

SENATE BILL NO. 241—SENATOR HARDY

FEBRUARY 27, 2019

Referred to Committee on Legislative Operations and Elections

SUMMARY—Revises provisions relating to the compensation of psychiatrists employed by or under contract with certain agencies in the Executive Department of the State Government. (BDR 23-404)

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

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

AN ACT relating to mental health; requiring the payment of certain compensation to a psychiatrist who is employed by or provides psychiatric services pursuant to a contract with certain agencies in the Executive Department of the State Government during any period in which the psychiatrist is on call or holds or is eligible to take the examination for certain certifications; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law governs generally the employment of persons in the classified and unclassified service of the State. (Chapter 284 of NRS) Under existing law, the heads of departments, agencies and institutions in the Executive Department of the State Government are authorized to employ employees in the unclassified service of the State at or below the salaries specified by law, unless otherwise provided by law. (NRS 284.147) Existing regulations authorize a special adjustment to the pay of classified employees in certain circumstances. (NAC 284.206) **Section 1** of this bill requires that a psychiatrist in the classified or unclassified service be paid for any period during which the psychiatrist is on call. In addition, **section 1** requires that a psychiatrist in the classified or unclassified service be paid a special adjustment to his or her pay for any period during which the psychiatrist is: (1) certified by the American Board of Psychiatry and Neurology, Inc., in at least one subspecialty; or (2) eligible to take the examination to be certified by that Board in at least one subspecialty. The additional compensation required to be paid by **section 1** is another exception provided by law to the maximum salaries otherwise prescribed by law for employees in the unclassified service of the State. (*See, e.g.,* chapter 395, Statutes of Nevada 2017, p. 2615)



* S B 2 4 1 *

The State Purchasing Act governs the purchasing of services, supplies, materials and equipment by agencies of the Executive Department, with certain exceptions, including contracts for services with independent contractors. (Chapter 333 of NRS) **Section 2** of this bill requires the inclusion of provisions requiring the payment of the same types of compensation in the same circumstances as in **section 1** in contracts for the provision of psychiatric services entered into under the State Purchasing Act.

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

Section 1. Chapter 284 of NRS is hereby amended by adding thereto a new section to read as follows:

A psychiatrist in the classified or unclassified service of the State must be paid:

1. Compensation for any period during which the psychiatrist is on call.

2. A special adjustment to his or her pay during any period in which he or she is certified by the American Board of Psychiatry and Neurology, Inc., in at least one subspecialty or is eligible to take the examination to be certified by the American Board of Psychiatry and Neurology, Inc., in at least one subspecialty. The special adjustment to pay pursuant to this subsection must be equivalent to 13.5 percent of the base rate of pay of a psychiatrist who is not certified by the American Board of Psychiatry and Neurology, Inc., in a subspecialty.

Sec. 2. Chapter 333 of NRS is hereby amended by adding thereto a new section to read as follows:

If a using agency enters into a contract pursuant to this chapter for the provision of psychiatric services by a psychiatrist, the contract must include provisions that require the payment of:

1. Compensation for any period during the term of the contract in which the psychiatrist is on call.

2. A special adjustment to the pay of the psychiatrist in the amount prescribed in section 1 of this act for any period during the term of the contract in which the psychiatrist is eligible for such an adjustment to pay pursuant to section 1 of this act.

Sec. 3. The amendatory provisions of this act apply to contracts entered into or renewed on or after July 1, 2019.

Sec. 4. This act becomes effective on July 1, 2019.

