

REQUIRES TWO-THIRDS MAJORITY VOTE
(§§ 34-39)

EXEMPT

(Reprinted with amendments adopted on May 23, 2019)

SECOND REPRINT

S.B. 130

SENATE BILL NO. 130—SENATORS WOODHOUSE AND GOICOECHEA

FEBRUARY 6, 2019

Referred to Committee on Commerce and Labor

SUMMARY—Provides for the licensing and regulation of certain persons who administer radiation. (BDR 40-61)

FISCAL NOTE: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility.
Effect on the State: Yes.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to radiation; creating the Radiation Therapy and Radiologic Imaging Advisory Committee; providing for a license to engage in radiation therapy or radiologic imaging; providing for a limited license to engage in radiologic imaging; prescribing the requirements for the issuance and renewal of such a license and limited license; authorizing certain persons to practice as radiologist assistants; prescribing additional qualifications for a person to perform certain types of radiation therapy and radiologic imaging; providing for the enforcement of the requirements concerning radiation therapy and radiologic imaging; authorizing the imposition of disciplinary action or an injunction against a person who engages in radiation therapy or radiologic imaging in certain circumstances; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the State Board of Health to adopt regulations for the licensing of persons to: (1) receive, possess or transfer radioactive materials and devices; and (2) engage in certain other activities relating to radioactive materials. (NRS 459.201) **Section 9** of this bill authorizes the Division of Public and Behavioral Health of the Department of Health and Human Services to suspend, revoke or amend such a license or registration of a person who violates any provision of statute or regulations governing radioactive materials or radiation.



Sections 22-51 of this bill add a new chapter to NRS governing the licensing and regulation of persons who engage in radiation therapy and radiologic imaging. **Section 32** of this bill exempts physicians, physician assistants, dentists, dental hygienists, dental assistants, chiropractors, chiropractor's assistants, certain persons training to engage in the practice of chiropractic, podiatrists, veterinarians, veterinary technicians, certain persons working under the supervision of a veterinarian or veterinary technician and persons engaging in mammography from such licensing and regulation. **Section 72.3** of this bill exempts podiatry hygienists and persons training to be podiatry hygienists from such licensing and regulation if the State Board of Podiatry adopts regulations prescribing the conditions under which such persons may engage in radiologic imaging and radiation therapy. **Sections 62 and 63** of this bill authorize a podiatry hygienist to take and develop X-rays without obtaining a license to engage in radiation therapy and radiologic imaging under certain conditions before the effective date of such regulations. **Sections 72.6 and 73.5** of this bill make conforming changes.

Section 35 of this bill prohibits a person from engaging in: (1) radiologic imaging unless he or she has obtained a license or limited license from the Division; or (2) radiation therapy unless he or she has obtained a license from the Division. **Sections 54 and 55** of this bill clarify that a practitioner of respiratory care or homeopathic assistant is prohibited from engaging in radiation therapy or radiologic imaging unless he or she holds a license or limited license. **Section 75** of this bill requires the Division to issue a license or limited license, as applicable, to the scope of practice of the person, to any person who is performing radiation therapy or radiologic imaging as part of his or her employment on or before January 1, 2020, and registers with the Division. The holder of a license or limited license issued pursuant to **section 75** would be required to comply with all requirements to renew the license or limited license, including requirements for continuing education, as if the license or limited license were issued pursuant to **sections 22-51**.

Sections 36 and 37 of this bill prescribe the qualifications for obtaining a license or a limited license. **Section 37** also establishes the types of limited licenses that may be issued. **Sections 38 and 39** of this bill provide for licensure by endorsement of persons who hold licenses in another state that correspond to a license to engage in radiation therapy and radiologic imaging or a limited license to engage in radiologic imaging. **Sections 40 and 50** of this bill provide for the denial or suspension of a license or a limited license if the licensee is delinquent in child support payments, in conformance with federal law. **Section 41** of this bill authorizes certain holders of a license to engage in radiation therapy and radiologic imaging to practice as a radiologist assistant. **Sections 2 and 65** of this bill authorize the holder of a license to engage in radiation therapy and radiologic imaging or a person training to obtain such a license to take certain actions with regard to drugs to the same extent as was previously authorized for a radiologic or nuclear medicine technician or trainee. **Section 3** of this bill makes a conviction of certain crimes involving dangerous drugs grounds for the suspension or revocation of a license to engage in radiation therapy and radiologic imaging.

Section 42 of this bill authorizes: (1) an unlicensed person to engage in supervised radiation therapy or radiologic imaging without compensation for the purpose of qualifying for a certification that is a prerequisite for a license or limited license; or (2) a license to practice outside the scope of his or her license under supervision for the purpose of qualifying for a certification that is a prerequisite for being licensed. **Section 42** also authorizes the Division to issue a temporary student license, which authorizes an unlicensed person to engage in radiation therapy or radiologic imaging for compensation for the purpose of qualifying for certification that is a prerequisite for being licensed.



Sections 44 and 45 of this bill prescribe the required qualifications to perform computed tomography and fluoroscopy, respectively. **Section 43** of this bill authorizes unlicensed persons who register with the Division and meet certain other requirements to take X-ray photographs at certain federally-qualified health centers or rural health clinics. **Section 43** also authorizes a person who is employed performing computed tomography or fluoroscopy to continue to do so without obtaining a license from the Division if he or she registers with the Division and meets certain other requirements.

Existing law prohibits a person from operating a radiation machine for mammography unless the person holds a certificate to do so or is a licensed physician or physician assistant. (NRS 457.183) **Section 4.5** exempts an applicant for such a certificate who also holds a license to engage in radiation therapy and radiologic imaging from the requirement to pay an application fee. **Section 6** of this bill makes a conforming change.

Section 47 of this bill authorizes the Division to: (1) enter and inspect any private or public property for the purpose of enforcing the provisions of this bill governing radiation therapy and radiologic imaging; and (2) request any information necessary to ensure that persons engaged in radiation therapy and radiologic imaging meet applicable requirements. **Sections 19 and 47** of this bill provide for the confidentiality of such information and reports of inspections. **Section 48** of this bill: (1) prescribes the grounds for disciplinary action against a holder of a license or limited license; and (2) authorizes a person whose license or limited license has been revoked to apply to the Division for reinstatement after 2 years. **Section 49** of this bill requires the Division to: (1) investigate a complaint filed against a licensee; and (2) provide a licensee against whom disciplinary action may be imposed with the opportunity for a hearing. **Section 51** of this bill authorizes the Division to seek an injunction to prevent a violation of provisions of this bill governing the licensing and regulation of persons who engage in radiation therapy or radiologic imaging. **Sections 35, 41, 44 and 45** make it a misdemeanor to engage in radiation therapy, radiologic imaging or other activity for which a credential is required without the proper credential.

Section 33 of this bill creates the Radiation Therapy and Radiologic Imaging Advisory Committee to advise the State Board of Health, the Division and the Legislature concerning radiation therapy and radiologic imaging. **Section 34** of this bill requires the Board to adopt certain regulations relating to radiation therapy and radiologic imaging, including regulations defining the scope of practice for radiologist assistants and the holders of licenses and limited licenses. **Section 34** requires those standards of practice to be at least as stringent as those adopted by a national professional organization designated by the Board and recommended by the Committee. **Section 33** requires the Committee to recommend a national professional organization for that purpose.

Existing law requires the Legislative Committee on Health Care to review each regulation that certain licensing entities adopt which relates to standards for the issuance or renewal of a license. (NRS 439B.225) **Section 1** of this bill adds to the regulations reviewed by the Committee relating to the standards for the issuance of a license to engage in radiation therapy or radiologic imaging and a limited license to engage in radiologic imaging.

Existing law prohibits the Division from issuing or renewing the registration of a radiation machine unless the applicant attests that the radiologic technicians and nuclear medicine technicians employed by the applicant have knowledge of and are in compliance with certain guidelines for the prevention of transmission of infectious agents. (NRS 459.035) **Section 8** of this bill deletes those provisions and instead requires the operator of a radiation machine to be properly licensed and in compliance with the provisions of this bill concerning radiation therapy and radiologic imaging or be exempt pursuant to **section 32**. **Section 35** requires a



person to have knowledge of and be in compliance with guidelines for the prevention and transmission of infectious agents.

Sections 10-18, 20, 52, 58 and 64-72 of this bill make conforming changes to treat holders of licenses and limited licenses similarly to other providers of health care in certain respects.

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

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

439B.225 1. As used in this section, "licensing board" means any division or board empowered to adopt standards for the issuance or renewal of licenses, permits or certificates of registration pursuant to NRS 433.601 to 433.621, inclusive, 435.3305 to 435.339, inclusive, chapter 449, 625A, 630, 630A, 631, 632, 633, 634, 634A, 635, 636, 637, 637B, 639, 640, 640A, 640D, 641, 641A, 641B, 641C, 652 or 654 of NRS ~~H~~ *or sections 22 to 51, inclusive, of this act.*

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

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

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

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

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

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

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

Sec. 2. NRS 454.213 is hereby amended to read as follows:

454.213 1. Except as otherwise provided in NRS 454.217, a drug or medicine referred to in NRS 454.181 to 454.371, inclusive, may be possessed and administered by:

(a) A practitioner.

(b) A physician assistant licensed pursuant to chapter 630 or 633 of NRS, at the direction of his or her supervising physician or a



1 licensed dental hygienist acting in the office of and under the
2 supervision of a dentist.

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

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

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

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

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

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

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

29 (2) A county board of health in a county whose population is
30 100,000 or more; or

31 (3) A district board of health created pursuant to NRS
32 439.362 or 439.370 in any county.

