

Amendment No. 437

Assembly Amendment to Assembly Bill No. 153	(BDR 54-724)
Proposed by: Assembly Committee on Commerce and Labor	
Amends: Summary: No Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes	

Adoption of this amendment will MAINTAIN the 2/3s majority vote requirement for final passage of A.B. 153 (§§ 1.32-1.38, 1.49).

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

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

EWR/AAK



Date: 4/23/2023

A.B. No. 153—Provides for the regulation of the practice of naprapathy.
(BDR 54-724)



ASSEMBLY BILL NO. 153--ASSEMBLYWOMAN MARZOLA

FEBRUARY 13, 2023

Referred to Committee on Commerce and Labor

SUMMARY—Provides for the regulation of the practice of naprapathy.
(BDR 54-724)

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 naprapathy; ~~requiring naprapaths to comply with certain requirements;~~ establishing the Naprapathic Practice Advisory Board; providing for the regulation of the practice of naprapathy by the State Board of ~~Osteopathic Medicine; prohibiting the unlicensed practice of naprapathy except in certain circumstances;~~ Health and the Division of Public and Behavioral Health of the Department of Health and Human Services; prescribing the requirements for the issuance and renewal of a license to practice naprapathy; ~~providing for the collection of certain information;~~ prescribing certain requirements governing the practice of naprapathy; authorizing the ~~State Board of Osteopathic Medicine;~~ Division to take certain actions to investigate and impose discipline against a naprapath; prescribing certain duties and authority of a naprapath; prohibiting the unlicensed practice of naprapathy except in certain circumstances; establishing a privilege for certain confidential communications; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides for the regulation of the practice of ~~osteopathic medicine and osteopathic physician assistants;~~ music therapy, dietetics, medical laboratory personnel, radiation therapy and radiologic imaging by the State Board of ~~Osteopathic Medicine; (Chapter 633) Health. (Chapters 640D, 640E, 652 and 653 of NRS) Sections 10-633 1.03-1.8 of this bill similarly require the Board and the Division of Public and Behavioral Health of the Department of Health and Human Services to regulate the practice of naprapathy. Section 1.19 of this bill exempts naprapaths employed by the Federal Government and other licensed providers of health care from such regulation. Section 1.18 of this bill defines the term "naprapathy" to mean the use of certain techniques to diagnose and treat various injuries and connective tissue disorders. Sections 1.06-1.15 of this bill define other relevant terms. Section 24 of this bill makes a conforming change to indicate the proper placement of sections 10-12 in the Nevada Revised Statutes. Sections 5,~~

~~[67 and 68] 30, 63.5, 64.5, 65.5, and 66.5-68 of this bill exempt naprapaths from provisions governing homeopathic physicians, dieticians and cosmetologists, respectively. Naprapaths would also be exempt from provisions governing certain other professions. (NRS 630.047, 637B.080, 640A.070, 640B.145, 640C.100, 644A.150)]~~

Section ~~[13]~~ 1.2 of this bill creates and prescribes the membership of the Naprapathic Practice Advisory Board. Section ~~[13]~~ 1.2 also prescribes the terms of the members of the Advisory Board and certain procedures governing the appointment and compensation of the members. Section ~~[44]~~ 1.23 of this bill prescribes certain requirements relating to the operations of the Advisory Board. Section ~~[15]~~ 1.26 of this bill requires the State Board of ~~[Osteopathic Medicine.] Health,~~ with the advice of the Advisory Board, to adopt regulations governing the licensure of naprapaths, the practice of naprapathy and the approval of programs of education in naprapathy. Section ~~[44]~~ 1.23 requires the Advisory Board to advise the State Board of ~~[Osteopathic Medicine.] Health~~ on the adoption of those regulations.

Section ~~[63]~~ 1.8 of this bill makes it a ~~[felony]~~ misdemeanor for an unlicensed person to engage in or hold himself or herself out to engage in the practice of naprapathy. ~~[Sections 16 and 63]~~ Section 1.29 of this bill ~~[create]~~ creates certain exceptions to that criminal penalty. Sections 2-4, 6, 7, 35 and 64 of this bill clarify that providers of wellness services and certain providers of health care who are not also licensed as naprapaths are prohibited from engaging in the practice of naprapathy. Section 66 of this bill provides that structural integration, as conducted by massage therapists, does not include the practice of naprapathy.

Section ~~[47]~~ 1.32 of this bill prescribes the qualifications to obtain a license to practice naprapathy, which include passing a test in the practice of naprapathy prepared, caused to be prepared or designated by the State Board of ~~[Osteopathic Medicine.] Health.~~ Section 20 1.46 of this bill requires the Board to prepare, cause to be prepared or designate such a test. Sections ~~[18]~~ 1.35 and ~~[19]~~ 1.38 of this bill prescribe the qualifications and procedure to obtain a license by endorsement to practice naprapathy. Section ~~[33]~~ 1.32 of this bill exempts applicants for licensure by endorsement from the standard licensure procedures used by the Board. Section 1.4 of this bill requires an applicant for a license as a naprapath, including a license by endorsement, to submit his or her fingerprints for the purpose of a criminal background check. Section ~~[24]~~ 1.49 of this bill prescribes the expiration date and procedure to renew a license to practice naprapathy. ~~[Section 38 of this bill prescribes procedures governing: (1) placing such a license on inactive status; and (2) returning such a license to active status from inactive status or after retiring. Section 39 of this bill prescribes the maximum fees that the Board is authorized to charge to issue or renew a license to practice naprapathy.]~~

Existing federal law requires each state to adopt procedures to ensure that applicants for certain licenses and certificates comply with child support obligations. (42 U.S.C. § 666) Sections 1.43 and 1.6 of this bill enact such procedures as applicable to an applicant for a license as a naprapath in order to comply with federal law. Sections 87.5 and 91 of this bill remove a requirement that an application for a license as a naprapath include the social security number of the applicant on the date that those federal requirements are repealed, while leaving in place the other requirements of sections 1.43 and 1.6 until 2 years after that date. Section 1.85 of this bill makes a conforming change for applicants for licensure who do not have a social security number.

Section 22 1.52 of this bill requires each licensed naprapath to conspicuously display his or her license and diploma from a program of education in naprapathy at each place where the licensee engages in the practice of naprapathy.

Existing law establishes a program whereby providers of health care are authorized to ask patients if they are veterans for the purpose of connecting patients who are veterans with the Department of Veterans Services. (NRS 417.123-417.128) Sections 1.54, 82 and 82.3 of this bill authorize naprapaths to participate in that program as providers of health care. Section 23 1.55 of this bill requires a naprapath who determines that the diagnosis or treatment of a patient is beyond the scope of practice or the skill, training and competence of the naprapath to refer the patient to an appropriate provider of health care.

~~[Sections 25-32, 34 and 36-62 of this bill make various changes so that naprapaths are regulated similarly to other professions licensed by the Board. Specifically, sections 25-28 and 40]~~ Section 1.58 of this bill ~~[prescribe]~~ prescribes grounds for discipline against a naprapath. [Section 41 of this bill authorizes the Board to inspect the premises where a licensed naprapath practices naprapathy to determine whether a violation of provisions of law

governing osteopathic medicine or naprapathy has occurred. Sections 42 and 43 of this bill require the insurer of a naprapath or a naprapath to report to the Board certain information relating to malpractice litigation or sanctions against the naprapath. Section 44 of this bill requires the Board to conduct an investigation upon receiving such a report of: (1) a judgment rendered or award made against a naprapath regarding an action or claim for malpractice; or (2) the settlement of such a claim or action. Sections 46, 47, 49-52, 54, 55 and 57 of this bill prescribe procedures governing disciplinary action against a naprapath, and section 56 of this bill prescribes the disciplinary action that the Board is authorized to impose. Sections 53 and 64 Section 1.65 of this bill requires the Division to hold a hearing upon receiving a report from the Attorney General that a naprapath has committed industrial insurance fraud. Sections 1.7 and 77.5 of this bill provide that certain documents relating to an investigation of a naprapath are confidential. Section 1.7 also provides that certain documents relating to disciplinary proceedings against a naprapath are public records. Section 1.75 of this bill ~~authorize~~ authorizes the Board or Division to apply to a court to ~~enjoin~~ ~~enjoin~~ certain misconduct by a naprapath or the unlicensed practice of naprapathy. ~~Section 1.75 of this bill prescribes the procedure to remove the suspension of or limitation on a license to practice naprapathy or reinstate a revoked license to practice naprapathy.~~ Sections 77.8 and 79.2-79.8 of this bill make conforming changes to indicate the proper placement of sections 1.03-1.8 in the Nevada Revised Statutes.

Existing law defines the term "provider of health care" as a person who practices any of certain professions related to the provision of health care. (NRS 629.031) Existing law imposes certain requirements upon providers of health care, including requirements for billing, standards for advertisements and criminal penalties for acquiring certain debts. (NRS 629.071, 629.076, 629.078) Section 1.95 of this bill includes naprapaths in the definition of "provider of health care," thereby subjecting naprapaths to those same requirements. Section 8 of this bill requires a naprapath to report misconduct by a person licensed or certified by the State Board of Nursing to the Executive Director of that board.

Existing law establishes a privilege for confidential communications between a patient and a physician, dentist or chiropractor or person participating in the diagnosis or treatment of the patient under the direction of such a provider. (NRS 49.215-49.245) Section 72 of this bill extends that same privilege to apply to confidential communications between a patient and a naprapath or a person under the direction of a naprapath.

Existing law provides that: (1) assault is generally a misdemeanor, with certain exceptions; and (2) assault upon a provider of health care is a gross misdemeanor ~~or~~ ~~or~~ ~~felony, depending on the circumstances.~~ (NRS 200.471) Section 75 of this bill includes a naprapath within the definition of "provider of health care" for that purpose, thereby making assault upon a naprapath a gross misdemeanor ~~or~~ ~~or~~ ~~felony, depending on the circumstances.~~ Sections 76 and 82.5 of this bill require a naprapath to report the abuse, neglect, exploitation, isolation or abandonment of an older person or vulnerable person ~~or the abuse or neglect of a child~~ in the same manner as other providers of health care. A naprapath would also be required to report the ~~abuse, neglect or~~ commercial sexual exploitation of a child. (NRS ~~432B.220,~~ 432C.110)

Existing law makes it a felony to perform a health care procedure for which certain licenses are required without such a license. (NRS 200.800-200.840) Sections 76.6 and 76.9 of this bill similarly make it a felony to perform a procedure for which a license as a naprapath is required without such a license. Sections 1.9, 65, 69-71, ~~73, 74 and 77-87~~ ~~73-74.5, 76, 76.3, 77, 78, 79, 80-82 and 83-87~~ of this bill make revisions to treat naprapaths in the same manner as other similar providers of health care in other certain respects.

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

Section 1. Title 54 of NRS is hereby amended by adding thereto a new chapter to consist of the provisions set forth as sections 1.03 to 1.8, inclusive, of this act.

Sec. 1.03. As used in this chapter, unless the context otherwise requires, the words and terms defined in sections 1.06 to 1.18, inclusive, of this act have the meanings ascribed to them in those sections.

Sec. 1.06. "Advisory Board" means the Naprapathic Practice Advisory Board created by section 1.2 of this act.

Sec. 1.09. "Board" means the State Board of Health.

Sec. 1.12. "Division" means the Division of Public and Behavioral Health of the Department of Health and Human Services.

Sec. 1.15. "Naprapath" means a person who is a graduate of a program of education in naprapathy approved by the Division or who, by general education, practical training and experience determined to be satisfactory by the Division, is qualified to practice naprapathy and who has been issued a license by the Division.

Sec. 1.18. 1. "Naprapathy" means the diagnosis and treatment of contractures, muscle spasms, inflammation, scars, adhesions, lesions, laxity, hypotonicity, rigidity, structural imbalances, bruises, contusions, muscular atrophy, partial separation of connective tissue fibers and other connective tissue disorders through the use of techniques, including, without limitation:

(a) Reviewing case history;

(b) The manipulation of connective tissue for examination and treatment;

(c) Therapeutic and rehabilitative exercise;

(d) Postural and nutritional counseling; and

(e) The application of heat, cold, light, water, radiant energy, electricity, sound, air and assistive devices for the purpose of preventing, correcting or alleviating a physical disability.

2. The term:

(a) Includes, without limitation:

(1) Advising or supervising the practice of naprapathy by another person who is licensed or otherwise authorized by this chapter to practice naprapathy; and

(2) Teaching the practice of naprapathy to any person.

(b) Does not include:

(1) Surgery, pharmacology or invasive diagnostic testing;

(2) Physical therapy, as defined in NRS 640.022, or the practice of physical therapy, as defined in NRS 640.024;

(3) Chiropractic, as defined in NRS 634.013, or any manipulation that constitutes chiropractic adjustment, as defined in NRS 634.014;

(4) Massage therapy, as defined in NRS 640C.060, or structural integration, as defined in NRS 640C.085; or

(5) Any procedure that breaks the skin, including, without limitation, the use of needles or syringes.

Sec. 1.19. This chapter does not apply to:

1. A naprapath of any division or department of the United States in the discharge of his or her official duties unless licensure by a state is required by the division or department of the United States.

2. Any person permitted to practice any other healing art under this title who does so within the scope of that authority, or healing by faith or Christian Science.

Sec. 1.2. 1. The Naprapathic Practice Advisory Board is hereby created.

2. The Governor shall appoint to the Advisory Board:

(a) Three members who are licensed as naprapaths in this State or any other state; and

(b) Two members who are representatives of the public.

3. Each member of the Advisory Board:

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

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

4. After the initial terms, the members of the Advisory Board must be appointed to terms of 4 years. A member:

(a) Serves until a replacement is appointed; and

(b) May not serve more than two full terms.

5. A vacancy on the Advisory Board must be filled in the same manner as the original appointment for the remainder of the unexpired term.

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

7. The members of the Advisory Board are not entitled to receive a salary. While engaged in the business of the Advisory Board, each member of the Advisory Board is entitled to receive a per diem allowance and travel expenses at a rate fixed by the State Board of Health. The rate must not exceed the rate provided for officers and employees of this State generally.

Sec. 1.23. 1. The Advisory Board shall:

(a) Elect from its members a Chair and any other officers determined necessary by the members of the Advisory Board at the first meeting of each year;

(b) Meet at least two times each year at the call of the Chair of the Advisory Board, or upon the written request of at least three members of the Advisory Board; and

(c) Advise the Board on the adoption of regulations pursuant to this chapter.

2. A majority of the members of the Advisory Board constitutes a quorum for the transaction of the business of the Advisory Board.

Sec. 1.26. The Board, with the advice of the Advisory Board, shall adopt regulations:

1. Governing the licensure of naprapaths and the practice of naprapathy, including, without limitation:

(a) The minimum hours of clinical experience and other minimum qualifications for licensure as a naprapath, in addition to the qualifications prescribed by section 1.32 of this act;

(b) Rules of professional conduct for naprapaths;

(c) The requirements to register as a teacher, advisor or supervisor pursuant to subsection 2 of section 1.29 of this act, including, without limitation, the fee for such registration;

(d) The requirements for continuing education for the renewal of a license as a naprapath; and

(e) Requirements governing advertising or the use of promotional materials by a naprapath; and

2. Prescribing requirements for the approval of programs of education in naprapathy by the Division, including, without limitation, regulations governing the curriculum for such programs.

Sec. 1.29. 1. A person who is enrolled in a program of education in naprapathy that is approved by the Division pursuant to the regulations adopted

pursuant to subsection 2 of section 1.26 of this act and who is not licensed to practice naprapathy may engage in the practice of naprapathy while under the supervision of a licensed naprapath.

2. A person who is not licensed to practice naprapathy may practice naprapathy in this State for not more than 1 month in a calendar year as part of his or her duties as a teacher, advisor or supervisor in a program of education in naprapathy or a program of continuing education for naprapaths if the person registers with the Division as a teacher, advisor or supervisor.

3. A person who has graduated from a program of education in naprapathy that is approved by the Division pursuant to the regulations adopted pursuant to subsection 2 of section 1.26 of this act may hold himself or herself out as a doctor of naprapathy and use the letters "D.N." following his or her name, regardless of whether he or she is licensed pursuant to this chapter. Such a person who is not licensed pursuant to this chapter shall not identify himself or herself as a naprapath or otherwise hold himself or herself out as licensed or qualified to engage in the practice of naprapathy in this State.

Sec. 1.32. Except as otherwise provided in sections 1.35 and 1.38 of this act, an applicant for a license to practice naprapathy must:

1. Be at least 21 years of age;

2. Have a bachelor's degree;

3. Have graduated from a program of education in naprapathy approved by the Division pursuant to the regulations adopted pursuant to subsection 2 of section 1.26 of this act;

4. Pass the test prepared or designated by the Board pursuant to section 1.46 of this act;

5. Submit to the Division an application fee of \$500; and

6. Possess any other qualifications required by the Board pursuant to section 1.26 of this act.

Sec. 1.35. 1. The Division may issue a license by endorsement to practice naprapathy to an applicant who meets the requirements set forth in this section. An applicant may submit to the Division an application for such a license if the applicant holds a corresponding valid and unrestricted license to practice naprapathy in the District of Columbia or any state or territory of the United States.

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

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

(1) Satisfies the requirements of subsection 1;

(2) Has not been disciplined and is not currently under investigation by the corresponding regulatory authority of the District of Columbia or any state or territory of the United States in which the applicant currently holds or has held a license to practice naprapathy; and

(3) Has not been held civilly or criminally liable for malpractice in the District of Columbia or any state or territory of the United States;

(b) A complete set of fingerprints and written permission authorizing the Division to forward the fingerprints in the manner provided in section 1.4 of this act;

(c) An affidavit stating that the information contained in the application and any accompanying material is true and correct;

(d) An application fee of \$500; and

(e) Any other information required by the Division.

3. Not later than 15 business days after receiving an application for a license by endorsement to practice naprapathy pursuant to this section, the

Division shall provide written notice to the applicant of any additional information required by the Division to consider the application. Unless the Division denies the application for good cause, the Division shall approve the application and issue a license by endorsement to practice naprapathy to the applicant not later than:

(a) Forty-five days after receiving the application; or

(b) Ten days after receiving a report on the applicant's background based on the submission of the applicant's fingerprints pursuant to this section, whichever occurs later.

Sec. 1.38. 1. The Division may issue a license by endorsement to practice naprapathy to an applicant who meets the requirements set forth in this section. An applicant may submit to the Division an application for such a license if the applicant:

(a) Holds a corresponding valid and unrestricted license to practice naprapathy in the District of Columbia or any state or territory of the United States; and

(b) Is an active member of, or the spouse of an active member of, the Armed Forces of the United States, a veteran or the surviving spouse of a veteran.

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

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

(1) Satisfies the requirements of subsection 1;

(2) Has not been disciplined and is not currently under investigation by the corresponding regulatory authority of the District of Columbia or the state or territory of the United States in which the applicant holds a license to practice naprapathy; and

(3) Has not been held civilly or criminally liable for malpractice in the District of Columbia or any state or territory of the United States;

(b) A complete set of fingerprints and written permission authorizing the Division to forward the fingerprints in the manner provided in section 1.4 of this act;

(c) An affidavit stating that the information contained in the application and any accompanying material is true and correct;

(d) An application fee of \$500; and

(e) Any other information required by the Division.

3. Not later than 15 business days after receiving an application for a license by endorsement to practice naprapathy pursuant to this section, the Division shall provide written notice to the applicant of any additional information required by the Division to consider the application. Unless the Division denies the application for good cause, the Division shall approve the application and issue a license by endorsement to practice naprapathy to the applicant not later than:

(a) Forty-five days after receiving all the additional information required by the Division to complete the application; or

(b) Ten days after receiving a report on the applicant's background based on the submission of the applicant's fingerprints pursuant to this section, whichever occurs later.

4. At any time before making a final decision on an application for a license by endorsement pursuant to this section, the Division may grant a provisional license authorizing an applicant to practice naprapathy in accordance with regulations adopted by the Board, with the advice of the Advisory Board.

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

1 Sec. 1.4. In addition to any other requirements set forth in this chapter,
2 each applicant for a license, including, without limitation, an expedited license
3 pursuant to section 1.35 or 1.38 of this act, must submit to the Division a
4 complete set of fingerprints and written permission authorizing the Division to
5 forward the fingerprints to the Central Repository for Nevada Records of
6 Criminal History for submission to the Federal Bureau of Investigation for its
7 report.

8 Sec. 1.43. 1. In addition to any other requirements set forth in this
9 chapter, an applicant for the issuance or renewal of a license as a naprapath
10 shall:

11 (a) Include the social security number of the applicant in the application
12 submitted to the Division.

13 (b) Submit to the Division the statement prescribed by the Division of
14 Welfare and Supportive Services of the Department of Health and Human
15 Services pursuant to NRS 425.520. The statement must be completed and signed
16 by the applicant.

17 2. The Division shall include the statement required pursuant to subsection
18 1 in:

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

21 (b) A separate form prescribed by the Division.

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

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

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

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

36 Sec. 1.46. The Board shall:

37 1. Prepare or cause to be prepared a test on the practice of naprapathy
38 which must be passed by an applicant for a license pursuant to section 1.32 of
39 this act; or

40 2. Designate a national examination for that purpose.

41 Sec. 1.49. Each license to practice naprapathy issued pursuant to this
42 chapter expires on January 1 of each year and may be renewed if, before the
43 license expires, the licensee submits to the Division:

44 1. An application on a form prescribed by the Division;

45 2. Proof of completion of the requirements for continuing education
46 prescribed by the Board pursuant to section 1.26 of this act; and

47 3. A renewal fee of \$500.

48 Sec. 1.52. Each person licensed to practice naprapathy shall display his or
49 her license and a copy of his or her diploma from a program of education in
50 naprapathy conspicuously at each place where the person engages in the practice
51 of naprapathy.

52 Sec. 1.54. 1. A naprapath may:

1 (a) Ask each new patient who is 18 years of age or older if he or she is a
2 veteran and document the response in the medical record of the patient; and

3 (b) Provide the contact information for the Department of Veterans Services
4 to any such patient who indicates that he or she is a veteran.

5 2. The Division may ask each applicant for the renewal of a license as a
6 naprapath if the applicant performs the actions described in subsection 1. If such
7 a question is asked, the Division must allow the applicant to refuse to answer.

