

Amendment No. 442

Assembly Amendment to Assembly Bill No. 386	(BDR 54-111)
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. 386 (§§ 20, 26, 29).

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.

DAN/EWR



Date: 4/23/2023

A.B. No. 386—Revises provisions relating to midwives. (BDR 54-111)



ASSEMBLY BILL NO. 386—~~[ASSEMBLYWOMAN]~~ ASSEMBLYWOMEN MONROE-
MORENO ; SUMMERS-ARMSTRONG AND THOMAS

MARCH 22, 2023

Referred to Committee on Commerce and Labor

SUMMARY—Revises provisions relating to midwives. (BDR 54-111)

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 midwives; establishing the Board of Licensed Certified Professional Midwives and requiring the Board to adopt certain regulations; requiring the Division of Public and Behavioral Health of the Department of Health and Human Services to perform certain tasks relating to the regulation of licensed certified professional midwives; providing for the licensure of licensed certified professional midwives; authorizing a licensed certified professional midwife to utilize a certified professional midwife birth assistant under certain circumstances; prescribing requirements relating to the practice of certified professional midwifery; requiring any midwife who provides services in this State to provide to clients a Community Birth Disclosure; authorizing a licensed certified professional midwife to possess, administer and order certain drugs, devices, chemicals and solutions; creating a special endorsement authorizing a licensed certified professional midwife to order, dispense and implant certain devices; creating a special endorsement authorizing a licensed certified professional midwife to possess, administer, prescribe and dispense certain drugs; exempting a licensed certified professional midwife and other providers of health care from certain liability; requiring Medicaid to cover the services of a licensed certified professional midwife; authorizing a licensed certified professional midwife to serve as the director of a freestanding birthing center; specifying the midwives to which certain requirements apply; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

- 1 Existing law requires a midwife to perform certain duties relating to reporting births and
- 2 deaths and testing newborn babies for certain diseases. (NRS 440.100, 440.740, 442.008-

442.110, 442.600-442.680) **Sections 2-32** of this bill provide for: (1) the licensure of licensed certified professional midwives by the Division of Public and Behavioral Health of the Department of Health and Human Services; and (2) the regulation of licensed certified professional midwives by the Division and the Board of Licensed Certified Professional Midwives created by **section 17** of this bill. **Sections 2-14, 45, 69 and 74** of this bill define certain terms related to the practice of certified professional midwifery. **Section 15** of this bill exempts certain providers of health care from requirements governing the licensure and regulation of licensed certified professional midwives. **Sections 36, 38, 39 and 42-44** of this bill similarly exempt licensed certified professional midwives and certified professional midwife student midwives from provisions governing certain other providers of health care. Licensed certified professional midwives and certified professional midwife student midwives would also be exempt from provisions governing allopathic physicians. (NRS 630.047)

Section 16 of this bill authorizes the Division to accept gifts, grants and donations to pay the costs of performing its duties under the provisions of this bill.

Section 17 creates the Board of Licensed Certified Professional Midwives. **Sections 34, 55 and 58-62** of this bill make various changes to ensure that the Board is treated similarly to other boards that regulate health-related professions. **Section 34** also provides that a person may obtain a license as a licensed certified professional midwife through reciprocity if the person has been in practice for at least 1 year immediately preceding the date on which the person submits an application. **Section 18** of this bill prescribes certain requirements concerning the operations and duties of the Board. **Section 19** of this bill requires the Board to adopt regulations governing the practice of certified professional midwifery, including: (1) requirements governing the issuance and renewal of a license as a licensed certified professional midwife; (2) requirements governing the investigation of misconduct and discipline; (3) requirements governing the management of a client who is at a moderate or high risk of an adverse outcome; and (4) requirements governing certain other aspects of the practice of certified professional midwifery.

Section 20 of this bill prescribes the requirements for the issuance of a license as a licensed certified professional midwife. **Section 103** of this bill revises the requirements for the issuance of a license as a licensed certified professional midwife on January 1, 2026, to authorize the Division to exempt certain applicants from certain education requirements to address shortages in the number of midwives practicing in rural or underserved areas in the State or barriers for applicants from marginalized identities. **Section 21** of this bill: (1) authorizes a licensed certified professional midwife to utilize a certified professional midwife birth assistant to perform certain simple, routine medical tasks; and (2) prescribes the required training for a certified professional midwife birth assistant.

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 22 and 29** of this bill enact such procedures as applicable to an applicant for a license as a licensed certified professional midwife in order to comply with federal law. **Sections 104 and 110** of this bill remove a requirement that an application for a license as a licensed certified professional midwife 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 22 and 29** until 2 years after that date. **Section 33** of this bill makes a conforming change to account for applicants for licensure who do not have a social security number.

Section 23 of this bill prescribes the authorized activities of a certified professional midwife student midwife and requirements governing the supervision of a certified professional midwife student midwife by a preceptor. **Section 24** of this bill requires any midwife who provides services in this State to provide to a client a Community Birth Disclosure that contains certain information. **Section 24** additionally requires the Board to create the Community Birth Disclosure in collaboration with all types of midwives practicing in this State. **Section 24** further requires a licensed certified professional midwife to obtain informed written consent from each client before providing services.

Existing law authorizes only certain practitioners who are licensed in this State and registered with the State Board of Pharmacy to prescribe drugs and devices. (NRS 639.235, 639.23505) **Sections 25, 40, 41 and 78** of this bill authorize a licensed certified professional midwife to: (1) order, possess and administer certain drugs, devices, chemicals and solutions; and (2) order certain devices and vaccines for a client. **Sections 26, 40 and 78** of this bill

authorize a licensed certified professional midwife to apply to the ~~[Board]~~ **Division** for a special endorsement for his or her license to: (1) order, dispense and implant contraceptive devices; or (2) possess, administer, prescribe and dispense certain dangerous drugs. **Sections 21, 23 and 79** of this bill authorize a certified professional midwife birth assistant or certified professional midwife student midwife to administer certain drugs, devices, chemicals and solutions under the direct supervision of a licensed certified professional midwife or in certain emergency situations. **Section 23** additionally authorizes a certified professional midwife student midwife to administer or implant a contraceptive device under the supervision of a preceptor who holds the appropriate special endorsement.

Section 27 of this bill imposes specific requirements concerning the management of a client who is at a moderate or high risk of an adverse outcome ~~[- and section 105 of this bill revises some of those requirements on the effective date of regulations adopted by the Board to replace those requirements-], and section 19 requires the Board of Licensed Certified Professional Midwives to adopt additional regulations governing the management of such a client.~~ **Section 107** of this bill creates the Collaboration and Transfer Guidelines Workgroup to make recommendations to the Board for regulations governing the transfer of such a client to a medical facility. **Section 27** also exempts: (1) a licensed certified professional midwife from liability resulting from the informed refusal to consent of such a client to consultation, co-management with or referral to another provider of health care or transfer to a medical facility or the inability of the licensed certified professional midwife to arrange for such consultation or carry out such co-management, referral or transfer; and (2) other providers of health care from liability for the actions or omissions of a licensed certified professional midwife.

Section 28 of this bill requires a licensed certified professional midwife to report to the Division certain information concerning his or her practice upon the renewal of his or her license.

Section 30 of this bill: (1) requires the Division to maintain certain records of proceedings relating to licensing, disciplinary actions and investigations; and (2) declares certain records to be confidential and certain other records to be public. **Section 57** of this bill makes a conforming change to clarify that such confidential records of the Division are not public records. **Section 31** of this bill prohibits a person who does not hold a license as a licensed certified professional midwife from representing that he or she is licensed to engage in the practice of certified professional midwifery. **Section 31** authorizes a person to represent that he or she is licensed to engage in the practice of certified professional midwifery if the person is licensed in another district, state or territory of the United States and the person discloses that license to the public. **Section 31** also prohibits a certified professional midwife student midwife from: (1) engaging in midwifery in circumstances other than those authorized by this bill; or (2) representing that he or she is qualified to engage in the practice of certified professional midwifery without supervision. **Section 31** authorizes the Division to, when it has reason to believe or has received complaints that a person has repeatedly violated the provisions of **section 31**, certify the facts to the Attorney General, or other appropriate law enforcement officer, who may, in his or her discretion, cause appropriate proceedings to be brought. **Section 32** authorizes the Division or the Attorney General to seek an injunction against any person violating any provision of **sections 2-32**.

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 35** of this bill includes licensed certified professional midwives in the definition of "provider of health care," thereby subjecting licensed certified professional midwives to the same requirements. **Section 76** of this bill makes a conforming change to clarify that licensed certified professional midwives are providers of health care. **Section 37** of this bill requires a licensed certified professional midwife to report misconduct by a person licensed or certified by the State Board of Nursing to the Executive Director of the Board.

Sections 48 and 49 of this bill provide that a licensed certified professional midwife is not liable for civil damages resulting from providing emergency care or gratuitous care to an indigent person under certain circumstances. **Section 70** of this bill requires a licensed certified professional midwife who attends a birth that occurs outside a hospital which is not

also attended by a physician or advanced practice registered nurse to prepare a birth certificate. **Section 71** of this bill provides for the imposition of a fine upon a person who furnishes false information to a licensed certified professional midwife for the purpose of making incorrect certification of births or deaths.

Existing law provides that, in any civil action concerning any unwelcome or nonconsensual sexual conduct, there is a rebuttable presumption that the sexual conduct was unwelcome or nonconsensual if the alleged perpetrator was a person in a position of authority over the alleged victim. (NRS 41.138) **Section 47** of this bill provides that a licensed certified professional midwife, certified professional midwife student midwife or certified professional midwife birth assistant is a person of authority for that purpose.

Sections 46, 50-54, 63, 64, 66-76 and 80-102 of this bill make revisions to treat licensed certified professional midwives similarly to other providers of health care in certain respects. **Section 65** of this bill requires Medicaid to cover the services of a licensed certified professional midwife and to provide reimbursement for such services at rates comparable to other providers of health care who provide similar services. **Section 56** of this bill makes a conforming change to indicate the proper placement of **section 65** in the Nevada Revised Statutes.

Section 77 of this bill authorizes a licensed certified professional midwife to serve as the director of a freestanding birthing center.

Existing law requires a primary care provider, including a midwife, to take certain actions to facilitate the detection of harmful mutations in the BRCA gene in patients who are adult women. (NRS 457.301) Section 81 of this bill provides that this requirement applies to licensed certified professional midwives, but not to other midwives.

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 2 to 32, inclusive, of this act.

Sec. 2. *As used in this chapter, unless the context otherwise requires, the words and terms defined in sections 3 to 14, inclusive, of this act have the meanings ascribed to them in those sections.*

Sec. 3. *“Board” means the Board of Licensed Certified Professional Midwives created by section 17 of this act.*

Sec. 4. *“Certified nurse-midwife” means a person who is:*

1. Certified as a nurse-midwife by the American Midwifery Certification Board, or its successor organization; and

2. Licensed as an advanced practice registered nurse pursuant to NRS 632.237.

Sec. 5. *“Certified professional midwife birth assistant” means a person who performs routine medical tasks and procedures under the direct supervision of a licensed certified professional midwife.*

Sec. 6. *“Certified professional midwife student midwife” means a person who performs midwifery under the direct supervision of a preceptor pursuant to section 23 of this act.*

Sec. 7. *“Co-manage” means a licensed certified professional midwife jointly managing the care of a client with another provider of health care.*

Sec. 8. *“Consult” means a client receiving an opinion concerning the management of a particular condition or symptom from an appropriate provider of health care at the direction of a licensed certified professional midwife.*

Sec. 9. *“Division” means the Division of Public and Behavioral Health of the Department of Health and Human Services.*

1 **Sec. 10.** *“Licensed certified professional midwife” means a person licensed*
2 *as a licensed certified professional midwife pursuant to section 20 of this act.*

3 **Sec. 11.** *“Medical facility” has the meaning ascribed to it in NRS 449.0151.*

4 **Sec. 12.** *“Practice of certified professional midwifery” means the provision*
5 *of autonomous care to healthy clients who are at low risk of developing*
6 *complications before conception, while pregnant and during the postpartum*
7 *period and to newborn infants for up to 6 weeks after childbirth. The term*
8 *includes, without limitation, co-management of the care of a client with a*
9 *qualified provider of health care.*

10 **Sec. 13.** *“Provider of health care” has the meaning ascribed to it in NRS*
11 *629.031.*

12 **Sec. 14.** *“Refer” means a licensed certified professional midwife arranging*
13 *for another provider of health care to assume primary responsibility for*
14 *managing a condition or symptom.*

15 **Sec. 15.** 1. *Except as otherwise provided in this section and sections 21,*
16 *24 and 27 of this act, the provisions of this chapter do not apply to a person who*
17 *holds a license, certificate or other credential issued pursuant to chapters 630 to*
18 *641D, inclusive, of NRS and is practicing within the scope of authority*
19 *authorized by that license, certificate or other credential. For the purposes of this*
20 *subsection, a certified nurse-midwife shall be deemed to be practicing within the*
21 *scope of authority authorized by his or her license as an advanced practice*
22 *registered nurse.*

23 2. *This chapter does not prohibit:*

24 (a) *Gratuitous services of a person in an emergency; or*

25 (b) *Gratuitous care by friends or by members of the family.*

26 **Sec. 16.** *The Division may accept gifts, grants and donations to pay the*
27 *costs of performing its duties under the provisions of this chapter.*

28 **Sec. 17.** 1. *The Board of Licensed Certified Professional Midwives is*
29 *hereby created.*

30 2. *The Administrator of the Division shall appoint to the Board:*

31 (a) *Four voting members who are licensed certified professional midwives*
32 *currently practicing in this State;*

33 (b) *One voting member who is an advanced practice registered nurse or*
34 *physician currently practicing in the area of obstetrics in this State;*

35 (c) *One voting member who is a provider of health care, other than a*
36 *provider of health care described in paragraph (a) or (b), who is currently*
37 *providing neonatal or pediatric care in this State;*

38 (d) *One voting member who is a representative of the general public and who*
39 *has received care from a licensed certified professional midwife;*

40 (e) *One ~~voting~~ nonvoting member who is a social worker licensed in this*
41 *State or community organizer with experience in public health; and*

42 (f) *One nonvoting member to serve as a liaison with the Division.*

43 3. *Each member of the Board must be a resident of this State.*

44 4. *The Administrator of the Division:*

45 (a) *May solicit nominations for appointment to the Board from interested*
46 *persons and entities.*

47 (b) *Shall give preference when appointing the members of the Board to*
48 *candidates who have experience collaborating with licensed certified professional*
49 *midwives or providing or utilizing midwifery services outside of a hospital.*

50 5. *The Board shall adopt regulations prescribing the terms of its members.*
51 *Such terms must not exceed 4 years. The Administrator of the Division may:*

52 (a) *Reappoint a member at the expiration of his or her term; or*

53 (b) *Terminate a member before the expiration of his or her term for cause.*

6. A vacancy on the Board must be filled in the same manner as the initial appointment.

7. Except as otherwise provided in this subsection, members of the Board serve without compensation. The State Board of Health may, by regulation, provide for compensation of the members of the Board.

Sec. 18. 1. A majority of the voting members of the Board constitutes a quorum for the transaction of business, and a majority of a quorum present at any meeting is sufficient for any official action taken by the Board.

2. The Board shall:

(a) At its first meeting and annually thereafter, elect a Chair from among its members;

(b) Meet annually at the call of the Chair; and

(c) Recommend to the Legislature any statutory changes to improve the practice of certified professional midwifery in this State.

3. To the extent that money is available, the Board may meet more frequently than required by paragraph (b) of subsection 2.

4. To the extent practicable, any advice or recommendations made by the Board concerning the practice of certified professional midwifery must be guided by current, peer-reviewed scientific research.

Sec. 19. ~~[[1]]~~ The Board shall adopt any regulations necessary or convenient for carrying out the provisions of this chapter. Those regulations must include, without limitation:

~~[[1]]~~ 1. Requirements governing the issuance and renewal of a license as a licensed certified professional midwife, including, without limitation:

~~[[1]]~~ (a) The period for which a license is valid, which must not exceed 2 years.

~~[[2]]~~ (b) A requirement that an applicant for the renewal of a license must have completed continuing education in cultural humility or the elimination of racism or bias.

~~[[4]]~~ 2. The procedure for filing a complaint with the Division concerning a licensed certified professional midwife or certified professional midwife student midwife.

~~[[6]]~~ 3. Grounds for the Division to impose disciplinary action against a licensed certified professional midwife or certified professional midwife student midwife and the procedure by which the Division will impose such disciplinary action.

~~[[4]]~~ 4. Requirements governing the reinstatement of a license or special endorsement that has been revoked, including, without limitation, the procedure to apply for reinstatement.

~~[[6]]~~ 5. Regulations governing the ordering, usage and administration of drugs, vaccines, chemicals, solutions and devices pursuant to section 25 of this act.

~~[[6]]~~ 6. Regulations concerning the management by a licensed certified professional midwife of a client who may have a condition that puts the client at a moderate or high risk of an adverse outcome for the client or the fetus or newborn infant of the client. The regulations must, to the extent practicable, be guided by current, peer-reviewed scientific research and must include, without limitation:

~~[[1]]~~ (a) A list of conditions or symptoms associated with a risk of serious permanent harm or death to a client or the fetus or newborn infant of a client ~~[[1]]~~, in addition to those prescribed by section 27 of this act;

~~[[2]]~~ (b) A list of conditions or symptoms associated with a risk of greater than minimal harm to a client or the fetus or newborn infant of a client

1 that do not pose a risk of serious permanent harm or death ~~and~~, in addition to
2 those prescribed by section 27 of this act; and

3 ~~(c)~~ (c) Specific requirements for each condition or symptom listed
4 pursuant to subparagraphs (1) and (2) governing:

5 ~~(1)~~ (1) The circumstances under which a licensed certified
6 professional midwife must arrange for the client to consult with another provider
7 of health care, co-manage the care of the client with another provider of health
8 care, refer primary responsibility for the care of a client to another provider of
9 health care or transfer the care of the client to a medical facility, procedures for
10 such consultation, co-management, referral or transfer and requirements to
11 ensure that a provider of health care who is consulted, with whom a client's
12 condition or symptom is co-managed or to whom primary responsibility for the
13 care of a client is referred is appropriately qualified; and

14 ~~(2)~~ (2) The information that must be included on the form for
15 providing informed refusal to consent to consultation, co-management, referral
16 or transfer pursuant to section 27 of this act and the management of a client who
17 provides such informed refusal to consent.

