

Amendment No. 206

Senate Amendment to Senate Bill No. 470	(BDR 54-785)
Proposed by: Senate Committee on Commerce and Labor	
Amends: Summary: Yes Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes	

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

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



SENATE BILL NO. 470—COMMITTEE ON COMMERCE AND LABOR

MARCH 25, 2019

Referred to Committee on Commerce and Labor

SUMMARY—Revises provisions relating to ~~{certain professions,}~~ health care.
(BDR ~~{54-785,}~~ 40-785)

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 ~~{professions,}~~ health care; requiring the State Board of Health to require a ~~{physician and an osteopathic physician, respectively,}~~ medical facility to ~~{complete at least 1 hour of,}~~ conduct training relating specifically to cultural competency ~~{, providing that failure to obtain such cultural competency training constitutes grounds for initiating disciplinary action or denying licensure,}~~ for certain agents and employees of the medical facility; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~{Existing law requires the Board of Medical Examiners and the State Board of Osteopathic Medicine to require each holder of a license issued by the respective Boards to submit evidence of compliance with continuing education requirements established by the respective Boards. (NRS 630.253, 633.471) Existing law further requires the respective Boards to, by regulation, require each physician and osteopathic physician, respectively, who are registered to dispense controlled substances to complete at least 2 hours of training relating specifically to the misuse and abuse of controlled substances, the prescribing of opioids or addiction during each period of licensure. (NRS 630.2535, 633.473) Sections 1 and 3}~~ Section 4.5 of this bill ~~{require}~~ requires the ~~{respective Boards}~~ State Board of Health to, by regulation, require a ~~{physician and an osteopathic physician, respectively,}~~ medical facility to ~~{complete at least 1 hour of,}~~ conduct training relating specifically to cultural competency ~~{during each period of licensure. Sections 1 and 3 provide}~~ for any agent or employee of the medical facility who provides care to a patient of the medical facility. Section 4.5 provides that such cultural competency training is required so that ~~{a physician and an osteopathic physician, respectively,}~~ such an agent or employee may better understand patients who are from different cultures, ~~{,}~~ and backgrounds, including patients who are: (1) from various gender, racial and ethnic backgrounds; (2) from various religious backgrounds; (3) lesbian, gay, bisexual, transgender and questioning persons; (4) children and senior citizens; (5) persons with a mental or physical disability; and (6) part of any other population, as determined by the ~~{respective Boards. Sections 1 and 3 authorize a licensee to use such cultural competency training to satisfy 1 hour of any continuing education requirement established by the respective Boards. Sections 1 and 3 require}~~ Board. Section 4.5 requires such training to be provided through a course or program that is approved by the ~~{respective Boards.}~~

~~Existing law provides that the failure to comply with certain continuing education requirements constitutes grounds for initiating disciplinary action or denying of licensure. (NRS 630.306, 633.511) Sections 2 and 4 of this bill provide that the failure to comply with sections 1 and 3, respectively, constitutes grounds for initiating disciplinary action or denying of licensure.~~ Department of Health and Human Services.

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

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

~~1. To enable a physician to more effectively treat patients, the Board shall, by regulation, require a physician to complete at least 1 hour of training relating specifically to cultural competency during each period of licensure so that a physician may better understand patients who are from different cultures, including, without limitation, patients who are:~~

- ~~(a) From various gender, racial and ethnic backgrounds;~~
- ~~(b) From various religious backgrounds;~~
- ~~(c) Lesbian, gay, bisexual, transgender and questioning persons;~~
- ~~(d) Children and senior citizens;~~
- ~~(e) Persons with a mental or physical disability; and~~
- ~~(f) Part of any other population that a physician may need to better understand, as determined by the Board.~~

~~2. A licensee may use training relating specifically to cultural competency required pursuant to subsection 1 to satisfy 1 hour of any continuing education requirement established by the Board.~~

~~3. The training relating specifically to cultural competency required pursuant to subsection 1 must be provided through a course or program that is approved by the Board.] (Deleted by amendment.)~~

Sec. 2. ~~[NRS 630.306 is hereby amended to read as follows:~~

~~630.306 1. The following acts, among others, constitute grounds for initiating disciplinary action or denying licensure:~~

~~(a) Inability to practice medicine with reasonable skill and safety because of illness, a mental or physical condition or the use of alcohol, drugs, narcotics or any other substance.~~

~~(b) Engaging in any conduct:~~

- ~~(1) Which is intended to deceive;~~
- ~~(2) Which the Board has determined is a violation of the standards of practice established by regulation of the Board; or~~
- ~~(3) Which is in violation of a regulation adopted by the State Board of Pharmacy.~~

~~(c) Administering, dispensing or prescribing any controlled substance, or any dangerous drug as defined in chapter 454 of NRS, to or for himself or herself or to others except as authorized by law.~~

~~(d) Performing, assisting or advising the injection of any substance containing liquid silicone into the human body, except for the use of silicone oil to repair a retinal detachment.~~

~~(e) Practicing or offering to practice beyond the scope permitted by law or performing services which the licensee knows or has reason to know that he or she is not competent to perform or which are beyond the scope of his or her training.~~