8 3. As used in this section, "veteran" has the meaning ascribed to it in NRS
9 417.125.

10 Sec. 1.55. 1. If a naprapath determines that the diagnosis or treatment of
11 a patient is beyond the scope of practice or the skill, training and competence of
12 the naprapath, the naprapath shall refer the patient to an appropriate provider of
13 health care.

14 2. As used in this section, "provider of health care" has the meaning
15 ascribed to it in NRS 629.031.

16 Sec. 1.58. 1. A naprapath is subject to disciplinary action if the
17 naprapath:

18 (a) Violates any provision of this chapter or any regulation adopted pursuant
19 thereto;

20 (b) Makes any misrepresentation in obtaining a license;

21 (c) Has been convicted of a felony relating to the practice of naprapathy;

22 (d) Has been convicted of violating any of the provisions of NRS 616D.200,
23 616D.220, 616D.240 or 616D.300 to 616D.440, inclusive;

24 (e) Fails to meet the minimum standards prescribed by the Board; or

25 (f) Commits any other act or omission designated by regulation of the Board,
26 with the advice of the Advisory Board, as grounds for disciplinary action.

27 2. The Board, with the advice of the Advisory Board, shall adopt regulations
28 governing the procedure for imposing disciplinary action pursuant to this section
29 and the disciplinary actions that may be imposed. Such disciplinary actions may
30 include, without limitation:

31 (a) The denial, suspension, revocation or refusal to renew a license;

32 (b) The imposition of limitations on the practice of the naprapath; and

33 (c) An administrative fine not to exceed \$5,000 for each violation.

34 Sec. 1.6. 1. If the Division receives a copy of a court order issued
35 pursuant to NRS 425.540 that provides for the suspension of all professional,
36 occupational and recreational licenses, certificates and permits issued to a person
37 who is the holder of a license issued pursuant to this chapter, the Division shall
38 deem the license or certificate issued to that person to be suspended at the end of
39 the 30th day after the date on which the court order was issued unless the
40 Division receives a letter issued to the holder of the license or certificate by the
41 district attorney or other public agency pursuant to NRS 425.550 stating that the
42 holder of the license or certificate has complied with the subpoena or warrant or
43 has satisfied the arrearage pursuant to NRS 425.560.

44 2. The Division shall reinstate a license issued pursuant to this chapter that
45 has been suspended by a district court pursuant to NRS 425.540 if the Division
46 receives a letter issued by the district attorney or other public agency pursuant to
47 NRS 425.550 to the person whose license or certificate was suspended stating that
48 the person whose license or certificate was suspended has complied with the
49 subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

50 Sec. 1.65. 1. If the Division receives a report pursuant to subsection 5 of
51 NRS 228.420, a hearing must be held pursuant to regulations adopted by the
52 Board, with the advice of the Advisory Board, to consider the contents of the
53 report.

1 2. The Board, with the advice of the Advisory Board, shall adopt such
2 regulations as are necessary to carry out the provisions of this section.

3 Sec. 1.7. 1. Except as otherwise provided in this section and NRS
4 239.0115, a complaint filed with the Division, all documents and other
5 information filed with the complaint and all documents and other information
6 compiled as a result of an investigation conducted to determine whether to
7 initiate disciplinary action are confidential.

8 2. The complaint or other document filed by the Division to initiate
9 disciplinary action and all documents and information considered by the Division
10 when determining whether to impose discipline are public records.

11 3. An order that imposes discipline and the findings of fact and conclusions
12 of law supporting that order are public records.

13 Sec. 1.75. 1. If the Board or the Division determines that a person has
14 violated or is about to violate any provision of this chapter or a regulation
15 adopted pursuant thereto, the Board or Division may bring an action in a court of
16 competent jurisdiction to enjoin the person from engaging in or continuing the
17 violation.

18 2. An injunction:

19 (a) May be issued without proof of actual damage sustained by any person.

20 (b) Does not prohibit the criminal prosecution and punishment of the person
21 who commits the violation.

22 Sec. 1.8. 1. Except as authorized by section 1.29 of this act, person who is
23 not licensed as a naprapath pursuant to this chapter, or a person whose license as
24 a naprapath has expired or has been suspended or revoked by the Division, shall
25 not:

26 (a) Provide naprapathy services;

27 (b) Use in connection with his or her name the words or letters "D.N.,"
28 "naprapath," "licensed naprapath," "Doctor of Naprapathy" or any other letters,
29 words or insignia indicating or implying that he or she is licensed to practice
30 naprapathy, or in any other way, orally, or in writing or print, or by sign, directly
31 or by implication, represent himself or herself as licensed or qualified to engage
32 in the practice of naprapathy; or

33 (c) List or cause to have listed in any directory, including, without limitation,
34 a telephone directory, his or her name or the name of his or her company under
35 the heading "Naprapathy" or "Naprapath" or any other term that indicates or
36 implies that he or she is licensed or qualified to practice naprapathy.

37 2. A person who violates the provisions of this section is guilty of a
38 misdemeanor.

39 Sec. 1.85. NRS 622.238 is hereby amended to read as follows:

40 622.238 1. The Legislature hereby finds and declares that:

41 (a) It is in the best interests of this State to make full use of the skills and
42 talents of every resident of this State.

43 (b) It is the public policy of this State that each resident of this State, regardless
44 of his or her immigration or citizenship status, is eligible to receive the benefit of
45 applying for a license, certificate or permit pursuant to 8 U.S.C. § 1621(d).

46 2. Notwithstanding any other provision of this title, a regulatory body shall
47 not deny the application of a person for the issuance of a license pursuant to this
48 title based solely on his or her immigration or citizenship status.

49 3. Notwithstanding the provisions of NRS 623.225, 623A.185, 624.268,
50 625.387, 625A.105, 628.0345, 628B.320, 630.197, 630A.246, 631.225, 632.3446,
51 633.307, 634.095, 634A.115, 635.056, 636.159, 637.113, 637B.166, 638.103,
52 639.129, 640.095, 640A.145, 640B.340, 640C.430, 640D.120, 640E.200, 641.175,
53 641A.215, 641B.206, 641C.280, 641D.330, 642.0195, 643.095, 644A.485,

645.358, 645A.025, 645B.023, 645B.420, 645C.295, 645C.655, 645D.195, 645G.110, 645H.550, 648.085, 649.233, 652.075, 653.550, 654.145, 655.075 and 656.155. and section 1.43 of this act. an applicant for a license who does not have a social security number must provide an alternative personally identifying number, including, without limitation, his or her individual taxpayer identification number, when completing an application for a license.

4. A regulatory body shall not disclose to any person who is not employed by the regulatory body the social security number or alternative personally identifying number, including, without limitation, an individual taxpayer identification number, of an applicant for a license for any purpose except:

- (a) Tax purposes;
- (b) Licensing purposes; and
- (c) Enforcement of an order for the payment of child support.

5. A social security number or alternative personally identifying number, including, without limitation, an individual taxpayer identification number, provided to a regulatory body is confidential and is not a public record for the purposes of chapter 239 of NRS.

Sec. 1.9. NRS 622.520 is hereby amended to read as follows:

622.520 1. A regulatory body that regulates a profession pursuant to chapters 630, 630A, 632 to 641D, inclusive, and sections 1.03 to 1.8, inclusive, of this act. 644A or 653 of NRS in this State may enter into a reciprocal agreement with the corresponding regulatory authority of the District of Columbia or any other state or territory of the United States for the purposes of:

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

(b) Regulating the practice of such a person.

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

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

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

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

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

(b) Has been in practice for at least the 5 years immediately preceding the date on which the person submits an application for the issuance of a license pursuant to a reciprocal agreement entered into pursuant to subsection 1.

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

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

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

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

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

4. If the regulatory body enters into a reciprocal agreement pursuant to subsection 1, the regulatory body must prepare an annual report before January 31 of each year outlining the progress of the regulatory body as it relates to the reciprocal agreement and submit the report to the Director of the Legislative Counsel Bureau for transmittal to the next session of the Legislature in odd-numbered years or to the Joint Interim Standing Committee on Health and Human Services in even-numbered years.

~~[Section 1.]~~ **Sec. 1.95.** NRS 629.031 is hereby amended to read as follows:

629.031 Except as otherwise provided by a specific statute:

1. "Provider of health care" means:

(a) A physician licensed pursuant to chapter 630, 630A or 633 of NRS;

(b) A physician assistant;

(c) A dentist;

(d) A licensed nurse;

(e) A person who holds a license as an attendant or who is certified as an emergency medical technician, advanced emergency medical technician or paramedic pursuant to chapter 450B of NRS;

(f) A dispensing optician;

(g) An optometrist;

(h) A speech-language pathologist;

(i) An audiologist;

(j) A practitioner of respiratory care;

(k) A licensed physical therapist;

(l) An occupational therapist;

(m) A podiatric physician;

(n) A licensed psychologist;

(o) A licensed marriage and family therapist;

(p) A licensed clinical professional counselor;

(q) A music therapist;

(r) A chiropractic physician;

(s) An athletic trainer;

(t) A perfusionist;

(u) A doctor of Oriental medicine in any form;

(v) A medical laboratory director or technician;

(w) A pharmacist;

(x) A licensed dietitian;

(y) An associate in social work, a social worker, a master social worker, an independent social worker or a clinical social worker licensed pursuant to chapter 641B of NRS;

(z) An alcohol and drug counselor or a problem gambling counselor who is certified pursuant to chapter 641C of NRS;

(aa) An alcohol and drug counselor or a clinical alcohol and drug counselor who is licensed pursuant to chapter 641C of NRS;

(bb) A behavior analyst, assistant behavior analyst or registered behavior technician; ~~for~~

(cc) *A naprapath; or*

(dd) A medical facility as the employer of any person specified in this subsection.

2. For the purposes of NRS 629.400 to 629.490, inclusive, the term includes:

(a) A person who holds a license or certificate issued pursuant to chapter 631 of NRS; and

(b) A person who holds a current license or certificate to practice his or her respective discipline pursuant to the applicable provisions of law of another state or territory of the United States.

Sec. 2. NRS 629.580 is hereby amended to read as follows:

629.580 1. A person who provides wellness services in accordance with this section, but who is not licensed, certified or registered in this State as a provider of health care, is not in violation of any law based on the unlicensed practice of health care services or a health care profession unless the person:

(a) Performs surgery or any other procedure which punctures the skin of any person;

(b) Sets a fracture of any bone of any person;

(c) Prescribes or administers X-ray radiation to any person;

(d) Prescribes or administers a prescription drug or device or a controlled substance to any person;

(e) Recommends to a client that he or she discontinue or in any manner alter current medical treatment prescribed by a provider of health care licensed, certified or registered in this State;

(f) Makes a diagnosis of a medical disease of any person;

(g) Performs a manipulation or a chiropractic adjustment of the articulations of joints or the spine of any person;

(h) Treats a person's health condition in a manner that intentionally or recklessly causes that person recognizable and imminent risk of serious or permanent physical or mental harm;

(i) Holds out, states, indicates, advertises or implies to any person that he or she is a provider of health care;

(j) Engages in the practice of medicine in violation of chapter 630 or 633 of NRS, the practice of homeopathic medicine in violation of chapter 630A of NRS, the practice of naprapathy in violation of ~~chapter 633 of NRS~~ sections 1.03 to 1.8, inclusive, of this act or the practice of podiatry in violation of chapter 635 of NRS, unless otherwise expressly authorized by this section;

(k) Performs massage therapy as that term is defined in NRS 640C.060, reflexology as that term is defined in NRS 640C.080 or structural integration as that term is defined in NRS 640C.085;

(l) Provides mental health services that are exclusive to the scope of practice of a psychiatrist licensed pursuant to chapter 630 or 633 of NRS, or a psychologist licensed pursuant to chapter 641 of NRS; or

(m) Engages in the practice of applied behavior analysis in violation of chapter 641D of NRS.

2. Any person providing wellness services in this State who is not licensed, certified or registered in this State as a provider of health care and who is advertising or charging a fee for wellness services shall, before providing those services, disclose to each client in a plainly worded written statement:

(a) The person's name, business address and telephone number;

(b) The fact that he or she is not licensed, certified or registered as a provider of health care in this State;

(c) The nature of the wellness services to be provided;

(d) The degrees, training, experience, credentials and other qualifications of the person regarding the wellness services to be provided; and

(e) A statement in substantially the following form:

It is recommended that before beginning any wellness plan, you notify your primary care physician or other licensed providers of health care of your intention to use wellness services, the nature of the wellness services

to be provided and any wellness plan that may be utilized. It is also recommended that you ask your primary care physician or other licensed providers of health care about any potential drug interactions, side effects, risks or conflicts between any medications or treatments prescribed by your primary care physician or other licensed providers of health care and the wellness services you intend to receive.

➤ A person who provides wellness services shall obtain from each client a signed copy of the statement required by this subsection, provide the client with a copy of the signed statement at the time of service and retain a copy of the signed statement for a period of not less than 5 years.

3. A written copy of the statement required by subsection 2 must be posted in a prominent place in the treatment location of the person providing wellness services in at least 12-point font. Reasonable accommodations must be made for clients who:

- (a) Are unable to read;
- (b) Are blind or visually impaired;
- (c) Have communication impairments; or
- (d) Do not read or speak English or any other language in which the statement is written.

4. Any advertisement for wellness services authorized pursuant to this section must disclose that the provider of those services is not licensed, certified or registered as a provider of health care in this State.

5. A person who violates any provision of this section is guilty of a misdemeanor. Before a criminal proceeding is commenced against a person for a violation of a provision of this section, a notification, educational or mediative approach must be utilized by the regulatory body enforcing the provisions of this section to bring the person into compliance with such provisions.

6. This section does not apply to or control:

(a) Any health care practice by a provider of health care pursuant to the professional practice laws of this State, or prevent such a health care practice from being performed.

(b) Any health care practice if the practice is exempt from the professional practice laws of this State, or prevent such a health care practice from being performed.

(c) A person who provides health care services if the person is exempt from the professional practice laws of this State, or prevent the person from performing such a health care service.

(d) A medical assistant, as that term is defined in NRS 630.0129 and 633.075, an advanced practitioner of homeopathy, as that term is defined in NRS 630A.015, or a homeopathic assistant, as that term is defined in NRS 630A.035.

7. As used in this section, "wellness services" means healing arts therapies and practices, and the provision of products, that are based on the following complementary health treatment approaches and which are not otherwise prohibited by subsection 1:

- (a) Anthroposophy.
- (b) Aromatherapy.
- (c) Traditional cultural healing practices.
- (d) Detoxification practices and therapies.
- (e) Energetic healing.
- (f) Folk practices.
- (g) Gerson therapy and colostrum therapy.

(h) Healing practices using food, dietary supplements, nutrients and the physical forces of heat, cold, water and light.

(i) Herbology and herbalism.

(j) Reiki.

(k) Mind-body healing practices.

(l) Nondiagnostic iridology.

(m) Noninvasive instrumentalities.

(n) Holistic kinesiology.

Sec. 3. NRS 630.275 is hereby amended to read as follows:

630.275 The Board shall adopt regulations regarding the licensure of a physician 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 licenses.

4. The procedures deemed necessary by the Board for applications for and the initial issuance of licenses by endorsement pursuant to NRS 630.2751 or 630.2752.

5. The tests or examinations of applicants required by the Board.

6. The medical services which a physician assistant may perform, except that a physician assistant may not perform those specific functions and duties delegated or restricted by law to persons licensed as dentists, *naprapaths*, chiropractic physicians, podiatric physicians and optometrists under chapters 631, ~~633, 634~~ sections 1.03 to 1.8, inclusive, of this act, 634, 635 and 636, respectively, of NRS, or as hearing aid specialists.

7. The duration, renewal and termination of licenses, including licenses by endorsement. The Board shall not require a physician assistant to receive or maintain certification by the National Commission on Certification of Physician Assistants, or its successor organization, or by any other nationally recognized organization for the accreditation of physician assistants to satisfy any continuing education requirements for the renewal of licenses.

8. The grounds and procedures respecting disciplinary actions against physician assistants.

9. The supervision of medical services of a physician assistant by a supervising physician.

10. A physician assistant's use of equipment that transfers information concerning the medical condition of a patient in this State electronically, telephonically or by fiber optics, including, without limitation, through telehealth, from within or outside this State or the United States.

Sec. 4. NRS 630.279 is hereby amended to read as follows:

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

1. Educational and other qualifications of applicants;

2. Required academic programs which applicants must successfully complete;

3. Procedures for applying for and issuing licenses;

4. Tests or examinations of applicants by the Board;

5. The types of medical services that a practitioner of respiratory care may perform, except that a practitioner of respiratory care may not perform those specific functions and duties delegated or otherwise restricted by specific statute to persons licensed as dentists, chiropractic physicians, *naprapaths*, podiatric physicians, optometrists, physicians, osteopathic physicians or hearing aid specialists pursuant to this chapter or chapter 631, 633, 634, 635, 636 or 637B of NRS, as appropriate, or persons who hold a license to engage in radiation therapy and radiologic imaging or a limited license to engage in radiologic imaging pursuant to chapter 653 of NRS;

6. The duration, renewal and termination of licenses; and
7. The grounds and procedures for disciplinary actions against practitioners of respiratory care.

Sec. 5. NRS 630A.090 is hereby amended to read as follows:

630A.090 1. This chapter does not apply to:

(a) The practice of dentistry, chiropractic, *naprapathy*, Oriental medicine, podiatry, optometry, perfusion, respiratory care, faith or Christian Science healing, nursing, veterinary medicine or fitting hearing aids.

(b) A medical officer of the Armed Forces or a medical officer of any division or department of the United States in the discharge of his or her official duties, including, without limitation, providing medical care in a hospital in accordance with an agreement entered into pursuant to NRS 449.2455.

(c) Licensed or certified nurses in the discharge of their duties as nurses.

(d) Homeopathic physicians who are called into this State, other than on a regular basis, for consultation or assistance to any physician licensed in this State, and who are legally qualified to practice in the state or country where they reside.

2. This chapter does not repeal or affect any statute of Nevada regulating or affecting any other healing art.

3. This chapter does not prohibit:

(a) Gratuitous services of a person in case of emergency.

(b) The domestic administration of family remedies.

4. This chapter does not authorize a homeopathic physician to practice medicine, including allopathic medicine, except as otherwise provided in NRS 630A.040.

Sec. 6. 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, *naprapaths*, chiropractic physicians, podiatric physicians, optometrists or hearing aid specialists under chapter 631, ~~632,~~ sections 1.03 to 1.8, inclusive, of this act, 634, 635, 636 or 637B, respectively, of NRS or persons licensed to engage in radiation therapy or radiologic imaging pursuant to chapter 653 of NRS.

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. 7. NRS 632.235 is hereby amended to read as follows:

632.235 A registered nurse may perform such acts, under emergency or other special conditions prescribed by regulations adopted by the Board, which include special training, as are recognized by the medical and nursing professions as proper to be performed by a registered nurse under those conditions, even though the acts might otherwise be considered diagnosis and prescription, but nothing in this chapter authorizes registered nurses to perform those functions and duties specifically delegated by law to persons licensed as dentists, podiatric physicians, optometrists, *naprapaths* or chiropractic physicians.

Sec. 8. 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, *naprapath*, chiropractic physician, 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 counselor, peer recovery support specialist, peer recovery support specialist supervisor, music therapist, holder of a license or limited license issued pursuant to chapter 653 of NRS, 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 a medical facility or facility for the dependent upon notification by a member of the staff of the facility.

(c) A coroner.

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

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

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

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

(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 or exploitation of an older person and refers them to persons and agencies where their requests and needs can be met.

(k) Any social worker.

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

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

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

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

5. As used in this section:

(a) "Agency to provide personal care services in the home" has 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 recovery support specialist" has the meaning ascribed to it in NRS 433.627.

(d) "Peer recovery support specialist supervisor" has the meaning ascribed to it in NRS 433.629.

Sec. 9. ~~[Chapter 633 of NRS is hereby amended by adding thereto the provisions set forth as sections 10 to 23, inclusive, of this act.] (Deleted by amendment.)~~

Sec. 10. ~~["Advisory Board" means the Naprapathic Practice Advisory Board created by section 13 of this act.] (Deleted by amendment.)~~

Sec. 11. ~~["Naprapath" means a person who is a graduate of a program of education in naprapathy approved by the Board or who, by general education, practical training and experience determined to be satisfactory by the Board, is qualified to practice naprapathy and who has been issued a license by the Board.] (Deleted by amendment.)~~

Sec. 12. ~~[1. "Naprapathy" means the diagnosis and treatment of contractures, muscle spasms, inflammation, scars, adhesions, lesions, laxity, hypotonicity, rigidity, structural imbalances, bruises, contusions, muscular atrophy, partial separation of connective tissue fibers and other connective tissue disorders through the use of techniques including, without limitation:~~

~~— (a) Reviewing case history;~~
~~— (b) The manipulation of connective tissue for examination and treatment;~~
~~— (c) Therapeutic and rehabilitative exercises;~~
~~— (d) Postural and nutritional counseling; and~~
~~— (e) The application of heat, cold, light, water, radiant energy, electricity, sound, air and assistive devices for the purpose of preventing, correcting or alleviating a physical disability.~~

~~2. The term:~~

~~— (a) Includes, without limitation:~~

~~— (1) Advising or supervising the practice of naprapathy by another person who is licensed or otherwise authorized by this chapter to practice naprapathy; and~~

~~— (2) Teaching the practice of naprapathy to any person.~~

~~— (b) Does not include:~~

~~— (1) Surgery, pharmacology or invasive diagnostic testing;~~

~~— (2) Physical therapy, as defined in NRS 640.022, or the practice of physical therapy, as defined in NRS 640.024; or~~

~~— (3) Chiropractic, as defined in NRS 634.013.] (Deleted by amendment.)~~

Sec. 13. ~~[1. The Naprapathic Practice Advisory Board is hereby created.~~

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

~~— (a) Three members who are licensed as naprapaths in this State or any other state; and~~

~~— (b) Two members who are representatives of the public.~~

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

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

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

~~4. After the initial terms, the members of the Advisory Board must be appointed to terms of 4 years. A member:~~

~~— (a) Serves until a replacement is appointed; and~~

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

~~5. A vacancy on the Advisory Board must be filled in the same manner as the original appointment for the remainder of the unexpired term.~~

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

~~7. The members of the Advisory Board are not entitled to receive a salary. While engaged in the business of the Advisory Board, each member of the Advisory Board is entitled to receive a per diem allowance and travel expenses at a rate fixed by the State Board of Osteopathic Medicine. The rate must not exceed the rate provided for officers and employees of this State generally.~~ (Deleted by amendment.)