18 ~~7.~~ 7. Requirements governing the screening of clients in accordance
19 with chapter 442 of NRS and necessary measures for the prevention of
20 communicable diseases.

21 ~~8.~~ 8. Requirements concerning the records of treatment and outcomes
22 that must be kept by a licensed certified professional midwife.

23 ~~9.~~ 9. Administrative penalties that the Division may impose upon a
24 certified professional midwife student midwife who engages in the practice of
25 certified professional midwifery without a preceptor.

26 ~~10.~~ 10. Administrative penalties that the Division may impose upon a
27 licensed certified professional midwife who engages in activity for which a
28 special endorsement is required by section 23 or 26 of this act without the
29 appropriate endorsement.

30 ~~11.~~ 11. Any other requirements necessary to optimize obstetrical and
31 neonatal outcomes for clients of licensed certified professional midwives.

32 ~~[2. The Board may, by regulation, require an applicant for a license as a~~
33 ~~licensed certified professional midwife to submit to the Division a complete set of~~
34 ~~his or her fingerprints and written permission authorizing the Division to forward~~
35 ~~the fingerprints to the Central Repository for Nevada Records of Criminal~~
36 ~~History for submission to the Federal Bureau of Investigation for its report.]~~

37 **Sec. 20.** 1. An applicant for a license as a licensed certified professional
38 midwife must submit to the Division an application pursuant to this section in the
39 form prescribed by the Division. The application must be accompanied by a fee in
40 the amount prescribed by regulation of the State Board of Health pursuant to
41 NRS 439.150, which must not exceed \$1,000 ~~and~~, and a complete set of his or her
42 fingerprints and written permission authorizing the Division to forward the
43 fingerprints to the Central Repository for Nevada Records of Criminal History
44 for submission to the Federal Bureau of Investigation for its report. The
45 application must include, without limitation, proof that the applicant is certified
46 as a midwife by the North American Registry of Midwives, or its successor
47 organization, and:

48 (a) Has completed an educational program ~~[accredited by the Midwifery~~
49 ~~Education Accreditation Council]~~ that is consistent with the most recent
50 statement on licensure of Certified Professional Midwives by the United States
51 Midwifery Education, Regulation and Association, or its successor organization;
52 or

1 (b) Holds a Midwifery Bridge Certificate issued by the North American
2 Registry of Midwives, or its successor organization, and has completed the
3 Portfolio Evaluation Process prescribed by that organization.

4 2. A license as a licensed certified professional midwife may be renewed
5 upon submission to the Division of a renewal application in the form prescribed
6 by the Division. The renewal application must:

7 (a) Be accompanied by a renewal fee in the amount prescribed by regulation
8 of the State Board of Health pursuant to NRS 439.150, which must not exceed
9 \$1,000; and

10 (b) Include any information required by the regulations adopted by the
11 Board pursuant to section 19 of this act.

12 3. To the extent that the implementation of such provisions will leave the
13 Division with sufficient money to carry out its duties under this chapter, the State
14 Board of Health shall establish by regulation a procedure through which:

15 (a) An applicant may petition the Division to reduce the fees imposed
16 pursuant to this section or section 26 of this act. An applicant may qualify for
17 such a reduction if the applicant demonstrates, to the satisfaction of the Division,
18 that the fees imposed pursuant to this section or section 26 of this act are an
19 economic hardship on the applicant.

20 (b) The Division allocates a portion of the fees imposed and collected
21 pursuant to this section or section 26 of this act to programs that promote
22 applicants from marginalized identities through increasing the numbers of such
23 applicants and reducing barriers that such applicants face.

24 4. As used in this section, "marginalized identity" means an identity or
25 expression that causes or has historically caused a person of such identity or
26 expression to be disproportionately discriminated against, harassed or otherwise
27 negatively treated or affected as a result of the identity or expression.

28 **Sec. 21.** 1. A licensed certified professional midwife may utilize a certified
29 professional midwife birth assistant to perform the tasks and procedures
30 authorized by subsection 3. Except as otherwise provided in subsection 2, a
31 certified professional midwife birth assistant, including, without limitation, a
32 provider of health care serving as a certified professional midwife birth assistant,
33 must:

34 (a) Be at least 18 years of age;

35 (b) Have completed training in cultural humility or the elimination of racism
36 or bias;

37 (c) Have completed training in the techniques of administering neonatal
38 resuscitation provided through the Neonatal Resuscitation Program of the
39 American Academy of Pediatrics, or any successor to that program; and

40 (d) Hold current certification in the techniques of administering
41 cardiopulmonary resuscitation.

42 2. A certified professional midwife birth assistant who is a licensed certified
43 professional midwife or a certified nurse-midwife is not required to possess the
44 qualifications set forth in subsection 1.

45 3. Except as otherwise provided in subsection 5, a certified professional
46 midwife birth assistant may perform routine clinical tasks and procedures only
47 under the direct supervision of a licensed certified professional midwife who is
48 present on the premises and able to intervene if necessary. Such tasks include,
49 without limitation:

50 (a) Administering medications, including, without limitation and to the
51 extent applicable, any medication described in subsection 2 of section 25 of this
52 act, intradermally, subcutaneously and intramuscularly and performing skin
53 tests;

1 (b) *Providing medication, including, without limitation and to the extent*
2 *applicable, any medication described in subsection 2 of section 25 of this act, to a*
3 *patient to self-administer orally, sublingually, topically or rectally;*

4 (c) *Administering oxygen;*

5 (d) *Assisting in the care of a newborn infant immediately after birth;*

6 (e) *Placing a device used for auscultation of fetal heart tones;*

7 (f) *Assisting a client with activities of daily living and assisting the client in*
8 *moving between the bed and bathroom;*

9 (g) *Performing cardiopulmonary or neonatal resuscitation; and*

10 (h) *Checking vital signs.*

11 4. *The supervising licensed certified professional midwife is responsible for*
12 *ensuring that the certified professional midwife birth assistant has been properly*
13 *trained to provide the services delegated to him or her. The supervising licensed*
14 *certified professional midwife shall retain any documentation of the training that*
15 *the certified professional midwife birth assistant has received for at least 5 years*
16 *after the supervising licensed certified professional midwife ceases to supervise*
17 *the certified professional midwife birth assistant.*

18 5. *A certified professional midwife birth assistant may provide any*
19 *necessary assistance in an emergency or when birth is imminent if his or her*
20 *supervising licensed certified professional midwife is not present. If a certified*
21 *professional midwife birth assistant provides such assistance without supervision,*
22 *the certified professional midwife birth assistant must contact a provider of*
23 *emergency medical services to provide further assistance.*

24 6. *A certified professional midwife birth assistant shall not assess clinical*
25 *information or make clinical decisions.*

26 **Sec. 22. 1.** *In addition to any other requirements set forth in this chapter:*

27 (a) *An applicant for the issuance of a license as a licensed certified*
28 *professional midwife in this State shall include the social security number of the*
29 *applicant in the application submitted to the Division.*

30 (b) *An applicant for the issuance of a license as a licensed certified*
31 *professional midwife in this State shall submit to the Division of Public and*
32 *Behavioral Health of the Department of Health and Human Services the*
33 *statement prescribed by the Division of Welfare and Supportive Services of the*
34 *Department of Health and Human Services pursuant to NRS 425.520. The*
35 *statement must be completed and signed by the applicant.*

36 2. *The Division of Public and Behavioral Health of the Department of*
37 *Health and Human Services shall include the statement required pursuant to*
38 *subsection 1 in:*

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

41 (b) *A separate form prescribed by the Division.*

42 3. *A license as a licensed certified professional midwife may not be issued*
43 *or renewed by the Division if the applicant:*

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

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

50 4. *If an applicant indicates on the statement submitted pursuant to*
51 *subsection 1 that the applicant is subject to a court order for the support of a*
52 *child and is not in compliance with the order or a plan approved by the district*
53 *attorney or other public agency enforcing the order for the repayment of the*

1 amount owed pursuant to the order, the Division shall advise the applicant to
2 contact the district attorney or other public agency enforcing the order to
3 determine the actions that the applicant may take to satisfy the arrearage.

4 **Sec. 23.** 1. Except as otherwise provided in subsection 5, a certified
5 professional midwife student midwife may engage in the practice of certified
6 professional midwifery, including, without limitation, by using or administering
7 any drug, vaccine, device, chemical or solution described in subsection 1, 2 or 3
8 of section 25 of this act, only under the direct supervision of a preceptor who is
9 present on the premises and able to intervene if necessary. The preceptor is
10 responsible for each client to whom the certified professional midwife student
11 midwife provides midwifery services.

12 2. A certified professional midwife student midwife may administer or
13 implant a contraceptive device or possess and administer a drug prescribed by the
14 regulations adopted pursuant to paragraph (b) of subsection 1 of section 26 of
15 this act only under the direct supervision of a preceptor who is a licensed certified
16 professional midwife, holds the appropriate special endorsement issued pursuant
17 to section 26 of this act authorizing the preceptor to engage in such activity and is
18 present on the premises and able to intervene if necessary. The preceptor is
19 responsible for each client to whom the certified professional midwife student
20 midwife provides services pursuant to this subsection.

21 3. A preceptor must be a person engaged in the practice of certified
22 professional midwifery who is approved by the North American Registry of
23 Midwives, or its successor organization, to serve as a preceptor.

24 4. A preceptor shall:

25 (a) Notify each client that a certified professional midwife student midwife
26 may be involved in the care of the client;

27 (b) Explain the scope of the activities that the certified professional midwife
28 student midwife may perform under the supervision of the preceptor; and

29 (c) Review and evaluate all care provided by a certified professional midwife
30 student midwife under his or her supervision and attend every clinical encounter
31 between the certified professional midwife student midwife and a client.

32 5. If the preceptor of a certified professional midwife student midwife
33 ceases to serve as his or her preceptor and the certified professional midwife
34 student midwife has no additional preceptor, the certified professional midwife
35 student midwife must cease engaging in the practice of certified professional
36 midwifery.

37 6. A certified professional midwife student midwife may provide any
38 necessary assistance in an emergency or when birth is imminent if his or her
39 preceptor is not present. If a certified professional midwife student midwife needs
40 to provide such assistance and his or her preceptor is not present, the certified
41 professional midwife student midwife must contact a provider of emergency
42 medical services to provide further assistance.

43 **Sec. 24.** Upon accepting a client:

44 1. Any midwife, including, without limitation, a licensed certified
45 professional midwife and a certified nurse-midwife, shall provide the client with a
46 Community Birth Disclosure. The Community Birth Disclosure must inform the
47 client regarding:

48 (a) The type of midwife that the midwife is;

49 (b) The type of education and training that the midwife has received; and

50 (c) The care to be provided by the midwife.

51 ➔ The Board shall create the Community Birth Disclosure in collaboration with
52 all types of midwives practicing in this State.

2. A midwife must sign and date, and obtain the signature of the client with a notation of the date of that signature, the Community Birth Disclosure provided pursuant to subsection 1. The midwife shall retain a copy of the Community Birth Disclosure for 5 years.

3. In addition to complying with the requirements of subsections 1 and 2, a licensed certified professional midwife shall obtain from the client informed written consent regarding the care to be provided by the licensed certified professional midwife. Informed written consent requires that the licensed certified professional midwife provide to the client:

(a) A description of the educational background and credentials of the licensed certified professional midwife;

(b) A description of the practice of certified professional midwifery as set forth in section 12 of this act and the limitations on the practice of a licensed certified professional midwife;

(c) Instructions for obtaining a copy of the provisions of sections 2 to 32, inclusive, of this act and the regulations adopted pursuant to section 19 of this act;

(d) Instructions for filing a complaint with the Division in accordance with the regulations adopted pursuant to section 19 of this act;

(e) A description of the actions that the licensed certified professional midwife will take in an emergency, including, without limitation, the conditions under which the licensed certified professional midwife will recommend the transfer of the client to a medical facility and the procedure that the licensed certified professional midwife will follow when making such a transfer;

(f) A description of the procedures that will be used during the birth in the client's chosen setting, the risks and benefits of birth in that setting and the conditions that may arise during delivery;

(g) A disclosure of whether the licensed certified professional midwife holds liability insurance;

(h) A summary of the provisions of section 27 of this act and the regulations adopted pursuant to section 19 of this act governing consultation, co-management, referral and transfer and a description of the procedures established by the licensed certified professional midwife for consultation, co-management, referral and transfer; and

(i) Any other information required by regulation of the Board.

Sec. 25. 1. A licensed certified professional midwife may use the following devices:

(a) Dopplers, syringes, needles, phlebotomy equipment, sutures, urinary catheters, intravenous equipment, amnihooks, airway suction devices, electronic fetal monitors, tocodynamometer monitors, equipment for administering oxygen, glucose monitoring systems and testing strips, neonatal and adult oximetry equipment, centrifuges and equipment for conducting screenings of hearing ability;

(b) Equipment for administering nitrous oxide, including, without limitation, scavenging systems, only in a freestanding birthing center licensed pursuant to chapter 449 of NRS;

(c) Neonatal and adult resuscitation equipment, including, without limitation, airway devices; and

(d) Any other device authorized by regulation of the Board.

2. A licensed certified professional midwife may possess and administer:

(a) Oxytocin, misoprostol, methylergonovine, tranexamic acid, lidocaine, penicillin, ampicillin, cefazolin, clindamycin, epinephrine, diphenhydramine,

1 *ondansetron, phylloquinone, erythromycin ointment, terbutaline and nitrous*
2 *oxide;*

3 *(b) Influenza vaccine, hepatitis B vaccine, COVID-19 vaccine and*
4 *diphtheria, tetanus and pertussis vaccine;*

5 *(c) Rho (D) immune globulin and hepatitis B immune globulin; and*

6 *(d) Any other drugs or vaccines authorized by regulation of the Board.*

7 3. *A licensed certified professional midwife may possess and administer:*

8 *(a) Oxygen, lactated Ringers solution, 5 percent dextrose in lactated Ringers*
9 *solution, 0.9 percent sodium chloride solution and sterile water; and*

10 *(b) Any other chemicals or solutions authorized by regulation of the Board.*

11 4. *A licensed certified professional midwife may order for a client:*

12 *(a) Breast pumps, compression stockings and belts, maternity belts,*
13 *diaphragms, cervical caps, glucometers, glucose testing strips, iron supplements*
14 *and prenatal vitamins; and*

15 *(b) Any vaccine described in paragraph (b) of subsection 2.*

16 **Sec. 26.** 1. *The Division shall, upon application by a licensed certified*
17 *professional midwife who has such qualifications as the Board specifies by*
18 *regulation, issue:*

19 *(a) A special endorsement of the license authorizing the licensed certified*
20 *professional midwife to order, dispense, administer and implant contraceptive*
21 *devices for a client.*

22 *(b) A special endorsement of the license authorizing the licensed certified*
23 *professional midwife to possess, administer, prescribe and dispense drugs*
24 *prescribed by regulation of the Board, in consultation with the State Board of*
25 *Pharmacy, for a client.*

26 2. *An application for the issuance or renewal of a special endorsement*
27 *pursuant to this section must be accompanied by a fee in the amount prescribed*
28 *by regulation of the State Board of Health pursuant to NRS 439.150, which must*
29 *not exceed ~~\$1,000~~ \$500.*

30 3. *The Board, in consultation with the State Board of Pharmacy, shall*
31 *adopt regulations to carry out the provisions of this section. Those regulations*
32 *must prescribe:*

33 *(a) The training and experience necessary to obtain a special endorsement,*
34 *including, without limitation:*

35 *(1) The additional education and training necessary to obtain a special*
36 *endorsement described in paragraph (a) or (b) of subsection 1, which must be*
37 *similar to the education and training required for other providers of health care*
38 *who perform the activities authorized by those endorsements;*

39 *(2) The number of completed implantations of a contraceptive device*
40 *under the supervision of a preceptor necessary to obtain a special endorsement*
41 *described in paragraph (a) of subsection 1; and*

42 *(3) Requirements for the completion of training required by the*
43 *manufacturer of a contraceptive device or the equivalent of such training to*
44 *obtain a special endorsement described in paragraph (a) of subsection 1.*

45 *(b) The period for which a special endorsement is valid, which must not*
46 *exceed 2 years.*

47 *(c) The contraceptive devices that the holder of a special endorsement issued*
48 *pursuant to paragraph (a) of subsection 1 may order, dispense, administer and*
49 *implant.*

50 *(d) The drugs that the holder of a special endorsement issued pursuant to*
51 *paragraph (b) of subsection 1 may possess, administer, prescribe or dispense,*
52 *which must only include:*

(1) Antibiotic, antiemetic, antiviral, antifungal and antipruritic medications and low-potency topical steroids for the prevention and treatment of conditions that do not constitute a significant deviation from normal pregnancy or postpartum; and

(2) Hormonal and nonhormonal contraceptives.

4. A special endorsement issued pursuant to paragraph (b) of subsection 1 does not authorize the holder to prescribe or dispense drugs for a newborn infant.

