3536, 692C.3538, 692C.354, 692C.420, 693A.480, 693A.615, 696B.550, 696C.120, 703.196, 704B.320, 704B.325, 706.1725, 706A.230, 710.159, 711.600, *and section 6 of this act*, sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes of Nevada 2013 and unless otherwise declared by law to be confidential, all public books and public records of a governmental entity must be open at all times during office hours to inspection by any person, and may be fully copied or an abstract or memorandum may be prepared from those public books and public records. Any such copies, abstracts or memoranda may be used to supply the general public with copies, abstracts or memoranda of the records or may be used in any other way to the advantage of the governmental entity or of the general public. This section does not supersede or in any manner affect the federal laws governing copyrights or enlarge, diminish or affect in any other manner the rights of a person in any written book or record which is copyrighted pursuant to federal law.

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

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

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

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

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

Sec. 31. NRS 372.7285 is hereby amended to read as follows:

372.7285 1. In administering the provisions of NRS 372.325, the Department shall apply the exemption to the sale of a medical device to a governmental entity that is exempt pursuant to that section without regard to

whether the person using the medical device or the governmental entity that purchased the device is deemed to be the holder of title to the device if:

(a) The medical device was ordered or prescribed by a provider of health care, within his or her scope of practice, for use by the person to whom it is provided;

(b) The medical device is covered by Medicaid or Medicare; and

(c) The purchase of the medical device is made pursuant to a contract between the governmental entity that purchases the medical device and the person who sells the medical device to the governmental entity.

2. As used in this section:

(a) "Medicaid" means the program established pursuant to Title XIX of the Social Security Act, 42 U.S.C. §§ 1396 et seq., to provide assistance for part or all of the cost of medical care rendered on behalf of indigent persons.

(b) "Medicare" means the program of health insurance for aged persons and persons with disabilities established pursuant to Title XVIII of the Social Security Act, 42 U.S.C. §§ 1395 et seq.

(c) "Provider of health care" means a physician licensed pursuant to chapter 630, 630A or 633 of NRS, perfusionist, dentist, licensed nurse, dispensing optician, optometrist, practitioner of respiratory care, ~~registered~~ *licensed* physical therapist, podiatric physician, licensed psychologist, licensed audiologist, licensed speech-language pathologist, licensed hearing aid specialist, licensed marriage and family therapist, licensed clinical professional counselor, chiropractor, licensed dietitian or doctor of Oriental medicine in any form.

Sec. 32. NRS 374.731 is hereby amended to read as follows:

374.731 1. In administering the provisions of NRS 374.330, the Department shall apply the exemption to the sale of a medical device to a governmental entity that is exempt pursuant to that section without regard to whether the person using the medical device or the governmental entity that purchased the device is deemed to be the holder of title to the device if:

(a) The medical device was ordered or prescribed by a provider of health care, within his or her scope of practice, for use by the person to whom it is provided;

(b) The medical device is covered by Medicaid or Medicare; and

(c) The purchase of the medical device is made pursuant to a contract between the governmental entity that purchases the medical device and the person who sells the medical device to the governmental entity.

2. As used in this section:

(a) "Medicaid" means the program established pursuant to Title XIX of the Social Security Act, 42 U.S.C. §§ 1396 et seq., to provide assistance for part or all of the cost of medical care rendered on behalf of indigent persons.

(b) "Medicare" means the program of health insurance for aged persons and persons with disabilities established pursuant to Title XVIII of the Social Security Act, 42 U.S.C. §§ 1395 et seq.

(c) "Provider of health care" means a physician licensed pursuant to chapter 630, 630A or 633 of NRS, perfusionist, dentist, licensed nurse, dispensing optician, optometrist, practitioner of respiratory care, ~~registered~~ *licensed* physical therapist, podiatric physician, licensed psychologist, licensed audiologist, licensed speech-language pathologist, licensed hearing aid specialist, licensed marriage and family therapist, licensed clinical professional counselor, chiropractor, licensed dietitian or doctor of Oriental medicine in any form.