Sec. 14. ~~[1. The Advisory Board shall:~~

~~(a) Elect from its members a Chair and any other officers determined necessary by the members of the Advisory Board at the first meeting of each year;~~

~~(b) Meet at least two times each year at the call of the Chair of the Advisory Board, or upon the written request of at least three members of the Advisory Board; and~~

~~(c) Advise the State Board of Osteopathic Medicine on the adoption of regulations pursuant to section 15 of this act.~~

~~2. A majority of the members of the Advisory Board constitutes a quorum for the transaction of the business of the Advisory Board.~~ (Deleted by amendment.)

Sec. 15. ~~[The State Board of Osteopathic Medicine, with the advice of the Advisory Board, shall adopt regulations:~~

~~1. Governing the licensure of naprapaths and the practice of naprapathy, including, without limitation:~~

~~(a) The minimum hours of clinical experience and other minimum qualifications for licensure as a naprapath, in addition to the qualifications prescribed by section 17 of this act;~~

~~(b) Rules of professional conduct for naprapaths;~~

~~(c) The requirements to register as a teacher, advisor or supervisor pursuant to subsection 2 of section 16 of this act, including, without limitation, the fee for such registration;~~

~~(d) The requirements for continuing education for the renewal of a license as a naprapath; and~~

~~(e) Requirements governing advertising or the use of promotional materials by a naprapath; and~~

~~2. Prescribing requirements for the approval of programs of education in naprapathy, including, without limitation, regulations governing the curriculum for such programs.~~ (Deleted by amendment.)

Sec. 16. ~~[1. A person who is enrolled in a program of education in naprapathy that is approved by the Board pursuant to the regulations adopted pursuant to subsection 2 of section 15 of this act and who is not licensed to practice naprapathy may engage in the practice of naprapathy while under the supervision of a licensed naprapath.~~

~~2. A person who is not licensed to practice naprapathy may practice naprapathy in this State for not more than 1 month in a calendar year as part of his or her duties as a teacher, advisor or supervisor in a program of education in naprapathy or a program of continuing education for naprapaths if the person registers with the Board as a teacher, advisor or supervisor.~~

~~3. A person who has graduated from a program of education in naprapathy that is approved by the Board pursuant to the regulations adopted pursuant to subsection 2 of section 15 of this act may hold himself or herself out as a doctor of naprapathy and use the letters "D.N." following his or her name, regardless of whether he or she is licensed pursuant to this chapter. Such a person who is not licensed pursuant to this chapter shall not identify himself or herself as a naprapath or otherwise hold himself or herself out as licensed or qualified to engage in the practice of naprapathy in this State.] (Deleted by amendment.)~~

1 Sec. 17. ~~[Except as otherwise provided in sections 18 and 19 of this act, an~~
2 ~~applicant for a license to practice naprapathy must:~~

3 ~~1. Be at least 21 years of age;~~

4 ~~2. Have a bachelor's degree;~~

5 ~~3. Have graduated from a program of education in naprapathy approved by~~
6 ~~the Board pursuant to the regulations adopted pursuant to subsection 2 of section~~
7 ~~15 of this act;~~

8 ~~4. Pass the test prepared or designated by the Board pursuant to section 20~~
9 ~~of this act; and~~

10 ~~5. Possess any other qualifications required by the Board pursuant to~~
11 ~~section 15 of this act.] (Deleted by amendment.)~~

12 Sec. 18. ~~[1. The Board may issue a license by endorsement to practice~~
13 ~~naprapathy to an applicant who meets the requirements set forth in this section.~~
14 ~~An applicant may submit to the Board an application for such a license if the~~
15 ~~applicant holds a corresponding valid and unrestricted license to practice~~
16 ~~naprapathy in the District of Columbia or any state or territory of the United~~
17 ~~States.~~

18 ~~2. An applicant for a license by endorsement pursuant to this section must~~
19 ~~submit to the Board with his or her application:~~

20 ~~(a) Proof satisfactory to the Board that the applicant:~~

21 ~~(1) Satisfies the requirements of subsection 1;~~

22 ~~(2) Has not been disciplined and is not currently under investigation by~~
23 ~~the corresponding regulatory authority of the District of Columbia or any state or~~
24 ~~territory of the United States in which the applicant currently holds or has held a~~
25 ~~license to practice naprapathy; and~~

26 ~~(3) Has not been held civilly or criminally liable for malpractice in the~~
27 ~~District of Columbia or any state or territory of the United States;~~

28 ~~(b) A complete set of fingerprints and written permission authorizing the~~
29 ~~Board to forward the fingerprints in the manner provided in NRS 633.309;~~

30 ~~(c) An affidavit stating that the information contained in the application and~~
31 ~~any accompanying material is true and correct;~~

32 ~~(d) The application and initial license fee specified in this chapter; and~~

33 ~~(e) Any other information required by the Board.~~

34 ~~3. Not later than 15 business days after receiving an application for a~~
35 ~~license by endorsement to practice naprapathy pursuant to this section, the Board~~
36 ~~shall provide written notice to the applicant of any additional information~~
37 ~~required by the Board to consider the application. Unless the Board denies the~~
38 ~~application for good cause, the Board shall approve the application and issue a~~
39 ~~license by endorsement to practice naprapathy to the applicant not later than:~~

40 ~~(a) Forty-five days after receiving the application; or~~

41 ~~(b) Ten days after receiving a report on the applicant's background based on~~
42 ~~the submission of the applicant's fingerprints pursuant to this section,~~
43 ~~whichever occurs later.~~

44 ~~4. A license by endorsement to practice naprapathy may be issued at a~~
45 ~~meeting of the Board or between its meetings by the President and Executive~~
46 ~~Director of the Board. Such an action shall be deemed to be an action of the~~
47 ~~Board.] (Deleted by amendment.)~~

48 Sec. 19. ~~[1. The Board may issue a license by endorsement to practice~~
49 ~~naprapathy to an applicant who meets the requirements set forth in this section.~~
50 ~~An applicant may submit to the Board an application for such a license if the~~
51 ~~applicant:~~

~~(a) Holds a corresponding valid and unrestricted license to practice naprapathy in the District of Columbia or any state or territory of the United States; and~~

~~(b) Is an active member of, or the spouse of an active member of, the Armed Forces of the United States, a veteran or the surviving spouse of a veteran.~~

~~2. An applicant for a license by endorsement pursuant to this section must submit to the Board with his or her application:~~

~~(a) Proof satisfactory to the Board that the applicant:~~

~~(1) Satisfies the requirements of subsection 1;~~

~~(2) Has not been disciplined and is not currently under investigation by the corresponding regulatory authority of the District of Columbia or the state or territory of the United States in which the applicant holds a license to practice naprapathy; and~~

~~(3) Has not been held civilly or criminally liable for malpractice in the District of Columbia or any state or territory of the United States;~~

~~(b) A complete set of fingerprints and written permission authorizing the Board to forward the fingerprints in the manner provided in NRS 633.309;~~

~~(c) An affidavit stating that the information contained in the application and any accompanying material is true and correct;~~

~~(d) The application and initial license fee specified in this chapter; and~~

~~(e) Any other information required by the Board.~~

~~3. Not later than 15 business days after receiving an application for a license by endorsement to practice naprapathy pursuant to this section, the Board shall provide written notice to the applicant of any additional information required by the Board to consider the application. Unless the Board denies the application for good cause, the Board shall approve the application and issue a license by endorsement to practice naprapathy to the applicant not later than:~~

~~(a) Forty-five days after receiving all the additional information required by the Board to complete the application; or~~

~~(b) Ten days after receiving a report on the applicant's background based on the submission of the applicant's fingerprints pursuant to this section, whichever occurs later.~~

~~4. A license by endorsement to practice as naprapathy may be issued at a meeting of the Board or between its meetings by the President and Executive Director of the Board. Such an action shall be deemed to be an action of the Board.~~

~~5. At any time before making a final decision on an application for a license by endorsement pursuant to this section, the Board may grant a provisional license authorizing an applicant to practice naprapathy in accordance with regulations adopted by the Board.~~

~~6. As used in this section, "veteran" has the meaning ascribed to it in NRS 417.005.} (Deleted by amendment.)~~

~~Sec. 20. [The Board shall:~~

~~1. Prepare or cause to be prepared a test in the practice of naprapathy which must be passed by an applicant for a license pursuant to section 17 of this act; or~~

~~2. Designate a national examination for that purpose.} (Deleted by amendment.)~~

~~Sec. 21. [Each license to practice naprapathy issued pursuant to this chapter expires on January 1 of each year and may be renewed if, before the license expires, the licensee submits to the Board:~~

~~1. An application on a form prescribed by the Board;~~

~~2. Proof of completion of the requirements for continuing education prescribed by the Board pursuant to section 15 of this act; and~~

~~3. Except as otherwise provided in subsection 14 of NRS 633.471, the fee for the renewal of the license prescribed by the Board pursuant to NRS 633.501.]~~
(Deleted by amendment.)

Sec. 22. ~~{Each person licensed to practice naprapathy shall display his or her license and a copy of his or her diploma from a program of education in naprapathy conspicuously at each place where the person engages in the practice of naprapathy.}~~ (Deleted by amendment.)

Sec. 23. ~~{1. If a naprapath determines that the diagnosis or treatment of a patient is beyond the scope of practice or the skill, training and competence of the naprapath, the naprapath shall refer the patient to an appropriate provider of health care.~~

~~2. As used in this section, "provider of health care" has the meaning ascribed to it in NRS 629.021.}~~ (Deleted by amendment.)

Sec. 24. ~~{NRS 633.011 is hereby amended to read as follows:
633.011 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 633.021 to 633.131, inclusive, and sections 10, 11 and 12 of this act have the meanings ascribed to them in those sections.}~~ (Deleted by amendment.)

Sec. 25. ~~{NRS 633.041 is hereby amended to read as follows:
633.041 "Gross malpractice" means malpractice where the failure to exercise the requisite degree of care, diligence or skill consists of:~~

~~1. [Performing surgery upon or otherwise ministering] Providing medical or naprapathic services to a patient while the osteopathic physician, naprapath or physician assistant is under the influence of alcohol or any controlled substance;~~

~~2. Gross negligence;~~

~~3. Knowing or willful disregard of established medical or naprapathic procedures; or~~

~~4. Knowing or willful and consistent use of medical or naprapathic procedures, services or treatment considered by osteopathic physicians or naprapaths in the community to be inappropriate or unnecessary in the cases where used.}~~ (Deleted by amendment.)

Sec. 26. ~~{NRS 633.071 is hereby amended to read as follows:
633.071 "Malpractice" means failure on the part of an osteopathic physician, naprapath or physician assistant to exercise the degree of care, diligence and skill ordinarily exercised by osteopathic physicians, naprapaths or physician assistants in good standing in the community in which he or she practices.}~~ (Deleted by amendment.)

Sec. 27. ~~{NRS 633.111 is hereby amended to read as follows:
633.111 "Professional incompetence" means lack of ability safely and skillfully to practice osteopathic medicine, [or] to practice one or more of its specified branches, to practice naprapathy or to practice as a physician assistant arising from:~~

~~1. Lack of knowledge or training;~~

~~2. Impaired physical or mental capability of the osteopathic physician [;], naprapath or physician assistant;~~

~~3. Indulgence in the use of alcohol or any controlled substance; or~~

~~4. Any other sole or contributing cause.}~~ (Deleted by amendment.)

Sec. 28. ~~{NRS 633.131 is hereby amended to read as follows:
633.131 1. "Unprofessional conduct" includes:~~

~~(a) Knowingly or willfully making a false or fraudulent statement or submitting a forged or false document in applying for a license to practice~~

~~osteopathic medicine, to practice naprapathy or to practice as a physician assistant, or in applying for the renewal of a license to practice osteopathic medicine, to practice naprapathy or to practice as a physician assistant.~~

~~—(b) Failure of a person who is licensed to practice osteopathic medicine to identify himself or herself professionally by using the term D.O., osteopathic physician, doctor of osteopathy or a similar term.~~

~~—(c) Directly or indirectly giving to or receiving from any person, corporation or other business organization any fee, commission, rebate or other form of compensation for sending, referring or otherwise inducing a person to communicate with an osteopathic physician or naprapath in his or her professional capacity or for any professional services not actually and personally rendered, except as otherwise provided in subsection 2.~~

~~—(d) Employing, directly or indirectly, any suspended or unlicensed person in the practice of osteopathic medicine, in the practice of naprapathy or in practice as a physician assistant, or the aiding or abetting of any unlicensed person to practice osteopathic medicine, to practice naprapathy or to practice as a physician assistant.~~

~~—(e) Advertising the practice of osteopathic medicine or the practice of naprapathy in a manner which does not conform to the guidelines established by regulations of the Board.~~

~~—(f) Engaging in any:~~

~~—(1) Professional conduct which is intended to deceive or which the Board by regulation has determined is unethical; or~~

~~—(2) Medical or naprapathic practice harmful to the public or any conduct detrimental to the public health, safety or morals which does not constitute gross or repeated malpractice or professional incompetence.~~

~~—(g) Administering, dispensing or prescribing any controlled substance or any dangerous drug as defined in chapter 454 of NRS, otherwise than in the course of legitimate professional practice or as authorized by law.~~

~~—(h) An alcohol or other substance use disorder.~~

~~—(i) Performing, assisting in or advising an unlawful abortion or the injection of any liquid silicone substance into the human body, other than the use of silicone oil to repair a retinal detachment.~~

~~—(j) Knowingly or willfully disclosing a communication privileged pursuant to a statute or court order.~~

~~—(k) Knowingly or willfully disobeying regulations of the State Board of Health, the State Board of Pharmacy or the State Board of Osteopathic Medicine.~~

~~—(l) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of or conspiring to violate any prohibition made in this chapter.~~

~~—(m) Failure of a licensee to maintain timely, legible, accurate and complete medical records relating to the diagnosis, treatment and care of a patient.~~

~~—(n) Making alterations to the medical records of a patient that the licensee knows to be false.~~

~~—(o) Making or filing a report which the licensee knows to be false.~~

~~—(p) Failure of a licensee to file a record or report as required by law, or knowingly or willfully obstructing or inducing any person to obstruct such filing.~~

~~—(q) Failure of a licensee to make medical records of a patient available for inspection and copying as provided by NRS 629.061, if the licensee is the custodian of health care records with respect to those records.~~

~~—(r) Providing false, misleading or deceptive information to the Board in connection with an investigation conducted by the Board.~~

~~—2. It is not unprofessional conduct:~~

~~— (a) For persons holding valid licenses to practice osteopathic medicine or to practice naprapathy issued pursuant to this chapter to practice osteopathic medicine or to practice naprapathy, as applicable, in partnership under a partnership agreement or in a corporation or an association authorized by law, or to pool, share, divide or apportion the fees and money received by them or by the partnership, corporation or association in accordance with the partnership agreement or the policies of the board of directors of the corporation or association;~~

~~— (b) For two or more persons holding valid licenses to practice osteopathic medicine or to practice naprapathy issued pursuant to this chapter to receive adequate compensation for concurrently rendering professional care to a patient and dividing a fee if the patient has full knowledge of this division and if the division is made in proportion to the services performed and the responsibility assumed by each person; or~~

~~— (c) For a person licensed to practice osteopathic medicine pursuant to the provisions of this chapter to form an association or other business relationship with an optometrist pursuant to the provisions of NRS 636.373.~~

~~— 3. As used in this section, “custodian of health care records” has the meaning ascribed to it in NRS 629.016.] (Deleted by amendment.)~~

Sec. 29. ~~[NRS 633.151 is hereby amended to read as follows:~~

~~— 633.151 The purpose of licensing osteopathic physicians, naprapaths and physician assistants is to protect the public health and safety and the general welfare of the people of this State. Any license issued pursuant to this chapter is a revocable privilege, and a holder of such a license does not acquire thereby any vested right.] (Deleted by amendment.)~~

Sec. 30. NRS 633.171 is hereby amended to read as follows:

633.171 1. This chapter does not apply to:

(a) The practice of medicine or perfusion pursuant to chapter 630 of NRS, dentistry, chiropractic, naprapathy, podiatry, optometry, respiratory care, faith or Christian Science healing, nursing, veterinary medicine or fitting hearing aids.

(b) A medical officer of the Armed Forces or a medical officer of any division or department of the United States in the discharge of his or her official duties, including, without limitation, providing medical care in a hospital in accordance with an agreement entered into pursuant to NRS 449.2455.

(c) Osteopathic physicians who are called into this State, other than on a regular basis, for consultation or assistance to a physician licensed in this State, and who are legally qualified to practice in the state where they reside.

(d) Osteopathic physicians who are temporarily exempt from licensure pursuant to NRS 633.420 and are practicing osteopathic medicine within the scope of the exemption.

(e) The performance of medical services by a student enrolled in an educational program for a physician assistant which is accredited by the Accreditation Review Commission on Education for the Physician Assistant, Inc., or its successor organization, as part of such a program.

(f) A physician assistant ~~for naprapathy~~ of any division or department of the United States in the discharge of his or her official duties unless licensure by a state is required by the division or department of the United States.

2. This chapter does not repeal or affect any law of this State regulating or affecting any other healing art.

3. This chapter does not prohibit:

(a) Gratuitous services of a person in cases of emergency.

(b) The domestic administration of family remedies.

Sec. 31. ~~[NRS 633.286 is hereby amended to read as follows:~~

~~633.286 1. On or before February 15 of each odd-numbered year, the Board shall submit to the Governor and to the Director of the Legislative Counsel Bureau for transmittal to the next regular session of the Legislature a written report compiling:~~

~~(a) Disciplinary action taken by the Board during the previous biennium against osteopathic physicians, *naprapaths* and physician assistants for malpractice or negligence;~~

~~(b) Information reported to the Board during the previous biennium pursuant to NRS 633.526, 633.527, subsections 3 and 6 of NRS 633.533 and NRS 690B.250; and~~

~~(c) Information reported to the Board during the previous biennium pursuant to NRS 633.524, including, without limitation, the number and types of surgeries performed by each holder of a license to practice osteopathic medicine and the occurrence of sentinel events arising from such surgeries, if any.~~

~~2. The report must include only aggregate information for statistical purposes and exclude any identifying information related to a particular person.]~~ **(Deleted by amendment.)**

Sec. 32. ~~[NRS 633.301 is hereby amended to read as follows:~~

~~633.301 1. The Board shall keep a record of its proceedings relating to licensing and disciplinary actions. Except as otherwise provided in this section, the record must be open to public inspection at all reasonable times and contain the name, known place of business and residence, and the date and number of the license of every osteopathic physician, *every naprapath* and every physician assistant licensed under this chapter.~~

~~2. Except as otherwise provided in this section and NRS 239.0115, a complaint filed with the Board, all documents and other information filed with the complaint and all documents and other information compiled as a result of an investigation conducted to determine whether to initiate disciplinary action against a person are confidential, unless the person submits a written statement to the Board requesting that such documents and information be made public records.~~

~~3. The charging documents filed with the Board to initiate disciplinary action pursuant to chapter 622A of NRS and all other documents and information considered by the Board when determining whether to impose discipline are public records.~~

~~4. The Board shall, to the extent feasible, communicate or cooperate with or provide any documents or other information to any other licensing board or any other agency that is investigating a person, including, without limitation, a law enforcement agency.]~~ **(Deleted by amendment.)**

Sec. 33. ~~[NRS 633.305 is hereby amended to read as follows:~~

~~633.305 Except as otherwise provided in NRS 633.399, 633.400, 633.4335 and 633.4336 [.] and sections 18 and 19 of this act:~~

~~1. Every applicant for a license shall:~~

~~(a) File an application with the Board in the manner prescribed by regulations of the Board;~~

~~(b) Submit verified proof satisfactory to the Board that the applicant meets any age, citizenship and educational requirements prescribed by this chapter; and~~

~~(c) Pay in advance to the Board the application and initial license fee specified in NRS 633.501.~~

~~2. An application filed with the Board pursuant to subsection 1 must include all information required to complete the application.~~

~~3. The Board may hold hearings and conduct investigations into any matter related to the application and, in addition to the proofs required by subsection 1,~~

1 ~~may take such further evidence and require such other documents or proof of~~
2 ~~qualifications as it deems proper.~~

3 ~~4. The Board may reject an application if the Board has cause to believe that~~
4 ~~any credential or information submitted by the applicant is false, misleading,~~
5 ~~deceptive or fraudulent.] (Deleted by amendment.)~~

6 **Sec. 34.** ~~[NRS 633.3617 is hereby amended to read as follows:~~

7 ~~633.3617 1. The Board may place any condition, limitation or restriction on~~
8 ~~any license issued pursuant to this chapter if the Board determines that such action~~
9 ~~is necessary to protect the public health, safety or welfare.~~

10 ~~2. The Board shall not report any condition, limitation or restriction placed on~~
11 ~~a license pursuant to this section to the National Practitioner Data Bank unless the~~
12 ~~licensee fails to comply with the condition, limitation or restriction placed on the~~
13 ~~license. The Board may, upon request, report any such information to an agency of~~
14 ~~another state which regulates the practice of osteopathic medicine or *naprapathy* in~~
15 ~~that State.~~

16 ~~3. The Board may modify any condition, limitation or restriction placed on a~~
17 ~~license pursuant to this section if the Board determines that the modification is~~
18 ~~necessary to protect the public health, safety or welfare.~~

19 ~~4. Any condition, limitation or restriction placed on a license pursuant to this~~
20 ~~section is not a disciplinary action pursuant to NRS 633.651.] (Deleted by~~
21 ~~amendment.)~~

22 **Sec. 35.** NRS 633.434 is hereby amended to read as follows:

23 633.434 The Board shall adopt regulations regarding the licensure of a
24 physician assistant, including, without limitation:

- 25 1. The educational and other qualifications of applicants.
26 2. The required academic program for applicants.
27 3. The procedures for applications for and the issuance of licenses.
28 4. The procedures deemed necessary by the Board for applications for and the
29 issuance of initial licenses by endorsement pursuant to NRS 633.4335 and
30 633.4336.