Sec. 27. 1. Except as otherwise provided in subsections 4 and 5, a licensed certified professional midwife must recommend and, with the consent of the client, arrange for consultation or co-management with or referral to a qualified provider of health care or transfer to an appropriate medical facility if the licensed certified professional midwife determines that any of the following conditions or symptoms exist:

- (a) Complete placenta previa;
- (b) Partial placenta previa after the 27th week of gestation;
- (c) Infection with the human immunodeficiency virus;
- (d) Cardiovascular disease;
- (e) Severe mental illness that may cause the client to cause harm to themselves or others;
- (f) Pre-eclampsia or eclampsia;
- (g) Fetal growth restriction, oligohydramnios or moderate or severe polyhydramnios in the pregnancy;
- (h) Potentially serious anatomic fetal abnormalities;
- (i) Diabetes that requires insulin or other medication for management;
- (j) Gestational age of greater than 43 weeks; or
- (k) Any other condition or symptom ~~which~~;

(1) Designated by the regulations adopted pursuant to section 19 of this act; or

(2) Which, in the judgment of the licensed certified professional midwife, could threaten the life of the client or the fetus or newborn infant of the client.

2. Except as otherwise provided in subsections 4 and 5, a licensed certified professional midwife must recommend and, with the consent of the client, arrange for consultation or co-management with or referral to a qualified provider of health care if the licensed certified professional midwife determines that any of the following conditions or symptoms exist:

- (a) Prior cesarean section or other surgery resulting in a uterine scar;
- (b) Multifetal gestation; ~~for~~
- (c) Noncephalic presentation after 36 weeks of gestation ~~for~~; or
- (d) Any other condition or symptom designated by the regulations adopted pursuant to section 19 of this act.

3. A licensed certified professional midwife who recommends to a client consultation, co-management, referral or transfer shall document in the record of the client:

- (a) The contents of the recommendation;
- (b) The condition or symptom for which the recommendation was made;
- (c) Whether the client consented to the consultation, co-management, referral or transfer; and

(d) If the client provides consent, the name, profession and specialty of the provider of health care with whom the licensed certified professional midwife consulted or co-managed or to whom the client was referred or the medical facility to which the client was transferred.

1 4. A client may provide informed refusal to consent to consultation, co-
2 management, referral or transfer in writing on a form prescribed by the Board. If
3 a client provides informed refusal to consent to:

4 (a) Consultation, co-management, referral or transfer after the licensed
5 certified professional midwife has determined that a condition or symptom
6 described in subsection 1 exists, the licensed certified professional midwife must
7 attempt to locate a qualified provider of health care for which the client consents
8 to consultation, co-management or referral or an appropriate medical facility for
9 which the client consents to transfer. If the licensed certified professional
10 midwife is unable to locate such a provider of health care who is willing to
11 consult, co-manage or accept the referral or such a medical facility which is
12 willing to accept the transfer, the licensed certified professional midwife is not
13 liable for any damages resulting from the failure to consult, co-manage, refer or
14 transfer. If the condition or symptom threatens the life or health of the client or
15 the fetus or the newborn infant of the client during labor or delivery, the licensed
16 certified professional midwife must call 911 and provide care until relieved by a
17 qualified provider of health care.

18 (b) Consultation, co-management or referral after the licensed certified
19 professional midwife has determined that a condition or symptom described in
20 subsection 2 exists, the licensed certified professional midwife:

21 (1) May continue to serve as the primary provider of health care for the
22 client until the client provides such consent; and

23 (2) Is not liable for any damages resulting from the failure to consult, co-
24 manage or refer.

25 5. If, after determining that a condition or symptom described in:

26 (a) Subsection 1 exists and making a reasonable effort to arrange for
27 consultation with, co-management of the condition or symptom with or referral
28 of the client to a qualified provider of health care or the transfer of the client to
29 an appropriate medical facility, a licensed certified professional midwife is
30 unable to locate a qualified provider of health care who is willing to consult, co-
31 manage or accept the referral or an appropriate medical facility willing to accept
32 the transfer, the licensed certified professional midwife shall be deemed to be in
33 compliance with the requirements of this section and is not liable for any
34 damages resulting from the inability of the licensed certified professional midwife
35 to consult, co-manage, refer or transfer. If the condition or symptom threatens
36 the life or health of the client or the fetus or newborn infant of the client during
37 labor or delivery, the licensed certified professional midwife must call 911 and
38 provide care until relieved by a qualified provider of health care.

39 (b) Subsection 2 exists and making a reasonable effort to arrange for
40 consultation with, co-management of the condition or symptom with or referral
41 of the client to a qualified provider of health care, a licensed certified
42 professional midwife is unable to locate a qualified provider of health care who is
43 willing to consult, co-manage or accept the referral, the licensed certified
44 professional midwife shall be deemed to be in compliance with the requirements
45 of this section and is not liable for any damages resulting from the inability of
46 the licensed certified professional midwife to arrange for consultation, co-manage or
47 refer.

48 6. A provider of health care who is not a licensed certified professional
49 midwife is not liable for any damages resulting from any act or omission of a
50 licensed certified professional midwife and is not required to adhere to any
51 standards of care governing the practice of certified professional midwifery. Such
52 a provider of health care is only liable for the damages resulting from his or her

own acts or omissions in accordance with the standards of care governing his or her profession.

Sec. 28. 1. With each application for the renewal of his or her license, a licensed certified professional midwife shall submit to the Division a report that includes, for the immediately preceding licensure period:

(a) The total number of clients who, when accepted by the licensed certified professional midwife as clients, intended to deliver their babies outside of a hospital;

(b) The number of live births attended by the licensed certified professional midwife outside of a hospital;

(c) The number of cases of fetal demise, deaths of newborns and maternal deaths attended by the licensed certified professional midwife;

(d) The number of clients transferred to a medical facility during the antepartum, intrapartum or immediate postpartum periods and the reason for and outcome of each such transfer;

(e) A brief description of any complications resulting in maternal or infant morbidity or mortality;

(f) The planned location and actual location of each delivery; and

(g) Any other information required by regulation of the Board.

2. Not later than 30 days after attending a maternal or newborn infant death, a licensed certified professional midwife shall report the death to the Division and the Board.

Sec. 29. 1. If the Division receives a copy of a court order issued pursuant to NRS 425.540 that provides for the suspension of all professional, occupational and recreational licenses, certificates and permits issued to a person who is the holder of a license issued pursuant to this chapter, the Division shall deem the license issued to that person to be suspended at the end of the 30th day after the date on which the court order was issued unless the Division receives a letter issued to the holder of the license by the district attorney or other public agency pursuant to NRS 425.550 stating that the holder of the license has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

2. The Division shall reinstate a license issued pursuant to this chapter that has been suspended by a district court pursuant to NRS 425.540 if:

(a) The Division receives a letter issued by the district attorney or other public agency pursuant to NRS 425.550 to the person whose license was suspended stating that the person whose license was suspended has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560; and

(b) The person whose license was suspended pays the appropriate fee required pursuant to this chapter.

Sec. 30. 1. The Division shall keep a record of its proceedings relating to licensing, disciplinary actions and investigations. Except as otherwise provided in this chapter, the record must be open to public inspection at all reasonable times.

2. Except as otherwise provided in this section and NRS 239.0115, a complaint filed with the Division, 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 and privileged.

3. A complaint or other document filed by the Division to initiate disciplinary action, any written opinion rendered by the Division and all documents and information considered by the Division when determining whether to impose discipline are public records.

1 4. An order that imposes discipline and the findings of fact and conclusions
2 of law supporting that order are public records.

3 5. The provisions of this section do not prohibit the Division from
4 communicating or cooperating with or providing any documents or other
5 information to any other licensing board or any other agency that is investigating
6 a person, including, without limitation, a law enforcement agency.

7 **Sec. 31.** 1. Except as otherwise provided in subsection 2, a person who is
8 not licensed as a licensed certified professional midwife or a person whose license
9 as a licensed certified professional midwife has been suspended or revoked by the
10 Division shall not:

11 (a) Use in connection with his or her name the words "licensed certified
12 professional midwife," "licensed midwife" or any other letters, words or insignia
13 indicating or implying that he or she is licensed to engage in the practice of
14 certified professional midwifery, or in any other way, orally, or in writing or
15 print, or by sign, directly or by implication, represent himself or herself as
16 licensed to engage in the practice of certified professional midwifery in this State;
17 or

18 (b) List or cause to have listed in any directory, including, without limitation,
19 a telephone directory, his or her name or the name of his or her company under
20 the heading "licensed certified professional midwife," "licensed midwife" or any
21 other term that indicates or implies that he or she is licensed to engage in the
22 practice of certified professional midwifery in this State.

23 2. A person who is not licensed as a licensed certified professional midwife
24 or a person whose license as a licensed certified professional midwife has been
25 suspended or revoked by the Division may use or list the words or headings
26 described in paragraph (a) or (b) of subsection 1 if the person is licensed in the
27 District of Columbia or any state or territory of the United States. If the person
28 uses or lists the words or headings pursuant to this section, the person shall
29 disclose the district, state or territory, as applicable, in which he or she is
30 licensed.

31 3. A person who is licensed as a licensed certified professional midwife and
32 who is also licensed in the District of Columbia or any state or territory of the
33 United States shall disclose each additional district, state or territory, as
34 applicable, in which he or she is currently licensed or has ever been licensed in
35 all circumstances described in paragraphs (a) and (b) of subsection 1.

36 4. A certified professional midwife student midwife shall not:

37 (a) Engage in midwifery except in circumstances authorized by this chapter;
38 or

39 (b) Use in connection with his or her name the words "licensed certified
40 professional midwife," "certified professional midwife," "licensed midwife" or
41 any other letters, words or insignia indicating or implying that he or she is
42 licensed to engage in the practice of certified professional midwifery without
43 supervision, or in any other way, orally, or in writing or print, or by sign, directly
44 or by implication, represent himself or herself as licensed to engage in the
45 practice of certified professional midwifery without supervision in this State.

46 5. If the Division has reason to believe that a person has repeatedly violated
47 any provision of this section or the Division has received complaints that a person
48 has repeatedly violated any provision of this section, the Division may certify the
49 facts to the Attorney General, or other appropriate law enforcement officer, who
50 may, in his or her discretion, cause appropriate proceedings to be brought.

51 **Sec. 32.** 1. The Division or the Attorney General may maintain in any
52 court of competent jurisdiction a suit to enjoin any person from violating a
53 provision of this chapter or any regulations adopted pursuant thereto.

1 **2. Such an injunction:**

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

4 (b) *Does not relieve any person or business entity from any other legal*
5 *action.*

6 **Sec. 33.** NRS 622.238 is hereby amended to read as follows:

7 622.238 1. The Legislature hereby finds and declares that:

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

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

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

16 3. Notwithstanding the provisions of NRS 623.225, 623A.185, 624.268,
17 625.387, 625A.105, 628.0345, 628B.320, 630.197, 630A.246, 631.225, 632.3446,
18 633.307, 634.095, 634A.115, 635.056, 636.159, 637.113, 637B.166, 638.103,
19 639.129, 640.095, 640A.145, 640B.340, 640C.430, 640D.120, 640E.200, 641.175,
20 641A.215, 641B.206, 641C.280, 641D.330, 642.0195, 643.095, 644A.485,
21 645.358, 645A.025, 645B.023, 645B.420, 645C.295, 645C.655, 645D.195,
22 645G.110, 645H.550, 648.085, 649.233, 652.075, 653.550, 654.145, 655.075 and
23 656.155, **and section 22 of this act**, an applicant for a license who does not have a
24 social security number must provide an alternative personally identifying number,
25 including, without limitation, his or her individual taxpayer identification number,
26 when completing an application for a license.

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

31 (a) Tax purposes;

32 (b) Licensing purposes; and

33 (c) Enforcement of an order for the payment of child support.

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

38 **Sec. 34.** NRS 622.520 is hereby amended to read as follows:

39 622.520 1. A regulatory body that regulates a profession pursuant to
40 chapters 630, 630A, 632 to 641D, inclusive, **and sections 2 to 32, inclusive, of this**
41 **act**, 644A or 653 of NRS in this State may enter into a reciprocal agreement with
42 the corresponding regulatory authority of the District of Columbia or any other state
43 or territory of the United States for the purposes of:

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

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

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

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

52 (b) The applicable provisions of law governing the practice of the respective
53 profession in the state or territory on whose behalf the corresponding regulatory

1 authority would execute the reciprocal agreement are substantially similar to the
2 corresponding provisions of law in this State.

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

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

8 (b) ~~Has~~ *Except as otherwise provided in this paragraph, has* been in practice
9 for at least the 5 years immediately preceding the date on which the person submits
10 an application for the issuance of a license pursuant to a reciprocal agreement
11 entered into pursuant to subsection 1. *If the person seeks to practice as a licensed*
12 *certified professional midwife in this State pursuant to sections 2 to 32, inclusive,*
13 *of this act, the person must have been in practice for at least 1 year immediately*
14 *preceding the date on which the person submits an application for the issuance of*
15 *a license pursuant to a reciprocal agreement entered into pursuant to subsection*
16 *1.*

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

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

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

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

26 (g) Submits to the applicable regulatory body the statement required by NRS
27 425.520.

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

35 **Sec. 35.** NRS 629.031 is hereby amended to read as follows:

36 629.031 Except as otherwise provided by a specific statute:

37 1. "Provider of health care" means:

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

39 (b) A physician assistant;

40 (c) A dentist;

41 (d) A licensed nurse;

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

45 (f) A dispensing optician;

46 (g) An optometrist;

47 (h) A speech-language pathologist;

48 (i) An audiologist;

49 (j) A practitioner of respiratory care;

50 (k) A licensed physical therapist;

51 (l) An occupational therapist;

52 (m) A podiatric physician;

53 (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 licensed certified professional midwife; 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. 36. 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, Oriental medicine, podiatry, optometry, perfusion, respiratory care, faith or Christian Science healing, nursing, *certified professional midwifery*, 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. 37. 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:

1 (a) Any physician, dentist, dental hygienist, *licensed certified professional*
2 *midwife*, chiropractic physician, optometrist, podiatric physician, medical
3 examiner, resident, intern, professional or practical nurse, nursing assistant,
4 medication aide - certified, perfusionist, physician assistant licensed pursuant to
5 chapter 630 or 633 of NRS, psychiatrist, psychologist, marriage and family
6 therapist, clinical professional counselor, alcohol or drug counselor, peer recovery
7 support specialist, peer recovery support specialist supervisor, music therapist,
8 holder of a license or limited license issued pursuant to chapter 653 of NRS, driver
9 of an ambulance, paramedic or other person providing medical services licensed or
10 certified to practice in this State.

11 (b) Any personnel of a medical facility or facility for the dependent engaged in
12 the admission, examination, care or treatment of persons or an administrator,
13 manager or other person in charge of a medical facility or facility for the dependent
14 upon notification by a member of the staff of the facility.

15 (c) A coroner.

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

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

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

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

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

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

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

31 (k) Any social worker.

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

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

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

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

45 5. As used in this section:

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

48 (b) "Community health worker pool" has the meaning ascribed to it in NRS
49 449.0028.

50 (c) "Peer recovery support specialist" has the meaning ascribed to it in NRS
51 433.627.

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

Sec. 38. 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, podiatry, optometry, respiratory care, faith or Christian Science healing, nursing, *certified professional midwifery*, 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 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. 39. 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, 640 to 641D, inclusive, or 653 of NRS ~~or~~ *or sections 2 to 32, inclusive, of this act,* and who does not engage in the private practice of audiology or speech-language pathology in this State.

Sec. 40. NRS 639.0125 is hereby amended to read as follows:

639.0125 "Practitioner" means:

1. A physician, dentist, veterinarian or podiatric physician who holds a license to practice his or her profession in this State;

2. A hospital, pharmacy or other institution licensed, registered or otherwise permitted to distribute, dispense, conduct research with respect to or administer drugs in the course of professional practice or research in this State;

3. An advanced practice registered nurse who has been authorized to prescribe controlled substances, poisons, dangerous drugs and devices;

4. A physician assistant who:

(a) Holds a license issued by the Board of Medical Examiners; and
(b) Is authorized by the Board to possess, administer, prescribe or dispense controlled substances, poisons, dangerous drugs or devices under the supervision of a physician as required by chapter 630 of NRS;

5. A physician assistant who:

(a) Holds a license issued by the State Board of Osteopathic Medicine; and
(b) Is authorized by the Board to possess, administer, prescribe or dispense controlled substances, poisons, dangerous drugs or devices under the supervision of an osteopathic physician as required by chapter 633 of NRS; ~~for~~

6. An optometrist who is certified by the Nevada State Board of Optometry to prescribe and administer pharmaceutical agents pursuant to NRS 636.288, when the optometrist prescribes or administers pharmaceutical agents within the scope of his or her certification ~~for~~; **or**

7. A licensed certified professional midwife, for the purpose of:

(a) Ordering any device or drug described in subsection 1 or 2 of section 25 of this act for use in his or her practice in accordance with the provisions of that section and any regulations adopted pursuant to section 19 of this act;

(b) Ordering any device or vaccine described in subsection 4 of section 25 of this act for a client;

(c) If the licensed certified professional midwife holds a special endorsement pursuant to paragraph (a) of subsection 1 of section 26 of this act, ordering and dispensing any medical device for contraception authorized by the regulations adopted by the Board of Licensed Certified Professional Midwives pursuant to section 26 of this act; and

(d) If the licensed certified professional midwife holds a special endorsement pursuant to paragraph (b) of subsection 1 of section 26 of this act, prescribing and dispensing any drug authorized by the regulations adopted by the Board of Licensed Certified Professional Midwives pursuant to section 26 of this act.