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

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

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

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



- 1 (1) In the presence of a physician or a registered nurse;
2 (2) Under the supervision of a physician or a registered nurse
3 if the student is authorized by the college or school to administer the
4 drug or medicine outside the presence of a physician or nurse.
5 ➔ A medical student or student nurse may administer a dangerous
6 drug in the presence or under the supervision of a registered nurse
7 alone only if the circumstances are such that the registered nurse
8 would be authorized to administer it personally.
- 9 (k) Any person designated by the head of a correctional
10 institution.
- 11 (l) An ultimate user or any person designated by the ultimate
12 user pursuant to a written agreement.
- 13 (m) A ~~[nuclear medicine technologist,]~~ *holder of a license to*
14 *engage in radiation therapy and radiologic imaging issued*
15 *pursuant to sections 22 to 51, inclusive, of this act*, at the direction
16 of a physician and in accordance with any conditions established by
17 regulation of the Board.
- 18 (n) ~~[A radiologic technologist, at the direction of a physician~~
19 ~~and in accordance with any conditions established by regulation of~~
20 ~~the Board.~~
- 21 ~~—(o)]~~ A chiropractic physician, but only if the drug or medicine is
22 a topical drug used for cooling and stretching external tissue during
23 therapeutic treatments.
- 24 ~~[(p)]~~ (o) A physical therapist, but only if the drug or medicine is
25 a topical drug which is:
- 26 (1) Used for cooling and stretching external tissue during
27 therapeutic treatments; and
- 28 (2) Prescribed by a licensed physician for:
- 29 (I) Iontophoresis; or
- 30 (II) The transmission of drugs through the skin using
31 ultrasound.
- 32 ~~[(q)]~~ (p) In accordance with applicable regulations of the State
33 Board of Health, an employee of a residential facility for groups, as
34 defined in NRS 449.017, pursuant to a written agreement entered
35 into by the ultimate user.
- 36 ~~[(r)]~~ (q) A veterinary technician or a veterinary assistant at the
37 direction of his or her supervising veterinarian.
- 38 ~~[(s)]~~ (r) In accordance with applicable regulations of the Board,
39 a registered pharmacist who:
- 40 (1) Is trained in and certified to carry out standards and
41 practices for immunization programs;
- 42 (2) Is authorized to administer immunizations pursuant to
43 written protocols from a physician; and
- 44 (3) Administers immunizations in compliance with the
45 “Standards for Immunization Practices” recommended and



approved by the Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention.

~~{(+)}~~ (s) A registered pharmacist pursuant to written guidelines and protocols developed and approved pursuant to NRS 639.2809 or a collaborative practice agreement, as defined in NRS 639.0052.

~~{(u)}~~ (t) A person who is enrolled in a training program to become a physician assistant licensed pursuant to chapter 630 or 633 of NRS, dental hygienist, advanced emergency medical technician, paramedic, respiratory therapist, dialysis technician, ~~{nuclear medicine technologist, radiologic technologist,}~~ physical therapist or veterinary technician *or to obtain a license to engage in radiation therapy and radiologic imaging pursuant to sections 22 to 51, inclusive, of this act* if the person possesses and administers the drug or medicine in the same manner and under the same conditions that apply, respectively, to a physician assistant licensed pursuant to chapter 630 or 633 of NRS, dental hygienist, advanced emergency medical technician, paramedic, respiratory therapist, dialysis technician, ~~{nuclear medicine technologist, radiologic technologist,}~~ physical therapist, ~~{or}~~ veterinary technician *or person licensed to engage in radiation therapy and radiologic imaging* who may possess and administer the drug or medicine, and under the direct supervision of a person licensed or registered to perform the respective medical art or a supervisor of such a person.

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

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

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

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

Sec. 3. NRS 454.361 is hereby amended to read as follows:

454.361 A conviction of the violation of any of the provisions of NRS 454.181 to 454.371, inclusive, constitutes grounds for the suspension or revocation of any license issued to such person pursuant to the provisions of chapters 630, 631, 633, 635, 636, 638 or 639 of NRS ~~{}~~ *or sections 22 to 51, inclusive, of this act.*

Sec. 4. (Deleted by amendment.)

Sec. 4.5. NRS 457.183 is hereby amended to read as follows:

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

(a) Has a certificate of authorization to operate a radiation machine issued by the Division; or



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

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

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

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

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

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

(e) ~~[Pay]~~ *Except as otherwise provided in subsection 4, pay* the fee required by the Division, which must be calculated to cover the administrative costs directly related to the process of issuing the certificates.

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

4. *An applicant for the issuance or renewal of a certificate to operate a radiation machine for mammography is not required to pay a fee pursuant to paragraph (e) of subsection 2 or subsection 6, as applicable, if the applicant holds a license issued pursuant to sections 22 to 51, inclusive, of this act.*

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

~~[5.]~~ 6. A certificate of authorization to operate a radiation machine for mammography expires 3 years after the date on which it was issued unless it is renewed before that date. ~~[The]~~ *Except as otherwise provided in subsection 4, the* Division shall require continuing education as a prerequisite to the renewal of a certificate and shall charge a fee for renewal that is calculated to cover the administrative costs directly related to the renewal of a certificate.

~~[6.]~~ 7. A person who is certified to operate a radiation machine for mammography pursuant to this section shall not operate such a machine without a valid certificate of authorization issued pursuant to NRS 457.184 for the machine.

Sec. 5. (Deleted by amendment.)

Sec. 6. NRS 457.185 is hereby amended to read as follows:

457.185 1. The Division shall grant or deny an application for a certificate of authorization to operate a radiation machine for



mammography or a certificate of authorization for a radiation machine for mammography within 4 months after receipt of a complete application.

2. The Division shall withdraw the certificate of authorization to operate a radiation machine for mammography if it finds that the person violated the provisions of subsection ~~[6]~~ 7 of NRS 457.183.

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

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

Sec. 7. (Deleted by amendment.)

Sec. 8. NRS 459.035 is hereby amended to read as follows:

459.035 The Division shall not issue or renew the registration of a radiation machine pursuant to regulations adopted by the State Board of Health unless the applicant for issuance or renewal of the registration attests that the ~~[radiologic technologists and nuclear medicine technologists]~~ *persons* employed by the applicant ~~[have knowledge of and are in compliance with the guidelines of the Centers for Disease Control and Prevention concerning the prevention of transmission of infectious agents through safe and appropriate injection practices.]~~ *to operate the radiation machine are properly licensed pursuant to sections 22 to 51, inclusive, of this act or are exempt from the requirement to obtain such licensure pursuant to section 32 of this act.*

Sec. 9. NRS 459.260 is hereby amended to read as follows:

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

2. In the event of an emergency, the Division may impound, or order the impounding of, sources of ionizing radiation in the possession of any person who is not equipped to observe, or who fails to observe, any provision of NRS 459.010 to 459.290, inclusive, or any rules or regulations issued under NRS 459.010 to 459.290, inclusive.

Sec. 10. NRS 7.095 is hereby amended to read as follows:

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



1 against a provider of health care based upon professional negligence
2 in excess of:

- 3 (a) Forty percent of the first \$50,000 recovered;
4 (b) Thirty-three and one-third percent of the next \$50,000
5 recovered;
6 (c) Twenty-five percent of the next \$500,000 recovered; and
7 (d) Fifteen percent of the amount of recovery that exceeds
8 \$600,000.

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

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

18 4. As used in this section:

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

26 (b) "Provider of health care" means a physician licensed under
27 chapter 630 or 633 of NRS, dentist, registered nurse, dispensing
28 optician, optometrist, registered physical therapist, podiatric
29 physician, licensed psychologist, chiropractor, doctor of Oriental
30 medicine, *holder of a license or a limited license issued under the*
31 *provisions of sections 22 to 51, inclusive, of this act*, medical
32 laboratory director or technician, licensed dietitian or a licensed
33 hospital and its employees.

34 **Sec. 11.** NRS 41A.017 is hereby amended to read as follows:

35 41A.017 "Provider of health care" means a physician licensed
36 pursuant to chapter 630 or 633 of NRS, physician assistant, dentist,
37 licensed nurse, dispensing optician, optometrist, registered physical
38 therapist, podiatric physician, licensed psychologist, chiropractor,
39 doctor of Oriental medicine, *holder of a license or a limited license*
40 *issued under the provisions of sections 22 to 51, inclusive, of this*
41 *act*, medical laboratory director or technician, licensed dietitian or a
42 licensed hospital, clinic, surgery center, physicians' professional
43 corporation or group practice that employs any such person and its
44 employees.



Sec. 12. NRS 42.021 is hereby amended to read as follows:

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

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

(a) Recover any amount against the plaintiff; or

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

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

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

5. A judgment ordering the payment of future damages by periodic payments entered pursuant to subsection 3 must specify the recipient or recipients of the payments, the dollar amount of the payments, the interval between payments, and the number of payments or the period of time over which payments will be made. Such payments must only be subject to modification in the event of the death of the judgment creditor. Money damages awarded for loss



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1 of future earnings must not be reduced or payments terminated by
2 reason of the death of the judgment creditor, but must be paid to
3 persons to whom the judgment creditor owed a duty of support, as
4 provided by law, immediately before the judgment creditor's death.
5 In such cases, the court that rendered the original judgment may,
6 upon petition of any party in interest, modify the judgment to award
7 and apportion the unpaid future damages in accordance with this
8 subsection.

9 6. If the court finds that the judgment debtor has exhibited a
10 continuing pattern of failing to make the periodic payments as
11 specified pursuant to subsection 5, the court shall find the judgment
12 debtor in contempt of court and, in addition to the required periodic
13 payments, shall order the judgment debtor to pay the judgment
14 creditor all damages caused by the failure to make such periodic
15 payments, including, but not limited to, court costs and attorney's
16 fees.

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

21 8. As used in this section:

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

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

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

35 (d) "Provider of health care" means a physician licensed under
36 chapter 630 or 633 of NRS, dentist, licensed nurse, dispensing
37 optician, optometrist, registered physical therapist, podiatric
38 physician, licensed psychologist, chiropractor, doctor of Oriental
39 medicine, *holder of a license or a limited license issued under the*
40 *provisions of sections 22 to 51, inclusive, of this act*, medical
41 laboratory director or technician, licensed dietitian or a licensed
42 hospital and its employees.