~~—(f) Performing, without first obtaining the informed consent of the patient or the patient's family, any procedure or prescribing any therapy which by the current standards of the practice of medicine is experimental.~~

~~—(g) Continual failure to exercise the skill or diligence or use the methods ordinarily exercised under the same circumstances by physicians in good standing practicing in the same specialty or field.~~

~~—(h) Habitual intoxication from alcohol or dependency on controlled substances.~~

~~—(i) Making or filing a report which the licensee or applicant knows to be false or failing to file a record or report as required by law or regulation.~~

~~—(j) Failing to comply with the requirements of NRS 630.254.~~

~~—(k) Failure by a licensee or applicant to report in writing, within 30 days, any disciplinary action taken against the licensee or applicant by another state, the Federal Government or a foreign country, including, without limitation, the revocation, suspension or surrender of a license to practice medicine in another jurisdiction.~~

~~—(l) Failure by a licensee or applicant to report in writing, within 30 days, any criminal action taken or conviction obtained against the licensee or applicant, other than a minor traffic violation, in this State or any other state or by the Federal Government, a branch of the Armed Forces of the United States or any local or federal jurisdiction of a foreign country.~~

~~—(m) Failure to be found competent to practice medicine as a result of an examination to determine medical competency pursuant to NRS 630.318.~~

~~—(n) Operation of a medical facility at any time during which:~~

~~—(1) The license of the facility is suspended or revoked; or~~

~~—(2) An act or omission occurs which results 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.~~

~~—(o) Failure to comply with the requirements of NRS 630.373.~~

~~—(p) Engaging in any act that is unsafe or unprofessional conduct in accordance with regulations adopted by the Board.~~

~~—(q) Knowingly or willfully procuring or administering a controlled substance or a dangerous drug as defined in chapter 454 of NRS that is not approved by the United States Food and Drug Administration, unless the unapproved controlled substance or dangerous drug:~~

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

~~—(2) Was procured through a Canadian pharmacy which is licensed pursuant to chapter 639 of NRS and which has been recommended by the State Board of Pharmacy pursuant to subsection 4 of NRS 630.2328;~~

~~—(3) Is marijuana being used for medical purposes in accordance with chapter 452A of NRS; or~~

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

~~—(r) Failure to supervise adequately a medical assistant pursuant to the regulations of the Board.~~

~~—(s) Failure to comply with the provisions of NRS 630.3745.~~

~~—(t) Failure to obtain any training required by the Board pursuant to NRS 630.2535 [.] or section 1 of this act.~~

~~—(u) Failure to comply with the provisions of NRS 454.217 or 629.086.~~

~~2. As used in this section, "investigational drug or biological product" has the meaning ascribed to it in NRS 454.351.] (Deleted by amendment.)~~

1 **Sec. 3.** ~~[Chapter 623 of NRS is hereby amended by adding thereto a new~~
2 ~~section to read as follows:~~

3 ~~1. To enable an osteopathic physician to more effectively treat patients, the~~
4 ~~Board shall, by regulation, require an osteopathic physician to complete at least 1~~
5 ~~hour of training relating specifically to cultural competency during each period~~
6 ~~of licensure so that an osteopathic physician may better understand patients who~~
7 ~~are from different cultures, including, without limitation, patients who are:~~

8 ~~(a) From various gender, racial and ethnic backgrounds;~~

9 ~~(b) From various religious backgrounds;~~

10 ~~(c) Lesbian, gay, bisexual, transgender and questioning persons;~~

11 ~~(d) Children and senior citizens;~~

12 ~~(e) Persons with a mental or physical disability; and~~

13 ~~(f) Part of any other population that an osteopathic physician may need to~~
14 ~~better understand, as determined by the Board.~~

15 ~~2. A licensee may use training relating specifically to cultural competency~~
16 ~~required pursuant to subsection 1 to satisfy 1 hour of any continuing education~~
17 ~~requirement established by the Board.~~

18 ~~3. The training relating specifically to cultural competency required~~
19 ~~pursuant to subsection 1 must be provided through a course or program that is~~
20 ~~approved by the Board.] (Deleted by amendment.)~~

21 **Sec. 4.** ~~[NRS 623.511 is hereby amended to read as follows:~~

22 ~~623.511 1. The grounds for initiating disciplinary action pursuant to this~~
23 ~~chapter are:~~

24 ~~(a) Unprofessional conduct;~~

25 ~~(b) Conviction of:~~

26 ~~(1) A violation of any federal or state law regulating the possession,~~
27 ~~distribution or use of any controlled substance or any dangerous drug as defined in~~
28 ~~chapter 454 of NRS;~~

29 ~~(2) A felony relating to the practice of osteopathic medicine or practice as~~
30 ~~a physician assistant;~~

31 ~~(3) A violation of any of the provisions of NRS 616D.200, 616D.220,~~
32 ~~616D.240 or 616D.300 to 616D.440, inclusive;~~