Sec. 41. NRS 639.23505 is hereby amended to read as follows:

639.23505 ~~for~~

1. Except as otherwise provided in subsection 2, a practitioner shall not dispense for human consumption any controlled substance or dangerous drug if the practitioner charges a patient for that substance or drug, either separately or together with charges for other professional services:

~~for~~ **(a)** Unless the practitioner first applies for and obtains a certificate from the Board and pays the required fee; and

~~for~~ **(b)** Issues a written prescription.

2. A licensed certified professional midwife may administer drugs and devices ordered pursuant to section 25 of this act in accordance with the provisions of that section and any regulations adopted pursuant to section 19 of this act without obtaining a certificate from the Board.

Sec. 42. 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, 640, 640B to 641B, inclusive, or 641D of NRS, **or sections 2 to 32, inclusive, of this act** 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.

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

3 **Sec. 43.** NRS 640B.145 is hereby amended to read as follows:

4 640B.145 The provisions of this chapter do not apply to:

5 1. A person who is licensed pursuant to chapters 630 to 637, inclusive, or
6 chapter 640, 640A or 641D of NRS, *or sections 2 to 32, inclusive, of this act* when
7 acting within the scope of that license.

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

10 3. A person who is temporarily exempt from licensure pursuant to NRS
11 640B.335 and is practicing athletic training within the scope of the exemption.

12 **Sec. 44.** 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 2 to 32, inclusive, of this act* if
16 the massage therapy, reflexology or structural integration is performed in the course
17 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. 45.** The preliminary chapter of NRS is hereby amended by adding
7 thereto a new section to read as follows:

8 *Except as otherwise expressly provided in a particular statute or required by*
9 *the context, “licensed certified professional midwife” means a person licensed as*
10 *a licensed certified professional midwife pursuant to section 20 of this act.*

11 **Sec. 46.** NRS 7.095 is hereby amended to read as follows:

12 7.095 1. An attorney shall not contract for or collect a fee contingent on the
13 amount of recovery for representing a person seeking damages in connection with
14 an action for injury or death against a provider of health care based upon
15 professional negligence in excess of:

- 16 (a) Forty percent of the first \$50,000 recovered;
- 17 (b) Thirty-three and one-third percent of the next \$50,000 recovered;
- 18 (c) Twenty-five percent of the next \$500,000 recovered; and
- 19 (d) Fifteen percent of the amount of recovery that exceeds \$600,000.

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

22 3. For the purposes of this section, “recovered” means the net sum recovered
23 by the plaintiff after deducting any disbursements or costs incurred in connection
24 with the prosecution or settlement of the claim. Costs of medical care incurred by
25 the plaintiff and general and administrative expenses incurred by the office of the
26 attorney are not deductible disbursements or costs.

27 4. As used in this section:

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

34 (b) “Provider of health care” means a physician licensed under chapter 630 or
35 633 of NRS, dentist, registered nurse, *licensed certified professional midwife*,
36 dispensing optician, optometrist, registered physical therapist, podiatric physician,
37 licensed psychologist, chiropractic physician, doctor of Oriental medicine, holder of
38 a license or a limited license issued under the provisions of chapter 653 of NRS,
39 medical laboratory director or technician, licensed dietitian or a licensed hospital
40 and its employees.

41 **Sec. 47.** NRS 41.138 is hereby amended to read as follows:

42 41.138 1. In any civil action concerning any unwelcome or nonconsensual
43 sexual conduct, including, without limitation, sexual harassment, there is a
44 rebuttable presumption that the sexual conduct was unwelcome or nonconsensual if
45 the alleged perpetrator was a person in a position of authority over the alleged
46 victim.

47 2. As used in this section:

48 (a) “Person in a position of authority” means a parent, relative, household
49 member, employer, supervisor, youth leader, scout leader, coach, mentor in a
50 mentoring program, teacher, professor, counselor, school administrator, religious
51 leader, doctor, nurse, *licensed certified professional midwife, certified professional*
52 *midwife student midwife, certified professional midwife birth assistant,*
53 *psychologist, other health care provider, guardian ad litem, guardian, babysitter,*

1 police officer or other law enforcement officer or any other person who, by reason
2 of his or her position, is able to exercise significant or undue influence over the
3 victim.

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

5 **Sec. 48.** NRS 41.505 is hereby amended to read as follows:

6 41.505 1. Any person licensed under the provisions of chapter 630, 632 or
7 633 of NRS *or sections 2 to 32, inclusive, of this act* and any person who holds an
8 equivalent license issued by another state, who renders emergency care or
9 assistance, including, without limitation, emergency obstetrical care or assistance,
10 in an emergency, gratuitously and in good faith, is not liable for any civil damages
11 as a result of any act or omission, not amounting to gross negligence, by that person
12 in rendering the emergency care or assistance or as a result of any failure to act, not
13 amounting to gross negligence, to provide or arrange for further medical treatment
14 for the injured or ill person. This section does not excuse a physician, physician
15 assistant, ~~for~~ nurse *or licensed certified professional midwife* from liability for
16 damages resulting from that person's acts or omissions which occur in a licensed
17 medical facility relative to any person with whom there is a preexisting relationship
18 as a patient.

19 2. Any person licensed under the provisions of chapter 630, 632 or 633 of
20 NRS *or sections 2 to 32, inclusive, of this act* and any person who holds an
21 equivalent license issued by another state who:

22 (a) Is retired or otherwise does not practice on a full-time basis; and

23 (b) Gratuitously and in good faith, renders medical care within the scope of
24 that person's license to an indigent person,

25 ➤ is not liable for any civil damages as a result of any act or omission by that
26 person, not amounting to gross negligence or reckless, willful or wanton conduct, in
27 rendering that care.

28 3. Any person licensed to practice medicine under the provisions of chapter
29 630 or 633 of NRS or licensed to practice dentistry under the provisions of chapter
30 631 of NRS who renders care or assistance to a patient for a governmental entity or
31 a nonprofit organization is not liable for any civil damages as a result of any act or
32 omission by that person in rendering that care or assistance if the care or assistance
33 is rendered gratuitously, in good faith and in a manner not amounting to gross
34 negligence or reckless, willful or wanton conduct.

35 4. As used in this section, "gratuitously" has the meaning ascribed to it in
36 NRS 41.500.

37 **Sec. 49.** NRS 41.506 is hereby amended to read as follows:

38 41.506 1. Any person licensed under the provisions of chapter 630, 632 or
39 633 of NRS *or sections 2 to 32, inclusive, of this act* and any person who holds an
40 equivalent license issued by another state who renders emergency obstetrical care
41 or assistance to a pregnant woman during labor or the delivery of the child is not
42 liable for any civil damages as a result of any act or omission by that person in
43 rendering that care or assistance if:

44 (a) The care or assistance is rendered in good faith and in a manner not
45 amounting to gross negligence or reckless, willful or wanton conduct;

46 (b) The person has not previously provided prenatal or obstetrical care to the
47 woman; and

48 (c) The damages are reasonably related to or primarily caused by a lack of
49 prenatal care received by the woman.

50 2. A licensed medical facility in which such care or assistance is rendered is
51 not liable for any civil damages as a result of any act or omission by the person in
52 rendering that care or assistance if that person is not liable for any civil damages
53 pursuant to subsection 1 and the actions of the medical facility relating to the

1 rendering of that care or assistance do not amount to gross negligence or reckless,
2 willful or wanton conduct.

3 **Sec. 50.** NRS 41A.017 is hereby amended to read as follows:

4 41A.017 "Provider of health care" means a physician licensed pursuant to
5 chapter 630 or 633 of NRS, physician assistant, dentist, licensed nurse, *licensed*
6 *certified professional midwife*, dispensing optician, optometrist, registered physical
7 therapist, podiatric physician, licensed psychologist, chiropractic physician, doctor
8 of Oriental medicine, holder of a license or a limited license issued under the
9 provisions of chapter 653 of NRS, medical laboratory director or technician,
10 licensed dietitian or a licensed hospital, clinic, surgery center, physicians'
11 professional corporation or group practice that employs any such person and its
12 employees.

13 **Sec. 51.** NRS 42.021 is hereby amended to read as follows:

14 42.021 1. In an action for injury or death against a provider of health care
15 based upon professional negligence, if the defendant so elects, the defendant may
16 introduce evidence of any amount payable as a benefit to the plaintiff as a result of
17 the injury or death pursuant to the United States Social Security Act, any state or
18 federal income disability or worker's compensation act, any health, sickness or
19 income-disability insurance, accident insurance that provides health benefits or
20 income-disability coverage, and any contract or agreement of any group,
21 organization, partnership or corporation to provide, pay for or reimburse the cost of
22 medical, hospital, dental or other health care services. If the defendant elects to
23 introduce such evidence, the plaintiff may introduce evidence of any amount that
24 the plaintiff has paid or contributed to secure the plaintiff's right to any insurance
25 benefits concerning which the defendant has introduced evidence.

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

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

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

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

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

43 5. A judgment ordering the payment of future damages by periodic payments
44 entered pursuant to subsection 3 must specify the recipient or recipients of the
45 payments, the dollar amount of the payments, the interval between payments, and
46 the number of payments or the period of time over which payments will be made.
47 Such payments must only be subject to modification in the event of the death of the
48 judgment creditor. Money damages awarded for loss of future earnings must not be
49 reduced or payments terminated by reason of the death of the judgment creditor, but
50 must be paid to persons to whom the judgment creditor owed a duty of support, as
51 provided by law, immediately before the judgment creditor's death. In such cases,
52 the court that rendered the original judgment may, upon petition of any party in

1 interest, modify the judgment to award and apportion the unpaid future damages in
2 accordance with this subsection.

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

9 7. Following the occurrence or expiration of all obligations specified in the
10 periodic payment judgment, any obligation of the judgment debtor to make further
11 payments ceases and any security given pursuant to subsection 4 reverts to the
12 judgment debtor.

13 8. As used in this section:

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

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

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

25 (d) "Provider of health care" means a physician licensed under chapter 630 or
26 633 of NRS, dentist, licensed nurse, *licensed certified professional midwife*,
27 dispensing optician, optometrist, registered physical therapist, podiatric physician,
28 licensed psychologist, chiropractic physician, doctor of Oriental medicine, holder of
29 a license or a limited license issued under the provisions of chapter 653 of NRS,
30 medical laboratory director or technician, licensed dietitian or a licensed hospital
31 and its employees.

32 **Sec. 52.** NRS 52.320 is hereby amended to read as follows:

33 52.320 As used in NRS 52.320 to 52.375, inclusive, unless the context
34 otherwise requires:

35 1. "Custodian of medical records" means a chiropractic physician, physician,
36 registered physical therapist, ~~or~~ licensed nurse *or licensed certified professional*
37 *midwife* who prepares and maintains medical records, or any employee or agent of
38 such a person or a facility for convalescent care, medical laboratory or hospital who
39 has care, custody and control of medical records for such a person or institution.

40 2. "Medical records" includes bills, ledgers, statements and other accounts
41 which show the cost of medical services or care provided to a patient.

42 **Sec. 53.** NRS 200.5093 is hereby amended to read as follows:

43 200.5093 1. Any person who is described in subsection 4 and who, in a
44 professional or occupational capacity, knows or has reasonable cause to believe that
45 an older person or vulnerable person has been abused, neglected, exploited, isolated
46 or abandoned shall:

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

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

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

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

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

5 2. If a person who is required to make a report pursuant to subsection 1 knows
6 or has reasonable cause to believe that the abuse, neglect, exploitation, isolation or
7 abandonment of the older person or vulnerable person involves an act or omission
8 of the Aging and Disability Services Division, another division of the Department
9 of Health and Human Services or a law enforcement agency, the person shall make
10 the report to an agency other than the one alleged to have committed the act or
11 omission.

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

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

16 (a) Every physician, dentist, dental hygienist, chiropractic physician,
17 optometrist, podiatric physician, medical examiner, resident, intern, professional or
18 practical nurse, physician assistant licensed pursuant to chapter 630 or 633 of NRS,
19 *licensed certified professional midwife*, perfusionist, psychiatrist, psychologist,
20 marriage and family therapist, clinical professional counselor, clinical alcohol and
21 drug counselor, alcohol and drug counselor, music therapist, athletic trainer, driver
22 of an ambulance, paramedic, licensed dietitian, holder of a license or a limited
23 license issued under the provisions of chapter 653 of NRS, behavior analyst,
24 assistant behavior analyst, registered behavior technician, peer recovery support
25 specialist, as defined in NRS 433.627, peer recovery support specialist supervisor,
26 as defined in NRS 433.629, or other person providing medical services licensed or
27 certified to practice in this State, who examines, attends or treats an older person or
28 vulnerable person who appears to have been abused, neglected, exploited, isolated
29 or abandoned.

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

35 (c) A coroner.

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

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

40 (f) Every person who operates, who is employed by or who contracts to
41 provide services for an intermediary service organization as defined in NRS
42 449.4304.

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

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

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

51 (j) Any person who maintains, is employed by or serves as a volunteer for an
52 agency or service which advises persons regarding the abuse, neglect, exploitation,

isolation or abandonment of an older person or vulnerable person and refers them to persons and agencies where their requests and needs can be met.

(k) Every social worker.

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

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

(n) Every person who is enrolled with the Division of Health Care Financing and Policy of the Department of Health and Human Services to provide doula services to recipients of Medicaid pursuant to NRS 422.27177.

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

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

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

(a) Aging and Disability Services Division;

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

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

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

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

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

Sec. 54. NRS 200.5095 is hereby amended to read as follows:

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

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

(a) Pursuant to a criminal prosecution;

1 (b) Pursuant to NRS 200.50982; or

2 (c) To persons or agencies enumerated in subsection 3,

3 is guilty of a misdemeanor.

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

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

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

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

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

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

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

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

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

28 (i) If the older person or vulnerable person is deceased, the executor or
29 administrator of his or her estate, if the identity of the person who was responsible
30 for reporting the alleged abuse, neglect, exploitation, isolation or abandonment of
31 the older person or vulnerable person to the public agency is protected, and the
32 executor or administrator is not the person suspected of such abuse, neglect,
33 exploitation, isolation or abandonment;

34 (j) The older person or vulnerable person named in the report as allegedly
35 being abused, neglected, exploited, isolated or abandoned, if that person is not
36 legally incapacitated;

37 (k) An attorney appointed by a court to represent a protected person in a
38 guardianship proceeding pursuant to NRS 159.0485, if:

39 (1) The protected person is an older person or vulnerable person;

40 (2) The identity of the person who was responsible for reporting the
41 alleged abuse, neglect, exploitation, isolation or abandonment of the older person or
42 vulnerable person to the public agency is protected; and

43 (3) The attorney of the protected person is not the person suspected of such
44 abuse, neglect, exploitation, isolation or abandonment; or

45 (l) The State Guardianship Compliance Office created by NRS 159.341.

46 4. If the person who is reported to have abused, neglected, exploited, isolated
47 or abandoned an older person or a vulnerable person is the holder of a license or
48 certificate issued pursuant to chapters 449, 630 to 641B, inclusive, 641D, 653 or
49 654 of NRS ~~or~~ **or sections 2 to 32, inclusive, of this act**, the information contained
50 in the report must be submitted to the board that issued the license.

51 5. If data or information concerning the reports and investigations of the
52 abuse, neglect, exploitation, isolation or abandonment of an older person or a
53 vulnerable person is made available pursuant to paragraph (b) or (j) of subsection 3

1 or subsection 4, the name and any other identifying information of the person who
2 made the report must be redacted before the data or information is made available.

3 **Sec. 55.** NRS 218G.400 is hereby amended to read as follows:

4 218G.400 1. Except as otherwise provided in subsection 2, each board
5 created by the provisions of NRS 590.485 and chapters 623 to 625A, inclusive,
6 628, 630 to 644A, inclusive, *and sections 2 to 32, inclusive, of this act*, 648, 654
7 and 656 of NRS shall:

8 (a) If the revenue of the board from all sources is less than \$200,000 for any
9 fiscal year and, if the board is a regulatory body pursuant to NRS 622.060, the
10 board has submitted to the Director of the Legislative Counsel Bureau for each
11 quarter of that fiscal year the information required by NRS 622.100, prepare a
12 balance sheet for that fiscal year on the form provided by the Legislative Auditor
13 and file the balance sheet with the Legislative Auditor and the Chief of the Budget
14 Division of the Office of Finance on or before December 1 following the end of
15 that fiscal year. The Legislative Auditor shall prepare and make available a form
16 that must be used by a board to prepare such a balance sheet.

17 (b) If the revenue of the board from all sources is \$200,000 or more for any
18 fiscal year, or if the board is a regulatory body pursuant to NRS 622.060 and has
19 failed to submit to the Director of the Legislative Counsel Bureau for each quarter
20 of that fiscal year the information required by NRS 622.100, engage the services of
21 a certified public accountant or public accountant, or firm of either of such
22 accountants, to audit all its fiscal records for that fiscal year and file a report of the
23 audit with the Legislative Auditor and the Chief of the Budget Division of the
24 Office of Finance on or before December 1 following the end of that fiscal year.

25 2. In lieu of preparing a balance sheet or having an audit conducted for a
26 single fiscal year, a board may engage the services of a certified public accountant
27 or public accountant, or firm of either of such accountants, to audit all its fiscal
28 records for a period covering two successive fiscal years. If such an audit is
29 conducted, the board shall file the report of the audit with the Legislative Auditor
30 and the Chief of the Budget Division of the Office of Finance on or before
31 December 1 following the end of the second fiscal year.

32 3. The cost of each audit conducted pursuant to subsection 1 or 2 must be paid
33 by the board that is audited. Each such audit must be conducted in accordance with
34 generally accepted auditing standards, and all financial statements must be prepared
35 in accordance with generally accepted principles of accounting for special revenue
36 funds.