- 31 5. The tests or examinations of applicants by the Board.

32 6. The medical services which a physician assistant may perform, except that
33 a physician assistant may not perform osteopathic manipulative therapy or those
34 specific functions and duties delegated or restricted by law to persons licensed as
35 *naprapaths*, dentists, chiropractic physicians, doctors of Oriental medicine,
36 podiatric physicians, optometrists and hearing aid specialists under ~~this chapter~~
37 ~~or] sections 1.03 to 1.8. inclusive, of this act or~~ chapters 631, 634, 634A, 635, 636
38 and 637B, respectively, of NRS.

39 7. The grounds and procedures respecting disciplinary actions against
40 physician assistants.

41 8. The supervision of medical services of a physician assistant by a
42 supervising osteopathic physician.

43 **Sec. 36.** ~~[NRS 633.471 is hereby amended to read as follows:~~

44 ~~633.471 1. Except as otherwise provided in subsection 14 and NRS~~
45 ~~633.491, every holder of a license, except a *naprapath* or physician assistant,~~
46 ~~issued under this chapter, except a temporary or a special license, may renew the~~
47 ~~license on or before January 1 of each calendar year after its issuance by:~~

48 ~~(a) Applying for renewal on forms provided by the Board;~~

49 ~~(b) Paying the annual license renewal fee specified in this chapter;~~

50 ~~(c) Submitting a list of all actions filed or claims submitted to arbitration or~~
51 ~~mediation for malpractice or negligence against the holder during the previous year;~~

52 ~~(d) Subject to subsection 13, submitting evidence to the Board that in the year~~
53 ~~preceding the application for renewal the holder has attended courses or programs~~

1 of continuing education approved by the Board in accordance with regulations
2 adopted by the Board totaling a number of hours established by the Board which
3 must not be less than 25 hours nor more than that set in the requirements for
4 continuing medical education of the American Osteopathic Association; and

5 ~~— (c) Submitting all information required to complete the renewal.~~

6 ~~— 2. The Secretary of the Board shall notify each licensee of the requirements~~
7 ~~for renewal not less than 30 days before the date of renewal.~~

8 ~~— 3. The Board shall request submission of verified evidence of completion of~~
9 ~~the required number of hours of continuing medical education annually from no~~
10 ~~fewer than one-third of the applicants for renewal of a license to practice~~
11 ~~osteopathic medicine, a license to engage in the practice of naprapathy or a~~
12 ~~license to practice as a physician assistant. Subject to subsection 13, upon a request~~
13 ~~from the Board, an applicant for renewal of a license to practice osteopathic~~
14 ~~medicine, a license to engage in the practice of naprapathy or a license to practice~~
15 ~~as a physician assistant shall submit verified evidence satisfactory to the Board that~~
16 ~~in the year preceding the application for renewal the applicant attended courses or~~
17 ~~programs of continuing medical education approved by the Board totaling the~~
18 ~~number of hours established by the Board.~~

19 ~~— 4. The Board shall require each holder of a license to practice osteopathic~~
20 ~~medicine to complete a course of instruction within 2 years after initial licensure~~
21 ~~that provides at least 2 hours of instruction on evidence-based suicide prevention~~
22 ~~and awareness as described in subsection 9.~~

23 ~~— 5. The Board shall encourage each holder of a license to practice osteopathic~~
24 ~~medicine to receive, as a portion of his or her continuing education, training~~
25 ~~concerning methods for educating patients about how to effectively manage~~
26 ~~medications, including, without limitation, the ability of the patient to request to~~
27 ~~have the symptom or purpose for which a drug is prescribed included on the label~~
28 ~~attached to the container of the drug.~~

29 ~~— 6. The Board shall encourage each holder of a license to practice osteopathic~~
30 ~~medicine or as a physician assistant to receive, as a portion of his or her continuing~~
31 ~~education, training and education in the diagnosis of rare diseases, including,~~
32 ~~without limitation:~~

33 ~~— (a) Recognizing the symptoms of pediatric cancer; and~~

34 ~~— (b) Interpreting family history to determine whether such symptoms indicate a~~
35 ~~normal childhood illness or a condition that requires additional examination.~~

36 ~~— 7. The Board shall require, as part of the continuing education requirements~~
37 ~~approved by the Board, the biennial completion by a holder of a license to practice~~
38 ~~osteopathic medicine of at least 2 hours of continuing education credits in ethics,~~
39 ~~pain management, care of persons with addictive disorders or the screening, brief~~
40 ~~intervention and referral to treatment approach to substance use disorder.~~

41 ~~— 8. The continuing education requirements approved by the Board must allow~~
42 ~~the holder of a license as an osteopathic physician or physician assistant to receive~~
43 ~~credit toward the total amount of continuing education required by the Board for~~
44 ~~the completion of a course of instruction relating to genetic counseling and genetic~~
45 ~~testing.~~

46 ~~— 9. The Board shall require each holder of a license to practice osteopathic~~
47 ~~medicine to receive as a portion of his or her continuing education at least 2 hours~~
48 ~~of instruction every 4 years on evidence-based suicide prevention and awareness~~
49 ~~which may include, without limitation, instruction concerning:~~

50 ~~— (a) The skills and knowledge that the licensee needs to detect behaviors that~~
51 ~~may lead to suicide, including, without limitation, post traumatic stress disorder;~~

52 ~~— (b) Approaches to engaging other professionals in suicide intervention; and~~

~~1 (c) The detection of suicidal thoughts and ideations and the prevention of~~
~~2 suicide;~~

~~3 10. A holder of a license to practice osteopathic medicine may not substitute~~
~~4 the continuing education credits relating to suicide prevention and awareness~~
~~5 required by this section for the purposes of satisfying an equivalent requirement for~~
~~6 continuing education in ethics;~~

~~7 11. The Board shall require each holder of a license to practice osteopathic~~
~~8 medicine to complete at least 2 hours of training in the screening, brief intervention~~
~~9 and referral to treatment approach to substance use disorder within 2 years after~~
~~10 initial licensure;~~

~~11 12. The Board shall require each psychiatrist or a physician assistant~~
~~12 practicing under the supervision of a psychiatrist to biennially complete one or~~
~~13 more courses of instruction that provide at least 2 hours of instruction relating to~~
~~14 cultural competency and diversity, equity and inclusion. Such instruction:~~

~~15 (a) May include the training provided pursuant to NRS 449.102, where~~
~~16 applicable;~~

~~17 (b) Must be based upon a range of research from diverse sources;~~

~~18 (c) Must address persons of different cultural backgrounds, including, without~~
~~19 limitation;~~

~~20 (1) Persons from various gender, racial and ethnic backgrounds;~~

~~21 (2) Persons from various religious backgrounds;~~

~~22 (3) Lesbian, gay, bisexual, transgender and questioning persons;~~

~~23 (4) Children and senior citizens;~~

~~24 (5) Veterans;~~

~~25 (6) Persons with a mental illness;~~

~~26 (7) Persons with an intellectual disability, developmental disability or~~
~~27 physical disability; and~~

~~28 (8) Persons who are part of any other population that a psychiatrist or~~
~~29 physician assistant practicing under the supervision of a psychiatrist may need to~~
~~30 better understand, as determined by the Board.~~

~~31 13. The Board shall not require a physician assistant to receive or maintain~~
~~32 certification by the National Commission on Certification of Physician Assistants,~~
~~33 or its successor organization, or by any other nationally recognized organization for~~
~~34 the accreditation of physician assistants to satisfy any continuing education~~
~~35 requirement pursuant to paragraph (d) of subsection 1 and subsection 3.~~

~~36 14. Members of the Armed Forces of the United States and the United States~~
~~37 Public Health Service are exempt from payment of the annual license renewal fee~~
~~38 during their active duty status.] (Deleted by amendment.)~~

Sec. 37. [NRS 633.472 is hereby amended to read as follows:

~~39 633.472 1. An osteopathic physician , *naprapath* or physician assistant~~
~~40 may:~~

~~41 (a) Ask each new patient who is 18 years of age or older if he or she is a~~
~~42 veteran and document the response in the medical record of the patient; and~~

~~43 (b) Provide the contact information for the Department of Veterans Services to~~
~~44 any such patient who indicates that he or she is a veteran.~~

~~45 2. The Board may ask each applicant for the renewal of a license as an~~
~~46 osteopathic physician , *naprapath* or physician assistant if the applicant performs~~
~~47 the actions described in subsection 1. If such a question is asked, the Board must~~
~~48 allow the applicant to refuse to answer.~~

~~49 3. As used in this section, "veteran" has the meaning ascribed to it in NRS~~
~~50 447.125.] (Deleted by amendment.)~~
~~51~~

1 **Sec. 38.** ~~[NRS 633.491 is hereby amended to read as follows:~~

2 ~~633.491 1. A licensee who retires from practice is not required annually to~~
3 ~~renew his or her license after filing with the Board an affidavit stating the date on~~
4 ~~which he or she retired from practice and any other evidence that the Board may~~
5 ~~require to verify the retirement.~~

6 ~~2. An osteopathic physician, *naprapath* or physician assistant who retires~~
7 ~~from practice and who desires to return to practice may apply to renew his or her~~
8 ~~license by paying all back annual license renewal fees or annual registration fees~~
9 ~~from the date of retirement and submitting verified evidence satisfactory to the~~
10 ~~Board that the licensee has attended continuing education courses or programs~~
11 ~~approved by the Board which total:~~

12 ~~(a) Twenty-five hours if the licensee has been retired 1 year or less.~~

13 ~~(b) Fifty hours within 12 months of the date of the application if the licensee~~
14 ~~has been retired for more than 1 year.~~

15 ~~3. A licensee who wishes to have a license placed on inactive status must~~
16 ~~provide the Board with an affidavit stating the date on which the licensee will cease~~
17 ~~the practice of osteopathic medicine, *cease to practice as a naprapath* or cease to~~
18 ~~practice as a physician assistant, *as applicable*, in Nevada and any other evidence~~
19 ~~that the Board may require. The Board shall place the license of the licensee on~~
20 ~~inactive status upon receipt of:~~

21 ~~(a) The affidavit required pursuant to this subsection; and~~

22 ~~(b) Payment of the inactive license fee proscribed by NRS 633.501.~~

23 ~~4. An osteopathic physician, *naprapath* or physician assistant whose license~~
24 ~~has been placed on inactive status:~~

25 ~~(a) Is not required to annually renew the license.~~

26 ~~(b) Except as otherwise provided in subsection 6, shall annually pay the~~
27 ~~inactive license fee proscribed by NRS 633.501.~~

28 ~~(c) Shall not practice osteopathic medicine, *practice naprapathy* or practice as~~
29 ~~a physician assistant in this State.~~

30 ~~5. A physician assistant whose license has been placed on inactive status shall~~
31 ~~not practice as a physician assistant. The Board shall consider a physician assistant~~
32 ~~whose license has been placed on inactive status and who practices as a physician~~
33 ~~assistant to be practicing without a license. Such practice constitutes grounds for~~
34 ~~disciplinary action against the physician assistant in accordance with the regulations~~
35 ~~adopted by the Board pursuant to NRS 633.434.~~

36 ~~6. The Board shall exempt a physician assistant whose license has been~~
37 ~~placed on inactive status from paying the inactive license fee proscribed by NRS~~
38 ~~633.501.~~

39 ~~7. An osteopathic physician, *naprapath* or physician assistant whose license~~
40 ~~is on inactive status and who wishes to renew his or her license to practice~~
41 ~~osteopathic medicine, *license to practice naprapathy* or license to practice as a~~
42 ~~physician assistant must:~~

43 ~~(a) Provide to the Board verified evidence satisfactory to the Board of~~
44 ~~completion of the total number of hours of continuing medical education required~~
45 ~~for:~~

46 ~~(1) The year preceding the date of the application for renewal of the~~
47 ~~license; and~~

48 ~~(2) Each year after the date the license was placed on inactive status.~~

49 ~~(b) Provide to the Board an affidavit stating that the applicant has not withheld~~
50 ~~from the Board any information which would constitute grounds for disciplinary~~
51 ~~action pursuant to this chapter.~~

52 ~~(c) Comply with all other requirements for renewal.]~~ **(Deleted by**
53 **amendment.)**

Sec. 39. ~~[NRS 633.501 is hereby amended to read as follows:~~

~~633.501 1. Except as otherwise provided in subsection 2, the Board shall charge and collect fees not to exceed the following amounts:~~

(a) Application and initial license fee for an osteopathic physician.....	\$800
(b) Annual license renewal fee for an osteopathic physician.....	500
(c) Temporary license fee.....	500
(d) Special or authorized facility license fee.....	200
(e) Special event license fee.....	200
(f) Special or authorized facility license renewal fee.....	200
(g) Recexamination fee.....	200
(h) Late payment fee.....	300
(i) Application and initial license fee for a physician assistant.....	400
(j) Application and initial simultaneous license fee for a physician assistant.....	200
(k) Annual registration fee for a physician assistant.....	400
(l) Annual simultaneous registration fee for a physician assistant.....	200
(m) Application and initial license fee for a naprapath.....	500
(n) Annual license renewal fee for a naprapath.....	500
(o) Inactive license fee.....	200

~~2. The Board may prorate the initial license fee for a new license issued pursuant to paragraph (a) , [or] (i) **or (m)** of subsection 1 which expires less than 6 months after the date of issuance.~~

~~3. The cost of any special meeting called at the request of a licensee, an institution, an organization, a state agency or an applicant for licensure must be paid by the person or entity requesting the special meeting. Such a special meeting must not be called until the person or entity requesting the meeting has paid a cash deposit with the Board sufficient to defray all expenses of the meeting.~~

~~4. If an applicant submits an application for a license by endorsement pursuant to:~~

~~(a) NRS 633.399 or 633.400 and is an active member of, or the spouse of an active member of, the Armed Forces of the United States, a veteran or the surviving spouse of a veteran, the Board shall collect not more than one half of the fee set forth in subsection 1 for the initial issuance of the license. As used in this paragraph, "veteran" has the meaning ascribed to it in NRS 417.005.~~

~~(b) NRS 633.4336 [,] **or section 19 of this act**, the Board shall collect not more than one half of the fee set forth in subsection 1 for the initial issuance of the license.] **(Deleted by amendment.)**~~

Sec. 40. ~~[NRS 633.511 is hereby amended to read as follows:~~

~~633.511 1. The grounds for initiating disciplinary action pursuant to this chapter are:~~

~~(a) Unprofessional conduct;~~

~~(b) Conviction of:~~

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

~~(2) A felony relating to the practice of osteopathic medicine, **the practice of naprapathy** or practice as a physician assistant;~~

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

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

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

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

~~(7) Sexual assault, statutory sexual seduction, incest, lewdness, indecent exposure or any other sexually related crime;~~
~~(8) Abuse or neglect of a child or contributory delinquency; or~~
~~(9) Any offense involving moral turpitude.~~
~~(c) The suspension of a license to practice osteopathic medicine, to engage in the practice of naprapathy or to practice as a physician assistant by any other jurisdiction;~~
~~(d) Malpractice or gross malpractice, which may be evidenced by a claim of malpractice settled against a licensee;~~
~~(e) Professional incompetence;~~
~~(f) Failure to comply with the requirements of NRS 633.527;~~
~~(g) Failure to comply with the requirements of subsection 3 of NRS 633.471;~~
~~(h) Failure to comply with the provisions of NRS 633.694;~~
~~(i) Operation of a medical facility, as defined in NRS 449.0151, at any time during which:~~
~~(1) The license of the facility is suspended or revoked; or~~
~~(2) An act or omission occurs which results in the suspension or revocation of the license pursuant to NRS 449.160.~~
~~This paragraph applies to an owner or other principal responsible for the operation of the facility.~~
~~(j) Failure to comply with the provisions of subsection 2 of NRS 633.322;~~
~~(k) Signing a blank prescription form.~~
~~(l) Knowingly or willfully procuring or administering a controlled substance or a dangerous drug as defined in chapter 454 of NRS that is not approved by the United States Food and Drug Administration, unless the unapproved controlled substance or dangerous drug:~~
~~(1) Was procured through a retail pharmacy licensed pursuant to chapter 639 of NRS;~~
~~(2) Was procured through a Canadian pharmacy which is licensed pursuant to chapter 639 of NRS and which has been recommended by the State Board of Pharmacy pursuant to subsection 4 of NRS 639.2328;~~
~~(3) Is cannabis being used for medical purposes in accordance with chapter 678C of NRS; or~~
~~(4) Is an investigational drug or biological product prescribed to a patient pursuant to NRS 630.3735 or 633.6945.~~
~~(m) Attempting, directly or indirectly, by intimidation, coercion or deception, to obtain or retain a patient or to discourage the use of a second opinion.~~
~~(n) Terminating the medical care of a patient without adequate notice or without making other arrangements for the continued care of the patient.~~
~~(o) In addition to the provisions of subsection 3 of NRS 633.524, making or filing a report which the licensee knows to be false, failing to file a record or report that is required by law or knowingly or willfully obstructing or inducing another to obstruct the making or filing of such a record or report.~~
~~(p) Failure to report any person the licensee knows, or has reason to know, is in violation of the provisions of this chapter, except for a violation of NRS 633.4717, or the regulations of the Board within 30 days after the date the licensee knows or has reason to know of the violation.~~
~~(q) Failure by a licensee or applicant to report in writing, within 30 days, any criminal action taken or conviction obtained against the licensee or applicant, other than a minor traffic violation, in this State or any other state or by the Federal Government, a branch of the Armed Forces of the United States or any local or federal jurisdiction of a foreign country.~~

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

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

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

~~— (u) Failure to obtain any training required by the Board pursuant to NRS 633.473;~~

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

~~— (w) Failure to comply with the provisions of NRS 453.163, 453.164, 453.226, 639.23507, 639.23535 and 639.2391 to 639.23916, inclusive, and any regulations adopted by the State Board of Pharmacy pursuant thereto;~~

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

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

~~— (z) Failure to comply with the provisions of NRS 441A.315 or any regulations adopted pursuant thereto;~~

~~— (aa) Performing or supervising the performance of a pelvic examination in violation of NRS 629.085;~~

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

Sec. 41. ~~[NRS 633.512 is hereby amended to read as follows:~~

~~— 633.512 Any member or agent of the Board may enter any premises in this State where a person who holds a license issued pursuant to the provisions of this chapter practices osteopathic medicine, *naprapathy* or as a physician assistant and inspect it to determine whether a violation of any provision of this chapter has occurred, including, without limitation:~~

~~— 1. An inspection to determine whether any person at the premises is practicing osteopathic medicine, *naprapathy* or as a physician assistant without the appropriate license issued pursuant to the provisions of this chapter; or~~

~~— 2. An inspection to determine whether any osteopathic physician is allowing a person to perform or participate in any activity under the supervision of the osteopathic physician for the purpose of receiving credit toward a degree of doctor of medicine, osteopathy or osteopathic medicine in violation of NRS 633.6955.] (Deleted by amendment.)~~

Sec. 42. ~~[NRS 633.526 is hereby amended to read as follows:~~

~~— 633.526 1. The insurer of an osteopathic physician, *naprapath* or physician assistant licensed under this chapter shall report to the Board:~~

~~— (a) Any action for malpractice against the osteopathic physician, *naprapath* or physician assistant not later than 45 days after the osteopathic physician, *naprapath* or physician assistant receives service of a summons and complaint for the action;~~

~~— (b) Any claim for malpractice against the osteopathic physician, *naprapath* or physician assistant that is submitted to arbitration or mediation not later than 45 days after the claim is submitted to arbitration or mediation; and~~

~~— (c) Any settlement, award, judgment or other disposition of any action or claim described in paragraph (a) or (b) not later than 45 days after the settlement, award, judgment or other disposition.~~

~~— 2. The Board shall report any failure to comply with subsection 1 by an insurer licensed in this State to the Division of Insurance of the Department of Business and Industry. If, after a hearing, the Division of Insurance determines that any such insurer failed to comply with the requirements of subsection 1, the Division may impose an administrative fine of not more than \$10,000 against the insurer for each such failure to report. If the administrative fine is not paid when~~

1 due, the fine must be recovered in a civil action brought by the Attorney General on
2 behalf of the Division.] **(Deleted by amendment.)**

3 **Sec. 43.** [NRS 633.527 is hereby amended to read as follows:

4 ~~633.527 1. An osteopathic physician, *naprapath* or physician assistant~~
5 ~~shall report to the Board:~~

6 ~~(a) Any action for malpractice against the osteopathic physician, *naprapath* or~~
7 ~~physician assistant not later than 45 days after the osteopathic physician,~~
8 ~~*naprapath* or physician assistant receives service of a summons and complaint for~~
9 ~~the action;~~

10 ~~(b) Any claim for malpractice against the osteopathic physician, *naprapath* or~~
11 ~~physician assistant that is submitted to arbitration or mediation not later than 45~~
12 ~~days after the claim is submitted to arbitration or mediation;~~

13 ~~(c) Any settlement, award, judgment or other disposition of any action or claim~~
14 ~~described in paragraph (a) or (b) not later than 45 days after the settlement, award,~~
15 ~~judgment or other disposition; and~~

16 ~~(d) Any sanctions imposed against the osteopathic physician, *naprapath* or~~
17 ~~physician assistant that are reportable to the National Practitioner Data Bank not~~
18 ~~later than 45 days after the sanctions are imposed.~~

19 ~~2. If the Board finds that an osteopathic physician, *naprapath* or physician~~
20 ~~assistant has violated any provision of this section, the Board may impose a fine of~~
21 ~~not more than \$5,000 against the osteopathic physician, *naprapath* or physician~~
22 ~~assistant for each violation, in addition to any other fines or penalties permitted by~~
23 ~~law.~~

24 ~~3. All reports made by an osteopathic physician, *naprapath* or physician~~
25 ~~assistant pursuant to this section are public records.] **(Deleted by amendment.)**~~

26 **Sec. 44.** [NRS 633.528 is hereby amended to read as follows:

27 ~~633.528 If the Board receives a report pursuant to the provisions of NRS~~
28 ~~633.526, 633.527 or 600B.250 indicating that a judgment has been rendered or an~~
29 ~~award has been made against an osteopathic physician, *naprapath* or physician~~
30 ~~assistant regarding an action or claim for malpractice or that such an action or claim~~
31 ~~against the osteopathic physician, *naprapath* or physician assistant has been~~
32 ~~resolved by settlement, the Board shall conduct an investigation to determine~~
33 ~~whether to discipline the osteopathic physician, *naprapath* or physician assistant~~
34 ~~regarding the action or claim, unless the Board has already commenced or~~
35 ~~completed such an investigation regarding the action or claim before it receives the~~
36 ~~report.] **(Deleted by amendment.)**~~

37 **Sec. 45.** [NRS 633.529 is hereby amended to read as follows:

38 ~~633.529 1. Notwithstanding the provisions of chapter 622A of NRS, if the~~
39 ~~Board or an investigative committee of the Board receives a report pursuant to the~~
40 ~~provisions of NRS 633.526, 633.527 or 600B.250 indicating that a judgment has~~
41 ~~been rendered or an award has been made against an osteopathic physician,~~
42 ~~*naprapath* or physician assistant regarding an action or claim for malpractice, or~~
43 ~~that such an action or claim against the osteopathic physician, *naprapath* or~~
44 ~~physician assistant has been resolved by settlement, the Board or committee may~~
45 ~~order the osteopathic physician, *naprapath* or physician assistant to undergo a~~
46 ~~mental or physical examination or any other examination designated by the Board~~
47 ~~to test his or her competence to practice osteopathic medicine, *practice naprapathy*~~
48 ~~or to practice as a physician assistant, as applicable. An examination conducted~~
49 ~~pursuant to this subsection must be conducted by a person designated by the Board.~~

50 ~~2. For the purposes of this section:~~

51 ~~(a) An osteopathic physician, *naprapath* or physician assistant who applies for~~
52 ~~a license or who holds a license under this chapter is deemed to have given consent~~
53 ~~to submit to a mental or physical examination or an examination testing his or her~~

competence to practice osteopathic medicine, ~~practice naprapathy~~ or to practice as a physician assistant, as applicable, pursuant to a written order by the Board.