Sec. 33. NRS 385B.080 is hereby amended to read as follows:

385B.080 1. The Nevada Interscholastic Activities Association shall adopt a policy concerning the prevention and treatment of injuries to the head which may occur during a pupil's participation in interscholastic activities and events, including, without limitation, a concussion of the brain. The policy must provide

1 information concerning the nature and risk of injuries to the head which may occur
2 during a pupil's participation in interscholastic activities and events, including,
3 without limitation, the risks associated with continuing to participate in the activity
4 or event after sustaining such an injury.

5 2. The policy adopted pursuant to subsection 1 must require that if a pupil
6 sustains or is suspected of sustaining an injury to the head while participating in an
7 interscholastic activity or event, the pupil:

8 (a) Must be immediately removed from the activity or event; and

9 (b) May return to the activity or event if the parent or legal guardian of the
10 pupil provides a signed statement of a provider of health care indicating that the
11 pupil is medically cleared for participation in the activity or event and the date on
12 which the pupil may return to the activity or event.

13 3. Before a pupil participates in an interscholastic activity or event, and on an
14 annual basis thereafter, the pupil and his or her parent or legal guardian:

15 (a) Must be provided with a copy of the policy adopted pursuant to subsection
16 1; and

17 (b) Must sign a statement on a form prescribed by the Nevada Interscholastic
18 Activities Association acknowledging that the pupil and his or her parent or
19 guardian have read and understand the terms and conditions of the policy.

20 4. As used in this section, "provider of health care" means ~~the~~:

21 (a) A physician licensed under chapter 630 or 633 of NRS ~~the~~;

22 (b) A licensed physical therapist; ~~licensed under chapter 640 of NRS~~ or ~~an~~

23 (c) An athletic trainer licensed under chapter 640B of NRS.

24 **Sec. 34.** NRS 392.452 is hereby amended to read as follows:

25 392.452 1. For those competitive sports not governed by the Nevada
26 Interscholastic Activities Association pursuant to chapter 385B of NRS, the board
27 of trustees of each school district shall adopt a policy concerning the prevention and
28 treatment of injuries to the head which may occur during a pupil's participation in
29 competitive sports within the school district, including, without limitation, a
30 concussion of the brain. To the extent practicable, the policy must be consistent
31 with the policy adopted by the Nevada Interscholastic Activities Association
32 pursuant to NRS 385B.080. The policy must provide information concerning the
33 nature and risk of injuries to the head which may occur during a pupil's
34 participation in competitive sports, including, without limitation, the risks
35 associated with continuing to participate in competitive sports after sustaining such
36 an injury.

37 2. The policy adopted pursuant to subsection 1 must require that if a pupil
38 sustains or is suspected of sustaining an injury to the head while participating in
39 competitive sports, the pupil:

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

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

45 3. Before a pupil participates in competitive sports within a school district,
46 and on an annual basis thereafter, the pupil and his or her parent or legal guardian:

47 (a) Must be provided with a copy of the policy adopted pursuant to subsection
48 1; and

49 (b) Must sign a statement on a form prescribed by the board of trustees
50 acknowledging that the pupil and his or her parent or guardian have read and
51 understand the terms and conditions of the policy.

52 4. As used in this section, "provider of health care" means ~~the~~:

53 (a) A physician licensed under chapter 630 or 633 of NRS ~~the~~;

(b) A licensed physical therapist ; ~~licensed under chapter 640 of NRS~~ or ~~an~~
(c) An athletic trainer licensed under chapter 640B of NRS.

Sec. 35. NRS 432B.220 is hereby amended to read as follows:

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

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

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

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

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

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

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

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

(a) A person providing services *authorized pursuant to section 2 of this act or services* licensed or certified in this State pursuant to, without limitation, chapter 450B, 630, 630A, 631, 632, 633, 634, 634A, 635, 636, 637, 637B, 639, 640, 640A, 640B, 640C, 640D, 640E, 641, 641A, 641B or 641C of NRS.

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

(c) A coroner.

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

(e) A person employed by a public school or private school and any person who serves as a volunteer at such a school.

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

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

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

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

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

12 (k) Any person who is employed by or serves as a volunteer for a youth shelter.
13 As used in this paragraph, "youth shelter" has the meaning ascribed to it in NRS
14 244.427.