37 4. Whether or not a board is required to have its fiscal records audited
38 pursuant to subsection 1 or 2, the Legislative Auditor shall audit the fiscal records
39 of any such board whenever directed to do so by the Legislative Commission.
40 When the Legislative Commission directs such an audit, the Legislative
41 Commission shall also determine who is to pay the cost of the audit.

42 5. A person who is a state officer or employee of a board is guilty of
43 nonfeasance if the person:

44 (a) Is responsible for preparing a balance sheet or having an audit conducted
45 pursuant to this section or is responsible for preparing or maintaining the fiscal
46 records that are necessary to prepare a balance sheet or have an audit conducted
47 pursuant to this section; and

48 (b) Knowingly fails to prepare the balance sheet or have the audit conducted
49 pursuant to this section or knowingly fails to prepare or maintain the fiscal records
50 that are necessary to prepare a balance sheet or have an audit conducted pursuant to
51 this section.

52 6. In addition to any other remedy or penalty, a person who is guilty of
53 nonfeasance pursuant to this section forfeits the person's state office or

1 employment and may not be appointed to a state office or position of state
2 employment for a period of 2 years following the forfeiture. The provisions of this
3 subsection do not apply to a state officer who may be removed from office only by
4 impeachment pursuant to Article 7 of the Nevada Constitution.

5 **Sec. 56.** NRS 232.320 is hereby amended to read as follows:

6 232.320 1. The Director:

7 (a) Shall appoint, with the consent of the Governor, administrators of the
8 divisions of the Department, who are respectively designated as follows:

9 (1) The Administrator of the Aging and Disability Services Division;

10 (2) The Administrator of the Division of Welfare and Supportive Services;

11 (3) The Administrator of the Division of Child and Family Services;

12 (4) The Administrator of the Division of Health Care Financing and
13 Policy; and

14 (5) The Administrator of the Division of Public and Behavioral Health.

15 (b) Shall administer, through the divisions of the Department, the provisions of
16 chapters 63, 424, 425, 427A, 432A to 442, inclusive, 446 to 450, inclusive, 458A
17 and 656A of NRS, NRS 127.220 to 127.310, inclusive, 422.001 to 422.410,
18 inclusive, *and section 65 of this act*, 422.580, 432.010 to 432.133, inclusive,
19 432B.6201 to 432B.626, inclusive, 444.002 to 444.430, inclusive, and 445A.010 to
20 445A.055, inclusive, and all other provisions of law relating to the functions of the
21 divisions of the Department, but is not responsible for the clinical activities of the
22 Division of Public and Behavioral Health or the professional line activities of the
23 other divisions.

24 (c) Shall administer any state program for persons with developmental
25 disabilities established pursuant to the Developmental Disabilities Assistance and
26 Bill of Rights Act of 2000, 42 U.S.C. §§ 15001 et seq.

27 (d) Shall, after considering advice from agencies of local governments and
28 nonprofit organizations which provide social services, adopt a master plan for the
29 provision of human services in this State. The Director shall revise the plan
30 biennially and deliver a copy of the plan to the Governor and the Legislature at the
31 beginning of each regular session. The plan must:

32 (1) Identify and assess the plans and programs of the Department for the
33 provision of human services, and any duplication of those services by federal, state
34 and local agencies;

35 (2) Set forth priorities for the provision of those services;

36 (3) Provide for communication and the coordination of those services
37 among nonprofit organizations, agencies of local government, the State and the
38 Federal Government;

39 (4) Identify the sources of funding for services provided by the Department
40 and the allocation of that funding;

41 (5) Set forth sufficient information to assist the Department in providing
42 those services and in the planning and budgeting for the future provision of those
43 services; and

44 (6) Contain any other information necessary for the Department to
45 communicate effectively with the Federal Government concerning demographic
46 trends, formulas for the distribution of federal money and any need for the
47 modification of programs administered by the Department.

48 (e) May, by regulation, require nonprofit organizations and state and local
49 governmental agencies to provide information regarding the programs of those
50 organizations and agencies, excluding detailed information relating to their budgets
51 and payrolls, which the Director deems necessary for the performance of the duties
52 imposed upon him or her pursuant to this section.

53 (f) Has such other powers and duties as are provided by law.

2. Notwithstanding any other provision of law, the Director, or the Director's designee, is responsible for appointing and removing subordinate officers and employees of the Department.

Sec. 57. 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.351, 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, 200.604, 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, 239.0126, 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.351, 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,

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630.133, 630.2671, 630.2672, 630.2673, 630.30665, 630.336, 630A.327,
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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.082, 645B.060,
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 30 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 (1) Give access to proprietary software; or

2 (2) Require the production of information that is confidential and that
3 cannot be redacted, deleted, concealed or separated from information that is not
4 otherwise confidential.

5 5. An officer, employee or agent of a governmental entity who has legal
6 custody or control of a public record:

7 (a) Shall not refuse to provide a copy of that public record in the medium that
8 is requested because the officer, employee or agent has already prepared or would
9 prefer to provide the copy in a different medium.

10 (b) Except as otherwise provided in NRS 239.030, shall, upon request, prepare
11 the copy of the public record and shall not require the person who has requested the
12 copy to prepare the copy himself or herself.

13 **Sec. 58.** NRS 284.013 is hereby amended to read as follows:

14 284.013 1. Except as otherwise provided in subsection 4, this chapter does
15 not apply to:

16 (a) Agencies, bureaus, commissions, officers or personnel in the Legislative
17 Department or the Judicial Department of State Government, including the
18 Commission on Judicial Discipline;

19 (b) Any person who is employed by a board, commission, committee or
20 council created in chapters 445C, 590, 623 to 625A, inclusive, 628, 630 to 644A,
21 inclusive, *and sections 2 to 32, inclusive, of this act*, 648, 652, 654 and 656 of
22 NRS; or

23 (c) Officers or employees of any agency of the Executive Department of the
24 State Government who are exempted by specific statute.

25 2. Except as otherwise provided in subsection 3, the terms and conditions of
26 employment of all persons referred to in subsection 1, including salaries not
27 prescribed by law and leaves of absence, including, without limitation, annual leave
28 and sick and disability leave, must be fixed by the appointing or employing
29 authority within the limits of legislative appropriations or authorizations.

30 3. Except as otherwise provided in this subsection, leaves of absence
31 prescribed pursuant to subsection 2 must not be of lesser duration than those
32 provided for other state officers and employees pursuant to the provisions of this
33 chapter. The provisions of this subsection do not govern the Legislative
34 Commission with respect to the personnel of the Legislative Counsel Bureau.

35 4. Any board, commission, committee or council created in chapters 445C,
36 590, 623 to 625A, inclusive, 628, 630 to 644A, inclusive, 648, 652, 654 and 656 of
37 NRS which contracts for the services of a person, shall require the contract for
38 those services to be in writing. The contract must be approved by the State Board of
39 Examiners before those services may be provided.

40 5. Except as otherwise provided in NRS 284.4086, to the extent that they are
41 inconsistent or otherwise in conflict, the provisions of this chapter do not apply to
42 any terms and conditions of employment that are properly within the scope of and
43 subject to the provisions of a collective bargaining agreement or a supplemental
44 bargaining agreement that is enforceable pursuant to the provisions of NRS 288.400
45 to 288.630, inclusive.

46 **Sec. 59.** NRS 353.005 is hereby amended to read as follows:

47 353.005 Except as otherwise provided in NRS 353.007, the provisions of this
48 chapter do not apply to boards created by the provisions of NRS 590.485 and
49 chapters 623 to 625A, inclusive, 628, 630 to 644A, inclusive, *and sections 2 to 32,*
50 *inclusive, of this act*, 648, 654 and 656 of NRS and the officers and employees of
51 those boards.

1 **Sec. 60.** NRS 353A.020 is hereby amended to read as follows:

2 353A.020 1. The Director, in consultation with the Committee and
3 Legislative Auditor, shall adopt a uniform system of internal accounting and
4 administrative control for agencies. The elements of the system must include,
5 without limitation:

6 (a) A plan of organization which provides for a segregation of duties
7 appropriate to safeguard the assets of the agency;

8 (b) A plan which limits access to assets of the agency to persons who need the
9 assets to perform their assigned duties;

10 (c) Procedures for authorizations and recordkeeping which effectively control
11 accounting of assets, liabilities, revenues and expenses;

12 (d) A system of practices to be followed in the performance of the duties and
13 functions of each agency; and

14 (e) An effective system of internal review.

15 2. The Director, in consultation with the Committee and Legislative Auditor,
16 may modify the system whenever the Director considers it necessary.

17 3. Each agency shall develop written procedures to carry out the system of
18 internal accounting and administrative control adopted pursuant to this section.

19 4. For the purposes of this section, "agency" does not include:

20 (a) A board created by the provisions of NRS 590.485 and chapters 623 to
21 625A, inclusive, 628, 630 to 644A, inclusive, *and sections 2 to 32, inclusive, of*
22 *this act*, 648, 654 and 656 of NRS.

23 (b) The Nevada System of Higher Education.

24 (c) The Public Employees' Retirement System.

25 (d) The Housing Division of the Department of Business and Industry.

26 (e) The Colorado River Commission of Nevada.

27 **Sec. 61.** NRS 353A.025 is hereby amended to read as follows:

28 353A.025 1. The head of each agency shall periodically review the agency's
29 system of internal accounting and administrative control to determine whether it is
30 in compliance with the uniform system of internal accounting and administrative
31 control for agencies adopted pursuant to subsection 1 of NRS 353A.020.

32 2. On or before July 1 of each even-numbered year, the head of each agency
33 shall report to the Director whether the agency's system of internal accounting and
34 administrative control is in compliance with the uniform system adopted pursuant
35 to subsection 1 of NRS 353A.020. The reports must be made available for
36 inspection by the members of the Legislature.

37 3. For the purposes of this section, "agency" does not include:

38 (a) A board created by the provisions of NRS 590.485 and chapters 623 to
39 625A, inclusive, 628, 630 to 644A, inclusive, *and sections 2 to 32, inclusive, of*
40 *this act*, 648, 654 and 656 of NRS.

41 (b) The Nevada System of Higher Education.

42 (c) The Public Employees' Retirement System.

43 (d) The Housing Division of the Department of Business and Industry.

44 (e) The Colorado River Commission of Nevada.

45 4. The Director shall, on or before the first Monday in February of each odd-
46 numbered year, submit a report on the status of internal accounting and
47 administrative controls in agencies to the:

48 (a) Director of the Legislative Counsel Bureau for transmittal to the:

49 (1) Senate Standing Committee on Finance; and

50 (2) Assembly Standing Committee on Ways and Means;

51 (b) Governor; and

52 (c) Legislative Auditor.

5. The report submitted by the Director pursuant to subsection 4 must include, without limitation:

(a) The identification of each agency that has not complied with the requirements of subsections 1 and 2;

(b) The identification of each agency that does not have an effective method for reviewing its system of internal accounting and administrative control; and

(c) The identification of each agency that has weaknesses in its system of internal accounting and administrative control, and the extent and types of such weaknesses.

Sec. 62. NRS 353A.045 is hereby amended to read as follows:

353A.045 The Administrator shall:

1. Report to the Director.

2. Develop long-term and annual work plans to be based on the results of periodic documented risk assessments. The annual work plan must list the agencies to which the Division will provide training and assistance and be submitted to the Director for approval. Such agencies must not include:

(a) A board created by the provisions of NRS 590.485 and chapters 623 to 625A, inclusive, 628, 630 to 644A, inclusive, *and sections 2 to 32, inclusive, of this act*, 648, 654 and 656 of NRS.

(b) The Nevada System of Higher Education.

(c) The Public Employees' Retirement System.

(d) The Housing Division of the Department of Business and Industry.

(e) The Colorado River Commission of Nevada.

3. Provide a copy of the approved annual work plan to the Legislative Auditor.

4. In consultation with the Director, prepare a plan for auditing executive branch agencies for each fiscal year and present the plan to the Committee for its review and approval. Each plan for auditing must:

(a) State the agencies which will be audited, the proposed scope and assignment of those audits and the related resources which will be used for those audits; and

(b) Ensure that the internal accounting, administrative controls and financial management of each agency are reviewed periodically.

5. Perform the audits of the programs and activities of the agencies in accordance with the plan approved pursuant to subsection 5 of NRS 353A.038 and prepare audit reports of his or her findings.

6. Review each agency that is audited pursuant to subsection 5 and advise those agencies concerning internal accounting, administrative controls and financial management.

7. Submit to each agency that is audited pursuant to subsection 5 analyses, appraisals and recommendations concerning:

(a) The adequacy of the internal accounting and administrative controls of the agency; and

(b) The efficiency and effectiveness of the management of the agency.

8. Report any possible abuses, illegal actions, errors, omissions and conflicts of interest of which the Division becomes aware during the performance of an audit.

9. Adopt the standards of The Institute of Internal Auditors for conducting and reporting on internal audits.

10. Consult with the Legislative Auditor concerning the plan for auditing and the scope of audits to avoid duplication of effort and undue disruption of the functions of agencies that are audited pursuant to subsection 5.

1 **Sec. 63.** NRS 372.7285 is hereby amended to read as follows:

2 372.7285 1. In administering the provisions of NRS 372.325, the
3 Department shall apply the exemption to the sale of a medical device to a
4 governmental entity that is exempt pursuant to that section without regard to
5 whether the person using the medical device or the governmental entity that
6 purchased the device is deemed to be the holder of title to the device if:

7 (a) The medical device was ordered or prescribed by a provider of health care,
8 within his or her scope of practice, for use by the person to whom it is provided;

9 (b) The medical device is covered by Medicaid or Medicare; and

10 (c) The purchase of the medical device is made pursuant to a contract between
11 the governmental entity that purchases the medical device and the person who sells
12 the medical device to the governmental entity.

13 2. As used in this section:

14 (a) "Medicaid" means the program established pursuant to Title XIX of the
15 Social Security Act, 42 U.S.C. §§ 1396 et seq., to provide assistance for part or all
16 of the cost of medical care rendered on behalf of indigent persons.

17 (b) "Medicare" means the program of health insurance for aged persons and
18 persons with disabilities established pursuant to Title XVIII of the Social Security
19 Act, 42 U.S.C. §§ 1395 et seq.

20 (c) "Provider of health care" means a physician or physician assistant licensed
21 pursuant to chapter 630, 630A or 633 of NRS, perfusionist, dentist, licensed nurse,
22 *licensed certified professional midwife*, dispensing optician, optometrist,
23 practitioner of respiratory care, registered physical therapist, podiatric physician,
24 licensed psychologist, licensed audiologist, licensed speech-language pathologist,
25 licensed hearing aid specialist, licensed marriage and family therapist, licensed
26 clinical professional counselor, chiropractic physician, licensed dietitian or doctor
27 of Oriental medicine in any form.

28 **Sec. 64.** NRS 374.731 is hereby amended to read as follows:

29 374.731 1. In administering the provisions of NRS 374.330, the Department
30 shall apply the exemption to the sale of a medical device to a governmental entity
31 that is exempt pursuant to that section without regard to whether the person using
32 the medical device or the governmental entity that purchased the device is deemed
33 to be the holder of title to the device if:

34 (a) The medical device was ordered or prescribed by a provider of health care,
35 within his or her scope of practice, for use by the person to whom it is provided;

36 (b) The medical device is covered by Medicaid or Medicare; and

37 (c) The purchase of the medical device is made pursuant to a contract between
38 the governmental entity that purchases the medical device and the person who sells
39 the medical device to the governmental entity.

40 2. As used in this section:

41 (a) "Medicaid" means the program established pursuant to Title XIX of the
42 Social Security Act, 42 U.S.C. §§ 1396 et seq., to provide assistance for part or all
43 of the cost of medical care rendered on behalf of indigent persons.

44 (b) "Medicare" means the program of health insurance for aged persons and
45 persons with disabilities established pursuant to Title XVIII of the Social Security
46 Act, 42 U.S.C. §§ 1395 et seq.

47 (c) "Provider of health care" means a physician or physician assistant licensed
48 pursuant to chapter 630, 630A or 633 of NRS, perfusionist, dentist, licensed nurse,
49 *licensed certified professional midwife*, dispensing optician, optometrist,
50 practitioner of respiratory care, registered physical therapist, podiatric physician,
51 licensed psychologist, licensed audiologist, licensed speech-language pathologist,
52 licensed hearing aid specialist, licensed marriage and family therapist, licensed

1 clinical professional counselor, chiropractic physician, licensed dietitian or doctor
2 of Oriental medicine in any form.

3 **Sec. 65.** Chapter 422 of NRS is hereby amended by adding thereto a new
4 section to read as follows:

5 *1. To the extent authorized by federal law, the Director shall include in the*
6 *State Plan for Medicaid a requirement that, except as otherwise provided in*
7 *subsection 2, the State shall pay the nonfederal share of expenditures incurred*
8 *for services rendered by a licensed certified professional midwife. Such services*
9 *must be reimbursed at a rate comparable to similar services provided by other*
10 *providers of health care, including, without limitation, physicians, physician*
11 *assistants and advanced practice registered nurses, regardless of the location at*
12 *which the services are provided.*

13 *2. The Department or a managed care organization, including, without*
14 *limitation, a health maintenance organization, that provides health care services*
15 *to recipients of Medicaid under the State Plan for Medicaid may charge a*
16 *copayment or coinsurance or apply a deductible for the services described in*
17 *subsection 1. The amount of such a copayment, coinsurance or deductible must*
18 *not exceed the amount of the copayment, coinsurance or deductible charged for*
19 *the same services provided by another provider of health care.*

20 *3. As used in this section, "provider of health care" has the meaning*
21 *ascribed to it in NRS 629.031.*

22 **Sec. 66.** NRS 432B.220 is hereby amended to read as follows:

23 432B.220 1. Any person who is described in subsection 4 and who, in his or
24 her professional or occupational capacity, knows or has reasonable cause to believe
25 that a child has been abused or neglected shall:

26 (a) Except as otherwise provided in subsection 2, report the abuse or neglect of
27 the child to an agency which provides child welfare services or to a law
28 enforcement agency; and

29 (b) Make such a report as soon as reasonably practicable but not later than 24
30 hours after the person knows or has reasonable cause to believe that the child has
31 been abused or neglected.