~~— (b) The testimony or reports of a person who conducts an examination of an osteopathic physician, *naprapath* or physician assistant on behalf of the Board pursuant to this section are not privileged communications.]~~ **(Deleted by amendment.)**

Sec. 46. ~~[NRS 633.531 is hereby amended to read as follows:~~

~~633.531 1. The Board or any of its members, or a medical review panel of a hospital or medical society, which becomes aware of any conduct by an osteopathic physician, *naprapath* or physician assistant that may constitute grounds for initiating disciplinary action shall, and any other person who is so aware may, file a written complaint specifying the relevant facts with the Board.~~

~~2. The Board shall retain all complaints filed with the Board pursuant to this section for at least 10 years, including, without limitation, any complaints not acted upon.]~~ **(Deleted by amendment.)**

Sec. 47. ~~[NRS 633.533 is hereby amended to read as follows:~~

~~633.533 1. Except as otherwise provided in subsection 2, any person may file with the Board a complaint against an osteopathic physician, *naprapath* or physician assistant on a form provided by the Board. The form may be submitted in writing or electronically. If a complaint is submitted anonymously, the Board may accept the complaint but may refuse to consider the complaint if the lack of the identity of the complainant makes processing the complaint impossible or unfair to the person who is the subject of the complaint.~~

~~2. Any licensee, medical or *naprapathic* school or medical facility that becomes aware that a person practicing osteopathic medicine, *practicing naprapathy* or practicing as a physician assistant in this State has, is or is about to become engaged in conduct which constitutes grounds for initiating disciplinary action shall file a written complaint with the Board within 30 days after becoming aware of the conduct.~~

~~3. Except as otherwise provided in subsection 4, any hospital, clinic or other medical facility licensed in this State, or medical or *naprapathic* society, shall file a written report with the Board of any change in the privileges of an osteopathic physician, *naprapath* or physician assistant to practice while the osteopathic physician, *naprapath* or physician assistant is under investigation, and the outcome of any disciplinary action taken by the facility or society against the osteopathic physician, *naprapath* or physician assistant concerning the care of a patient or the competency of the osteopathic physician, *naprapath* or physician assistant, within 30 days after the change in privileges is made or disciplinary action is taken.~~

~~4. A hospital, clinic or other medical facility licensed in this State, or medical or *naprapathic* society, shall report to the Board within 5 days after a change in the privileges of an osteopathic physician, *naprapath* or physician assistant that is based on:~~

~~— (a) An investigation of the mental, medical or psychological competency of the osteopathic physician, *naprapath* or physician assistant; or~~

~~— (b) A suspected or alleged substance use disorder in any form by the osteopathic physician, *naprapath* or physician assistant.~~

~~5. The Board shall report any failure to comply with subsection 3 or 4 by a hospital, clinic or other medical facility licensed in this State to the Division of Public and Behavioral Health of the Department of Health and Human Services. If, after a hearing, the Division determines that any such facility or society failed to comply with the requirements of subsection 3 or 4, the Division may impose an administrative fine of not more than \$10,000 against the facility or society for each such failure to report. If the administrative fine is not paid when due, the fine must~~

1 be recovered in a civil action brought by the Attorney General on behalf of the
2 Division.

3 ~~6. The clerk of every court shall report to the Board any finding, judgment or~~
4 ~~other determination of the court that an osteopathic physician, *naprapath* or~~
5 ~~physician assistant:~~

6 ~~— (a) Is mentally ill;~~

7 ~~— (b) Is mentally incompetent;~~

8 ~~— (c) Has been convicted of a felony or any law governing controlled substances~~
9 ~~or dangerous drugs;~~

10 ~~— (d) Is guilty of abuse or fraud under any state or federal program providing~~
11 ~~medical assistance; or~~

12 ~~— (e) Is liable for damages for malpractice or negligence;~~

13 ~~— within 45 days after the finding, judgment or determination.] (Deleted by~~
14 ~~amendment.)~~

15 **Sec. 48.** ~~[NRS 633.542 is hereby amended to read as follows:~~

16 ~~— 633.542 Unless the Board determines that extenuating circumstances exist,~~
17 ~~the Board shall forward to the appropriate law enforcement agency any~~
18 ~~substantiated information submitted to the Board concerning a person who practices~~
19 ~~or offers to practice osteopathic medicine, *naprapathy* or as a physician assistant~~
20 ~~without the appropriate license issued pursuant to the provisions of this chapter.]~~
21 ~~(Deleted by amendment.)~~

22 **Sec. 49.** ~~[NRS 633.561 is hereby amended to read as follows:~~

23 ~~— 633.561 1. Notwithstanding the provisions of chapter 622A of NRS, if the~~
24 ~~Board or a member of the Board designated to review a complaint pursuant to NRS~~
25 ~~633.541 has reason to believe that the conduct of an osteopathic physician,~~
26 ~~*naprapath* or physician assistant has raised a reasonable question as to his or her~~
27 ~~competence to practice osteopathic medicine, to practice *naprapathy* or to practice~~
28 ~~as a physician assistant, as applicable, with reasonable skill and safety to patients,~~
29 ~~the Board or the member designated by the Board may require the osteopathic~~
30 ~~physician, *naprapath* or physician assistant to submit to a mental or physical~~
31 ~~examination conducted by physicians designated by the Board. If the osteopathic~~
32 ~~physician, *naprapath* or physician assistant participates in a diversion program, the~~
33 ~~diversion program may exchange with any authorized member of the staff of the~~
34 ~~Board any information concerning the recovery and participation of the osteopathic~~
35 ~~physician, *naprapath* or physician assistant in the diversion program. As used in~~
36 ~~this subsection, "diversion program" means a program approved by the Board for~~
37 ~~an alcohol or other substance use disorder or any other impairment of an~~
38 ~~osteopathic physician, *naprapath* or physician assistant.~~

39 ~~— 2. For the purposes of this section:~~

40 ~~— (a) An osteopathic physician, *naprapath* or physician assistant who is licensed~~
41 ~~under this chapter and who accepts the privilege of practicing osteopathic medicine~~
42 ~~, practicing *naprapathy* or practicing as a physician assistant in this State is~~
43 ~~deemed to have given consent to submit to a mental or physical examination~~
44 ~~pursuant to a written order by the Board.~~

45 ~~— (b) The testimony or examination reports of the examining physicians are not~~
46 ~~privileged communications.~~

47 ~~— 3. Except in extraordinary circumstances, as determined by the Board, the~~
48 ~~failure of an osteopathic physician, *naprapath* or physician assistant who is~~
49 ~~licensed under this chapter to submit to an examination pursuant to this section~~
50 ~~constitutes an admission of the charges against the osteopathic physician,~~
51 ~~*naprapath* or physician assistant.] (Deleted by amendment.)~~

1 **Sec. 50.** ~~[NRS 633.571 is hereby amended to read as follows:~~

2 ~~633.571 Notwithstanding the provisions of chapter 622A of NRS, if the~~
3 ~~Board has reason to believe that the conduct of any osteopathic physician,~~
4 ~~naprapath or physician assistant has raised a reasonable question as to his or her~~
5 ~~competence to practice osteopathic medicine, to practice naprapathy or to practice~~
6 ~~as a physician assistant, as applicable, with reasonable skill and safety to patients,~~
7 ~~the Board may require the osteopathic physician, naprapath or physician assistant~~
8 ~~to submit to an examination for the purposes of determining his or her competence~~
9 ~~to practice osteopathic medicine, to practice naprapathy or to practice as a~~
10 ~~physician assistant, as applicable, with reasonable skill and safety to patients.]~~
11 **(Deleted by amendment.)**

12 **Sec. 51.** ~~[NRS 633.581 is hereby amended to read as follows:~~

13 ~~633.581 1. If an investigation by the Board of an osteopathic physician,~~
14 ~~naprapath or physician assistant reasonably determines that the health, safety or~~
15 ~~welfare of the public or any patient served by the osteopathic physician, naprapath~~
16 ~~or physician assistant is at risk of imminent or continued harm, the Board may~~
17 ~~summarily suspend the license of the licensee pending the conclusion of a hearing~~
18 ~~to consider a formal complaint against the licensee. The order of summary~~
19 ~~suspension may be issued only by the Board or an investigative committee of the~~
20 ~~Board.~~

21 ~~2. If the Board or an investigative committee of the Board issues an order~~
22 ~~summarily suspending the license of a licensee pursuant to subsection 1, the Board~~
23 ~~shall hold a hearing not later than 60 days after the date on which the order is~~
24 ~~issued, unless the Board and the licensee mutually agree to a longer period, to~~
25 ~~determine whether a reasonable basis exists to continue the suspension of the~~
26 ~~license pending the conclusion of a hearing to consider a formal complaint against~~
27 ~~the licensee. If no formal complaint against the licensee is pending before the Board~~
28 ~~on the date on which a hearing is held pursuant to this section, the Board shall~~
29 ~~reinstate the license of the licensee.~~

30 ~~3. Notwithstanding the provisions of chapter 622A of NRS, if the Board or an~~
31 ~~investigative committee of the Board issues an order summarily suspending the~~
32 ~~license of an osteopathic physician, naprapath or physician assistant pursuant to~~
33 ~~subsection 1 and the Board requires the licensee to submit to a mental or physical~~
34 ~~examination or a medical or naprapathic competency examination, the~~
35 ~~examination must be conducted and the results must be obtained not later than 30~~
36 ~~days after the order is issued.]~~ **(Deleted by amendment.)**

37 **Sec. 52.** ~~[NRS 633.591 is hereby amended to read as follows:~~

38 ~~633.591 Notwithstanding the provisions of chapter 622A of NRS, if the~~
39 ~~Board issues an order summarily suspending the license of an osteopathic physician,~~
40 ~~naprapath or physician assistant pending proceedings for disciplinary action,~~
41 ~~including, without limitation, a summary suspension pursuant to NRS 233B.127,~~
42 ~~the court shall not stay that order unless the Board fails to institute and determine~~
43 ~~such proceedings as promptly as the requirements for investigation of the case~~
44 ~~reasonably allow.]~~ **(Deleted by amendment.)**

45 **Sec. 53.** ~~[NRS 633.601 is hereby amended to read as follows:~~

46 ~~633.601 1. In addition to any other remedy provided by law, the Board,~~
47 ~~through an officer of the Board or the Attorney General, may apply to any court of~~
48 ~~competent jurisdiction to enjoin any unprofessional conduct of an osteopathic~~
49 ~~physician, naprapath or physician assistant which is harmful to the public or to~~
50 ~~limit the practice of the osteopathic physician, naprapath or physician assistant or~~
51 ~~suspend his or her license to practice osteopathic medicine, practice naprapathy or~~
52 ~~to practice as a physician assistant, as applicable, as provided in this section.~~

~~2. The court in a proper case may issue a temporary restraining order or a preliminary injunction for such purposes;~~

~~(a) Without proof of actual damage sustained by any person, this provision being a preventive as well as punitive measure; and~~

~~(b) Pending proceedings for disciplinary action by the Board. Notwithstanding the provisions of chapter 622A of NRS, such proceedings shall be instituted and determined as promptly as the requirements for investigation of the case reasonably allow.) (Deleted by amendment.)~~

Sec. 54. ~~[NRS 633.631 is hereby amended to read as follows:~~

~~633.631 Except as otherwise provided in subsection 2 and chapter 622A of NRS;~~

~~1. Service of process made under this chapter must be either personal or by registered or certified mail with return receipt requested, addressed to the osteopathic physician, *naprapath* or physician assistant at his or her last known address, as indicated in the records of the Board. If personal service cannot be made and if mail notice is returned undelivered, the President or Secretary-Treasurer of the Board shall cause a notice of hearing to be published once a week for 4 consecutive weeks in a newspaper published in the county of the last known address of the osteopathic physician, *naprapath* or physician assistant or, if no newspaper is published in that county, in a newspaper widely distributed in that county;~~

~~2. In lieu of the methods of service of process set forth in subsection 1, if the Board obtains written consent from the osteopathic physician, *naprapath* or physician assistant, service of process under this chapter may be made by electronic mail on the licensee at an electronic mail address designated by the licensee in the written consent.~~

~~3. Proof of service of process or publication of notice made under this chapter must be filed with the Secretary-Treasurer of the Board and may be recorded in the minutes of the Board.) (Deleted by amendment.)~~

Sec. 55. ~~[NRS 633.641 is hereby amended to read as follows:~~

~~633.641 Notwithstanding the provisions of chapter 622A of NRS, in any disciplinary proceeding before the Board, a hearing officer or a panel:~~

~~1. Proof of actual injury need not be established where the formal complaint charges deceptive or unethical professional conduct or medical *or naprapathic* practice harmful to the public;~~

~~2. A certified copy of the record of a court or a licensing agency showing a conviction or the suspension or revocation of a license to practice osteopathic medicine, *practice naprapathy* or to practice as a physician assistant is conclusive evidence of its occurrence.) (Deleted by amendment.)~~

Sec. 56. ~~[NRS 633.651 is hereby amended to read as follows:~~

~~633.651 1. If the Board finds a person guilty in a disciplinary proceeding, it shall by order take one or more of the following actions:~~

~~(a) Place the person on probation for a specified period or until further order of the Board;~~

~~(b) Administer to the person a public reprimand;~~

~~(c) Limit the practice of the person to, or by the exclusion of, one or more specified branches of osteopathic medicine [.] *or limit the practice of naprapathy by the person, as applicable.*~~

~~(d) Suspend the license of the person to practice osteopathic medicine, *to practice naprapathy* or to practice as a physician assistant for a specified period or until further order of the Board;~~

~~(e) Revoke the license of the person to practice osteopathic medicine, *to practice naprapathy* or to practice as a physician assistant.~~

~~(f) Impose a fine not to exceed \$5,000 for each violation;~~
~~(g) Require supervision of the practice of the person;~~
~~(h) Require the person to perform community service without compensation;~~
~~(i) Require the person to complete any training or educational requirements specified by the Board;~~

~~(j) Require the person to participate in a program for an alcohol or other substance use disorder or any other impairment;~~

~~The order of the Board may contain any other terms, provisions or conditions as the Board deems proper and which are not inconsistent with law;~~

~~2. The Board shall not administer a private reprimand;~~

~~3. An order that imposes discipline and the findings of fact and conclusions of law supporting that order are public records.] (Deleted by amendment.)~~

Sec. 57. ~~[NRS 633.671 is hereby amended to read as follows:~~

~~633.671 1. Any person who has been placed on probation or whose license has been limited, suspended or revoked by the Board is entitled to judicial review of the Board's order as provided by law;~~

~~2. Every order of the Board which limits the practice of osteopathic medicine, the practice of naprapathy or the practice of a physician assistant or suspends or revokes a license is effective from the date on which the order is issued by the Board until the date the order is modified or reversed by a final judgment of the court;~~

~~3. The district court shall give a petition for judicial review of the Board's order priority over other civil matters which are not expressly given priority by law.] (Deleted by amendment.)~~

Sec. 58. ~~[NRS 633.681 is hereby amended to read as follows:~~

~~633.681 1. Any person;~~

~~(a) Whose practice of osteopathic medicine, practice of naprapathy or practice as a physician assistant has been limited; or~~

~~(b) Whose license to practice osteopathic medicine, to practice naprapathy or to practice as a physician assistant has been;~~

~~(1) Suspended until further order; or~~

~~(2) Revoked;~~

~~may apply to the Board after a reasonable period for removal of the limitation or suspension or may apply to the Board pursuant to the provisions of chapter 622A of NRS for reinstatement of the revoked license;~~

~~2. In hearing the application, the Board;~~

~~(a) May require the person to submit to a mental or physical examination by physicians whom it designates and submit such other evidence of changed conditions and of fitness as it deems proper;~~

~~(b) Shall determine whether under all the circumstances the time of the application is reasonable; and~~

~~(c) May deny the application or modify or rescind its order as it deems the evidence and the public safety warrants.] (Deleted by amendment.)~~

Sec. 59. ~~[NRS 633.691 is hereby amended to read as follows:~~

~~633.691 1. In addition to any other immunity provided by the provisions of chapter 622A of NRS, the Board, a medical review panel of a hospital, a hearing officer, a panel of the Board, an employee or volunteer of a diversion program specified in NRS 633.561, or any person who or other organization which initiates or assists in any lawful investigation or proceeding concerning the discipline of an osteopathic physician, naprapath or physician assistant for gross malpractice, malpractice, professional incompetence or unprofessional conduct is immune from any civil action for such initiation or assistance or any consequential damages, if the person or organization acted in good faith.~~

~~2. Except as otherwise provided in subsection 2, the Board shall not commence an investigation, impose any disciplinary action or take any other adverse action against an osteopathic physician, **naprapath** or physician assistant for:~~

~~(a) Disclosing to a governmental entity a violation of a law, rule or regulation by an applicant for a license to practice osteopathic medicine, to **practice naprapathy** or to practice as a physician assistant, or by an osteopathic physician, **naprapath** or physician assistant; or~~

~~(b) Cooperating with a governmental entity that is conducting an investigation, hearing or inquiry into such a violation, including, without limitation, providing testimony concerning the violation.~~

~~3. An osteopathic physician, **naprapath** or physician assistant who discloses information to or cooperates with a governmental entity pursuant to subsection 2 with respect to the violation of any law, rule or regulation by the osteopathic physician, **naprapath** or physician assistant is subject to investigation and any other administrative or disciplinary action by the Board under the provisions of this chapter for such violation.~~

~~4. As used in this section, "governmental entity" includes, without limitation:~~

~~(a) A federal, state or local officer, employee, agency, department, division, bureau, board, commission, council, authority or other subdivision or entity of a public employer;~~

~~(b) A federal, state or local employee, committee, member or commission of the Legislative Branch of Government;~~

~~(c) A federal, state or local representative, member or employee of a legislative body or a county, town, village or any other political subdivision or civil division of the State;~~

~~(d) A federal, state or local law enforcement agency or prosecutorial office, or any member or employee thereof, or police or peace officer; and~~

~~(e) A federal, state or local judiciary, or any member or employee thereof, or grand or petit jury.] (Deleted by amendment.)~~

Sec. 60. [NRS 633.701 is hereby amended to read as follows:

~~633.701 The filing and review of a complaint and any subsequent disposition by the Board, the member designated by the Board to review a complaint pursuant to NRS 633.541 or any reviewing court do not preclude:~~

~~1. Any measure by a hospital or other institution to limit or terminate the privileges of an osteopathic physician, **naprapath** or physician assistant according to its rules or the custom of the profession. No civil liability attaches to any such action taken without malice even if the ultimate disposition of the complaint is in favor of the osteopathic physician, **naprapath** or physician assistant.~~

~~2. Any appropriate criminal prosecution by the Attorney General or a district attorney based upon the same or other facts.] (Deleted by amendment.)~~

Sec. 61. [NRS 633.711 is hereby amended to read as follows:

~~633.711 1. The Board, through an officer of the Board or the Attorney General, may maintain in any court of competent jurisdiction a suit for an injunction against any person:~~

~~(a) Practicing osteopathic medicine, **practicing naprapathy** or practicing as a physician assistant without a valid license to practice osteopathic medicine, **practice naprapathy** or to practice as a physician assistant; or~~

~~(b) Providing services through telehealth, as defined in NRS 629.515, without a valid license.~~

~~2. An injunction issued pursuant to subsection 1:~~

~~(a) May be issued without proof of actual damage sustained by any person, this provision being a preventive as well as a punitive measure.~~

1 ~~— (b) Must not relieve such person from criminal prosecution for practicing~~
2 ~~without such a license.] (Deleted by amendment.)~~

3 **Sec. 62.** ~~[NRS 633.721 is hereby amended to read as follows:~~

4 ~~633.721 In a criminal complaint charging any person with practicing~~
5 ~~osteopathic medicine, *practicing naprapathy* or practicing as a physician assistant~~
6 ~~without a valid license issued by the Board, it is sufficient to charge that the person~~
7 ~~did, upon a certain day, and in a certain county of this State, engage in such practice~~
8 ~~without having a valid license to do so, without averring any further or more~~
9 ~~particular facts concerning the violation.] (Deleted by amendment.)~~

10 **Sec. 63.** ~~[NRS 633.741 is hereby amended to read as follows:~~

11 ~~633.741 1. It is unlawful for any person to:~~

12 ~~— (a) Except as otherwise provided in NRS 629.091 [,] or section 16 of this act,~~
13 ~~practice;~~

14 ~~— (1) Osteopathic medicine without a valid license to practice osteopathic~~
15 ~~medicine under this chapter;~~

16 ~~— (2) *Naprapathy without a valid license to practice naprapathy under this*~~
17 ~~*chapter;*~~

18 ~~— (3) As a physician assistant without a valid license under this chapter; or~~

19 ~~[(3)] (4) Beyond the limitations ordered upon his or her practice by the~~
20 ~~Board or the court;~~

21 ~~— (b) Present as his or her own the diploma, license or credentials of another;~~

22 ~~— (c) Give either false or forged evidence of any kind to the Board or any of its~~
23 ~~members in connection with an application for a license;~~

24 ~~— (d) File for record the license issued to another, falsely claiming himself or~~
25 ~~herself to be the person named in the license, or falsely claiming himself or herself~~
26 ~~to be the person entitled to the license;~~

27 ~~— (e) Practice osteopathic medicine, *practice naprapathy* or practice as a~~
28 ~~physician assistant under a false or assumed name or falsely personate another~~
29 ~~licensee of a like or different name;~~

30 ~~— (f) Hold himself or herself out as a *naprapath* or physician assistant or use any~~
31 ~~other term indicating or implying that he or she is a *naprapath* or physician~~
32 ~~assistant, unless the person has been licensed *as such* by the Board as provided in~~
33 ~~this chapter; or~~

34 ~~— (g) Supervise a person as a physician assistant before such person is licensed as~~
35 ~~provided in this chapter.~~

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

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

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

39 ~~and shall be punished as provided in NRS 193.130, unless a greater penalty is~~
40 ~~provided pursuant to NRS 200.830 or 200.840.~~

41 ~~3. In addition to any other penalty prescribed by law, if the Board determines~~
42 ~~that a person has committed any act described in subsection 1, the Board may:~~

43 ~~— (a) Issue and serve on the person an order to cease and desist until the person~~
44 ~~obtains from the Board the proper license or otherwise demonstrates that he or she~~
45 ~~is no longer in violation of subsection 1. An order to cease and desist must include~~
46 ~~a telephone number with which the person may contact the Board.~~

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

53 ~~— (c) Assess against the person an administrative fine of not more than \$5,000.~~

~~(d) Impose any combination of the penalties set forth in paragraphs (a), (b) and (c).~~ **(Deleted by amendment.)**

Sec. 63.5. 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, and sections 1.03 to 1.8, inclusive, of this act, 640 to 641D, inclusive, or 653 of NRS,

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

Sec. 64. NRS 640.190 is hereby amended to read as follows:

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

Sec. 64.5. NRS 640A.070 is hereby amended to read as follows:

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

1. Holding a current license or certificate issued pursuant to chapter 391, 630 to 637B, inclusive, and sections 1.03 to 1.8, inclusive, of this act, 640, 640B to 641B, inclusive, or 641D of NRS, who practices within the scope of that license or certificate.