43 **Sec. 13.** NRS 200.471 is hereby amended to read as follows:

44 200.471 1. As used in this section:

45 (a) "Assault" means:



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

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

(b) "Fire-fighting agency" has the meaning ascribed to it in NRS 239B.020.

(c) "Officer" means:

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

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

(3) A member of a volunteer fire department;

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

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

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

(7) A civilian employee or a volunteer of a law enforcement agency whose official duties require the employee or volunteer to:

(I) Interact with the public;

(II) Perform tasks related to law enforcement; and

(III) Wear identification, clothing or a uniform that identifies the employee or volunteer as working or volunteering for the law enforcement agency;

(8) A civilian employee or a volunteer of a fire-fighting agency whose official duties require the employee or volunteer to:

(I) Interact with the public;

(II) Perform tasks related to fire fighting or fire prevention; and

(III) Wear identification, clothing or a uniform that identifies the employee or volunteer as working or volunteering for the fire-fighting agency; or

(9) A civilian employee or volunteer of this State or a political subdivision of this State whose official duties require the employee or volunteer to:

(I) Interact with the public;

(II) Perform tasks related to code enforcement; and

(III) Wear identification, clothing or a uniform that identifies the employee or volunteer as working or volunteering for this State or a political subdivision of this State.



(d) "Provider of health care" means a physician, a medical student, a perfusionist or a physician assistant licensed pursuant to chapter 630 of NRS, a practitioner of respiratory care, a homeopathic physician, an advanced practitioner of homeopathy, a homeopathic assistant, an osteopathic physician, a physician assistant licensed pursuant to chapter 633 of NRS, a podiatric physician, a podiatry hygienist, a physical therapist, a medical laboratory technician, an optometrist, a chiropractor, a chiropractor's assistant, a doctor of Oriental medicine, a nurse, a student nurse, a certified nursing assistant, a nursing assistant trainee, a medication aide - certified, a dentist, a dental student, a dental hygienist, a dental hygienist student, a pharmacist, a pharmacy student, an intern pharmacist, an attendant on an ambulance or air ambulance, a psychologist, a social worker, a marriage and family therapist, a marriage and family therapist intern, a clinical professional counselor, a clinical professional counselor intern, a licensed dietitian, *the holder of a license or a limited license issued under the provisions of sections 22 to 51, inclusive, of this act*, an emergency medical technician, an advanced emergency medical technician and a paramedic.

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

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

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

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

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

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

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

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

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

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



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

11 (d) If the assault is committed upon an officer, a provider of
12 health care, a school employee, a taxicab driver or a transit operator
13 who is performing his or her duty or upon a sports official based on
14 the performance of his or her duties at a sporting event by a
15 probationer, a prisoner who is in lawful custody or confinement or a
16 parolee, and the probationer, prisoner or parolee charged knew or
17 should have known that the victim was an officer, a provider of
18 health care, a school employee, a taxicab driver, a transit operator or
19 a sports official, for a category D felony as provided in NRS
20 193.130, unless the assault is made with the use of a deadly weapon
21 or the present ability to use a deadly weapon, then for a category B
22 felony by imprisonment in the state prison for a minimum term of
23 not less than 1 year and a maximum term of not more than 6 years,
24 or by a fine of not more than \$5,000, or by both fine and
25 imprisonment.

26 **Sec. 14.** NRS 200.5093 is hereby amended to read as follows:

27 200.5093 1. Any person who is described in subsection 4 and
28 who, in a professional or occupational capacity, knows or has
29 reasonable cause to believe that an older person has been abused,
30 neglected, exploited, isolated or abandoned shall:

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

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

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

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

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

44 2. If a person who is required to make a report pursuant to
45 subsection 1 knows or has reasonable cause to believe that the



1 abuse, neglect, exploitation, isolation or abandonment of the older
2 person involves an act or omission of the Aging and Disability
3 Services Division, another division of the Department of Health and
4 Human Services or a law enforcement agency, the person shall
5 make the report to an agency other than the one alleged to have
6 committed the act or omission.

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

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

13 (a) Every physician, dentist, dental hygienist, chiropractor,
14 optometrist, podiatric physician, medical examiner, resident, intern,
15 professional or practical nurse, physician assistant licensed pursuant
16 to chapter 630 or 633 of NRS, perfusionist, psychiatrist,
17 psychologist, marriage and family therapist, clinical professional
18 counselor, clinical alcohol and drug abuse counselor, alcohol and
19 drug abuse counselor, music therapist, athletic trainer, driver of an
20 ambulance, paramedic, licensed dietitian, *holder of a license or a
21 limited license issued under the provisions of sections 22 to 51,
22 inclusive, of this act* or other person providing medical services
23 licensed or certified to practice in this State, who examines, attends
24 or treats an older person who appears to have been abused,
25 neglected, exploited, isolated or abandoned.

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

32 (c) A coroner.

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

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

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

40 (g) Any employee of the Department of Health and Human
41 Services, except the State Long-Term Care Ombudsman appointed
42 pursuant to NRS 427A.125 and any of his or her advocates or
43 volunteers where prohibited from making such a report pursuant to
44 45 C.F.R. § 1321.11.



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

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

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

(k) Every social worker.

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

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

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

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

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

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

(a) Aging and Disability Services Division;

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

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



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

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

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

Sec. 15. NRS 200.50935 is hereby amended to read as follows:

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

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

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

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

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

(a) Every physician, dentist, dental hygienist, chiropractor, optometrist, podiatric physician, medical examiner, resident, intern, professional or practical nurse, perfusionist, physician assistant licensed pursuant to chapter 630 or 633 of NRS, psychiatrist, psychologist, marriage and family therapist, clinical professional counselor, clinical alcohol and drug abuse counselor, alcohol and drug abuse counselor, music therapist, athletic trainer, driver of an ambulance, paramedic, licensed dietitian, *holder of a license or a limited license issued under the provisions of sections 22 to 51, inclusive, of this act* or other person providing medical services licensed or certified to practice in this State, who examines, attends



1 or treats a vulnerable person who appears to have been abused,
2 neglected, exploited, isolated or abandoned.

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

9 (c) A coroner.

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

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

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

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

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

23 (i) Every social worker.

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

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

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

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

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

42 **Sec. 16.** NRS 200.5095 is hereby amended to read as follows:

43 200.5095 1. Reports made pursuant to NRS 200.5093,
44 200.50935 and 200.5094, and records and investigations relating to
45 those reports, are confidential.



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

- (a) Pursuant to a criminal prosecution;
- (b) Pursuant to NRS 200.50982; or
- (c) To persons or agencies enumerated in subsection 3,

↳ is guilty of a misdemeanor.

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

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

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

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

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

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

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

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

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

(i) If the older person or vulnerable person is deceased, the executor or administrator of his or her estate, if the identity of the person who was responsible for reporting the alleged abuse, neglect, exploitation, isolation or abandonment of the older person or vulnerable person to the public agency is protected, and the executor



1 or administrator is not the person suspected of such abuse, neglect,
2 exploitation, isolation or abandonment; or

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

6 4. If the person who is reported to have abused, neglected,
7 exploited, isolated or abandoned an older person or a vulnerable
8 person is the holder of a license or certificate issued pursuant to
9 chapters 449, 630 to 641B, inclusive, or 654 of NRS, *or sections 22*
10 *to 51, inclusive, of this act*, the information contained in the report
11 must be submitted to the board that issued the license.

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

19 **Sec. 17.** NRS 200.810 is hereby amended to read as follows:

20 200.810 "Health care procedure" means any medical
21 procedure, other than a surgical procedure, that requires a license to
22 perform pursuant to chapters 630 to 637, inclusive, 639 or 640 of
23 NRS ~~§~~ *or sections 22 to 51, inclusive, of this act*.

24 **Sec. 18.** NRS 200.820 is hereby amended to read as follows:

25 200.820 "Surgical procedure" means any invasive medical
26 procedure where a break in the skin is created and there is contact
27 with the mucosa or any minimally invasive medical procedure
28 where a break in the skin is created or which involves manipulation
29 of the internal body cavity beyond a natural or artificial body orifice
30 which requires a license to perform pursuant to chapters 630 to 637,
31 inclusive, 639 or 640 of NRS ~~§~~ *or sections 22 to 51, inclusive, of*
32 *this act*.

