

ASSEMBLY BILL NO. 196—ASSEMBLYMEN HARDY AND HAFEN

FEBRUARY 20, 2023

Referred to Committee on Health and Human Services

SUMMARY—Revises provisions governing the injection of a neuromodulator that is derived from *Clostridium botulinum*. (BDR 40-687)

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

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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 health care; authorizing the use of one vial of certain neuromodulators for multiple injections and for multiple patients; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 Existing law requires the State Board of Health to adopt regulations governing
2 the operations of various health care facilities. (NRS 449.0302, 449.448) Existing
3 law also requires the Board of Medical Examiners to adopt regulations governing
4 physicians and physician assistants. (NRS 630.130, 630.275) Existing regulations
5 prohibit a person practicing at an ambulatory surgical center or certain outpatient
6 facilities or a physician or physician assistant licensed by the Board of Medical
7 Examiners from using the medication in a single-dose vial for more than one
8 patient or more than one use. (NAC 449.98454, 449.999444, 630.230) Existing law
9 authorizes only a physician, a physician assistant, certain dentists, a registered
10 nurse, an osteopathic physician, an osteopathic physician assistant or certain
11 podiatric physicians to inject a neuromodulator that is derived from *Clostridium*
12 *botulinum* or is biosimilar to or the bioequivalent of such a neuromodulator. (NRS
13 454.217) This bill authorizes a physician, a physician assistant, certain dentists, a
14 registered nurse, an osteopathic physician, an osteopathic physician assistant or
15 certain podiatric physicians to use one vial, including a single-dose vial, of such a
16 neuromodulator for more than one injection and for more than one patient in
17 accordance with generally accepted standards of care. This bill provides that such
18 authority preempts the regulations of the State Board of Health and any health care
19 licensing board.



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

Section 1. NRS 454.217 is hereby amended to read as follows:

454.217 1. A person shall not inject a neuromodulator that is derived from Clostridium botulinum or is biosimilar to or the bioequivalent of such a neuromodulator:

(a) Unless the person is:

(1) A physician or physician assistant licensed pursuant to chapter 630 of NRS;

(2) A dentist who has successfully completed the training prescribed by the Board of Dental Examiners of Nevada pursuant to NRS 631.391;

(3) A registered nurse or advanced practice registered nurse;

(4) A physician or physician assistant licensed pursuant to chapter 633 of NRS; or

(5) A podiatric physician who has successfully completed the training prescribed by the State Board of Podiatry pursuant to NRS 635.086.

(b) Outside his or her scope of practice.

(c) At a location other than a medical facility, as defined in NRS 449.0151, or the office of a physician or physician assistant licensed pursuant to chapter 630 or 633 of NRS, dentist, advanced practice registered nurse or podiatric physician.

2. A person who is authorized by subsection 1 to inject a neuromodulator described in that subsection shall not delegate such injection to a person who is prohibited by subsection 1 from injecting such a neuromodulator.

3. A person who is authorized by subsection 1 to inject a neuromodulator described in that subsection may use one vial of such a neuromodulator, including, without limitation, a single-dose vial, for more than one injection and for more than one patient in accordance with the generally accepted standards of care for injecting such neuromodulators. This subsection preempts any regulation of the State Board of Health or any health care licensing board that is in conflict with the purposes and objectives of this subsection.

4. As used in this section:

(a) "Health care licensing board" means the Board of Medical Examiners, the Board of Dental Examiners of Nevada, the State Board of Nursing, the State Board of Osteopathic Medicine and the State Board of Podiatry.

(b) "Single-dose vial" means a vial, including, without limitation, a sealed sterile vial, which may be accessed by insertion



- 1 *of a needle and which, according to the manufacturer's*
- 2 *instructions, contains only one dose of a medication.*