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

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

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

Sec. 65. NRS 640B.085 is hereby amended to read as follows:

640B.085 "Physician" means:

1. A physician licensed pursuant to chapter 630 of NRS;

2. An osteopathic physician licensed pursuant to chapter 633 of NRS;

3. A homeopathic physician licensed pursuant to chapter 630A of NRS;

4. A chiropractic physician licensed pursuant to chapter 634 of NRS; ~~or~~

5. *A naprapath licensed pursuant to [chapter 633 of NRS,] sections 1.03 to 1.8, inclusive, of this act; or*

6. A podiatric physician licensed pursuant to chapter 635 of NRS.

Sec. 65.5. NRS 640B.145 is hereby amended to read as follows:

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

1. A person who is licensed pursuant to chapters 630 to 637, inclusive, and sections 1.03 to 1.8, inclusive, of this act, or chapter 640, 640A or 641D of NRS, when acting within the scope of that license.

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

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

1 **Sec. 66.** NRS 640C.085 is hereby amended to read as follows:

2 640C.085 1. “Structural integration” means the application of a system of
3 manual therapy, movement education and embodiment education that is intended to
4 improve the functional relationship of the parts of the human body to each other
5 within the influences of gravity.

6 2. The term does not include:

7 (a) The practice of physical therapy, as defined in NRS 640.024; ~~for~~

8 (b) The practice of chiropractic, as defined in NRS 634.013, including, without
9 limitation, chiropractic adjustment or manipulation, as defined in NRS 634.014 and
10 634.0173, respectively ~~for~~; or

11 (c) *The practice of naprapathy, as defined in section ~~422~~ 1.18 of this act.*

12 **Sec. 66.5. NRS 640C.100 is hereby amended to read as follows:**

13 640C.100 1. The provisions of this chapter do not apply to:

14 (a) A person licensed pursuant to chapter 630, 630A, 631, 632, 633, 634,
15 634A, 635, 640, 640A or 640B of NRS or sections 1.03 to 1.8, inclusive, of this
16 act, if the massage therapy, reflexology or structural integration is performed in the
17 course of the practice for which the person is licensed.

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

22 (c) A person licensed or registered as an advanced esthetician, esthetician,
23 esthetician’s apprentice, hair designer, hair designer’s apprentice, hair braider,
24 shampoo technologist, cosmetologist or cosmetologist’s apprentice pursuant to
25 chapter 644A of NRS if the person is massaging, cleansing or stimulating the scalp,
26 face, neck or skin within the permissible scope of practice for an advanced
27 esthetician, esthetician, esthetician’s apprentice, hair designer, hair designer’s
28 apprentice, hair braider, shampoo technologist, cosmetologist or cosmetologist’s
29 apprentice pursuant to that chapter.

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

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

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

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

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

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

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

1 occupation or profession, who transact business within the jurisdiction of the
2 county, city or town.

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

6 **Sec. 67.** NRS 640E.090 is hereby amended to read as follows:

7 640E.090 1. The provisions of this chapter do not apply to:

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

15 (1) Practices within the scope of that license or registration;

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

18 (3) Provides nutrition information incidental to the practice for which he or
19 she is licensed or registered.

20 (b) A student enrolled in an educational program accredited by the
21 Accreditation Council for Education in Nutrition and Dietetics, or its successor
22 organization, if the student engages in the practice of dietetics under the supervision
23 of a licensed dietitian or registered dietitian as part of that educational program.

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

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

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

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

44 (a) Food preparation;

45 (b) Food included in a normal daily diet;

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

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

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

51 **Sec. 68.** NRS 644A.150 is hereby amended to read as follows:

52 644A.150 1. The following persons are exempt from the provisions of this
53 chapter:

1 (a) Except for those provisions relating to advanced estheticians, all persons
2 authorized by the laws of this State to practice medicine, dentistry, osteopathic
3 medicine, chiropractic, *naprapathy* or podiatry.

4 (b) Commissioned medical officers of the United States Army, Navy, or
5 Marine Hospital Service when engaged in the actual performance of their official
6 duties, and attendants attached to those services.

7 (c) Barbers, insofar as their usual and ordinary vocation and profession is
8 concerned, when engaged in any of the following practices:

9 (1) Cleansing or singeing the hair of any person.

10 (2) Massaging, cleansing, stimulating, exercising or similar work upon the
11 scalp, face or neck of any person, with the hands or with mechanical or electrical
12 apparatus or appliances, or by the use of cosmetic preparations, antiseptics, tonics,
13 lotions or creams.

14 (d) Retailers, at a retail establishment, insofar as their usual and ordinary
15 vocation and profession is concerned, when engaged in the demonstration of
16 cosmetics if:

17 (1) The demonstration is without charge to the person to whom the
18 demonstration is given; and

19 (2) The retailer does not advertise or provide a service relating to the
20 practice of cosmetology except cosmetics and fragrances.

21 (e) Photographers or their employees, insofar as their usual and ordinary
22 vocation and profession is concerned, if the photographer or his or her employee
23 does not advertise cosmetological services or the practice of makeup artistry and
24 provides cosmetics without charge to the customer.

25 2. Any school of cosmetology conducted as part of the vocational
26 rehabilitation training program of the Department of Corrections or the Caliente
27 Youth Center:

28 (a) Is exempt from the requirements of paragraph (c) of subsection 2 of NRS
29 644A.740.

30 (b) Notwithstanding the provisions of NRS 644A.735, shall maintain a staff of
31 at least one licensed instructor.

32 3. Any health care professional, as defined in NRS 453C.030, is exempt from
33 the provisions of this chapter relating to advanced estheticians.

34 **Sec. 69.** NRS 7.095 is hereby amended to read as follows:

35 7.095 1. An attorney shall not contract for or collect a fee contingent on the
36 amount of recovery for representing a person seeking damages in connection with
37 an action for injury or death against a provider of health care based upon
38 professional negligence in excess of:

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

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

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

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

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

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

50 4. As used in this section:

51 (a) "Professional negligence" means a negligent act or omission to act by a
52 provider of health care in the rendering of professional services, which act or
53 omission is the proximate cause of a personal injury or wrongful death. The term

1 does not include services that are outside the scope of services for which the
2 provider of health care is licensed or services for which any restriction has been
3 imposed by the applicable regulatory board or health care facility.

4 (b) "Provider of health care" means a physician licensed under chapter 630 or
5 633 of NRS, dentist, registered nurse, dispensing optician, optometrist, registered
6 physical therapist, podiatric physician, licensed psychologist, chiropractic
7 physician, naprapath, doctor of Oriental medicine, holder of a license or a limited
8 license issued under the provisions of chapter 653 of NRS, medical laboratory
9 director or technician, licensed dietitian or a licensed hospital and its employees.

10 **Sec. 69.5. NRS 41.138 is hereby amended to read as follows:**

11 41.138 1. In any civil action concerning any unwelcome or nonconsensual
12 sexual conduct, including, without limitation, sexual harassment, there is a
13 rebuttable presumption that the sexual conduct was unwelcome or nonconsensual if
14 the alleged perpetrator was a person in a position of authority over the alleged
15 victim.

16 2. As used in this section:

17 (a) "Person in a position of authority" means a parent, relative, household
18 member, employer, supervisor, youth leader, scout leader, coach, mentor in a
19 mentoring program, teacher, professor, counselor, school administrator, religious
20 leader, doctor, nurse, psychologist, naprapath, other health care provider, guardian
21 ad litem, guardian, babysitter, police officer or other law enforcement officer or any
22 other person who, by reason of his or her position, is able to exercise significant or
23 undue influence over the victim.

24 (b) "Sexual harassment" has the meaning ascribed to it in NRS 176A.280.

25 **Sec. 70. NRS 41A.017 is hereby amended to read as follows:**

26 41A.017 "Provider of health care" means a physician licensed pursuant to
27 chapter 630 or 633 of NRS, physician assistant, dentist, licensed nurse, dispensing
28 optician, optometrist, registered physical therapist, podiatric physician, licensed
29 psychologist, chiropractic physician, naprapath, doctor of Oriental medicine,
30 holder of a license or a limited license issued under the provisions of chapter 653 of
31 NRS, medical laboratory director or technician, licensed dietitian or a licensed
32 hospital, clinic, surgery center, physicians' professional corporation or group
33 practice that employs any such person and its employees.

34 **Sec. 71. NRS 42.021 is hereby amended to read as follows:**

35 42.021 1. In an action for injury or death against a provider of health care
36 based upon professional negligence, if the defendant so elects, the defendant may
37 introduce evidence of any amount payable as a benefit to the plaintiff as a result of
38 the injury or death pursuant to the United States Social Security Act, any state or
39 federal income disability or worker's compensation act, any health, sickness or
40 income-disability insurance, accident insurance that provides health benefits or
41 income-disability coverage, and any contract or agreement of any group,
42 organization, partnership or corporation to provide, pay for or reimburse the cost of
43 medical, hospital, dental or other health care services. If the defendant elects to
44 introduce such evidence, the plaintiff may introduce evidence of any amount that
45 the plaintiff has paid or contributed to secure the plaintiff's right to any insurance
46 benefits concerning which the defendant has introduced evidence.

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

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

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

50 3. In an action for injury or death against a provider of health care based upon
51 professional negligence, a district court shall, at the request of either party, enter a
52 judgment ordering that money damages or its equivalent for future damages of the

1 judgment creditor be paid in whole or in part by periodic payments rather than by a
2 lump-sum payment if the award equals or exceeds \$50,000 in future damages.

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

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

24 6. If the court finds that the judgment debtor has exhibited a continuing
25 pattern of failing to make the periodic payments as specified pursuant to subsection
26 5, the court shall find the judgment debtor in contempt of court and, in addition to
27 the required periodic payments, shall order the judgment debtor to pay the
28 judgment creditor all damages caused by the failure to make such periodic
29 payments, including, but not limited to, court costs and attorney's fees.

30 7. Following the occurrence or expiration of all obligations specified in the
31 periodic payment judgment, any obligation of the judgment debtor to make further
32 payments ceases and any security given pursuant to subsection 4 reverts to the
33 judgment debtor.

34 8. As used in this section:

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

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

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

46 (d) "Provider of health care" means a physician licensed under chapter 630 or
47 633 of NRS, dentist, licensed nurse, dispensing optician, optometrist, registered
48 physical therapist, podiatric physician, *naprapath*, licensed psychologist,
49 chiropractic physician, doctor of Oriental medicine, holder of a license or a limited
50 license issued under the provisions of chapter 653 of NRS, medical laboratory
51 director or technician, licensed dietitian or a licensed hospital and its employees.

52 **Sec. 72.** NRS 49.215 is hereby amended to read as follows:

53 49.215 As used in NRS 49.215 to 49.245, inclusive:

1 1. A communication is “confidential” if it is not intended to be disclosed to
2 third persons other than:

3 (a) Those present to further the interest of the patient in the consultation,
4 examination or interview;

5 (b) Persons reasonably necessary for the transmission of the communication; or

6 (c) Persons who are participating in the diagnosis and treatment under the
7 direction of the doctor, including members of the patient’s family.

8 2. “Doctor” means a person licensed to practice medicine, dentistry or
9 osteopathic medicine, ~~for~~ chiropractic *or naprapathy* in any state or nation, or a
10 person who is reasonably believed by the patient to be so licensed, and in addition
11 includes a person employed by a public or private agency as a psychiatric social
12 worker, or someone under his or her guidance, direction or control, while engaged
13 in the examination, diagnosis or treatment of a patient for a mental condition.

14 3. “Patient” means a person who consults or is examined or interviewed by a
15 doctor for purposes of diagnosis or treatment.

16 **Sec. 73.** NRS 52.320 is hereby amended to read as follows:

17 52.320 As used in NRS 52.320 to 52.375, inclusive, unless the context
18 otherwise requires:

19 1. “Custodian of medical records” means a chiropractic physician, *naprapath*,
20 physician, registered physical therapist or licensed nurse who prepares and
21 maintains medical records, or any employee or agent of such a person or a facility
22 for convalescent care, medical laboratory or hospital who has care, custody and
23 control of medical records for such a person or institution.

24 2. “Medical records” includes bills, ledgers, statements and other accounts
25 which show the cost of medical services or care provided to a patient.

26 **Sec. 74.** NRS 89.050 is hereby amended to read as follows:

27 89.050 1. Except as otherwise provided in subsection 2, a professional
28 entity may be organized only for the purpose of rendering one specific type of
29 professional service and may not engage in any business other than rendering the
30 professional service for which it was organized and services reasonably related
31 thereto, except that a professional entity may own real and personal property
32 appropriate to its business and may invest its money in any form of real property,
33 securities or any other type of investment.

34 2. A professional entity may be organized to render a professional service
35 relating to:

36 (a) Architecture, interior design, residential design, engineering and landscape
37 architecture, or any combination thereof, and may be composed of persons:

38 (1) Engaged in the practice of architecture as provided in chapter 623 of
39 NRS;

40 (2) Practicing as a registered interior designer as provided in chapter 623 of
41 NRS;

42 (3) Engaged in the practice of residential design as provided in chapter 623
43 of NRS;

44 (4) Engaged in the practice of landscape architecture as provided in chapter
45 623A of NRS; and

46 (5) Engaged in the practice of professional engineering as provided in
47 chapter 625 of NRS.

48 (b) Medicine, homeopathy, osteopathy, *naprapathy*, chiropractic and
49 psychology, or any combination thereof, and may be composed of persons engaged
50 in the practice of:

51 (1) Medicine as provided in chapter 630 of NRS;

52 (2) Homeopathic medicine as provided in chapter 630A of NRS;

53 (3) Osteopathic medicine as provided in chapter 633 of NRS;

(4) Naprapathy as provided in ~~chapter 633 of NRS,~~ sections 1.03 to 1.8, inclusive, of this act;

(5) Chiropractic as provided in chapter 634 of NRS; and

~~[(5)]~~ (6) Psychology and licensed to provide services pursuant to chapter 641 of NRS.

➤ Such a professional entity may market and manage additional professional entities which are organized to render a professional service relating to medicine, homeopathy, osteopathy, naprapathy, chiropractic and psychology.

(c) Mental health services, and may be composed of the following persons, in any number and in any combination:

(1) Any psychologist who is licensed to practice in this State;

(2) Any social worker who holds a master's degree in social work and who is licensed by this State as a clinical social worker;

(3) Any registered nurse who is licensed to practice professional nursing in this State and who holds a master's degree in the field of psychiatric nursing;

(4) Any marriage and family therapist who is licensed by this State pursuant to chapter 641A of NRS; and

(5) Any clinical professional counselor who is licensed by this State pursuant to chapter 641A of NRS.

➤ Such a professional entity may market and manage additional professional entities which are organized to render a professional service relating to mental health services pursuant to this paragraph.

3. A professional entity may render a professional service only through its officers, managers and employees who are licensed or otherwise authorized by law to render the professional service.

Sec. 74.5. NRS 89.055 is hereby amended to read as follows:

89.055 1. An owner of a professional entity organized pursuant to paragraph

(b) of subsection 2 of NRS 89.050 shall not:

(a) Create a policy or contract, written or otherwise, to restrict or prohibit the good faith communication between a patient and a person licensed pursuant to chapter 630, 630A, 633, 634 or 641 of NRS, or sections 1.03 to 1.8, inclusive, of this act concerning the patient's medical records, health care, risks or benefits of such health care or treatment options.

(b) Influence or interfere with the professional judgment of a person licensed pursuant to chapter 630, 630A, 633, 634 or 641 of NRS, or sections 1.03 to 1.8, inclusive, of this act, including, without limitation, the professional judgment of such a person concerning:

(1) The care of a patient;

(2) The custodian of the medical records of a patient;

(3) Employment decisions, including hiring or terminating an employee; or

(4) Coding or billing procedures.

(c) Terminate a contract or refuse to renew a contract with a person licensed pursuant to chapter 630, 630A, 633, 634 or 641 of NRS or sections 1.03 to 1.8, inclusive, of this act because the person:

(1) Advocates on behalf of a patient in private or public;

(2) Assists a patient in seeking reconsideration of a denial of coverage of health care services; or

(3) Reports a violation of law to an appropriate authority.

(d) Require a person licensed pursuant to chapter 630, 630A, 633, 634 or 641 of NRS or sections 1.03 to 1.8, inclusive, of this act to:

(1) Provide professional services to a specified number of patients within a particular amount of time; or

(2) Work a certain number of hours in a specified period of time.

(e) Require a person licensed pursuant to chapter 630, 630A, 633, 634 or 641 of NRS or sections 1.03 to 1.8, inclusive, of this act to obtain the approval or review of a contract by a third party, including, without limitation, a provider of insurance.

2. A person licensed pursuant to chapter 630, 630A, 633, 634 or 641 of NRS or sections 1.03 to 1.8, inclusive, of this act who renders a professional service through a professional entity organized pursuant to paragraph (b) of subsection 2 of NRS 89.050 shall not:

(a) Render such a professional service if the service exceeds the scope of his or her licensed authority pursuant to chapter 630, 630A, 633, 634 or 641 of NRS ~~or~~ or sections 1.03 to 1.8, inclusive, of this act; and

(b) Through the use of an agreement, directive, financial incentive or any other arrangement, influence or interfere with the professional judgment of another person licensed pursuant to chapter 630, 630A, 633, 634 or 641 of NRS or sections 1.03 to 1.8, inclusive, of this act who renders a professional service through the same professional entity.

Sec. 75. NRS 200.471 is hereby amended to read as follows:

200.471 1. As used in this section:

(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 prosecuting attorney of an agency or political subdivision of the United States or of this State;

(6) 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;

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

(8) 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;

(9) 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

(10) 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

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

4 (d) "Provider of health care" means a physician, a medical student, a
5 perfusionist or a physician assistant pursuant to chapter 630 of NRS, a
6 practitioner of respiratory care, a homeopathic physician, an advanced practitioner
7 of homeopathy, a homeopathic assistant, an osteopathic physician, a physician
8 assistant licensed pursuant to chapter 633 of NRS, a podiatric physician, a podiatry
9 hygienist, a physical therapist, a medical laboratory technician, an optometrist, a
10 chiropractic physician, a chiropractic assistant, *a naprapath*, a doctor of Oriental
11 medicine, a nurse, a student nurse, a certified nursing assistant, a nursing assistant
12 trainee, a medication aide - certified, a dentist, a dental student, a dental hygienist, a
13 dental hygienist student, a pharmacist, a pharmacy student, an intern pharmacist, an
14 attendant on an ambulance or air ambulance, a psychologist, a social worker, a
15 marriage and family therapist, a marriage and family therapist intern, a clinical
16 professional counselor, a clinical professional counselor intern, a licensed dietitian,
17 the holder of a license or a limited license issued under the provisions of chapter
18 653 of NRS, an emergency medical technician, an advanced emergency medical
19 technician and a paramedic.

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

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

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

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

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

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

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

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

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

36 (c) If paragraph (d) does not apply to the circumstances of the crime and if the
37 assault is committed upon an officer, a provider of health care, a school employee,
38 a taxicab driver or a transit operator who is performing his or her duty or upon a
39 sports official based on the performance of his or her duties at a sporting event and
40 the person charged knew or should have known that the victim was an officer, a
41 provider of health care, a school employee, a taxicab driver, a transit operator or a
42 sports official, for a gross misdemeanor, unless the assault is made with the use of a
43 deadly weapon or the present ability to use a deadly weapon, then for a category B
44 felony by imprisonment in the state prison for a minimum term of not less than 1
45 year and a maximum term of not more than 6 years, or by a fine of not more than
46 \$5,000, or by both fine and imprisonment.