33 **Sec. 19.** NRS 239.010 is hereby amended to read as follows:

34 239.010 1. Except as otherwise provided in this section and
35 NRS 1.4683, 1.4687, 1A.110, 3.2203, 41.071, 49.095, 49.293,
36 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170,
37 62H.220, 62H.320, 75A.100, 75A.150, 76.160, 78.152, 80.113,
38 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200,
39 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345,
40 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880,
41 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280,
42 119A.653, 119B.370, 119B.382, 120A.690, 125.130, 125B.140,
43 126.141, 126.161, 126.163, 126.730, 127.007, 127.057, 127.130,
44 127.140, 127.2817, 128.090, 130.312, 130.712, 136.050, 159.044,
45 159A.044, 172.075, 172.245, 176.01249, 176.015, 176.0625,



1 176.09129, 176.156, 176A.630, 178.39801, 178.4715, 178.5691,
2 179.495, 179A.070, 179A.165, 179D.160, 200.3771, 200.3772,
3 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3925,
4 209.419, 209.521, 211A.140, 213.010, 213.040, 213.095, 213.131,
5 217.105, 217.110, 217.464, 217.475, 218A.350, 218E.625,
6 218F.150, 218G.130, 218G.240, 218G.350, 228.270, 228.450,
7 228.495, 228.570, 231.069, 231.1473, 233.190, 237.300, 239.0105,
8 239.0113, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210,
9 239C.230, 239C.250, 239C.270, 240.007, 241.020, 241.030,
10 241.039, 242.105, 244.264, 244.335, 247.540, 247.550, 247.560,
11 250.087, 250.130, 250.140, 250.150, 268.095, 268.490, 268.910,
12 271A.105, 281.195, 281.805, 281A.350, 281A.680, 281A.685,
13 281A.750, 281A.755, 281A.780, 284.4068, 286.110, 287.0438,
14 289.025, 289.080, 289.387, 289.830, 293.4855, 293.5002, 293.503,
15 293.504, 293.558, 293.906, 293.908, 293.910, 293B.135, 293D.510,
16 331.110, 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379,
17 338.1593, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205,
18 353A.049, 353A.085, 353A.100, 353C.240, 360.240, 360.247,
19 360.255, 360.755, 361.044, 361.610, 365.138, 366.160, 368A.180,
20 370.257, 370.327, 372A.080, 378.290, 378.300, 379.008, 379.1495,
21 385A.830, 385B.100, 387.626, 387.631, 388.1455, 388.259,
22 388.501, 388.503, 388.513, 388.750, 388A.247, 388A.249, 391.035,
23 391.120, 391.925, 392.029, 392.147, 392.264, 392.271, 392.315,
24 392.317, 392.325, 392.327, 392.335, 392.850, 394.167, 394.1698,
25 394.447, 394.460, 394.465, 396.3295, 396.405, 396.525, 396.535,
26 396.9685, 398A.115, 408.3885, 408.3886, 408.3888, 408.5484,
27 412.153, 416.070, 422.2749, 422.305, 422A.342, 422A.350,
28 425.400, 427A.1236, 427A.872, 432.028, 432.205, 432B.175,
29 432B.280, 432B.290, 432B.407, 432B.430, 432B.560, 432B.5902,
30 433.534, 433A.360, 437.145, 439.840, 439B.420, 440.170,
31 441A.195, 441A.220, 441A.230, 442.330, 442.395, 442.735,
32 445A.665, 445B.570, 449.209, 449.245, 449A.112, 450.140,
33 453.164, 453.720, 453A.610, 453A.700, 458.055, 458.280, 459.050,
34 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993,
35 463.240, 463.3403, 463.3407, 463.790, 467.1005, 480.365, 480.940,
36 481.063, 481.091, 481.093, 482.170, 482.5536, 483.340, 483.363,
37 483.575, 483.659, 483.800, 484E.070, 485.316, 501.344, 503.452,
38 522.040, 534A.031, 561.285, 571.160, 584.655, 587.877, 598.0964,
39 598.098, 598A.110, 599B.090, 603.070, 603A.210, 604A.710,
40 612.265, 616B.012, 616B.015, 616B.315, 616B.350, 618.341,
41 618.425, 622.310, 623.131, 623A.137, 624.110, 624.265, 624.327,
42 625.425, 625A.185, 628.418, 628B.230, 628B.760, 629.047,
43 629.069, 630.133, 630.30665, 630.336, 630A.555, 631.368,
44 632.121, 632.125, 632.405, 633.283, 633.301, 633.524, 634.055,
45 634.214, 634A.185, 635.158, 636.107, 637.085, 637B.288, 638.087,



1 638.089, 639.2485, 639.570, 640.075, 640A.220, 640B.730,
2 640C.400, 640C.600, 640C.620, 640C.745, 640C.760, 640D.190,
3 640E.340, 641.090, 641.325, 641A.191, 641A.289, 641B.170,
4 641B.460, 641C.760, 641C.800, 642.524, 643.189, 644A.870,
5 645.180, 645.625, 645A.050, 645A.082, 645B.060, 645B.092,
6 645C.220, 645C.225, 645D.130, 645D.135, 645E.300, 645E.375,
7 645G.510, 645H.320, 645H.330, 647.0945, 647.0947, 648.033,
8 648.197, 649.065, 649.067, 652.228, 654.110, 656.105, 661.115,
9 665.130, 665.133, 669.275, 669.285, 669A.310, 671.170, 673.450,
10 673.480, 675.380, 676A.340, 676A.370, 677.243, 679B.122,
11 679B.152, 679B.159, 679B.190, 679B.285, 679B.690, 680A.270,
12 681A.440, 681B.260, 681B.410, 681B.540, 683A.0873, 685A.077,
13 686A.289, 686B.170, 686C.306, 687A.110, 687A.115, 687C.010,
14 688C.230, 688C.480, 688C.490, 689A.696, 692A.117, 692C.190,
15 692C.3507, 692C.3536, 692C.3538, 692C.354, 692C.420,
16 693A.480, 693A.615, 696B.550, 696C.120, 703.196, 704B.320,
17 704B.325, 706.1725, 706A.230, 710.159, 711.600, *and section 47*
18 *of this act*, sections 35, 38 and 41 of chapter 478, Statutes of
19 Nevada 2011 and section 2 of chapter 391, Statutes of Nevada 2013
20 and unless otherwise declared by law to be confidential, all public
21 books and public records of a governmental entity must be open at
22 all times during office hours to inspection by any person, and may
23 be fully copied or an abstract or memorandum may be prepared
24 from those public books and public records. Any such copies,
25 abstracts or memoranda may be used to supply the general public
26 with copies, abstracts or memoranda of the records or may be used
27 in any other way to the advantage of the governmental entity or of
28 the general public. This section does not supersede or in any manner
29 affect the federal laws governing copyrights or enlarge, diminish or
30 affect in any other manner the rights of a person in any written book
31 or record which is copyrighted pursuant to federal law.

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

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

42 4. A person may request a copy of a public record in any
43 medium in which the public record is readily available. An officer,
44 employee or agent of a governmental entity who has legal custody
45 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. 20. 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 licensed or certified in this State pursuant to, without limitation, chapter 450B, 630, 630A, 631, 632, 633, 634, 634A, 635, 636, 637, 637B, 639, 640, 640A, 640B, 640C, 640D, 640E, 641, 641A, 641B or 641C of NRS ~~§~~ *or sections 22 to 51, inclusive, of this act.*

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

(c) A coroner.

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

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

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

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

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

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

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

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

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

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

6. If a person who is required to make a report pursuant to subsection 1 knows or has reasonable cause to believe that a child



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

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

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

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

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

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

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

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

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



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. 21. Title 54 of NRS is hereby amended by adding thereto a new chapter to consist of the provisions set forth as sections 22 to 51, inclusive, of this act.

Sec. 22. *As used in this chapter, unless the context otherwise requires, the words and terms defined in sections 23 to 31, inclusive, of this act have the meanings ascribed to them in those sections.*

Sec. 23. *"Board" means the State Board of Health.*

Sec. 24. (Deleted by amendment.)

Sec. 24.5. *"Department" means the Department of Health and Human Services.*

Sec. 25. *"Division" means the Division of Public and Behavioral Health of the Department of Health and Human Services.*

Sec. 26. *"License" means a license to engage in radiation therapy and radiologic imaging issued pursuant to section 36, 38 or 39 of this act. The term does not include a limited license.*

Sec. 27. *"Limited license" means a limited license to engage in radiologic imaging issued pursuant to section 37, 38 or 39 of this act.*

Sec. 28. *"Mammography" has the meaning ascribed to it in NRS 457.182.*

Sec. 29. *"Radiation therapy" means the administration of ionizing radiation for therapeutic purposes.*

Sec. 30. *"Radiologic imaging" means the use of ionizing radiation to diagnose or visualize a medical condition.*

Sec. 31. *"Radiologist assistant" means a person who holds a license and meets the requirements of section 41 of this act.*

Sec. 32. *The provisions of this chapter do not apply to:*



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

3 2. A dentist or dental hygienist licensed pursuant to chapter
4 631 of NRS or a dental assistant working within the scope of his
5 or her employment under the direct supervision of a dentist.

6 3. A chiropractic physician or chiropractor's assistant
7 licensed pursuant to chapter 634 of NRS.

8 4. A person training to become a chiropractor's assistant or a
9 student practicing in the preceptor program established by the
10 Chiropractic Physicians' Board of Nevada pursuant to
11 NRS 634.1375.

12 5. A podiatric physician licensed pursuant to chapter 635 of
13 NRS.

14 6. A veterinarian or veterinary technician licensed pursuant
15 to chapter 638 of NRS or any other person performing tasks under
16 the supervision of a veterinarian or veterinary technician as
17 authorized by regulation of the Nevada State Board of Veterinary
18 Medical Examiners.

19 7. The performance of mammography in accordance with
20 NRS 457.182 to 457.187, inclusive.

21 **Sec. 33. 1. The Radiation Therapy and Radiologic Imaging**
22 **Advisory Committee is hereby created.**

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

28 (a) One member who holds a license and is certified by the
29 American Registry of Radiologic Technologists, or its successor
30 organization, to practice in the area of radiography.

31 (b) One member who holds a license and is certified by the
32 American Registry of Radiologic Technologists, or its successor
33 organization, to practice in the area of nuclear medicine
34 technology.

35 (c) One member who holds a license and is certified by the
36 American Registry of Radiologic Technologists, or its successor
37 organization, to practice in the area of radiation therapy.

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

39 (e) One member who is a physician specializing in radiology.

40 (f) One member who is a physician specializing in an area
41 other than radiology, or a dentist, chiropractor or podiatrist.

42 (g) One member who is certified to provide clinical
43 professional services in a field of medical physics.