32 2. If a person who is required to make a report pursuant to subsection 1 knows
33 or has reasonable cause to believe that the abuse or neglect of the child involves an
34 act or omission of:

35 (a) A person directly responsible or serving as a volunteer for or an employee
36 of a public or private home, institution or facility where the child is receiving child
37 care outside of the home for a portion of the day, the person shall make the report to
38 a law enforcement agency.

39 (b) An agency which provides child welfare services or a law enforcement
40 agency, the person shall make the report to an agency other than the one alleged to
41 have committed the act or omission, and the investigation of the abuse or neglect of
42 the child must be made by an agency other than the one alleged to have committed
43 the act or omission.

44 3. Any person who is described in paragraph (a) of subsection 4 who delivers
45 or provides medical services to a newborn infant and who, in his or her professional
46 or occupational capacity, knows or has reasonable cause to believe that the
47 newborn infant has been affected by a fetal alcohol spectrum disorder or prenatal
48 substance use disorder or has withdrawal symptoms resulting from prenatal
49 substance exposure shall, as soon as reasonably practicable but not later than 24
50 hours after the person knows or has reasonable cause to believe that the newborn
51 infant is so affected or has such symptoms, notify an agency which provides child
52 welfare services of the condition of the infant and refer each person who is
53 responsible for the welfare of the infant to an agency which provides child welfare

1 services for appropriate counseling, training or other services. A notification and
2 referral to an agency which provides child welfare services pursuant to this
3 subsection shall not be construed to require prosecution for any illegal action.

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

5 (a) A person providing services licensed or certified in this State pursuant to,
6 without limitation, chapter 450B, 630, 630A, 631, 632, 633, 634, 634A, 635, 636,
7 637, 637B, 639, 640, 640A, 640B, 640C, 640D, 640E, 641, 641A, 641B, 641C,
8 641D or 653 of NRS ~~or~~ *or sections 2 to 32, inclusive, of this act.*

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

14 (c) A coroner.

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

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

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

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

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

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

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

31 (k) Any person who is employed by or serves as a volunteer for a youth shelter.
32 As used in this paragraph, "youth shelter" has the meaning ascribed to it in NRS
33 244.427.

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

37 (m) Any person who is enrolled with the Division of Health Care Financing
38 and Policy of the Department of Health and Human Services to provide doula
39 services to recipients of Medicaid pursuant to NRS 422.27177.

40 (n) A peer recovery support specialist, as defined in NRS 433.627, or peer
41 recovery support specialist supervisor, as defined in NRS 433.629.

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

43 6. If a person who is required to make a report pursuant to subsection 1 knows
44 or has reasonable cause to believe that a child has died as a result of abuse or
45 neglect, the person shall, as soon as reasonably practicable, report this belief to an
46 agency which provides child welfare services or a law enforcement agency. If such
47 a report is made to a law enforcement agency, the law enforcement agency shall
48 notify an agency which provides child welfare services and the appropriate medical
49 examiner or coroner of the report. If such a report is made to an agency which
50 provides child welfare services, the agency which provides child welfare services
51 shall notify the appropriate medical examiner or coroner of the report. The medical
52 examiner or coroner who is notified of a report pursuant to this subsection shall
53 investigate the report and submit his or her written findings to the appropriate

1 agency which provides child welfare services, the appropriate district attorney and a
2 law enforcement agency. The written findings must include, if obtainable, the
3 information required pursuant to the provisions of subsection 2 of NRS 432B.230.

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

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

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

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

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

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

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

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

24 9. Before a person may serve as a volunteer at a public school or private
25 school, the school must:

26 (a) Inform the person, in writing or by electronic communication, of his or her
27 duty as a mandatory reporter pursuant to this section and NRS 392.303;

28 (b) Obtain a written acknowledgment or electronic record from the person that
29 he or she has been informed of his or her duty pursuant to this section and NRS
30 392.303; and

31 (c) Maintain a copy of the written acknowledgment or electronic record for as
32 long as the person serves as a volunteer at the school.

33 10. As used in this section:

34 (a) "Private school" has the meaning ascribed to it in NRS 394.103.

35 (b) "Public school" has the meaning ascribed to it in NRS 385.007.

36 **Sec. 67.** NRS 439A.0195 is hereby amended to read as follows:

37 439A.0195 "Practitioner" means a physician licensed under chapter 630,
38 630A or 633 of NRS, dentist, licensed nurse, *licensed certified professional*
39 *midwife*, dispensing optician, optometrist, registered physical therapist, podiatric
40 physician, licensed psychologist, chiropractic physician, doctor of Oriental
41 medicine in any form, medical laboratory director or technician, pharmacist or
42 other person whose principal occupation is the provision of services for health.

43 **Sec. 68.** NRS 439B.225 is hereby amended to read as follows:

44 439B.225 1. As used in this section, "licensing board" means any division
45 or board empowered to adopt standards for the issuance or renewal of licenses,
46 permits or certificates of registration pursuant to NRS 435.3305 to 435.339,
47 inclusive, chapter 449, 625A, 630, 630A, 631, 632, 633, 634, 634A, 635, 636, 637,
48 637B, 639, 640, 640A, 640D, 641, 641A, 641B, 641C, 641D, 652, 653 or 654 of
49 NRS ~~and~~ *sections 2 to 32, inclusive, of this act.*

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

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

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

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

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

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

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

12 **Sec. 69.** Chapter 440 of NRS is hereby amended by adding thereto a new
13 section to read as follows:

14 *As used in this chapter, "midwife" means any type of midwife, including,*
15 *without limitation, a licensed certified professional midwife, a certified nurse-*
16 *midwife or any person who engages in the practice of certified professional*
17 *midwifery.*

18 **Sec. 70.** NRS 440.280 is hereby amended to read as follows:

19 440.280 1. If a birth occurs in a hospital or the person giving birth and child
20 are immediately transported to a hospital, the person in charge of the hospital or his
21 or her designated representative shall obtain the necessary information, prepare a
22 birth certificate, secure the signatures required by the certificate and file it within 10
23 days with the health officer of the registration district where the birth occurred. The
24 physician in attendance shall provide the medical information required by the
25 certificate and certify to the fact of birth within 72 hours after the birth. If the
26 physician does not certify to the fact of birth within the required 72 hours, the
27 person in charge of the hospital or the designated representative shall complete and
28 sign the certification.

29 2. If a birth occurs outside a hospital and the person giving birth and child are
30 not immediately transported to a hospital, the birth certificate must be prepared and
31 filed by one of the following persons in the following order of priority:

32 (a) The physician *or advanced practice registered nurse* in attendance at or
33 immediately after the birth.

34 (b) *The licensed certified professional midwife in attendance at or*
35 *immediately after the birth.*

36 (c) Any other person in attendance at or immediately after the birth.

37 ~~(c)~~ (d) The person giving birth or other parent or, if the other parent is absent
38 and the person giving birth is incapacitated, the person in charge of the premises
39 where the birth occurred.

40 3. If a birth occurs in a moving conveyance, the place of birth is the place
41 where the child is removed from the conveyance.

42 4. In cities, the certificate of birth must be filed sooner than 10 days after the
43 birth if so required by municipal ordinance or regulation.

44 5. If the person giving birth was:

45 (a) Married at the time of birth, the name of the spouse of that person must be
46 entered on the certificate as the other parent of the child unless:

47 (1) A court has issued an order establishing that a person other than the
48 spouse of the person giving birth is the other parent of the child; or

49 (2) The person giving birth and a person other than the spouse of the
50 person giving birth have signed a declaration for the voluntary acknowledgment of
51 paternity developed by the Board pursuant to NRS 440.283 or a declaration for the
52 voluntary acknowledgment of parentage developed by the Board pursuant to NRS
53 440.285.

(b) Widowed at the time of birth but married at the time of conception, the name of the spouse of the person giving birth at the time of conception must be entered on the certificate as the other parent of the child unless:

(1) A court has issued an order establishing that a person other than the spouse of the person giving birth at the time of conception is the other parent of the child; or

(2) The person giving birth and a person other than the spouse of the person giving birth at the time of conception have signed a declaration for the voluntary acknowledgment of paternity developed by the Board pursuant to NRS 440.283 or a declaration for the voluntary acknowledgment of parentage developed by the Board pursuant to NRS 440.285.

6. If the person giving birth was unmarried at the time of birth, the name of the other parent may be entered on the original certificate of birth only if:

(a) The provisions of paragraph (b) of subsection 5 are applicable;

(b) A court has issued an order establishing that the person is the other parent of the child; or

(c) The parents of the child have signed a declaration for the voluntary acknowledgment of paternity developed by the Board pursuant to NRS 440.283 or a declaration for the voluntary acknowledgment of parentage developed by the Board pursuant to NRS 440.285. If both parents execute a declaration consenting to the use of the surname of one parent as the surname of the child, the name of that parent must be entered on the original certificate of birth and the surname of that parent must be entered thereon as the surname of the child.

7. An order entered or a declaration executed pursuant to subsection 6 must be submitted to the local health officer, the local health officer's authorized representative, or the attending physician or midwife before a proper certificate of birth is forwarded to the State Registrar. The order or declaration must then be delivered to the State Registrar for filing. The State Registrar's file of orders and declarations must be sealed and the contents of the file may be examined only upon order of a court of competent jurisdiction or at the request of either parent or the Division of Welfare and Supportive Services of the Department of Health and Human Services as necessary to carry out the provisions of 42 U.S.C. § 654a. The local health officer shall complete the original certificate of birth in accordance with subsection 6 and other provisions of this chapter.

8. As used in this section, "court" has the meaning ascribed to it in NRS 125B.004.

Sec. 71. NRS 440.770 is hereby amended to read as follows:

440.770 Any person who furnishes false information to a physician, advanced practice registered nurse, *licensed certified professional midwife*, funeral director, midwife or informant for the purpose of making incorrect certification of births or deaths shall be punished by a fine of not more than \$250.

Sec. 72. NRS 441A.110 is hereby amended to read as follows:

441A.110 "Provider of health care" means a physician, nurse, *licensed certified professional midwife* or veterinarian licensed in accordance with state law, a physician assistant licensed pursuant to chapter 630 or 633 of NRS or a pharmacist registered pursuant to chapter 639 of NRS.

Sec. 73. NRS 441A.315 is hereby amended to read as follows:

441A.315 1. Except as otherwise provided in subsection 3, a physician, physician assistant, advanced practice registered nurse or midwife who provides or supervises the provision of emergency medical services in a hospital or primary care to a patient who is 15 years of age or older shall, in accordance with the regulations adopted pursuant to subsection 4:

(a) Consult with the patient to ascertain whether he or she wishes to be tested for sexually transmitted diseases, including, without limitation, the human immunodeficiency virus, and to determine which tests, if any, are medically indicated for the patient; and

(b) If the patient wishes to be tested, conduct any test which is medically indicated for the patient or assist the patient with obtaining any such test, to the extent practicable for the physician, physician assistant, advanced practice registered nurse or midwife.

2. Except as otherwise provided in subsection 3, a hospital that provides emergency medical services or primary care to a patient who is 15 years of age or older shall, in accordance with the regulations adopted pursuant to subsection 4:

(a) Ensure that the patient is consulted to ascertain whether he or she wishes to be tested for sexually transmitted diseases, including, without limitation, the human immunodeficiency virus, and to determine which tests, if any, are medically indicated for the patient; and

(b) If the patient wishes to be tested, ensure that any test which is medically indicated for the patient is conducted or that the patient is assisted with obtaining any such test, to the extent practicable for the hospital.

3. A physician, physician assistant, advanced practice registered nurse, midwife or hospital is not required to comply with the requirements of subsection 1 or 2 if the physician, physician assistant, advanced practice registered nurse or midwife or a provider of health care who provides emergency medical services or primary care to the patient at the hospital, as applicable, reasonably believes that the patient:

(a) Is being treated for a life-threatening emergency;

(b) Has recently been offered or has been the subject of a test for the human immunodeficiency virus or other sexually transmitted diseases; or

(c) Lacks capacity to consent to such testing.

4. The Board shall adopt regulations to ensure that:

(a) Any test which is administered to a patient or for which a patient is assisted in obtaining pursuant to this section is medically indicated for that patient; and

(b) Communications concerning testing pursuant to this section are made in a culturally competent manner and, to the extent practicable, in a language that is easily understood by the patient.

5. A physician, physician assistant, advanced practice registered nurse, midwife or hospital that fails to comply with the provisions of this section:

(a) Is not subject to a criminal penalty or an administrative fine pursuant to this chapter; and

(b) Is subject to disciplinary action, where applicable.

6. As used in this section:

(a) *“Midwife” has the meaning ascribed to it in NRS 442.003.*

(b) “Primary care” means the practice of family medicine, pediatrics, internal medicine, obstetrics and gynecology and midwifery.

~~(b)~~ (c) “Provider of health care” has the meaning ascribed to it in NRS 629.031.

Sec. 74. NRS 442.003 is hereby amended to read as follows:

442.003 As used in this chapter, unless the context requires otherwise:

1. “Advisory Board” means the Advisory Board on Maternal and Child Health.

2. “Department” means the Department of Health and Human Services.

3. “Director” means the Director of the Department.

4. “Division” means the Division of Public and Behavioral Health of the Department.

5. "Fetal alcohol syndrome" includes fetal alcohol effects.
6. "Freestanding birthing center" has the meaning ascribed to it in NRS
449.0065.

7. "Laboratory" has the meaning ascribed to it in NRS 652.040.

8. "Midwife" means ~~[-]~~:

~~— (a) A person certified as:~~

~~— (1) A Certified Professional Midwife by the North American Registry of
Midwives, or its successor organization; or~~

~~— (2) A Certified Nurse-Midwife by the American Midwifery Certification
Board, or its successor organization; or~~

~~— (b) Any other~~ any type of midwife ~~[-]~~, *including, without limitation, a
licensed certified professional midwife, a certified nurse-midwife or any person
who engages in the practice of certified professional midwifery.*

9. "Provider of health care or other services" means:

(a) A clinical alcohol and drug counselor who is licensed, or an alcohol and
drug counselor who is licensed or certified, pursuant to chapter 641C of NRS;

(b) A physician or a physician assistant who is licensed pursuant to chapter 630
or 633 of NRS and who practices in the area of obstetrics and gynecology, family
practice, internal medicine, pediatrics or psychiatry;

(c) A licensed nurse;

(d) A licensed psychologist;

(e) A licensed marriage and family therapist;

(f) A licensed clinical professional counselor;

(g) A licensed social worker;

(h) A licensed dietitian; ~~[or]~~

(i) *A licensed certified professional midwife; or*

(j) The holder of a certificate of registration as a pharmacist.

Sec. 75. NRS 442.119 is hereby amended to read as follows:

442.119 As used in NRS 442.119 to 442.1198, inclusive, unless the context
otherwise requires:

1. "Health officer" includes a local health officer, a city health officer, a
county health officer and a district health officer.

2. "Medicaid" has the meaning ascribed to it in NRS 439B.120.

3. "Medicare" has the meaning ascribed to it in NRS 439B.130.

4. "Provider of prenatal care" means:

(a) A physician who is licensed in this State and certified in obstetrics and
gynecology, family practice, general practice or general surgery.

(b) A certified nurse-midwife who is licensed by the State Board of Nursing.

(c) An advanced practice registered nurse who is licensed by the State Board of
Nursing pursuant to NRS 632.237 and who has specialized skills and training in
obstetrics or family nursing.

(d) A physician assistant licensed pursuant to chapter 630 or 633 of NRS who
has specialized skills and training in obstetrics or family practice.

(e) A licensed certified professional midwife.

Sec. 76. NRS 442.610 is hereby amended to read as follows:

442.610 "Provider of health care" means:

1. A provider of health care as defined in NRS 629.031 ~~[-]~~, *including,
without limitation, a licensed certified professional midwife; and*

2. ~~[A midwife; and~~

~~3.]~~ A freestanding birthing center licensed pursuant to chapter 449 of NRS.

Sec. 77. NRS 449.198 is hereby amended to read as follows:

449.198 1. A freestanding birthing center must:

1 (a) Provide sufficient space for members of the family of the pregnant person
2 and other persons chosen by the pregnant person to assist with the birth;

3 (b) Have obstetrical services available to meet the needs of an acute patient;
4 and

5 (c) Be located within 30 miles of a hospital that offers obstetric, neonatal and
6 emergency services relating to pregnancy.

7 2. Surgery, including, without limitation, the use of forceps, vacuum
8 extractions, cesarean sections and tubal ligations, must not be performed at a
9 freestanding birthing center.

10 3. A freestanding birthing center must have a director who is responsible for
11 the operation of the freestanding birthing center. The director of a freestanding
12 birthing center must be:

13 (a) A physician;

14 (b) *A licensed certified professional midwife;*

15 (c) A person who:

16 (1) Is certified as a Certified Professional Midwife by the North American
17 Registry of Midwives, or its successor organization; and

18 (2) Has successfully completed a program of education and training in
19 midwifery that:

20 (I) Is accredited by the Midwifery Education Accreditation Council, or
21 its successor organization; and

22 (II) Provides instruction and training in the Essential Competencies for
23 Midwifery Practice prescribed by the International Confederation of Midwives, or
24 its successor organization; or

25 ~~He)~~ (d) A certified nurse-midwife.