15 (l) Any adult person who is employed by an entity that provides organized
16 activities for children, including, without limitation, a person who is employed by a
17 school district or public school.

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

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

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

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

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

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

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

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

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

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

9. Before a person may serve as a volunteer at a public school or private school, the school must:

(a) Inform the person, in writing or by electronic communication, of his or her duty as a mandatory reporter pursuant to this section and NRS 392.303;

(b) Obtain a written acknowledgment or electronic record from the person that he or she has been informed of his or her duty pursuant to this section and NRS 392.303; and

(c) Maintain a copy of the written acknowledgment or electronic record for as long as the person serves as a volunteer at the school.

10. As used in this section:

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

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

Sec. 36. NRS 439A.0195 is hereby amended to read as follows:

439A.0195 "Practitioner" means a physician licensed under chapter 630, 630A or 633 of NRS, dentist, licensed nurse, dispensing optician, optometrist, ~~registered~~ *licensed* physical therapist, podiatric physician, licensed psychologist, chiropractor, doctor of Oriental medicine in any form, medical laboratory director or technician, pharmacist or other person whose principal occupation is the provision of services for health.

Sec. 37. NRS 455A.200 is hereby amended to read as follows:

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

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

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

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

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

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

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

4. As used in this section:

(a) "Provider of health care" means ~~an~~ :

(1) A physician licensed under chapter 630 or 633 of NRS ~~an~~ ;

(2) An advanced practice registered nurse who holds a valid license as an advanced practice registered nurse issued by the State Board of Nursing pursuant to NRS 632.237 ~~an~~ ;

1 (3) *A licensed* physical therapist ; ~~[licensed under chapter 640 of NRS]~~ or
2 ~~[an]~~

3 (4) *An* athletic trainer licensed under chapter 640B of NRS.

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

5 **Sec. 38.** NRS 679B.440 is hereby amended to read as follows:

6 679B.440 1. The Commissioner may require that reports submitted pursuant
7 to NRS 679B.430 include, without limitation, information regarding:

8 (a) Liability insurance provided to:

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

11 (I) Cities and towns;

12 (II) School districts; and

13 (III) Other political subdivisions;

14 (2) Public officers;

15 (3) Establishments where alcoholic beverages are sold;

16 (4) Facilities for the care of children;

17 (5) Labor, fraternal or religious organizations; and

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

20 (b) Liability insurance for:

21 (1) Defective products;

22 (2) Medical or dental malpractice of:

23 (I) A practitioner licensed pursuant to chapter 630, 630A, 631, 632,
24 633, 634, 634A, 635, 636, 637, 637B, 639 or 640 of NRS ~~H~~ *or authorized to*
25 *practice physical therapy pursuant to section 2 of this act;*

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

27 (III) Any related corporate entity.

28 (3) Malpractice of attorneys;

29 (4) Malpractice of architects and engineers; and

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

31 (c) Vehicle insurance, reported separately for:

32 (1) Private vehicles;

33 (2) Commercial vehicles;

34 (3) Liability insurance; and

35 (4) Insurance for property damage;

36 (d) Workers’ compensation insurance; and

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

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

44 (a) Premiums directly written;

45 (b) Premiums directly earned;

46 (c) Number of policies issued;

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

48 (e) Losses paid;

49 (f) Losses incurred;

50 (g) Loss reserves, including:

51 (1) Losses unpaid on reported claims; and

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

53 (h) Number of claims, including:

-
- 1 (1) Claims paid; and
2 (2) Claims that have arisen but are unpaid;
3 (i) Expenses for adjustment of losses, including allocated and unallocated
4 losses;
5 (j) Net underwriting gain or loss;
6 (k) Net operation gain or loss, including net investment income; and
7 (l) Any other information requested by the Commissioner.
8 3. The Commissioner may also obtain, based upon an insurer in its entirety,
9 information regarding:
10 (a) Recoverable federal income tax;
11 (b) Net unrealized capital gain or loss; and
12 (c) All other expenses not included in subsection 2.
13 **Sec. 39.** This act becomes effective on July 1, 2019.