44 3. After the initial terms, the members of the Committee serve
45 terms of 3 years. A vacancy on the Committee must be filled in the



1 *same manner as the initial appointment. No member may serve*
2 *more than two consecutive terms.*

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

7 *5. The Committee shall annually select a Chair from among*
8 *the members appointed pursuant to paragraphs (a) to (d),*
9 *inclusive, of subsection 2, and a Vice Chair from among its*
10 *members.*

11 *6. The Committee shall meet at least once each year and such*
12 *other times as requested by the Administrator of the Division. The*
13 *Committee may meet by telephone, videoconference or other*
14 *electronic means in accordance with the provisions of chapter 241*
15 *of NRS. The Administrator shall prescribe the agenda for each*
16 *meeting. The Committee may submit items to the Administrator to*
17 *consider for inclusion on the agenda for a meeting.*

18 *7. The Committee shall:*

19 *(a) Recommend to the Board a national professional*
20 *organization against which the scope of practice will be measured*
21 *pursuant to paragraph (b) of subsection 1 of section 34 of this act;*
22 *and*

23 *(b) Make such other recommendations to the Board, the*
24 *Division and the Legislature concerning radiation therapy and*
25 *radiologic imaging as it deems proper.*

26 **Sec. 34. 1. The Board shall adopt regulations:**

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

29 *(b) Defining the scope of practice for radiologist assistants and*
30 *persons who hold licenses and limited licenses. Such regulations*
31 *must be at least as stringent as the scope of practice adopted by a*
32 *national professional organization whose membership consists of*
33 *persons licensed or certified to engage in radiation therapy or*
34 *radiologic imaging. The national professional organization must*
35 *be designated by the Board upon the recommendation of the*
36 *Radiation Therapy and Radiologic Imaging Advisory Committee*
37 *pursuant to subsection 7 of section 33 of this act.*

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

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



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

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

3. At the same time that the Board provides notice pursuant to chapter 233B of NRS or NRS 241.020 of any meeting or workshop relating to the adoption of a proposed regulation pursuant to this chapter, the Board shall submit an electronic copy of the notice to the Radiation Therapy and Radiologic Imaging Advisory Committee created by section 33 of this act.

4. All money received from penalties pursuant to the provisions of this chapter must be forwarded to the State Treasurer for credit to the Fund for the Care of Sites for the Disposal of Radioactive Waste created by NRS 459.231.

5. All money received from fees pursuant to the provisions of this chapter must be used by the Division to administer the provisions of this chapter.

6. The Division shall enforce the provisions of this chapter.

Sec. 35. 1. Except as otherwise provided in sections 42 and 43 of this act, a person shall not engage in:

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

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

(c) Radiation therapy or radiologic imaging which is outside the scope of practice authorized for his or her license or limited license by the regulations adopted pursuant to section 34 of this act.

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

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

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

5. A provisional license or provisional limited license may not be renewed and expires:



(a) On the date on which the holder of the provisional license or provisional limited license is issued a license or limited license by the Division;

(b) On the date on which the application of the holder of the provisional license or provisional limited license for a license or limited license is denied by the Division; or

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

6. A person who engages in radiation therapy or radiologic imaging in violation of the provisions of this section is guilty of a misdemeanor.

Sec. 36. The Division may issue a license to engage in radiation therapy and radiologic imaging to a person who:

1. Has successfully completed an educational program accredited by the Joint Review Committee on Education in Radiologic Technology, or its successor organization, the Joint Review Committee on Educational Programs in Nuclear Medicine Technology, or its successor organization, or another national accrediting organization approved by the Division; and

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

Sec. 37. 1. The Division may issue a limited license to engage in radiologic imaging to a person who has completed a course of study in limited X-ray machine operation that incorporates the Limited X-Ray Machine Operator Curriculum prescribed by the American Society of Radiologic Technologists, or its successor organization, and satisfies the provisions of subsection 2.

2. A person may obtain a limited license only if the person:

(a) Has passed an examination for the limited scope of practice in radiography administered by the American Registry of Radiologic Technologists or its successor organization;

(b) If applying for a limited license in spine and extremity radiography, is certified by the American Chiropractic Registry of Radiologic Technologists or its successor organization;

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



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

3. The holder of a limited license may perform radiologic imaging only within the scope of the limited license, as described in this subsection and the regulations adopted pursuant to section 34 of this act, and under the supervision required by those regulations. The Division may issue a limited license in:

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

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

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

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

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

(f) Bone densitometry, which authorizes the holder of the limited license to engage in the determination of bone mass by measuring the absorption of radiation in the bone; or

(g) Any combination thereof.

4. The holder of a limited license shall not perform procedures using contrast media, nuclear medicine or radiation therapy.

5. As used in this section:

(a) "Bone densitometry" means the quantitative assessment of bone mass using single or dual energy X-ray absorptiometry.

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

Sec. 38. 1. The Division may issue a license by endorsement to engage in radiation therapy and radiologic imaging or a limited license by endorsement to engage in radiologic imaging in accordance with the provisions of this



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1 *section to an applicant who meets the requirements set forth in*
2 *this section.*

3 2. *An applicant for a license by endorsement or a limited*
4 *license by endorsement pursuant to this section must submit to the*
5 *Division an application in the form prescribed by the Division*
6 *and:*

7 (a) *Proof satisfactory to the Division that the applicant:*

8 (1) *If applying for a license to engage in radiation therapy*
9 *and radiologic imaging, holds a valid and unrestricted license,*
10 *certificate or other credential to engage in radiation therapy and*
11 *radiologic imaging issued in any state of the United States, the*
12 *District of Columbia, the Commonwealth of Puerto Rico or any*
13 *other territory or possession of the United States;*

14 (2) *If applying for a limited license to engage in radiologic*
15 *imaging, holds a valid and unrestricted license, certificate or other*
16 *credential to engage in radiologic imaging issued in any state of*
17 *the United States, the District of Columbia, the Commonwealth of*
18 *Puerto Rico or any other territory or possession of the United*
19 *States;*

20 (3) *Is a citizen of the United States or otherwise has the*
21 *legal right to work in the United States;*

22 (4) *Has not been disciplined or investigated by a regulatory*
23 *authority of the state or territory in which the applicant holds or*
24 *has held a license; and*

25 (5) *Has not ever been held civilly or criminally liable for*
26 *malpractice related to his or her license;*

27 (b) *An affidavit stating that the information contained in the*
28 *application and any accompanying material is true and correct;*
29 *and*

30 (c) *Any other information required by the Division.*

31 3. *Not later than 15 business days after receiving an*
32 *application for a license by endorsement to engage in radiation*
33 *therapy and radiologic imaging or a limited license by*
34 *endorsement to engage in radiologic imaging pursuant to this*
35 *section, the Division shall provide written notice to the applicant if*
36 *any additional information is required by the Division to consider*
37 *the application. Unless the Division denies the application for*
38 *good cause, the Division shall approve the application and issue a*
39 *license by endorsement or limited license by endorsement, as*
40 *applicable, to the applicant not later than 45 days after receiving*
41 *the application.*

42 **Sec. 39. 1.** *The Division may issue a license by*
43 *endorsement to engage in radiation therapy and radiologic*
44 *imaging or a limited license by endorsement to engage in*
45 *radiologic imaging in accordance with the provisions of this*



1 *section to an applicant who meets the requirements set forth in*
2 *this section.*

3 *2. An applicant for a license by endorsement pursuant to this*
4 *section must submit to the Division with his or her application:*

5 *(a) Proof satisfactory to the Division that the applicant:*

6 *(1) If applying for a license to engage in radiation therapy*
7 *and radiologic imaging, holds a valid and unrestricted license,*
8 *certificate or other credential to engage in radiation therapy and*
9 *radiologic imaging issued in any state of the United States, the*
10 *District of Columbia, the Commonwealth of Puerto Rico or any*
11 *other territory or possession of the United States;*

12 *(2) If applying for a limited license to engage in radiologic*
13 *imaging, holds a valid and unrestricted license, certificate or other*
14 *credential to engage in radiologic imaging issued in any state of*
15 *the United States, the District of Columbia, the Commonwealth of*
16 *Puerto Rico or any other territory or possession of the United*
17 *States;*

18 *(3) Is an active member of, or the spouse of an active*
19 *member of, the Armed Forces of the United States, a veteran or*
20 *the surviving spouse of a veteran;*

21 *(4) Is a citizen of the United States or otherwise has the*
22 *legal right to work in the United States;*

23 *(5) Has not been disciplined or investigated by a regulatory*
24 *authority of the state or territory in which the applicant holds or*
25 *has held a license; and*

26 *(6) Has not ever been held civilly or criminally liable for*
27 *malpractice related to his or her license;*

28 *(b) An affidavit stating that the information contained in the*
29 *application and any accompanying material is true and correct;*
30 *and*

31 *(c) Any other information required by the Division.*

32 *3. Not later than 15 business days after receiving an*
33 *application for a license by endorsement to engage in radiation*
34 *therapy and radiologic imaging or a limited license by*
35 *endorsement to engage in radiologic imaging pursuant to this*
36 *section, the Division shall provide written notice to the applicant if*
37 *any additional information is required by the Division to consider*
38 *the application. Unless the Division denies the application for*
39 *good cause, the Division shall approve the application and issue a*
40 *license by endorsement or a limited license by endorsement, as*
41 *applicable, to the applicant not later than 45 days after receiving*
42 *all the additional information required by the Division to complete*
43 *the application.*

44 *4. At any time before making a final decision, the Division*
45 *may grant a provisional license authorizing an applicant to*



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engage in radiation therapy and radiologic imaging or a provisional limited license authorizing an applicant to engage in radiologic imaging, as applicable, in accordance with regulations adopted by the Division.

5. As used in this section, "veteran" has the meaning ascribed to it in NRS 417.005.

Sec. 40. 1. In addition to any other requirements set forth in this chapter:

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

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

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

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

(b) A separate form prescribed by the Division.

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

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

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

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

Sec. 41. 1. The holder of a license may practice as a radiologist assistant if the holder is:

(a) Certified by the American Registry of Radiologic Technologists, or its successor organization, to practice in the area



1 of radiography and is registered as a radiologist assistant by that
2 entity; or

3 (b) Certified by the Certification Board for Radiology
4 Practitioner Assistants.