26 4. As used in this section, “certified nurse-midwife” means a person who is:

27 (a) Certified as a Certified Nurse-Midwife by the American Midwifery
28 Certification Board, or its successor organization; and

29 (b) Licensed as an advanced practice registered nurse pursuant to NRS
30 632.237.

31 **Sec. 78.** NRS 454.00958 is hereby amended to read as follows:

32 454.00958 “Practitioner” means:

33 1. A physician, dentist, veterinarian or podiatric physician who holds a valid
34 license to practice his or her profession in this State.

35 2. A pharmacy, hospital or other institution licensed or registered to
36 distribute, dispense, conduct research with respect to or to administer a dangerous
37 drug in the course of professional practice in this State.

38 3. When relating to the prescription of poisons, dangerous drugs and devices:

39 (a) An advanced practice registered nurse who holds a certificate from the
40 State Board of Pharmacy permitting him or her so to prescribe; or

41 (b) A physician assistant who holds a license from the Board of Medical
42 Examiners and a certificate from the State Board of Pharmacy permitting him or
43 her so to prescribe.

44 4. An optometrist who is certified to prescribe and administer pharmaceutical
45 agents pursuant to NRS 636.288 when the optometrist prescribes or administers
46 dangerous drugs which are within the scope of his or her certification.

47 5. *A licensed certified professional midwife, for the purpose of:*

48 (a) *Ordering any device or drug described in subsection 1 or 2 of section 25*
49 *of this act for use in his or her practice;*

50 (b) *Ordering any device or vaccine described in subsection 4 of section 25 of*
51 *this act for a client;*

52 (c) *If the licensed certified professional midwife holds an endorsement issued*
53 *pursuant to paragraph (a) of subsection 1 of section 26 of this act, ordering and*

1 *dispensing any contraceptive device authorized by the regulations adopted by the*
2 *Board of Licensed Certified Professional Midwives pursuant to section 26 of this*
3 *act; and*

4 *(d) If the licensed certified professional midwife holds an endorsement*
5 *issued pursuant to paragraph (b) of subsection 1 of section 26 of this act,*
6 *prescribing and dispensing any drug authorized by the regulations adopted by the*
7 *Board of Licensed Certified Professional Midwives pursuant to section 26 of this*
8 *act.*

9 **Sec. 79.** NRS 454.213 is hereby amended to read as follows:

10 454.213 1. Except as otherwise provided in NRS 454.217, a drug or
11 medicine referred to in NRS 454.181 to 454.371, inclusive, may be possessed and
12 administered by:

13 (a) A practitioner.

14 (b) A physician assistant licensed pursuant to chapter 630 or 633 of NRS, at
15 the direction of his or her supervising physician or a licensed dental hygienist
16 acting in the office of and under the supervision of a dentist.

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

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

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

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

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

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

36 (1) The State Board of Health in a county whose population is less than
37 100,000;

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

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

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

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

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

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

53 (1) In the presence of a physician or a registered nurse; or

1 (2) Under the supervision of a physician or a registered nurse if the student
2 is authorized by the college or school to administer the drug or medicine outside the
3 presence of a physician or nurse.

4 ➤ A medical student or student nurse may administer a dangerous drug in the
5 presence or under the supervision of a registered nurse alone only if the
6 circumstances are such that the registered nurse would be authorized to administer
7 it personally.

8 (k) Any person designated by the head of a correctional institution.

9 (l) An ultimate user or any person designated by the ultimate user pursuant to a
10 written agreement.

11 (m) A holder of a license to engage in radiation therapy and radiologic imaging
12 issued pursuant to chapter 653 of NRS, at the direction of a physician and in
13 accordance with any conditions established by regulation of the Board.

14 (n) A chiropractic physician, but only if the drug or medicine is a topical drug
15 used for cooling and stretching external tissue during therapeutic treatments.

16 (o) A physical therapist, but only if the drug or medicine is a topical drug
17 which is:

18 (1) Used for cooling and stretching external tissue during therapeutic
19 treatments; and

20 (2) Prescribed by a licensed physician for:

21 (I) Iontophoresis; or

22 (II) The transmission of drugs through the skin using ultrasound.

23 (p) In accordance with applicable regulations of the State Board of Health, an
24 employee of a residential facility for groups, as defined in NRS 449.017, pursuant
25 to a written agreement entered into by the ultimate user.

26 (q) A veterinary technician or a veterinary assistant at the direction of his or
27 her supervising veterinarian.

28 (r) In accordance with applicable regulations of the Board, a registered
29 pharmacist who:

30 (1) Is trained in and certified to carry out standards and practices for
31 immunization programs;

32 (2) Is authorized to administer immunizations pursuant to written protocols
33 from a physician; and

34 (3) Administers immunizations in compliance with the "Standards for
35 Immunization Practices" recommended and approved by the Advisory Committee
36 on Immunization Practices of the Centers for Disease Control and Prevention.

37 (s) A registered pharmacist pursuant to written guidelines and protocols
38 developed pursuant to NRS 639.2629 or a collaborative practice agreement, as
39 defined in NRS 639.0052.

40 (t) A person who is enrolled in a training program to become a physician
41 assistant licensed pursuant to chapter 630 or 633 of NRS, dental hygienist,
42 advanced emergency medical technician, paramedic, respiratory therapist, dialysis
43 technician, physical therapist or veterinary technician or to obtain a license to
44 engage in radiation therapy and radiologic imaging pursuant to chapter 653 of NRS
45 if the person possesses and administers the drug or medicine in the same manner
46 and under the same conditions that apply, respectively, to a physician assistant
47 licensed pursuant to chapter 630 or 633 of NRS, dental hygienist, advanced
48 emergency medical technician, paramedic, respiratory therapist, dialysis technician,
49 physical therapist, veterinary technician or person licensed to engage in radiation
50 therapy and radiologic imaging who may possess and administer the drug or
51 medicine, and under the direct supervision of a person licensed or registered to
52 perform the respective medical art or a supervisor of such a person.

53 (u) A medical assistant, in accordance with applicable regulations of the:

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

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

(v) A certified professional midwife, certified professional midwife student midwife or certified professional midwife birth assistant who is administering the medicine or drug under the direct supervision of a licensed certified professional midwife, as authorized by sections 2 to 32, inclusive, of this act and any regulations adopted pursuant thereto.

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

Sec. 80. NRS 454.361 is hereby amended to read as follows:

454.361 A conviction of the violation of any of the provisions of NRS 454.181 to 454.371, inclusive, constitutes grounds for the suspension or revocation of any license issued to such person pursuant to the provisions of chapters 630, 631, 633, 635, 636, 638, 639 or 653 of NRS ~~or~~ *or sections 2 to 32, inclusive, of this act.*

Sec. 81. NRS 457.301 is hereby amended to read as follows:

457.301 1. A primary care provider shall:

(a) Attempt to determine whether each adult woman to whom he or she provides care has a personal or family history of breast, ovarian, tubal or peritoneal cancer or an ancestry associated with a harmful mutation in the BRCA gene or meets any other criteria under which the United States Preventive Services Task Force has recommended screening for a risk of such a mutation; and

(b) If the primary care provider determines that an adult woman to whom he or she provides care meets the criteria described in paragraph (a) and has not previously undergone genetic testing for a harmful mutation in the BRCA gene, use an appropriate brief familial risk assessment tool to screen for a risk of such a mutation.

2. If such a screening indicates that a woman is at risk of a harmful mutation in the BRCA gene, the primary care provider must:

(a) Provide the woman with written notice of the need to discuss genetic counseling and testing with the provider;

(b) Provide genetic counseling to the woman or ensure that the woman is referred for genetic counseling; and

(c) If a genetic test for harmful mutations in the BRCA gene is clinically indicated as a result of the genetic counseling, administer such a test to the woman or ensure that the woman is referred for such testing.

3. A primary care provider who fails to comply with this section is not subject to criminal penalties or professional discipline for such failure to comply.

4. As used in this section, “primary care provider” means:

(a) A physician, physician assistant licensed pursuant to chapter 630 or 633 of NRS or advanced practice registered nurse who specializes in primary care, family medicine, internal medicine or obstetrics and gynecology; or

(b) A *licensed certified professional* midwife. ~~as defined in NRS 442.003.~~

Sec. 82. 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, 645G and 656A of NRS ~~and~~ *and sections 2 to 32, inclusive, of this act.*

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.

1 **Sec. 83.** NRS 679B.440 is hereby amended to read as follows:

2 679B.440 1. The Commissioner may require that reports submitted pursuant
3 to NRS 679B.430 include, without limitation, information regarding:

4 (a) Liability insurance provided to:

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

7 (I) Cities and towns;

8 (II) School districts; and

9 (III) Other political subdivisions;

10 (2) Public officers;

11 (3) Establishments where alcoholic beverages are sold;

12 (4) Facilities for the care of children;

13 (5) Labor, fraternal or religious organizations; and

14 (6) Officers or directors of organizations formed pursuant to title 7 of NRS,
15 reported separately for nonprofit entities and entities organized for profit;

16 (b) Liability insurance for:

17 (1) Defective products;

18 (2) Medical or dental malpractice of:

19 (I) A practitioner licensed pursuant to chapter 630, 630A, 631, 632,
20 633, 634, 634A, 635, 636, 637, 637B, 639 or 640 of NRS **or sections 2 to 32,**
21 **inclusive, of this act** or who holds a license or limited license issued pursuant to
22 chapter 653 of NRS;

23 (II) A hospital or other health care facility; or

24 (III) Any related corporate entity;

25 (3) Malpractice of attorneys;

26 (4) Malpractice of architects and engineers; and

27 (5) Errors and omissions by other professionally qualified persons;

28 (c) Vehicle insurance, reported separately for:

29 (1) Private vehicles;

30 (2) Commercial vehicles;

31 (3) Liability insurance; and

32 (4) Insurance for property damage; and

33 (d) Workers' compensation insurance.

34 2. The Commissioner may require that the report include, without limitation,
35 information specifically pertaining to this State or to an insurer in its entirety, in the
36 aggregate or by type of insurance, and for a previous or current year, regarding:

37 (a) Premiums directly written;

38 (b) Premiums directly earned;

39 (c) Number of policies issued;

40 (d) Net investment income, using appropriate estimates when necessary;

41 (e) Losses paid;

42 (f) Losses incurred;

43 (g) Loss reserves, including:

44 (1) Losses unpaid on reported claims; and

45 (2) Losses unpaid on incurred but not reported claims;

46 (h) Number of claims, including:

47 (1) Claims paid; and

48 (2) Claims that have arisen but are unpaid;

49 (i) Expenses for adjustment of losses, including allocated and unallocated
50 losses;

51 (j) Net underwriting gain or loss;

52 (k) Net operation gain or loss, including net investment income; and

53 (l) Any other information requested by the Commissioner.

3. The Commissioner may also obtain, based upon an insurer in its entirety, information regarding:

- (a) Recoverable federal income tax;
- (b) Net unrealized capital gain or loss; and
- (c) All other expenses not included in subsection 2.

Sec. 84. NRS 686A.2825 is hereby amended to read as follows:

686A.2825 "Practitioner" means:

1. A physician, dentist, nurse, *licensed certified professional midwife*, dispensing optician, optometrist, physical therapist, podiatric physician, psychologist, chiropractic physician, doctor of Oriental medicine in any form, director or technician of a medical laboratory, pharmacist, person who holds a license to engage in radiation therapy and radiologic imaging or a limited license to engage in radiologic imaging pursuant to chapter 653 of NRS or other provider of health services who is authorized to engage in his or her occupation by the laws of this state or another state; and

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

Sec. 85. NRS 686B.030 is hereby amended to read as follows:

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

- (a) Ocean marine insurance;
- (b) Contracts issued by fraternal benefit societies;
- (c) Life insurance and credit life insurance;
- (d) Variable and fixed annuities;
- (e) Credit accident and health insurance;
- (f) Property insurance for business and commercial risks;
- (g) Casualty insurance for business and commercial risks other than insurance covering the liability of a practitioner licensed pursuant to chapters 630 to 640, inclusive, of NRS *and sections 2 to 32, inclusive, of this act* or who holds a license or limited license issued pursuant to chapter 653 of NRS;
- (h) Surety insurance;
- (i) Health insurance offered through a group health plan maintained by a large employer; and
- (j) Credit involuntary unemployment insurance.

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

Sec. 86. NRS 686B.040 is hereby amended to read as follows:

686B.040 1. Except as otherwise provided in subsection 2, the Commissioner may by rule exempt any person or class of persons or any market segment from any or all of the provisions of NRS 686B.010 to 686B.1799, inclusive, if and to the extent that the Commissioner finds their application unnecessary to achieve the purposes of those sections.

2. The Commissioner may not, by rule or otherwise, exempt an insurer from the provisions of NRS 686B.010 to 686B.1799, inclusive, with regard to insurance covering the liability of a practitioner licensed pursuant to chapter 630, 631, 632 or 633 of NRS *or sections 2 to 32, inclusive, of this act* for a breach of the practitioner's professional duty toward a patient.

Sec. 87. NRS 686B.115 is hereby amended to read as follows:

686B.115 1. Any hearing held by the Commissioner to determine whether rates comply with the provisions of NRS 686B.010 to 686B.1799, inclusive, must be open to members of the public.

2. All costs for transcripts prepared pursuant to such a hearing must be paid by the insurer requesting the hearing.

3. At any hearing which is held by the Commissioner to determine whether rates comply with the provisions of NRS 686B.010 to 686B.1799, inclusive, and which involves rates for insurance covering the liability of a practitioner licensed pursuant to chapter 630, 631, 632 or 633 of NRS *or sections 2 to 32, inclusive, of this act* for a breach of the practitioner's professional duty toward a patient, if a person is not otherwise authorized pursuant to this title to become a party to the hearing by intervention, the person is entitled to provide testimony at the hearing if, not later than 2 days before the date set for the hearing, the person files with the Commissioner a written statement which states:

(a) The name and title of the person;

(b) The interest of the person in the hearing; and

(c) A brief summary describing the purpose of the testimony the person will offer at the hearing.

4. If a person provides testimony at a hearing in accordance with subsection 3:

(a) The Commissioner may, if the Commissioner finds it necessary to preserve order, prevent inordinate delay or protect the rights of the parties at the hearing, place reasonable limitations on the duration of the testimony and prohibit the person from providing testimony that is not relevant to the issues raised at the hearing.

(b) The Commissioner shall consider all relevant testimony provided by the person at the hearing in determining whether the rates comply with the provisions of NRS 686B.010 to 686B.1799, inclusive.

Sec. 88. NRS 689A.035 is hereby amended to read as follows:

689A.035 1. An insurer shall not charge a provider of health care a fee to include the name of the provider on a list of providers of health care given by the insurer to its insureds.

2. An insurer shall not contract with a provider of health care to provide health care to an insured unless the insurer uses the form prescribed by the Commissioner pursuant to NRS 629.095 to obtain any information related to the credentials of the provider of health care.

3. A contract between an insurer and a provider of health care may be modified:

(a) At any time pursuant to a written agreement executed by both parties.

(b) Except as otherwise provided in this paragraph, by the insurer upon giving to the provider 45 days' written notice of the modification of the insurer's schedule of payments, including any changes to the fee schedule applicable to the provider's practice. If the provider fails to object in writing to the modification within the 45-day period, the modification becomes effective at the end of that period. If the provider objects in writing to the modification within the 45-day period, the modification must not become effective unless agreed to by both parties as described in paragraph (a).

4. If an insurer contracts with a provider of health care to provide health care to an insured, the insurer shall:

(a) If requested by the provider of health care at the time the contract is made, submit to the provider of health care the schedule of payments applicable to the provider of health care; or

(b) If requested by the provider of health care at any other time, submit to the provider of health care the schedule of payments, including any changes to the fee schedule applicable to the provider's practice, specified in paragraph (a) within 7 days after receiving the request.

1 5. As used in this section, “provider of health care” means a provider of
2 health care who is licensed pursuant to chapter 630, 631, 632 or 633 of NRS ~~or~~
3 *sections 2 to 32, inclusive, of this act.*

4 **Sec. 89.** NRS 689B.015 is hereby amended to read as follows:

5 689B.015 1. An insurer that issues a policy of group health insurance shall
6 not charge a provider of health care a fee to include the name of the provider on a
7 list of providers of health care given by the insurer to its insureds.

8 2. An insurer specified in subsection 1 shall not contract with a provider of
9 health care to provide health care to an insured unless the insurer uses the form
10 prescribed by the Commissioner pursuant to NRS 629.095 to obtain any
11 information related to the credentials of the provider of health care.

12 3. A contract between an insurer specified in subsection 1 and a provider of
13 health care may be modified:

14 (a) At any time pursuant to a written agreement executed by both parties.

15 (b) Except as otherwise provided in this paragraph, by the insurer upon giving
16 to the provider 45 days’ written notice of the modification of the insurer’s schedule
17 of payments, including any changes to the fee schedule applicable to the provider’s
18 practice. If the provider fails to object in writing to the modification within the 45-
19 day period, the modification becomes effective at the end of that period. If the
20 provider objects in writing to the modification within the 45-day period, the
21 modification must not become effective unless agreed to by both parties as
22 described in paragraph (a).

23 4. If an insurer specified in subsection 1 contracts with a provider of health
24 care to provide health care to an insured, the insurer shall:

25 (a) If requested by the provider of health care at the time the contract is made,
26 submit to the provider of health care the schedule of payments applicable to the
27 provider of health care; or

28 (b) If requested by the provider of health care at any other time, submit to the
29 provider of health care the schedule of payments, including any changes to the fee
30 schedule applicable to the provider’s practice, specified in paragraph (a) within 7
31 days after receiving the request.