47 (d) If the assault is committed upon an officer, a provider of health care, a
48 school employee, a taxicab driver or a transit operator who is performing his or her
49 duty or upon a sports official based on the performance of his or her duties at a
50 sporting event by a probationer, a prisoner who is in lawful custody or confinement
51 or a parolee, and the probationer, prisoner or parolee charged knew or should have
52 known that the victim was an officer, a provider of health care, a school employee,
53 a taxicab driver, a transit operator or a sports official, for a category D felony as

provided in NRS 193.130, unless the assault is made with the use of a deadly weapon or the present ability to use a deadly weapon, then 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.

Sec. 76. NRS 200.5093 is hereby amended to read as follows:

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

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

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

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

(3) A toll-free telephone service designated by the Aging and Disability Services Division of the Department of Health and Human Services; 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 older person or 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 older person or vulnerable person involves an act or omission of the Aging and Disability Services Division, another division of the Department of Health and Human 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.

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

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

(a) Every physician, dentist, dental hygienist, chiropractic physician, *naprapath*, optometrist, podiatric physician, medical examiner, resident, intern, professional or practical nurse, physician assistant licensed pursuant to chapter 630 or 633 of NRS, perfusionist, psychiatrist, psychologist, marriage and family therapist, clinical professional counselor, clinical alcohol and drug counselor, alcohol and drug 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 chapter 653 of NRS, behavior analyst, assistant behavior analyst, registered behavior technician, peer recovery support specialist, as defined in NRS 433.627, peer recovery support specialist supervisor, as defined in NRS 433.629, or other person providing medical services licensed or certified to practice in this State, who examines, attends or treats an older person or vulnerable person who appears to have been abused, neglected, exploited, isolated or abandoned.

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

(c) A coroner.

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

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

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

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

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

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

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

20 (k) Every social worker.

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

22 (m) Every person who operates or is employed by a community health worker
23 pool, as defined in NRS 449.0028, or with whom a community health worker pool
24 contracts to provide the services of a community health worker, as defined in NRS
25 449.0027.

26 (n) Every person who is enrolled with the Division of Health Care Financing
27 and Policy of the Department of Health and Human Services to provide doula
28 services to recipients of Medicaid pursuant to NRS 422.27177.

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

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

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

47 (a) Aging and Disability Services Division;

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

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

51 8. If the investigation of a report results in the belief that an older person or
52 vulnerable person is abused, neglected, exploited, isolated or abandoned, the Aging
53 and Disability Services Division of the Department of Health and Human Services

1 or the county's office for protective services may provide protective services to the
2 older person or vulnerable person if the older person or vulnerable person is able
3 and willing to accept them.

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

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

10 **Sec. 76.3. NRS 200.5095 is hereby amended to read as follows:**

11 200.5095 1. Reports made pursuant to NRS 200.5093 and 200.5094, and
12 records and investigations relating to those reports, are confidential.

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

17 (a) Pursuant to a criminal prosecution;

18 (b) Pursuant to NRS 200.50982; or

19 (c) To persons or agencies enumerated in subsection 3,
20 is guilty of a misdemeanor.

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

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

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

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

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

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

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

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

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

45 (i) If the older person or vulnerable person is deceased, the executor or
46 administrator of his or her estate, if the identity of the person who was responsible
47 for reporting the alleged abuse, neglect, exploitation, isolation or abandonment of
48 the older person or vulnerable person to the public agency is protected, and the
49 executor or administrator is not the person suspected of such abuse, neglect,
50 exploitation, isolation or abandonment;

51 (j) The older person or vulnerable person named in the report as allegedly
52 being abused, neglected, exploited, isolated or abandoned, if that person is not
53 legally incapacitated;

(k) An attorney appointed by a court to represent a protected person in a guardianship proceeding pursuant to NRS 159.0485, if:

(1) The protected person is an older person or vulnerable person;

(2) 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

(3) The attorney of the protected person is not the person suspected of such abuse, neglect, exploitation, isolation or abandonment; or

(l) The State Guardianship Compliance Office created by NRS 159.341.

4. If the person who is reported to have abused, neglected, exploited, isolated or abandoned an older person or a vulnerable person is the holder of a license or certificate issued pursuant to chapters 449, 630 to 641B, inclusive, and sections 1.03 to 1.8, inclusive, of this act, 641D, 653 or 654 of NRS, the information contained in the report must be submitted to the board that issued the license.

5. If 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 made available pursuant to paragraph (b) or (j) of subsection 3 or subsection 4, the name and any other identifying information of the person who made the report must be redacted before the data or information is made available.

Sec. 76.6. NRS 200.810 is hereby amended to read as follows:

200.810 "Health care procedure" means any medical procedure, other than a surgical procedure, that requires a license to perform pursuant to chapters 630 to 637, inclusive, and sections 1.03 to 1.8, inclusive, of this act, 639, 640 or 653 of NRS.

Sec. 76.9. NRS 200.820 is hereby amended to read as follows:

200.820 "Surgical procedure" means any invasive medical procedure where a break in the skin is created and there is contact with the mucosa or any minimally invasive medical procedure where a break in the skin is created or which involves manipulation of the internal body cavity beyond a natural or artificial body orifice which requires a license to perform pursuant to chapters 630 to 637, inclusive, and sections 1.03 to 1.8, inclusive, of this act, 639, 640 or 653 of NRS.

Sec. 77. NRS 202.2491 is hereby amended to read as follows:

202.2491 1. Except as otherwise provided in subsections 5 and 6 and NRS 202.24915, the smoking of tobacco in any form is prohibited if done in any:

(a) Public elevator.

(b) Public building.

(c) Public waiting room, lobby or hallway of any:

(1) Medical facility or facility for the dependent as defined in chapter 449 of NRS; or

(2) Office of any chiropractic physician, naprapath, dentist, physical therapist, physician, podiatric physician, psychologist, optician, optometrist or doctor of Oriental medicine.

(d) Hotel or motel when so designated by the operator thereof.

(e) Public area of a store principally devoted to the sale of food for human consumption off the premises.

(f) Child care facility.

(g) Bus used by the general public, other than a chartered bus, or in any maintenance facility or office associated with a bus system operated by any regional transportation commission.

(h) School bus.

(i) Video arcade.

2. The person in control of an area listed in paragraph (c), (d), (e) or (g) of subsection 1:

1 (a) Shall post in the area signs prohibiting smoking in any place not designated
2 for that purpose as provided in paragraph (b).

3 (b) May designate separate rooms or portions of the area which may be used
4 for smoking, except for a room or portion of the area of a store described in
5 paragraph (e) of subsection 1 if the room or portion of the area:

6 (1) Is leased to or operated by a person licensed pursuant to NRS 463.160;
7 and

8 (2) Does not otherwise qualify for an exemption set forth in NRS
9 202.24915.

10 3. The person in control of a public building:

11 (a) Shall post in the area signs prohibiting smoking in any place not designated
12 for that purpose as provided in paragraph (b).

13 (b) Shall, except as otherwise provided in this subsection, designate a separate
14 area which may be used for smoking.

15 ➤ A school district which prohibits the use of tobacco by pupils need not designate
16 an area which may be used by the pupils to smoke.

17 4. The operator of a restaurant with a seating capacity of 50 or more shall
18 maintain a flexible nonsmoking area within the restaurant and offer each patron the
19 opportunity to be seated in a smoking or nonsmoking area.

20 5. A business which derives more than 50 percent of its gross receipts from
21 the sale of alcoholic beverages or 50 percent of its gross receipts from gaming
22 operations may be designated as a smoking area in its entirety by the operator of the
23 business.

24 6. The smoking of tobacco is not prohibited in:

25 (a) Any room or area designated for smoking pursuant to paragraph (b) of
26 subsection 2 or paragraph (b) of subsection 3.

27 (b) A licensed gaming establishment. A licensed gaming establishment may
28 designate separate rooms or areas within the establishment which may or may not
29 be used for smoking.

30 7. As used in this section:

31 (a) "Child care facility" means an establishment operated and maintained to
32 furnish care on a temporary or permanent basis, during the day or overnight, to five
33 or more children under 18 years of age, if compensation is received for the care of
34 any of those children. The term does not include the home of a natural person who
35 provides child care.

36 (b) "Licensed gaming establishment" has the meaning ascribed to it in NRS
37 463.0169.

38 (c) "Public building" means any building or office space owned or occupied
39 by:

40 (1) Any component of the Nevada System of Higher Education and used
41 for any purpose related to the System.

42 (2) The State of Nevada and used for any public purpose, other than that
43 used by the Department of Corrections to house or provide other services to
44 offenders.

45 (3) Any county, city, school district or other political subdivision of the
46 State and used for any public purpose.

47 ➤ If only part of a building is owned or occupied by an entity described in this
48 paragraph, the term means only that portion of the building which is so owned or
49 occupied.

50 (d) "School bus" has the meaning ascribed to it in NRS 483.160.

51 (e) "Video arcade" means a facility legally accessible to persons under 18
52 years of age which is intended primarily for the use of pinball and video machines
53 for amusement and which contains a minimum of 10 such machines.

Sec. 77.5. NRS 239.010 is hereby amended to read as follows:

239.010 1. Except as otherwise provided in this section and NRS 1.4683, 1.4687, 1A.110, 3.2203, 41.0397, 41.071, 49.095, 49.293, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, 75A.100, 75A.150, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280, 119A.653, 119A.677, 119B.370, 119B.382, 120A.640, 120A.690, 125.130, 125B.140, 126.141, 126.161, 126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817, 128.090, 130.312, 130.712, 136.050, 159.044, 159A.044, 172.075, 172.245, 176.015, 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715, 178.5691, 179.495, 179A.070, 179A.165, 179D.160, 200.3771, 200.3772, 200.5095, 208.094, 202.3662, 205.4651, 209.392, 209.3923, 209.3925, 209.419, 209.429, 209.521, 211A.140, 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218A.350, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 224.240, 226.300, 228.270, 228.450, 228.495, 228.570, 231.069, 231.1473, 232.1369, 233.190, 237.300, 239.0105, 239.0113, 239.014, 239B.026, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210, 239C.230, 239C.250, 239C.270, 239C.420, 240.007, 241.020, 241.030, 241.039, 242.105, 244.264, 244.335, 247.540, 247.550, 247.560, 250.087, 250.130, 250.140, 250.150, 268.095, 268.0978, 268.490, 268.910, 269.174, 271A.105, 281.195, 281.805, 281A.350, 281A.680, 281A.685, 281A.750, 281A.755, 281A.780, 284.4068, 284.4086, 286.110, 286.118, 287.0438, 289.025, 289.080, 289.387, 289.830, 293.4855, 293.5002, 293.503, 293.504, 293.558, 293.5757, 293.870, 293.906, 293.908, 293.910, 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379, 338.1593, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205, 353A.049, 353A.085, 353A.100, 353C.240, 360.240, 360.247, 360.255, 360.755, 361.044, 361.2242, 361.610, 365.138, 366.160, 368A.180, 370.257, 370.327, 372A.080, 378.290, 378.300, 379.0075, 379.008, 379.1495, 385A.830, 385B.100, 387.626, 387.631, 388.1455, 388.259, 388.501, 388.503, 388.513, 388.750, 388A.247, 388A.249, 391.033, 391.035, 391.0365, 391.120, 391.925, 392.029, 392.147, 392.264, 392.271, 392.315, 392.317, 392.325, 392.327, 392.335, 392.850, 393.045, 394.167, 394.16975, 394.1698, 394.447, 394.460, 394.465, 396.1415, 396.1425, 396.143, 396.159, 396.3295, 396.405, 396.525, 396.535, 396.9685, 398A.115, 408.3885, 408.3886, 408.3888, 408.5484, 412.153, 414.280, 416.070, 422.2749, 422.305, 422A.342, 422A.350, 425.400, 427A.1236, 427A.872, 432.028, 432.205, 432B.175, 432B.280, 432B.290, 432B.4018, 432B.407, 432B.430, 432B.560, 432B.5902, 432C.140, 432C.150, 433.534, 433A.360, 439.4941, 439.4988, 439.840, 439.914, 439A.116, 439A.124, 439B.420, 439B.754, 439B.760, 439B.845, 440.170, 441A.195, 441A.220, 441A.230, 442.330, 442.395, 442.735, 442.774, 445A.665, 445B.570, 445B.7773, 447.345, 449.209, 449.245, 449.4315, 449A.112, 450.140, 450B.188, 450B.805, 453.164, 453.720, 458.055, 458.280, 459.050, 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403, 463.3407, 463.790, 467.1005, 480.535, 480.545, 480.935, 480.940, 481.063, 481.091, 481.093, 482.170, 482.368, 482.5536, 483.340, 483.363, 483.575, 483.659, 483.800, 484A.469, 484B.830, 484B.833, 484E.070, 485.316, 501.344, 503.452, 522.040, 534A.031, 561.285, 571.160, 584.655, 587.877, 598.0964, 598.098, 598A.110, 598A.420, 599B.090, 603.070, 603A.210, 604A.303, 604A.710, 612.265, 616B.012, 616B.015, 616B.315, 616B.350, 618.341, 618.425, 622.238, 622.310, 623.131, 623A.137, 624.110, 624.265, 624.327, 625.425, 625A.185, 628.418, 628B.230, 628B.760, 629.047, 629.069, 630.133, 630.2671, 630.2672, 630.2673, 630.30665, 630.336, 630A.327,

630A.555, 631.332, 631.368, 632.121, 632.125, 632.3415, 632.3423, 632.405, 633.283, 633.301, 633.4715, 633.4716, 633.4717, 633.524, 634.055, 634.1303, 634.214, 634A.169, 634A.185, 635.111, 635.158, 636.262, 636.342, 637.085, 637.145, 637B.192, 637B.288, 638.087, 638.089, 639.183, 639.2485, 639.570, 640.075, 640.152, 640A.185, 640A.220, 640B.405, 640B.730, 640C.580, 640C.600, 640C.620, 640C.745, 640C.760, 640D.135, 640D.190, 640E.225, 640E.340, 641.090, 641.221, 641.2215, 641.325, 641A.191, 641A.217, 641A.262, 641B.170, 641B.281, 641B.282, 641C.455, 641C.760, 641D.260, 641D.320, 642.524, 643.189, 644A.870, 645.180, 645.625, 645A.050, 645A.080, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135, 645G.510, 645H.320, 645H.330, 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.126, 652.228, 653.900, 654.110, 656.105, 657A.510, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310, 671.170, 673.450, 673.480, 675.380, 676A.340, 676A.370, 677.243, 678A.470, 678C.710, 678C.800, 679B.122, 679B.124, 679B.152, 679B.159, 679B.190, 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.410, 681B.540, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.060, 687A.115, 687B.404, 687C.010, 688C.230, 688C.480, 688C.490, 689A.696, 692A.117, 692C.190, 692C.3507, 692C.3536, 692C.3538, 692C.354, 692C.420, 693A.480, 693A.615, 696B.550, 696C.120, 703.196, 704B.325, 706.1725, 706A.230, 710.159, 711.600. and section 1.7 of this act, sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes of Nevada 2013 and unless otherwise declared by law to be confidential, all public books and public records of a governmental entity must be open at all times during office hours to inspection by any person, and may be fully copied or an abstract or memorandum may be prepared from those public books and public records. Any such copies, abstracts or memoranda may be used to supply the general public with copies, abstracts or memoranda of the records or may be used in any other way to the advantage of the governmental entity or of the general public. This section does not supersede or in any manner affect the federal laws governing copyrights or enlarge, diminish or affect in any other manner the rights of a person in any written book or record which is copyrighted pursuant to federal law.

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

3. A governmental entity that has legal custody or control of a public book or record shall not deny a request made pursuant to subsection 1 to inspect or copy or receive a copy of a public book or record on the basis that the requested public book or record contains information that is confidential if the governmental entity can redact, delete, conceal or separate, including, without limitation, electronically, the confidential information from the information included in the public book or record that is not otherwise confidential.

4. If requested, a governmental entity shall provide a copy of a public record in an electronic format by means of an electronic medium. Nothing in this subsection requires a governmental entity to provide a copy of a public record in an electronic format or by means of an electronic medium if:

(a) The public record:

(1) Was not created or prepared in an electronic format; and

(2) Is not available in an electronic format; or

(b) Providing the public record in an electronic format or by means of an electronic medium would:

(1) Give access to proprietary software; or

(2) Require the production of information that is confidential and that cannot be redacted, deleted, concealed or separated from information that is not otherwise confidential.

5. An officer, employee or agent of a governmental entity who has legal custody or control of a public record:

(a) Shall not refuse to provide a copy of that public record in the medium that is requested 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. 77.8. NRS 284.013 is hereby amended to read as follows:

284.013 1. Except as otherwise provided in subsection 4, this chapter does not apply to:

(a) Agencies, bureaus, commissions, officers or personnel in the Legislative Department or the Judicial Department of State Government, including the Commission on Judicial Discipline;

(b) Any person who is employed by a board, commission, committee or council created in chapters 445C, 590, 623 to 625A, inclusive, 628, 630 to 644A, inclusive, and sections 1.03 to 1.8, inclusive, 648, 652, 654 and 656 of NRS; or

(c) Officers or employees of any agency of the Executive Department of the State Government who are exempted by specific statute.

2. Except as otherwise provided in subsection 3, the terms and conditions of employment of all persons referred to in subsection 1, including salaries not prescribed by law and leaves of absence, including, without limitation, annual leave and sick and disability leave, must be fixed by the appointing or employing authority within the limits of legislative appropriations or authorizations.

3. Except as otherwise provided in this subsection, leaves of absence prescribed pursuant to subsection 2 must not be of lesser duration than those provided for other state officers and employees pursuant to the provisions of this chapter. The provisions of this subsection do not govern the Legislative Commission with respect to the personnel of the Legislative Counsel Bureau.

4. Any board, commission, committee or council created in chapters 445C, 590, 623 to 625A, inclusive, 628, 630 to 644A, inclusive, 648, 652, 654 and 656 of NRS which contracts for the services of a person, shall require the contract for those services to be in writing. The contract must be approved by the State Board of Examiners before those services may be provided.

5. Except as otherwise provided in NRS 284.4086, to the extent that they are inconsistent or otherwise in conflict, the provisions of this chapter do not apply to any terms and conditions of employment that are properly within the scope of and subject to the provisions of a collective bargaining agreement or a supplemental bargaining agreement that is enforceable pursuant to the provisions of NRS 288.400 to 288.630, inclusive.

Sec. 78. NRS 287.020 is hereby amended to read as follows:

287.020 1. The governing body of any county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency of the State of Nevada may adopt and carry into effect a system of medical or hospital service, or a combination thereof, through nonprofit membership corporations defraying the cost of medical service or hospital care, or both, open to participation by all licensees of the particular class, whether doctors of medicine, doctors of osteopathy, doctors of naprapathy or doctors of chiropractic, offering services through such a nonprofit membership corporation, for the benefit of such of their officers and employees, and the dependents of such officers and employees,

1 as may elect to accept membership in such nonprofit corporation and who have
2 authorized the governing body to make deductions from their compensation for the
3 payment of membership dues.

4 2. A part, not to exceed 50 percent, of the cost of such membership dues may
5 be defrayed by such governing body by contribution. The money for such
6 contributions must be budgeted for in accordance with the laws governing such
7 county, school district, municipal corporation, political subdivision, public
8 corporation or other local governmental agency of the State of Nevada.

9 3. The power conferred in this section, with respect to the rendition of
10 medical or hospital service, or a combination thereof, is coextensive with the power
11 conferred in NRS 287.010 with respect to insurance companies.

12 4. If a school district offers coverage for medical service or hospital care, or
13 both, to its officers and employees pursuant to this section, members of the board of
14 trustees of the school district must not be excluded from participating in the
15 coverage. If the amount of the deductions from compensation required to pay for
16 the coverage exceeds the compensation to which a trustee is entitled, the difference
17 must be paid by the trustee.

18 **Sec. 79.** NRS 288.140 is hereby amended to read as follows:

19 288.140 1. It is the right of every local government employee, subject to the
20 limitations provided in subsections 3 and 4, to join any employee organization of
21 the employee's choice or to refrain from joining any employee organization. A
22 local government employer shall not discriminate in any way among its employees
23 on account of membership or nonmembership in an employee organization.

24 2. The recognition of an employee organization for negotiation, pursuant to
25 this chapter, does not preclude any local government employee who is not a
26 member of that employee organization from acting for himself or herself with
27 respect to any condition of his or her employment, but any action taken on a request
28 or in adjustment of a grievance shall be consistent with the terms of an applicable
29 negotiated agreement, if any.

30 3. A police officer, sheriff, deputy sheriff or other law enforcement officer
31 may be a member of an employee organization only if such employee organization
32 is composed exclusively of law enforcement officers.

33 4. The following persons may not be a member of an employee organization:

34 (a) A supervisory employee described in paragraph (b) of subsection 1 of NRS
35 288.138, including but not limited to appointed officials and department heads who
36 are primarily responsible for formulating and administering management, policy
37 and programs.

38 (b) A doctor or physician who is employed by a local government employer.

39 (c) Except as otherwise provided in this paragraph, an attorney who is
40 employed by a local government employer and who is assigned to a civil law
41 division, department or agency. The provisions of this paragraph do not apply with
42 respect to an attorney for the duration of a collective bargaining agreement to which
43 the attorney is a party as of July 1, 2011.

44 5. As used in this section, "doctor or physician" means a doctor, physician,
45 homeopathic physician, osteopathic physician, *naprapath*, chiropractic physician,
46 practitioner of Oriental medicine, podiatric physician or practitioner of optometry,
47 as those terms are defined or used, respectively, in NRS 630.014, 630A.050,
48 633.091, ~~section 444~~ *1.15 of this act*, chapter 634 of NRS, chapter 634A of NRS,
49 chapter 635 of NRS or chapter 636 of NRS.