5 2. In addition to the duties that the holder of a license is
6 authorized to perform by the regulations adopted pursuant to
7 section 34 of this act, a radiologist assistant:

8 (a) May perform any duty relating to the care and
9 management of patients, including, without limitation, radiologic
10 imaging and interventional procedures guided by radiologic
11 imaging, under the supervision of a radiologist.

12 (b) May provide initial observations concerning the images of
13 a patient to a supervising physician who specializes in radiology.

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

16 3. A person who practices as a radiologist assistant without
17 meeting the requirements of subsection 1 is guilty of a
18 misdemeanor.

19 **Sec. 42. 1.** A person who does not meet the requirements of
20 section 35 of this act may, without compensation, engage in
21 radiation therapy or radiologic imaging under the direct
22 supervision of a physician, dentist, chiropractor or podiatrist or a
23 person who holds a license for the purpose of qualifying for any
24 certification required to obtain a license or a limited license.

25 2. A holder of a license or limited license may engage in
26 radiation therapy or radiologic imaging outside the scope of
27 practice authorized for his or her license or limited license by the
28 regulations adopted pursuant to section 34 of this act if:

29 (a) Necessary to qualify for certification by a national
30 accrediting organization in that area; and

31 (b) The licensee registers with the Division before engaging in
32 such activity.

33 3. The Division may issue a temporary student license to a
34 person who is enrolled in a program to qualify for any
35 certification that is required to obtain a license or limited license.
36 A holder of a temporary student license may engage in any activity
37 described in subsection 1 for compensation.

38 4. A temporary student license may not be renewed and
39 expires on the earlier of:

40 (a) The date on which the holder of the temporary student
41 license is issued a license or limited license by the Division;

42 (b) The date on which the application of the holder of the
43 temporary student license for a license or limited license is denied
44 by the Division; or



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

Sec. 43. 1. A person who does not hold a license or limited license may take X-ray photographs under the supervision of a physician or physician assistant as part of his or her employment or service as an independent contractor in a rural health clinic or federally-qualified health center described in subsection 2 if the person:

(a) Registers with the Division in the form prescribed by the Division;

(b) Submits to the Division proof that he or she has completed training in radiation safety and proper positioning for X-ray photographs provided by the holder of a license; and

(c) Completes the continuing education prescribed by regulation of the Department.

2. A person described in subsection 1 may take X-ray photographs as part of his or her employment or service as an independent contractor in a rural health clinic or federally-qualified health center that:

(a) Is located in a county whose population is less than 55,000; and

(b) Has established a quality assurance program for X-ray photographs that meets the requirements prescribed by regulation of the Division.

3. A person who performs computed tomography or fluoroscopy as part of his or her employment on January 1, 2020, may continue to perform any such activity on and after that date without complying with the requirements of section 44 or 45, as applicable, of this act if he or she:

(a) Registers with the Division in the form prescribed by the Division;

(b) Provides any information requested by the Division; and

(c) Does not expand the scope of his or her duties relating to computed tomography or fluoroscopy, as applicable.

4. As used in this section:

(a) "Federally-qualified health center" has the meaning ascribed to it in 42 U.S.C. § 1396d(l)(2)(B).

(b) "Rural health clinic" has the meaning ascribed to it in 42 U.S.C. § 1395x(aa)(2).

Sec. 44. 1. A person shall not perform computed tomography except as authorized by this section and section 43 of this act.

2. Except as otherwise provided in this section, a holder of a license may only perform computed tomography within his or her



scope of practice, as authorized by the regulations adopted pursuant to section 34 of this act, if he or she is certified by:

(a) The American Registry of Radiologic Technologists, or its successor organization, to practice in the area of nuclear medicine technology or radiation therapy; or

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

3. A holder of a license who is certified by the American Registry of Radiologic Technologists, or its successor organization, or the Nuclear Medicine Technology Certification Board, or its successor organization, in computed tomography may perform computed tomography.

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

(a) Performs computed tomography to qualify for certification by the American Registry of Radiologic Technologists, or its successor organization, or the Nuclear Medicine Technology Certification Board, or its successor organization, in computed tomography; and

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

5. A person who performs computed tomography in violation of this section is guilty of a misdemeanor.

Sec. 45. 1. A person shall not perform fluoroscopy except as authorized in this section and section 43 of this act.

2. A holder of a license may perform fluoroscopy:

(a) If he or she is certified by the American Registry of Radiologic Technologists, or its successor organization, to practice in the area of radiation therapy;

(b) Only within the scope of his or her practice; and

(c) Only to the extent authorized by the regulations adopted pursuant to section 34 of this act.

3. A person who performs fluoroscopy in violation of this section is guilty of a misdemeanor.

Sec. 46. (Deleted by amendment.)

Sec. 47. 1. Except as otherwise provided in this section, any authorized representative of the Division may:

(a) Enter and inspect at any reasonable time any private or public property on which radiation therapy or radiologic imaging is conducted for the purpose of determining whether a violation of the provisions of this chapter or the regulations adopted pursuant thereto has occurred or is occurring. The owner, occupant or person responsible for such property shall permit such entry and inspection. An owner, occupant or person responsible for such



property who fails to permit such entry and inspection is guilty of a misdemeanor.

(b) Request any information necessary to ensure that any person who engages in radiation therapy or radiologic imaging meets any requirements specified by this chapter concerning the radiation therapy or radiologic imaging in which the person engages.

2. An authorized representative of the Division may only enter an area that is subject to the jurisdiction of the Federal Government if the authorized representative obtains the consent of the Federal Government or its duly designated representative.

3. Any report of an investigation or inspection conducted pursuant to paragraph (a) of subsection 1 and any information requested pursuant to paragraph (b) of subsection 1 shall not be disclosed or made available for public inspection, except as otherwise provided in NRS 239.0115 or as may be necessary to carry out the responsibilities of the Division.

Sec. 48. 1. The Division may deny, suspend, revoke or refuse to renew a license or limited license issued pursuant to the provisions of this chapter, impose limitations on the practice of a holder of such a license or limited license or impose a civil penalty of up to \$1,000 per violation if a person:

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

(b) Engages in unprofessional conduct, as defined by the regulations adopted pursuant to section 34 of this act;

(c) Is convicted of a crime involving moral turpitude, as defined by the regulations adopted pursuant to section 34 of this act, or any crime which indicates that the person is unfit to engage in radiation therapy or radiologic imaging;

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

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

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

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

2. At least 2 years after the date on which the license or limited license of a person is revoked, the person may apply to the Division for reinstatement of the license, which is within the discretion of the Division.

Sec. 49. 1. The Division may, upon its own motion, and shall, upon the verified complaint in writing of any person setting



1 *forth facts which, if proven, would constitute grounds for*
2 *initiating disciplinary action, investigate the actions of any person*
3 *who engages in radiation therapy or radiologic imaging.*

4 2. A person may file a complaint anonymously pursuant to
5 subsection 1. The Division may refuse to consider such a
6 complaint if anonymity of the complainant makes processing the
7 complaint impossible or unfair to the person who is the subject of
8 the complaint.

9 3. The Division shall retain all complaints received by the
10 Division pursuant to this section for at least 10 years, including,
11 without limitation, any complaints not acted upon by the Division.

12 4. Before initiating proceedings to impose disciplinary action,
13 the Division shall notify the accused person in writing of the
14 charges. Such notice may be served by personal delivery to the
15 accused person or by mailing it by registered or certified mail to
16 the place of business last specified as noted in the records of the
17 Division.

18 5. In any proceeding to impose disciplinary action, the
19 Division shall afford an opportunity for a hearing on the record
20 upon the request of the accused person. The Division may compel
21 the attendance of witnesses or the production of documents or
22 objects by subpoena.

23 6. The Division shall render a written decision at the
24 conclusion of each hearing, and the record and decision in each
25 hearing must be made available for inspection by any interested
26 person.

27 7. The Division may delegate to a hearing officer or panel its
28 authority to take any disciplinary action pursuant to the provisions
29 of this chapter. Any disciplinary action taken by the hearing
30 officer or panel is subject to the same procedural requirements
31 applicable to the Division pursuant to subsection 6, and the officer
32 or panel has those powers and duties given to the Division in
33 relation thereto.

34 8. A decision imposing disciplinary action pursuant to this
35 section is a final decision for the purposes of judicial review.

36 **Sec. 50.** 1. If the Division receives a copy of a court order
37 issued pursuant to NRS 425.540 that provides for the suspension
38 of all professional, occupational and recreational licenses,
39 certificates and permits issued to a person who is the holder of a
40 license or limited license, the Division shall deem the license or
41 limited license issued to that person to be suspended at the end of
42 the 30th day after the date on which the court order was issued
43 unless the Division receives a letter issued to the holder of the
44 license or limited license by the district attorney or other public
45 agency pursuant to NRS 425.550 stating that the holder of the



1 *license or limited license has complied with the subpoena or*
2 *warrant or has satisfied the arrearage pursuant to NRS 425.560.*

3 2. *The Division shall reinstate a license or limited license that*
4 *has been suspended by a district court pursuant to NRS 425.540 if*
5 *the Division receives a letter issued by the district attorney or other*
6 *public agency pursuant to NRS 425.550 to the person whose*
7 *license or limited license was suspended stating that the person*
8 *whose license or limited license was suspended has complied with*
9 *the subpoena or warrant or has satisfied the arrearage pursuant to*
10 *NRS 425.560.*

11 **Sec. 51. 1. The Division or the Attorney General may**
12 **maintain in any court of competent jurisdiction a suit to enjoin**
13 **any person from violating a provision of this chapter or any**
14 **regulations adopted pursuant thereto.**

15 2. *Such an injunction:*

16 (a) *May be issued without proof of actual damage sustained by*
17 *any person as a preventive or punitive measure.*

18 (b) *Does not relieve any person from any other legal action.*

19 **Sec. 52.** NRS 622.520 is hereby amended to read as follows:

20 622.520 1. A regulatory body that regulates a profession
21 pursuant to chapters 630, 630A, 632 to 641C, inclusive, or 644A of
22 NRS *or sections 22 to 51, inclusive, of this act* in this State may
23 enter into a reciprocal agreement with the corresponding regulatory
24 authority of the District of Columbia or any other state or territory
25 of the United States for the purposes of:

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

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

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

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

34 (b) The applicable provisions of law governing the practice of
35 the respective profession in the state or territory on whose behalf the
36 corresponding regulatory authority would execute the reciprocal
37 agreement are substantially similar to the corresponding provisions
38 of law in this State.