33 ~~(4) Murder, voluntary manslaughter or mayhem;~~

34 ~~(5) Any felony involving the use of a firearm or other deadly weapon;~~

35 ~~(6) Assault with intent to kill or to commit sexual assault or mayhem;~~

36 ~~(7) Sexual assault, statutory sexual seduction, incest, lewdness, indecent~~
37 ~~exposure or any other sexually related crime;~~

38 ~~(8) Abuse or neglect of a child or contributory delinquency; or~~

39 ~~(9) Any offense involving moral turpitude.~~

40 ~~(c) The suspension of a license to practice osteopathic medicine or to practice~~
41 ~~as a physician assistant by any other jurisdiction.~~

42 ~~(d) Malpractice or gross malpractice, which may be evidenced by a claim of~~
43 ~~malpractice settled against a licensee.~~

44 ~~(e) Professional incompetence.~~

45 ~~(f) Failure to comply with the requirements of NRS 633.527.~~

46 ~~(g) Failure to comply with the requirements of subsection 3 of NRS 633.471.~~

47 ~~(h) Failure to comply with the provisions of NRS 633.694.~~

48 ~~(i) Operation of a medical facility, as defined in NRS 449.0151, at any time~~
49 ~~during which:~~

50 ~~(1) The license of the facility is suspended or revoked; or~~

51 ~~(2) An act or omission occurs which results in the suspension or revocation~~
52 ~~of the license pursuant to NRS 449.160.~~

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

~~— (j) Failure to comply with the provisions of subsection 2 of NRS 633.322.~~

~~— (k) Signing a blank prescription form.~~

~~— (l) Knowingly or willfully procuring or administering a controlled substance or a dangerous drug as defined in chapter 454 of NRS that is not approved by the United States Food and Drug Administration, unless the unapproved controlled substance or dangerous drug:~~

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

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

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

~~— (4) Is an investigational drug or biological product prescribed to a patient pursuant to NRS 630.3725 or 633.6945.~~

~~— (m) Attempting, directly or indirectly, by intimidation, coercion or deception, to obtain or retain a patient or to discourage the use of a second opinion.~~

~~— (n) Terminating the medical care of a patient without adequate notice or without making other arrangements for the continued care of the patient.~~

~~— (o) In addition to the provisions of subsection 3 of NRS 633.524, making or filing a report which the licensee knows to be false, failing to file a record or report that is required by law or knowingly or willfully obstructing or inducing another to obstruct the making or filing of such a record or report.~~

~~— (p) Failure to report any person the licensee knows, or has reason to know, is in violation of the provisions of this chapter or the regulations of the Board within 30 days after the date the licensee knows or has reason to know of the violation.~~

~~— (q) Failure by a licensee or applicant to report in writing, within 30 days, any criminal action taken or conviction obtained against the licensee or applicant, other than a minor traffic violation, in this State or any other state or by the Federal Government, a branch of the Armed Forces of the United States or any local or federal jurisdiction of a foreign country.~~

~~— (r) Engaging in any act that is unsafe in accordance with regulations adopted by the Board.~~

~~— (s) Failure to comply with the provisions of NRS 629.515.~~

~~— (t) Failure to supervise adequately a medical assistant pursuant to the regulations of the Board.~~

~~— (u) Failure to obtain any training required by the Board pursuant to NRS 633.473 [.] or section 3 of this act.~~

~~— (v) Failure to comply with the provisions of NRS 633.6955.~~

~~— (w) Failure to comply with the provisions of NRS 453.163, 453.164, 453.226, 639.23507, 639.2391 to 639.23916, inclusive, and any regulations adopted by the State Board of Pharmacy pursuant thereto.~~

~~— (x) Fraudulent, illegal, unauthorized or otherwise inappropriate prescribing, administering or dispensing of a controlled substance listed in schedule II, III or IV.~~

~~— (y) Failure to comply with the provisions of NRS 454.217 or 629.086.~~

~~2. As used in this section, "investigational drug or biological product" has the meaning ascribed to it in NRS 454.351.] (Deleted by amendment.)~~

Sec. 4.5. Chapter 449 of NRS is hereby amended by adding thereto a new section to read as follows:

1. To enable an agent or employee of a medical facility who provides care to a patient of the medical facility to more effectively treat patients, the Board shall,

1 by regulation, require a medical facility to conduct training relating specifically
2 to cultural competency for any agent or employee of the medical facility who
3 provides care to a patient of the medical facility so that such an agent or
4 employee may better understand patients who are from different cultures and
5 backgrounds, including, without limitation, patients who are:

6 (a) From various gender, racial and ethnic backgrounds;

7 (b) From various religious backgrounds;

8 (c) Lesbian, gay, bisexual, transgender and questioning persons;

9 (d) Children and senior citizens;

10 (e) Persons with a mental or physical disability; and

11 (f) Part of any other population that such an agent or employee may need to
12 better understand, as determined by the Board.

13 2. The training relating specifically to cultural competency conducted by a
14 medical facility pursuant to subsection 1 must be provided through a course or
15 program that is approved by the Department of Health and Human Services.

16 **Sec. 5.** This act becomes effective on July 1, 2019.