50 **Sec. 79.2.** **NRS 353.005 is hereby amended to read as follows:**

51 353.005 Except as otherwise provided in NRS 353.007, the provisions of this
52 chapter do not apply to boards created by the provisions of NRS 590.485 and
53 chapters 623 to 625A, inclusive, 628, 630 to 644A, inclusive, *and sections 1.03 to*

1 1.8, inclusive, of this act, 648, 654 and 656 of NRS and the officers and employees
2 of those boards.

3 **Sec. 79.4. NRS 353A.020 is hereby amended to read as follows:**

4 353A.020 1. The Director, in consultation with the Committee and
5 Legislative Auditor, shall adopt a uniform system of internal accounting and
6 administrative control for agencies. The elements of the system must include,
7 without limitation:

8 (a) A plan of organization which provides for a segregation of duties
9 appropriate to safeguard the assets of the agency;

10 (b) A plan which limits access to assets of the agency to persons who need the
11 assets to perform their assigned duties;

12 (c) Procedures for authorizations and recordkeeping which effectively control
13 accounting of assets, liabilities, revenues and expenses;

14 (d) A system of practices to be followed in the performance of the duties and
15 functions of each agency; and

16 (e) An effective system of internal review.

17 2. The Director, in consultation with the Committee and Legislative Auditor,
18 may modify the system whenever the Director considers it necessary.

19 3. Each agency shall develop written procedures to carry out the system of
20 internal accounting and administrative control adopted pursuant to this section.

21 4. For the purposes of this section, "agency" does not include:

22 (a) A board created by the provisions of NRS 590.485 and chapters 623 to
23 625A, inclusive, 628, 630 to 644A, inclusive, and sections 1.03 to 1.8, inclusive, of
24 this act, 648, 654 and 656 of NRS.

25 (b) The Nevada System of Higher Education.

26 (c) The Public Employees' Retirement System.

27 (d) The Housing Division of the Department of Business and Industry.

28 (e) The Colorado River Commission of Nevada.

29 **Sec. 79.6. NRS 353A.025 is hereby amended to read as follows:**

30 353A.025 1. The head of each agency shall periodically review the agency's
31 system of internal accounting and administrative control to determine whether it is
32 in compliance with the uniform system of internal accounting and administrative
33 control for agencies adopted pursuant to subsection 1 of NRS 353A.020.

34 2. On or before July 1 of each even-numbered year, the head of each agency
35 shall report to the Director whether the agency's system of internal accounting and
36 administrative control is in compliance with the uniform system adopted pursuant
37 to subsection 1 of NRS 353A.020. The reports must be made available for
38 inspection by the members of the Legislature.

39 3. For the purposes of this section, "agency" does not include:

40 (a) A board created by the provisions of NRS 590.485 and chapters 623 to
41 625A, inclusive, 628, 630 to 644A, inclusive, and sections 1.03 to 1.8, inclusive, of
42 this act, 648, 654 and 656 of NRS.

43 (b) The Nevada System of Higher Education.

44 (c) The Public Employees' Retirement System.

45 (d) The Housing Division of the Department of Business and Industry.

46 (e) The Colorado River Commission of Nevada.

47 4. The Director shall, on or before the first Monday in February of each odd-
48 numbered year, submit a report on the status of internal accounting and
49 administrative controls in agencies to the:

50 (a) Director of the Legislative Counsel Bureau for transmittal to the:

51 (1) Senate Standing Committee on Finance; and

52 (2) Assembly Standing Committee on Ways and Means;

53 (b) Governor; and

1 (c) Legislative Auditor.

2 5. The report submitted by the Director pursuant to subsection 4 must include,
3 without limitation:

4 (a) The identification of each agency that has not complied with the
5 requirements of subsections 1 and 2;

6 (b) The identification of each agency that does not have an effective method
7 for reviewing its system of internal accounting and administrative control; and

8 (c) The identification of each agency that has weaknesses in its system of
9 internal accounting and administrative control, and the extent and types of such
10 weaknesses.

11 **Sec. 79.8. NRS 353A.045 is hereby amended to read as follows:**

12 353A.045 The Administrator shall:

13 1. Report to the Director.

14 2. Develop long-term and annual work plans to be based on the results of
15 periodic documented risk assessments. The annual work plan must list the agencies
16 to which the Division will provide training and assistance and be submitted to the
17 Director for approval. Such agencies must not include:

18 (a) A board created by the provisions of NRS 590.485 and chapters 623 to
19 625A, inclusive, 628, 630 to 644A, inclusive, **and sections 1.03 to 1.8, inclusive, of**
20 **this act**, 648, 654 and 656 of NRS.

21 (b) The Nevada System of Higher Education.

22 (c) The Public Employees' Retirement System.

23 (d) The Housing Division of the Department of Business and Industry.

24 (e) The Colorado River Commission of Nevada.

25 3. Provide a copy of the approved annual work plan to the Legislative
26 Auditor.

27 4. In consultation with the Director, prepare a plan for auditing executive
28 branch agencies for each fiscal year and present the plan to the Committee for its
29 review and approval. Each plan for auditing must:

30 (a) State the agencies which will be audited, the proposed scope and
31 assignment of those audits and the related resources which will be used for those
32 audits; and

33 (b) Ensure that the internal accounting, administrative controls and financial
34 management of each agency are reviewed periodically.

35 5. Perform the audits of the programs and activities of the agencies in
36 accordance with the plan approved pursuant to subsection 5 of NRS 353A.038 and
37 prepare audit reports of his or her findings.

38 6. Review each agency that is audited pursuant to subsection 5 and advise
39 those agencies concerning internal accounting, administrative controls and financial
40 management.

41 7. Submit to each agency that is audited pursuant to subsection 5 analyses,
42 appraisals and recommendations concerning:

43 (a) The adequacy of the internal accounting and administrative controls of the
44 agency; and

45 (b) The efficiency and effectiveness of the management of the agency.

46 8. Report any possible abuses, illegal actions, errors, omissions and conflicts
47 of interest of which the Division becomes aware during the performance of an
48 audit.

49 9. Adopt the standards of The Institute of Internal Auditors for conducting
50 and reporting on internal audits.

51 10. Consult with the Legislative Auditor concerning the plan for auditing and
52 the scope of audits to avoid duplication of effort and undue disruption of the
53 functions of agencies that are audited pursuant to subsection 5.

Sec. 80. NRS 372.7285 is hereby amended to read as follows:

372.7285 1. In administering the provisions of NRS 372.325, the Department shall apply the exemption to the sale of a medical device to a governmental entity that is exempt pursuant to that section without regard to whether the person using the medical device or the governmental entity that purchased the device is deemed to be the holder of title to the device if:

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

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

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

2. As used in this section:

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

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

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

Sec. 81. NRS 374.731 is hereby amended to read as follows:

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

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

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

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

2. As used in this section:

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

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

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

1 **Sec. 82.** NRS 417.124 is hereby amended to read as follows:

2 417.124 “Provider of health care” means a physician, physician assistant,
3 advanced practice registered nurse, osteopathic physician, *naprapath*, chiropractic
4 physician, psychologist, marriage and family therapist, clinical professional
5 counselor, clinical social worker, alcohol and drug abuse counselor, clinical alcohol
6 and drug abuse counselor or problem gambling counselor.

7 **Sec. 82.3. NRS 417.126 is hereby amended to read as follows:**

8 417.126 1. The Director shall develop and post on an Internet website
9 maintained by the Department a questionnaire to be given to veterans who contact
10 the Department using information provided by providers of health care pursuant to
11 NRS 630.2675, 632.2385, 633.472, 634.1305, 641.229, 641A.295, 641B.350 and
12 641C.600. *and section 1.54 of this act.* The questionnaire must be designed to
13 obtain information concerning:

14 (a) The veteran’s experience in the military, including, without limitation, the
15 branch of the military in which the veteran served, the veteran’s job while in the
16 military, any battle, conflict or war in which the veteran served and the locations
17 where the veteran was stationed;

18 (b) Any service-connected disabilities and diseases, including, without
19 limitation, diseases presumed to be service-connected pursuant to 38 C.F.R. §§
20 3.303 to 3.344, inclusive, from which the veteran may suffer; and

21 (c) Whether the veteran is enrolled with and receiving benefits from the United
22 States Department of Veterans Affairs.

23 2. On or before January 31 of each year, the Director shall submit the
24 information obtained pursuant to this section to the Division of Public and
25 Behavioral Health of the Department of Health and Human Services.

26 **Sec. 82.5. NRS 432B.220 is hereby amended to read as follows:**

27 432B.220 1. Any person who is described in subsection 4 and who, in his or
28 her professional or occupational capacity, knows or has reasonable cause to believe
29 that a child has been abused or neglected shall:

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

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

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

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

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

48 3. Any person who is described in paragraph (a) of subsection 4 who delivers
49 or provides medical services to a newborn infant and who, in his or her professional
50 or occupational capacity, knows or has reasonable cause to believe that the
51 newborn infant has been affected by a fetal alcohol spectrum disorder or prenatal
52 substance use disorder or has withdrawal symptoms resulting from prenatal
53 substance exposure shall, as soon as reasonably practicable but not later than 24

1 hours after the person knows or has reasonable cause to believe that the newborn
2 infant is so affected or has such symptoms, notify an agency which provides child
3 welfare services of the condition of the infant and refer each person who is
4 responsible for the welfare of the infant to an agency which provides child welfare
5 services for appropriate counseling, training or other services. A notification and
6 referral to an agency which provides child welfare services pursuant to this
7 subsection shall not be construed to require prosecution for any illegal action.

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

9 (a) A person providing services licensed or certified in this State pursuant to,
10 without limitation, chapter 450B, 630, 630A, 631, 632, 633, 634, 634A, 635, 636,
11 637, 637B, 639, 640, 640A, 640B, 640C, 640D, 640E, 641, 641A, 641B, 641C,
12 641D or 653 of NRS H, or sections 1.03 to 1.8, inclusive, of this act.

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

18 (c) A coroner.

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

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

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

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

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

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

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

35 (k) Any person who is employed by or serves as a volunteer for a youth shelter.
36 As used in this paragraph, "youth shelter" has the meaning ascribed to it in NRS
37 244.427.

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

41 (m) Any person who is enrolled with the Division of Health Care Financing
42 and Policy of the Department of Health and Human Services to provide doula
43 services to recipients of Medicaid pursuant to NRS 422.27177.

44 (n) A peer recovery support specialist, as defined in NRS 433.627, or peer
45 recovery support specialist supervisor, as defined in NRS 433.629.

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

47 6. If a person who is required to make a report pursuant to subsection 1 knows
48 or has reasonable cause to believe that a child has died as a result of abuse or
49 neglect, the person shall, as soon as reasonably practicable, report this belief to an
50 agency which provides child welfare services or a law enforcement agency. If such
51 a report is made to a law enforcement agency, the law enforcement agency shall
52 notify an agency which provides child welfare services and the appropriate medical
53 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. 83. NRS 439A.0195 is hereby amended to read as follows:

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

Sec. 83.5. 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 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, 641D, 652, 653 or 654 of NRS, or sections 1.03 to 1.8, inclusive, of this act.

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

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

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

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

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

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

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

16 **Sec. 84.** NRS 604C.300 is hereby amended to read as follows:

17 604C.300 1. A consumer litigation funding company shall not:

18 (a) Pay or offer to pay a commission, referral fee or other form of
19 consideration to an attorney, law firm, medical provider, chiropractic physician ,
20 *naprapath* or physical therapist, or any employee of such a person, for referring a
21 consumer to the company.

22 (b) Accept a commission, referral fee or other form of consideration from an
23 attorney, law firm, medical provider, chiropractic physician , *naprapath* or physical
24 therapist, or any employee of such a person.

25 (c) Intentionally advertise materially false or misleading information regarding
26 the products or services of the consumer litigation funding company.

27 (d) Refer a consumer to engage a specific attorney, law firm, medical provider,
28 chiropractic physician , *naprapath* or physical therapist, or any employee of such a
29 person. A company may refer a consumer in search of legal representation to a
30 lawyer referral service operated, sponsored or approved by the State Bar of Nevada
31 or a local bar association.

32 (e) Except as otherwise provided in subsection 2, knowingly provide consumer
33 litigation funding to a consumer who has previously assigned or sold a portion of
34 the right of the consumer to proceeds from his or her legal claim to another
35 company without first making payment to or purchasing the entire funded amount
36 and charges of that company, unless a lesser amount is otherwise agreed to in
37 writing by the consumer litigation funding companies.

38 (f) Receive any right to, or make, any decisions with respect to the conduct,
39 settlement or resolution of the legal claim of a consumer.

40 (g) Knowingly pay or offer to pay for court costs, filing fees or attorney's fees
41 during or after the resolution of the legal claim of a consumer using money from a
42 consumer litigation funding transaction.

43 2. Two or more consumer litigation funding companies may agree to
44 contemporaneously provide consumer litigation funding to a consumer if the
45 consumer and the attorney of the consumer agree to the arrangement in writing.

46 3. An attorney or law firm retained by the consumer in connection with his or
47 her legal claim shall not have a financial interest in the consumer litigation funding
48 company offering consumer litigation funding to that consumer.

49 4. An attorney who has referred the consumer to his or her retained attorney
50 or law firm shall not have a financial interest in the consumer litigation funding
51 company offering consumer litigation funding to that consumer.

52 5. A consumer litigation funding company shall not use any form of
53 consumer litigation funding contract in this State unless the contract has been filed

with the Commissioner in accordance with procedures for filing prescribed by the Commissioner.

Sec. 84.3. NRS 608.0116 is hereby amended to read as follows:

608.0116 “Professional” means pertaining to:

1. An employee who is licensed or certified by the State of Nevada for and engaged in the practice of law or any of the professions regulated by chapters 623 to 645, inclusive, **and sections 1.03 to 1.8, inclusive, of this act,** 645G and 656A of NRS.

2. A creative professional as described in 29 C.F.R. § 541.302 who is not an employee of a contractor as that term is defined in NRS 624.020.

Sec. 84.6. 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 sections 1.03 to 1.8, inclusive, of this act,** or who holds a license or limited license issued pursuant to chapter 653 of NRS;

(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; and

(d) Workers’ compensation insurance.

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 (1) Losses unpaid on reported claims; and
2 (2) Losses unpaid on incurred but not reported claims;
3 (h) Number of claims, including:
4 (1) Claims paid; and
5 (2) Claims that have arisen but are unpaid;
6 (i) Expenses for adjustment of losses, including allocated and unallocated
7 losses;
8 (j) Net underwriting gain or loss;
9 (k) Net operation gain or loss, including net investment income; and
10 (l) Any other information requested by the Commissioner.
11 3. The Commissioner may also obtain, based upon an insurer in its entirety,
12 information regarding:

- 13 (a) Recoverable federal income tax;
14 (b) Net unrealized capital gain or loss; and
15 (c) All other expenses not included in subsection 2.

16 **Sec. 85.** NRS 685B.120 is hereby amended to read as follows:

17 685B.120 1. Any person who provides coverage in this State for the cost of:

- 18 (a) Medical care;
19 (b) Surgery;
20 (c) Chiropractic;
21 (d) Physical therapy;
22 (e) Speech-language pathology;
23 (f) Audiology;
24 (g) Professional care of mental health;
25 (h) Dental care;
26 (i) Hospital care;
27 (j) Ophthalmic care; ~~for~~
28 (k) *Naprapathy; or*
29 (l) Ambulance services,

30 whether the coverage provides for direct payment, reimbursement or any other
31 method of payment, is subject to regulation by the Division and to the provisions of
32 this Code unless the person shows that while providing such coverage the person is
33 subject to regulation by the Federal Government.

34 2. A nonprofit corporation that provides prepaid ambulance services is not
35 subject to regulation by the Division or to the provisions of this Code if the
36 corporation presents evidence satisfactory to the Commissioner that the corporation
37 is subject to regulation by a political subdivision of this State pursuant to an
38 exclusive franchise which limits the number of times any such prepaid services may
39 be subject to a defined number that are medically necessary.

40 **Sec. 86.** NRS 686A.2825 is hereby amended to read as follows:

41 686A.2825 "Practitioner" means:

42 1. A physician, dentist, nurse, dispensing optician, optometrist, physical
43 therapist, podiatric physician, psychologist, chiropractic physician, *naprapath*,
44 doctor of Oriental medicine in any form, director or technician of a medical
45 laboratory, pharmacist, person who holds a license to engage in radiation therapy
46 and radiologic imaging or a limited license to engage in radiologic imaging
47 pursuant to chapter 653 of NRS or other provider of health services who is
48 authorized to engage in his or her occupation by the laws of this state or another
49 state; and

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

51 **Sec. 86.3.** NRS 686B.030 is hereby amended to read as follows:

52 686B.030 1. Except as otherwise provided in subsection 2 and NRS
53 686B.125, the provisions of NRS 686B.010 to 686B.1799, inclusive, apply to all

1 kinds and lines of direct insurance written on risks or operations in this State by any
2 insurer authorized to do business in this State, except:

- 3 (a) Ocean marine insurance;
- 4 (b) Contracts issued by fraternal benefit societies;
- 5 (c) Life insurance and credit life insurance;
- 6 (d) Variable and fixed annuities;
- 7 (e) Credit accident and health insurance;
- 8 (f) Property insurance for business and commercial risks;
- 9 (g) Casualty insurance for business and commercial risks other than insurance
10 covering the liability of a practitioner licensed pursuant to chapters 630 to 640,
11 inclusive, of NRS and sections 1.03 to 1.8, inclusive, of this act, or who holds a
12 license or limited license issued pursuant to chapter 653 of NRS;
- 13 (h) Surety insurance;
- 14 (i) Health insurance offered through a group health plan maintained by a large
15 employer; and
- 16 (j) Credit involuntary unemployment insurance.

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

19 **Sec. 86.6. NRS 690B.250 is hereby amended to read as follows:**

20 690B.250 Except as more is required in NRS 630.3067 and 633.526:

21 1. Each insurer which issues a policy of insurance covering the liability of a
22 practitioner licensed pursuant to chapters 630 to 640, inclusive, of NRS and
23 sections 1.03 to 1.8, inclusive, of this act, or who holds a license or limited license
24 issued pursuant to chapter 653 of NRS for a breach of his or her professional duty
25 toward a patient shall report to the board which licensed the practitioner within 45
26 days each settlement or award made or judgment rendered by reason of a claim, if
27 the settlement, award or judgment is for more than \$5,000, giving the name of the
28 claimant and the practitioner and the circumstances of the case.

29 2. A practitioner licensed pursuant to chapters 630 to 640, inclusive, of NRS
30 and sections 1.03 to 1.8, inclusive, of this act, or who holds a license or limited
31 license issued pursuant to chapter 653 of NRS who does not have insurance
32 covering liability for a breach of his or her professional duty toward a patient shall
33 report to the board which issued the practitioner's license within 45 days of each
34 settlement or award made or judgment rendered by reason of a claim, if the
35 settlement, award or judgment is for more than \$5,000, giving the practitioner's
36 name, the name of the claimant and the circumstances of the case.

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

39 **Sec. 86.9. NRS 690B.320 is hereby amended to read as follows:**

40 690B.320 1. If an insurer offers to issue a claims-made policy to a
41 practitioner licensed pursuant to chapters 630 to 640, inclusive, of NRS and
42 sections 1.03 to 1.8, inclusive, of this act, or who holds a license or limited license
43 issued pursuant to chapter 653 of NRS, the insurer shall:

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

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

49 (c) Disclose to the practitioner the portion of the premium attributable to
50 funding the extended reporting endorsement offered at no additional cost to the
51 practitioner in the event of the practitioner's death, disability or retirement, if such a
52 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. 87. NRS 695F.040 is hereby amended to read as follows:

695F.040 "Limited health service" means:

1. Chiropractic, ~~naprapathic~~, dental, hospital, medical, optometric, pharmaceutical, podiatric or surgical care;

2. Treatment relating to mental health or an alcohol or substance use disorder; or

3. Such other care or treatment as may be determined by the Commissioner to be a limited health service.

Sec. 87.5. Section 1.43 of this act is hereby amended to read as follows:

Sec. 1.43. 1. In addition to any other requirements set forth in this chapter, an applicant for the issuance or renewal of a license as a naprapath shall ~~be~~

~~(a) Include the social security number of the applicant in the application submitted to the Division.~~

~~(b) Submit~~ **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

(b) A separate form prescribed by the Division.

3. A 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. 88. As soon as practicable on or after July 1, 2023, the Governor shall appoint to the Naprapathic Practice Advisory Board created by section ~~1.2~~ 1.2 of this act:

1. One member described in paragraph (a) of subsection 2 of section ~~1.2~~ 1.2 of this act and one member described in paragraph (b) of that subsection to initial terms that expire on July 1, 2025; and

2. Two members described in paragraph (a) of subsection 2 of section ~~1.2~~ 1.2 of this act and one member described in paragraph (b) of that subsection to initial terms that expire on July 1, 2027.

Sec. 89. 1. Notwithstanding the amendatory provisions of this act, any person who is engaged in the practice of naprapathy on or before January 1, 2024, may continue to engage in the practice of naprapathy without obtaining a license pursuant to section ~~1.32, 1.35~~ 1.32, 1.35 or ~~1.38~~ 1.38 of this act, as applicable, until July 1, 2024.

2. As used in this section, "naprapathy" has the meaning ascribed to it in section ~~1.18~~ 1.18 of this act.

Sec. 90. The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

Sec. 91. 1. This section becomes effective upon passage and approval.

2. Sections ~~1.2, 1.23~~ 1.2, 1.23 and 88 of this act become effective on July 1, 2023.

3. Sections 1 to ~~1.19~~ 1.19, inclusive, ~~1.26~~ 1.26 to 87, inclusive, 89 and 90 of this act become effective:

(a) Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On January 1, 2024, for all other purposes.

4. Section 87.5 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:

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

(b) Are in arrears in the payment for the support of one or more children,
→ are repealed by the Congress of the United States.

5. Section 1.85 of this act expires by limitation 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:

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

(b) Are in arrears in the payment for the support of one or more children,
→ are repealed by the Congress of the United States.

6. Sections 1.43, 1.6 and 87.5 of this act expire by limitation on the date 2 years after 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:

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

(b) Are in arrears in the payment for the support of one or more children,
are repealed by the Congress of the United States.