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

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

44 (b) Has been in practice for at least the 5 years immediately
45 preceding the date on which the person submits an application for



1 the issuance of a license pursuant to a reciprocal agreement entered
2 into pursuant to subsection 1.

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

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

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

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

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

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

22 **Sec. 53.** (Deleted by amendment.)

23 **Sec. 54.** NRS 630.279 is hereby amended to read as follows:

24 630.279 The Board shall adopt regulations regarding the
25 licensure of practitioners of respiratory care, including, without
26 limitation:

27 1. Educational and other qualifications of applicants;

28 2. Required academic programs which applicants must
29 successfully complete;

30 3. Procedures for applying for and issuing licenses;

31 4. Tests or examinations of applicants by the Board;

32 5. The types of medical services that a practitioner of
33 respiratory care may perform, except that a practitioner of
34 respiratory care may not perform those specific functions and duties
35 delegated or otherwise restricted by specific statute to persons
36 licensed as dentists, chiropractors, podiatric physicians,
37 optometrists, physicians, osteopathic physicians or hearing aid
38 specialists pursuant to this chapter or chapter 631, 633, 634, 635,
39 636 or 637B of NRS, as appropriate ~~H~~, *or persons who hold a*
40 *license to engage in radiation therapy and radiologic imaging or a*
41 *limited license to engage in radiologic imaging pursuant to*
42 *sections 22 to 51, inclusive, of this act;*

43 6. The duration, renewal and termination of licenses; and

44 7. The grounds and procedures for disciplinary actions against
45 practitioners of respiratory care.



Sec. 55. NRS 630A.299 is hereby amended to read as follows:
630A.299 The Board shall adopt regulations regarding the certification of a homeopathic assistant, including, but not limited to:

1. The educational and other qualifications of applicants.
2. The required academic program for applicants.
3. The procedures for applications for and the issuance of certificates.

4. The tests or examinations of applicants by the Board.

5. The medical services which a homeopathic assistant may perform, except that a homeopathic assistant may not perform those specific functions and duties delegated or restricted by law to persons licensed as dentists, chiropractors, podiatric physicians, optometrists or hearing aid specialists under chapter 631, 634, 635, 636 or 637B, respectively, of NRS ~~or persons licensed to engage in radiation therapy or radiologic imaging pursuant to sections 22 to 51, inclusive, of this act.~~

6. The duration, renewal and termination of certificates.

7. The grounds respecting disciplinary actions against homeopathic assistants.

8. The supervision of a homeopathic assistant by a supervising homeopathic physician.

9. The establishment of requirements for the continuing education of homeopathic assistants.

Sec. 56. (Deleted by amendment.)

Sec. 57. (Deleted by amendment.)

Sec. 58. NRS 632.472 is hereby amended to read as follows:

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

(a) Any physician, dentist, dental hygienist, chiropractor, optometrist, podiatric physician, medical examiner, resident, intern, professional or practical nurse, nursing assistant, medication aide - certified, perfusionist, physician assistant licensed pursuant to chapter 630 or 633 of NRS, psychiatrist, psychologist, marriage and family therapist, clinical professional counselor, alcohol or drug abuse counselor, music therapist, *holder of a license or limited license issued pursuant to sections 22 to 51, inclusive, of this act*, driver of an ambulance, paramedic or other person providing medical services licensed or certified to practice in this State.

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



1 a medical facility or facility for the dependent upon notification by a
2 member of the staff of the facility.

3 (c) A coroner.

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

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

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

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

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

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

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

22 (k) Any social worker.

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

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

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

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

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

42 5. As used in this section:

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



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

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

Sec. 59. (Deleted by amendment.)

Sec. 60. (Deleted by amendment.)

Sec. 61. (Deleted by amendment.)

Sec. 62. Chapter 635 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as authorized by this section, a podiatry hygienist shall not engage in radiation therapy or radiologic imaging unless he or she has obtained a license or limited license pursuant to sections 22 to 51, inclusive, of this act.

2. A podiatry hygienist may take and develop X-rays only:

(a) Within the practice of podiatry and under the direction of a podiatric physician; and

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

3. A podiatry hygienist who has not successfully completed the training prescribed by the Board pursuant to subsection 4 may, as part of that training, take and develop X-rays under the direct supervision of a podiatric physician.

4. The Board shall adopt regulations prescribing training that a podiatry hygienist must receive before taking and developing X-rays.

5. As used in this section:

(a) "Radiation therapy" has the meaning ascribed to it in section 29 of this act.

(b) "Radiologic imaging" has the meaning ascribed to it in section 30 of this act.

Sec. 63. NRS 635.098 is hereby amended to read as follows:


635.098 1. Any podiatry hygienist in the employ and under the direction of a podiatric physician may:

(a) Apply orthopedic padding.

(b) Administer to patients by means of physiotherapeutic equipment.

(c) Make up surgical packs.

(d) Strap and cast for orthopedic appliances.

(e) Take and develop X-rays , *if authorized by section 62 of this act.*

(f) Assist in foot surgery.

(g) Administer oral medications.

2. The Board may require that every podiatry hygienist have a general knowledge of sterile techniques, aseptic maintenance of



surgery rooms, emergency treatments, podiatric nomenclature and podiatric surgical procedure.

Sec. 64. NRS 637B.080 is hereby amended to read as follows:

637B.080 The provisions of this chapter do not apply to any person who:

1. Holds a current credential issued by the Department of Education pursuant to chapter 391 of NRS and any regulations adopted pursuant thereto and engages in the practice of audiology or speech-language pathology within the scope of that credential;

2. Is employed by the Federal Government and engages in the practice of audiology or speech-language pathology within the scope of that employment;

3. Is a student enrolled in a program or school approved by the Board, is pursuing a degree in audiology or speech-language pathology and is clearly designated to the public as a student; or

4. Holds a current license issued pursuant to chapters 630 to 637, inclusive, or 640 to 641C, inclusive, of NRS ~~§~~ *or sections 22 to 51, inclusive, of this act,*

➤ and who does not engage in the private practice of audiology or speech-language pathology in this State.

Sec. 65. NRS 639.100 is hereby amended to read as follows:

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

(a) Is a prescribing practitioner, a person licensed to engage in wholesale distribution, ~~{a technologist in radiology or nuclear medicine}~~ *a person licensed pursuant to sections 22 to 51, inclusive, of this act* under the supervision of the prescribing practitioner, a registered pharmacist, or a registered nurse certified in oncology under the supervision of the prescribing practitioner; and

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

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

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

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

➤ and shall be punished as provided in NRS 193.130.

3. Sales representatives, manufacturers or wholesalers selling only in wholesale lots and not to the general public and compounders or sellers of medical gases need not be registered



1 pharmacists. A person shall not act as a manufacturer or wholesaler
2 unless the person has obtained a license from the Board.

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

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

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

22 **Sec. 66.** NRS 644A.880 is hereby amended to read as follows:

23 644A.880 1. If the Board determines that a complaint filed
24 with the Board concerns a matter within the jurisdiction of another
25 licensing board, the Board shall refer the complaint to the other
26 licensing board within 5 days after making the determination.

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

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

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

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

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

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

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



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

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

Sec. 67. NRS 654.185 is hereby amended to read as follows:

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

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

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

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

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

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

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

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

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

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

Sec. 68. NRS 679B.440 is hereby amended to read as follows:

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

(a) Liability insurance provided to:

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

(I) Cities and towns;

(II) School districts; and



- (III) Other political subdivisions;
- (2) Public officers;
- (3) Establishments where alcoholic beverages are sold;
- (4) Facilities for the care of children;
- (5) Labor, fraternal or religious organizations; and
- (6) Officers or directors of organizations formed pursuant to title 7 of NRS, reported separately for nonprofit entities and entities organized for profit;
- (b) Liability insurance for:
- (1) Defective products;
- (2) Medical or dental malpractice of:
- (I) A practitioner licensed pursuant to chapter 630, 630A, 631, 632, 633, 634, 634A, 635, 636, 637, 637B, 639 or 640 of NRS ~~§~~ *or who holds a license or limited license issued pursuant to sections 22 to 51, inclusive, of this act;*
- (II) A hospital or other health care facility; or
- (III) Any related corporate entity ; ~~§~~
- (3) Malpractice of attorneys;
- (4) Malpractice of architects and engineers; and
- (5) Errors and omissions by other professionally qualified persons;
- (c) Vehicle insurance, reported separately for:
- (1) Private vehicles;
- (2) Commercial vehicles;
- (3) Liability insurance; and
- (4) Insurance for property damage;
- (d) Workers' compensation insurance; and
- (e) In addition to any information provided pursuant to subparagraph (2) of paragraph (b) or NRS 690B.260, a policy of insurance for medical malpractice. As used in this paragraph, "policy of insurance for medical malpractice" has the meaning ascribed to it in NRS 679B.144.
2. The Commissioner may require that the report include, without limitation, information specifically pertaining to this State or to an insurer in its entirety, in the aggregate or by type of insurance, and for a previous or current year, regarding:
- (a) Premiums directly written;
- (b) Premiums directly earned;
- (c) Number of policies issued;
- (d) Net investment income, using appropriate estimates when necessary;
- (e) Losses paid;
- (f) Losses incurred;
- (g) Loss reserves, including:
- (1) Losses unpaid on reported claims; and



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

Sec. 69. NRS 686A.2825 is hereby amended to read as follows:

686A.2825 “Practitioner” means:

1. A physician, dentist, nurse, dispensing optician, optometrist, physical therapist, podiatric physician, psychologist, chiropractor, doctor of Oriental medicine in any form, director or technician of a medical laboratory, pharmacist, *person who holds a license to engage in radiation therapy and radiologic imaging or a limited license to engage in radiologic imaging pursuant to sections 22 to 51, inclusive, of this act* or other provider of health services who is authorized to engage in his or her occupation by the laws of this state or another state; and

2. An attorney admitted to practice law in this state or any other state.

Sec. 70. NRS 686B.030 is hereby amended to read as follows:

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

- (a) Ocean marine insurance;
(b) Contracts issued by fraternal benefit societies;
(c) Life insurance and credit life insurance;
(d) Variable and fixed annuities;
(e) Credit accident and health insurance;
(f) Property insurance for business and commercial risks;
(g) Casualty insurance for business and commercial risks other than insurance covering the liability of a practitioner licensed pursuant to chapters 630 to 640, inclusive, of NRS ~~§~~ *or who holds*



1 *a license or limited license issued pursuant to sections 22 to 51,*
2 *inclusive, of this act;*

3 (h) Surety insurance;

4 (i) Health insurance offered through a group health plan
5 maintained by a large employer; and

6 (j) Credit involuntary unemployment insurance.

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

10 **Sec. 71.** NRS 690B.250 is hereby amended to read as follows:

11 690B.250 Except as more is required in NRS 630.3067 and
12 633.526:

13 1. Each insurer which issues a policy of insurance covering the
14 liability of a practitioner licensed pursuant to chapters 630 to 640,
15 inclusive, of NRS *or who holds a license or limited license issued*
16 *pursuant to sections 22 to 51, inclusive, of this act* for a breach of
17 his or her professional duty toward a patient shall report to the board
18 which licensed the practitioner within 45 days each settlement or
19 award made or judgment rendered by reason of a claim, if the
20 settlement, award or judgment is for more than \$5,000, giving the
21 name of the claimant and the practitioner and the circumstances of
22 the case.

23 2. A practitioner licensed pursuant to chapters 630 to 640,
24 inclusive, of NRS *or who holds a license or limited license issued*
25 *pursuant to sections 22 to 51, inclusive, of this act* who does not
26 have insurance covering liability for a breach of his or her
27 professional duty toward a patient shall report to the board which
28 issued the practitioner's license within 45 days of each settlement or
29 award made or judgment rendered by reason of a claim, if the
30 settlement, award or judgment is for more than \$5,000, giving the
31 practitioner's name, the name of the claimant and the circumstances
32 of the case.

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

36 **Sec. 72.** NRS 690B.320 is hereby amended to read as follows:

37 690B.320 1. If an insurer offers to issue a claims-made
38 policy to a practitioner licensed pursuant to chapters 630 to 640,
39 inclusive, of NRS ~~H~~ *or who holds a license or limited license*
40 *issued pursuant to sections 22 to 51, inclusive, of this act*, the
41 insurer shall:

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



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

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

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

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

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

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

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

Sec. 72.3. Section 32 of this act is hereby amended to read as follows:

Sec. 32. The provisions of this chapter do not apply to:

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

2. A dentist or dental hygienist licensed pursuant to chapter 631 of NRS or a dental assistant working within the scope of his or her employment under the direct supervision of a dentist.

3. A chiropractic physician or chiropractor's assistant licensed pursuant to chapter 634 of NRS.

4. A person training to become a chiropractor's assistant or a student practicing in the preceptor program established by the Chiropractic Physicians' Board of Nevada pursuant to NRS 634.1375.



5. A podiatric physician *or podiatry hygienist* licensed pursuant to chapter 635 of NRS, *or a person training to be a podiatry hygienist.*

6. A veterinarian or veterinary technician licensed pursuant to chapter 638 of NRS or any other person performing tasks under the supervision of a veterinarian or veterinary technician as authorized by regulation of the Nevada State Board of Veterinary Medical Examiners.

Sec. 72.6. Section 35 of this act is hereby amended to read as follows:

Sec. 35. 1. Except as otherwise provided in sections 42 ~~[and]~~, 43 *and 62* of this act, a person shall not engage in:

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

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

(c) Radiation therapy or radiologic imaging which is outside the scope of practice authorized for his or her license or limited license by the regulations adopted pursuant to section 34 of this act.

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

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

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

5. A provisional license or provisional limited license may not be renewed and expires:

(a) On the date on which the holder of the provisional license or provisional limited license is issued a license or limited license by the Division;

(b) On the date on which the application of the holder of the provisional license or provisional limited license for a license or limited license is denied by the Division; or

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



6. A person who engages in radiation therapy or radiologic imaging in violation of the provisions of this section is guilty of a misdemeanor.

Sec. 73. Section 40 of this act is hereby amended to read as follows:

Sec. 40. 1. In addition to any other requirements set forth in this chapter f:

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

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

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

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

(b) A separate form prescribed by the Division.

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

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

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

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

Sec. 73.5. Section 47 of this act is hereby amended to read as follows:

Sec. 47. 1. Except as otherwise provided in this section, any authorized representative of the Division may:



(a) Enter and inspect at any reasonable time any private or public property on which radiation therapy or radiologic imaging is conducted for the purpose of determining whether a violation of the provisions of this chapter or the regulations adopted pursuant thereto has occurred or is occurring. The owner, occupant or person responsible for such property shall permit such entry and inspection. An owner, occupant or person responsible for such property who fails to permit such entry and inspection is guilty of a misdemeanor.

(b) Request any information necessary to ensure that any person who engages in radiation therapy or radiologic imaging meets any requirements specified by this chapter *or section 62 of this act, as applicable*, concerning the radiation therapy or radiologic imaging in which the person engages.

2. An authorized representative of the Division may only enter an area that is subject to the jurisdiction of the Federal Government if the authorized representative obtains the consent of the Federal Government or its duly designated representative.

3. Any report of an investigation or inspection conducted pursuant to paragraph (a) of subsection 1 and any information requested pursuant to paragraph (b) of subsection 1 shall not be disclosed or made available for public inspection, except as otherwise provided in NRS 239.0115 or as may be necessary to carry out the responsibilities of the Division.

Sec. 74. As soon as practicable after the effective date of this section, the Governor shall appoint to the Radiation Therapy and Radiologic Imaging Advisory Committee created by section 33 of this act:

1. One member pursuant to paragraph (g) of subsection 2 of section 33 of this act to an initial term commencing on July 1, 2019, and expiring on June 30, 2020.

2. One member each pursuant to paragraphs (d), (e) and (f) of subsection 2 of section 33 of this act to initial terms commencing on July 1, 2019, and expiring on June 30, 2021.

3. One member each pursuant to paragraphs (a), (b) and (c) of subsection 2 of section 33 of this act to initial terms commencing on July 1, 2019, and expiring on June 30, 2022.

Sec. 75. 1. Notwithstanding the requirements of sections 36 and 37 of this act, the Division of Public and Behavioral Health of the Department of Health and Human Services shall issue a license or a limited license, as applicable, to the scope of practice of the person, to any person who:



(a) Is performing radiation therapy or radiologic imaging as part of his or her employment on or before January 1, 2020;

(b) Registers with the Division; and

(c) Provides any information requested by the Division.

2. As used in this section:

(a) "License" has the meaning ascribed to it in section 26 of this act.

(b) "Limited license" has the meaning ascribed to it in section 27 of this act.

(c) "Radiation therapy" has the meaning ascribed to it in section 29 of this act.

(d) "Radiologic imaging" has the meaning ascribed to it in section 30 of this act.

Sec. 76. (Deleted by amendment.)

Sec. 77. 1. This section and sections 1, 21, 74 and 75 of this act become effective upon passage and approval.

2. Sections 2 to 20, inclusive, and 22 to 61, inclusive, and 64 to 72, inclusive, of this act become effective upon passage and approval for the purpose of adopting regulations and performing any other administrative tasks that are necessary to carry out the provisions of this act and on January 1, 2020, for all other purposes.

3. Sections 62, 63, 72.6 and 73.5 of this act:

(a) Become effective on January 1, 2020, only if regulations adopted by the State Board of Podiatry pursuant to NRS 635.030 prescribing the conditions under which a podiatry hygienist or a person training to be a podiatry hygienist may engage in radiation therapy and radiologic imaging have not become effective before that date; and

(b) Expire by limitation on the date on which regulations adopted by the State Board of Podiatry pursuant to NRS 635.030 prescribing the conditions under which a podiatry hygienist or a person training to be a podiatry hygienist may engage in radiation therapy and radiologic imaging become effective.

4. Section 72.3 of this act becomes effective on January 1, 2020, or the date on which regulations adopted by the State Board of Podiatry pursuant to NRS 635.030 prescribing the conditions under which a podiatry hygienist or a person training to be a podiatry hygienist may engage in radiation therapy and radiologic imaging become effective, whichever is later.

5. Section 73 of this act becomes effective on the date on which the provisions of 42 U.S.C. § 666 requiring each state to establish procedures under which the state has authority to withhold or suspend, or to restrict the use of professional, occupational and recreational licenses of persons who:



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

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

6 ➡ are repealed by the Congress of the United States.

7 6. Sections 50 and 73 of this act expire by limitation 2 years
8 after the date on which the provisions of 42 U.S.C. § 666 requiring
9 each state to establish procedures under which the state has
10 authority to withhold or suspend, or to restrict the use of
11 professional, occupational and recreational licenses of persons who:

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

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

17 ➡ are repealed by the Congress of the United States.