32 5. As used in this section, “provider of health care” means a provider of
33 health care who is licensed pursuant to chapter 630, 631, 632 or 633 of NRS ~~or~~
34 *sections 2 to 32, inclusive, of this act.*

35 **Sec. 90.** NRS 689C.131 is hereby amended to read as follows:

36 689C.131 1. A carrier serving small employers and a carrier that offers a
37 contract to a voluntary purchasing group shall not charge a provider of health care a
38 fee to include the name of the provider on a list of providers of health care given by
39 the carrier to its insureds.

40 2. A carrier specified in subsection 1 shall not contract with a provider of
41 health care to provide health care to an insured unless the carrier uses the form
42 prescribed by the Commissioner pursuant to NRS 629.095 to obtain any
43 information related to the credentials of the provider of health care.

44 3. A contract between a carrier specified in subsection 1 and a provider of
45 health care may be modified:

46 (a) At any time pursuant to a written agreement executed by both parties.

47 (b) Except as otherwise provided in this paragraph, by the carrier upon giving
48 to the provider 45 days’ written notice of the modification of the carrier’s schedule
49 of payments, including any changes to the fee schedule applicable to the provider’s
50 practice. If the provider fails to object in writing to the modification within the 45
51 day period, the modification becomes effective at the end of that period. If the
52 provider objects in writing to the modification within the 45 day period, the

modification must not become effective unless agreed to by both parties as described in paragraph (a).

4. If a carrier specified in subsection 1 contracts with a provider of health care to provide health care to an insured, the carrier shall:

(a) If requested by the provider of health care at the time the contract is made, submit to the provider of health care the schedule of payments applicable to the provider of health care; or

(b) If requested by the provider of health care at any other time, submit to the provider of health care the schedule of payments, including any changes to the fee schedule applicable to the provider's practice, specified in paragraph (a) within 7 days after receiving the request.

5. As used in this section, "provider of health care" means a provider of health care who is licensed pursuant to chapter 630, 631, 632 or 633 of NRS ~~or sections 2 to 32, inclusive, of this act.~~

Sec. 91. NRS 690B.250 is hereby amended to read as follows:

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

1. Each insurer which issues a policy of insurance covering the liability of a practitioner licensed pursuant to chapters 630 to 640, inclusive, of NRS ~~or sections 2 to 32, inclusive, of this act~~ or who holds a license or limited license issued pursuant to chapter 653 of NRS for a breach of his or her professional duty toward a patient shall report to the board which licensed the practitioner within 45 days each settlement or award made or judgment rendered by reason of a claim, if the settlement, award or judgment is for more than \$5,000, giving the name of the claimant and the practitioner and the circumstances of the case.

2. A practitioner licensed pursuant to chapters 630 to 640, inclusive, of NRS ~~or sections 2 to 32, inclusive, of this act~~ or who holds a license or limited license issued pursuant to chapter 653 of NRS who does not have insurance covering liability for a breach of his or her professional duty toward a patient shall report to the board which issued the practitioner's license within 45 days of each settlement or award made or judgment rendered by reason of a claim, if the settlement, award or judgment is for more than \$5,000, giving the practitioner's name, the name of the claimant and the circumstances of the case.

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

Sec. 92. NRS 690B.270 is hereby amended to read as follows:

690B.270 If an insurer declines to issue to a practitioner licensed pursuant to chapter 630, 631, 632 or 633 of NRS ~~or sections 2 to 32, inclusive, of this act~~ a policy of professional liability insurance, the insurer shall, upon the request of the practitioner, disclose to the practitioner the reasons the insurer declined to issue the policy.

Sec. 93. NRS 690B.280 is hereby amended to read as follows:

690B.280 If an insurer, for a policy of professional liability insurance for a practitioner licensed pursuant to chapter 630, 631, 632 or 633 of NRS ~~or sections 2 to 32, inclusive, of this act~~, sets the premium for the policy for the practitioner at a rate that is higher than the standard rate of the insurer for the applicable type of policy and specialty of the practitioner, the insurer shall, upon the request of the practitioner, disclose the reasons the insurer set the premium for the policy at the higher rate.

Sec. 94. NRS 690B.290 is hereby amended to read as follows:

690B.290 If an insurer offers to issue a claims-made policy to a practitioner licensed pursuant to chapter 630, 631, 632 or 633 of NRS ~~or sections 2 to 32, inclusive, of this act~~, the insurer shall:

1. Offer to issue an extended reporting endorsement to the practitioner; and

2. Disclose to the practitioner the cost formula that the insurer uses to determine the premium for the extended reporting endorsement. The cost formula must be based on:

(a) An amount that is not more than twice the amount of the premium for the claims-made policy at the time of the termination of that policy; and

(b) The rates filed by the insurer and approved by the Commissioner.

Sec. 95. NRS 690B.300 is hereby amended to read as follows:

690B.300 1. Except as otherwise provided in this section, if an insurer issues a policy of professional liability insurance to a practitioner licensed pursuant to chapter 630, 632 or 633 of NRS *or sections 2 to 32, inclusive, of this act* who delivers one or more babies per year, the insurer shall not set the premium for the policy at a rate that is different from the rate set for such a policy issued by the insurer to any other practitioner licensed pursuant to chapter 630, 632 or 633 of NRS *or sections 2 to 32, inclusive, of this act* who delivers one or more babies per year if the difference in rates is based in whole or in part upon the number of babies delivered per year by the practitioner.

2. If an insurer issues a policy of professional liability insurance to a practitioner licensed pursuant to chapter 630, 632 or 633 of NRS *or sections 2 to 32, inclusive, of this act* who delivers one or more babies per year, the insurer may set the premium for the policy at a rate that is different, based in whole or in part upon the number of babies delivered per year by the practitioner, from the rate set for such a policy issued by the insurer to any other practitioner licensed pursuant to chapter 630, 632 or 633 of NRS *or sections 2 to 32, inclusive, of this act* who delivers one or more babies per year if the insurer:

(a) Bases the difference upon actuarial and loss experience data available to the insurer; and

(b) Obtains the approval of the Commissioner for the difference in rates.

3. The provisions of this section do not prohibit an insurer from setting the premium for a policy of professional liability insurance issued to a practitioner licensed pursuant to chapter 630, 632 or 633 of NRS *or sections 2 to 32, inclusive, of this act* who delivers one or more babies per year at a rate that is different from the rate set for such a policy issued by the insurer to any other practitioner licensed pursuant to chapter 630, 632 or 633 of NRS *or sections 2 to 32, inclusive, of this act* who delivers one or more babies per year if the difference in rates is based solely upon factors other than the number of babies delivered per year by the practitioner.

Sec. 96. NRS 690B.310 is hereby amended to read as follows:

690B.310 1. If an agreement settles a claim or action against a practitioner licensed pursuant to chapter 630, 631, 632 or 633 of NRS *or sections 2 to 32, inclusive, of this act* for a breach of his or her professional duty toward a patient, the following terms of the agreement must not be made confidential:

(a) The names of the parties;

(b) The date of the incidents or events giving rise to the claim or action;

(c) The nature of the claim or action as set forth in the complaint and the answer that is filed with the district court; and

(d) The effective date of the agreement.

2. Any provision of an agreement to settle a claim or action that conflicts with this section is void.

Sec. 97. NRS 690B.320 is hereby amended to read as follows:

690B.320 1. If an insurer offers to issue a claims-made policy to a practitioner licensed pursuant to chapters 630 to 640, inclusive, of NRS *or sections 2 to 32, inclusive, of this act* or who holds a license or limited license issued pursuant to chapter 653 of NRS, the insurer shall:

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

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

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

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

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

16
17 If we adopt any revision that would broaden the coverage under this policy
18 without any additional premium either within the policy period or within 60
19 days before the policy period, the broadened coverage will immediately
20 apply to this policy.
21

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

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

28 **Sec. 98.** NRS 690B.360 is hereby amended to read as follows:

29 690B.360 1. The Commissioner may collect all information which is
30 pertinent to monitoring whether an insurer that issues professional liability
31 insurance for a practitioner licensed pursuant to chapter 630, 631, 632 or 633 of
32 NRS *or sections 2 to 32, inclusive, of this act* is complying with the applicable
33 standards for rates established in NRS 686B.010 to 686B.1799, inclusive. Such
34 information may include, without limitation:

35 (a) The amount of gross premiums collected with regard to each medical
36 specialty;

37 (b) Information relating to loss ratios; and

38 (c) Information reported pursuant to NRS 679B.430 and 679B.440.

39 2. In addition to the information collected pursuant to subsection 1, the
40 Commissioner may request any additional information from an insurer:

41 (a) Whose rates and credit utilization are materially different from other
42 insurers in the market for professional liability insurance for a practitioner licensed
43 pursuant to chapter 630, 631, 632 or 633 of NRS *or sections 2 to 32, inclusive, of*
44 *this act* in this State;

45 (b) Whose credit utilization shows a substantial change from the previous year;
46 or

47 (c) Whose information collected pursuant to subsection 1 indicates a
48 potentially adverse trend.

49 3. If the Commissioner requests additional information from an insurer
50 pursuant to subsection 2, the Commissioner may:

51 (a) Determine whether the additional information offers a reasonable
52 explanation for the results described in paragraph (a), (b) or (c) of subsection 2; and

(b) Take any steps permitted by law that are necessary and appropriate to assure the ongoing stability of the market for professional liability insurance for a practitioner licensed pursuant to chapter 630, 631, 632 or 633 of NRS *or sections 2 to 32, inclusive, of this act* in this State.

4. On an ongoing basis, the Commissioner may analyze and evaluate the information collected pursuant to this section to determine trends in and measure the health of the market for professional liability insurance for a practitioner licensed pursuant to chapter 630, 631, 632 or 633 of NRS *or sections 2 to 32, inclusive, of this act* in this State.

5. If the Commissioner convenes a hearing pursuant to subsection 1 of NRS 690B.350 and determines that the market for professional liability insurance issued to any class, type or specialty of practitioner licensed pursuant to chapter 630, 631 or 633 of NRS *or sections 2 to 32, inclusive, of this act* is not competitive and that such insurance is unavailable or unaffordable for a substantial number of such practitioners, the Commissioner shall prepare and submit a report of the Commissioner's findings and recommendations to the Director of the Legislative Counsel Bureau for transmittal to members of the Legislature.

Sec. 99. NRS 695A.095 is hereby amended to read as follows:

695A.095 1. A society shall not charge a provider of health care a fee to include the name of the provider on a list of providers of health care given by the society to its insureds.

2. A society shall not contract with a provider of health care to provide health care to an insured unless the society uses the form prescribed by the Commissioner pursuant to NRS 629.095 to obtain any information related to the credentials of the provider of health care.

3. A contract between a society and a provider of health care may be modified:

(a) At any time pursuant to a written agreement executed by both parties.

(b) Except as otherwise provided in this paragraph, by the society upon giving to the provider 45 days' written notice of the modification of the society's schedule of payments, including any changes to the fee schedule applicable to the provider's practice. If the provider fails to object in writing to the modification within the 45-day period, the modification becomes effective at the end of that period. If the provider objects in writing to the modification within the 45-day period, the modification must not become effective unless agreed to by both parties as described in paragraph (a).

4. If a society contracts with a provider of health care to provide health care to an insured, the society shall:

(a) If requested by the provider of health care at the time the contract is made, submit to the provider of health care the schedule of payments applicable to the provider of health care; or

(b) If requested by the provider of health care at any other time, submit to the provider of health care the schedule of payments, including any changes to the fee schedule applicable to the provider's practice, specified in paragraph (a) within 7 days after receiving the request.

5. As used in this section, "provider of health care" means a provider of health care who is licensed pursuant to chapter 630, 631, 632 or 633 of NRS ~~or~~ *or sections 2 to 32, inclusive, of this act*.

Sec. 100. NRS 695B.035 is hereby amended to read as follows:

695B.035 1. A corporation subject to the provisions of this chapter shall not charge a provider of health care a fee to include the name of the provider on a list of providers of health care given by the corporation to its insureds.

2. A corporation specified in subsection 1 shall not contract with a provider of health care to provide health care to an insured unless the corporation uses the form prescribed by the Commissioner pursuant to NRS 629.095 to obtain any information related to the credentials of the provider of health care.

3. A contract between a corporation specified in subsection 1 and a provider of health care may be modified:

(a) At any time pursuant to a written agreement executed by both parties.

(b) Except as otherwise provided in this paragraph, by the corporation upon giving to the provider 45 days' written notice of the modification of the corporation's schedule of payments, including any changes to the fee schedule applicable to the provider's practice. If the provider fails to object in writing to the modification within the 45-day period, the modification becomes effective at the end of that period. If the provider objects in writing to the modification within the 45-day period, the modification must not become effective unless agreed to by both parties as described in paragraph (a).

4. If a corporation specified in subsection 1 contracts with a provider of health care to provide health care to an insured, the corporation shall:

(a) If requested by the provider of health care at the time the contract is made, submit to the provider of health care the schedule of payments applicable to the provider of health care; or

(b) If requested by the provider of health care at any other time, submit to the provider of health care the schedule of payments, including any changes to the fee schedule applicable to the provider's practice, specified in paragraph (a) within 7 days after receiving the request.

5. As used in this section, "provider of health care" means a provider of health care who is licensed pursuant to chapter 630, 631, 632 or 633 of NRS ~~or~~ **sections 2 to 32, inclusive, of this act.**

Sec. 101. NRS 695C.125 is hereby amended to read as follows:

695C.125 1. A health maintenance organization shall not contract with a provider of health care to provide health care to an insured unless the health maintenance organization uses the form prescribed by the Commissioner pursuant to NRS 629.095 to obtain any information related to the credentials of the provider of health care.

2. A contract between a health maintenance organization and a provider of health care may be modified:

(a) At any time pursuant to a written agreement executed by both parties.

(b) Except as otherwise provided in this paragraph, by the health maintenance organization upon giving to the provider 45 days' written notice of the modification of the health maintenance organization's schedule of payments, including any changes to the fee schedule applicable to the provider's practice. If the provider fails to object in writing to the modification within the 45-day period, the modification becomes effective at the end of that period. If the provider objects in writing to the modification within the 45-day period, the modification must not become effective unless agreed to by both parties as described in paragraph (a).

3. If a health maintenance organization contracts with a provider of health care to provide health care to an enrollee, the health maintenance organization shall:

(a) If requested by the provider of health care at the time the contract is made, submit to the provider of health care the schedule of payments applicable to the provider of health care; or

(b) If requested by the provider of health care at any other time, submit to the provider of health care the schedule of payments, including any changes to the fee

1 schedule applicable to the provider's practice, specified in paragraph (a) within 7
2 days after receiving the request.

3 4. As used in this section, "provider of health care" means a provider of
4 health care who is licensed pursuant to chapter 630, 631, 632 or 633 of NRS ~~§~~ *or*
5 *sections 2 to 32, inclusive, of this act.*

6 **Sec. 102.** NRS 695G.127 is hereby amended to read as follows:

7 695G.127 1. A managed care organization shall not contract with a provider
8 of health care to provide health care to an insured unless the managed care
9 organization uses the form prescribed by the Commissioner pursuant to NRS
10 629.095 to obtain any information related to the credentials of the provider of
11 health care.

12 2. A contract between a managed care organization and a provider of health
13 care may be modified:

14 (a) At any time pursuant to a written agreement executed by both parties.

15 (b) Except as otherwise provided in this paragraph, by the managed care
16 organization upon giving to the provider 45 days' written notice of the modification
17 of the managed care organization's schedule of payments, including any changes to
18 the fee schedule applicable to the provider's practice. If the provider fails to object
19 in writing to the modification within the 45-day period, the modification becomes
20 effective at the end of that period. If the provider objects in writing to the
21 modification within the 45-day period, the modification must not become effective
22 unless agreed to by both parties as described in paragraph (a).

23 3. If a managed care organization contracts with a provider of health care to
24 provide health care services pursuant to chapter 689A, 689B, 689C, 695A, 695B or
25 695C, the managed care organization shall:

26 (a) If requested by the provider of health care at the time the contract is made,
27 submit to the provider of health care the schedule of payments applicable to the
28 provider of health care; or

29 (b) If requested by the provider of health care at any other time, submit to the
30 provider of health care the schedule of payments, including any changes to the fee
31 schedule applicable to the provider's practice, specified in paragraph (a) within 7
32 days after receiving the request.

33 4. As used in this section, "provider of health care" means a provider of
34 health care who is licensed pursuant to chapter 630, 631, 632 or 633 of NRS ~~§~~ *or*
35 *sections 2 to 32, inclusive, of this act.*

36 **Sec. 103.** Section 20 of this act is hereby amended to read as follows:

37 Sec. 20. 1. An applicant for a license as a licensed certified
38 professional midwife must submit to the Division an application pursuant to
39 this section in the form prescribed by the Division. The application must be
40 accompanied by a fee in the amount prescribed by regulation of the State
41 Board of Health pursuant to NRS 439.150, which must not exceed \$1,000,
42 and a complete set of his or her fingerprints and written permission
43 authorizing the Division to forward the fingerprints to the Central
44 Repository for Nevada Records of Criminal History for submission to the
45 Federal Bureau of Investigation for its report.

46 2. The application must include, without limitation, proof that the
47 applicant ~~is~~ :

48 (a) *Is* certified as a midwife by the North American Registry of
49 Midwives, or its successor organization ; ~~§~~ and ~~§~~

50 ~~—(a)~~ (b) Has completed an educational program that is consistent with
51 the most recent statement on licensure of Certified Professional Midwives
52 by the United States Midwifery Education, Regulation and Association, or
53 its successor organization . ~~§-or~~

~~(b) Holds a Midwifery Bridge Certificate issued by the North American Registry of Midwives, or its successor organization, and has completed the Portfolio Evaluation Process prescribed by that organization.]~~

3. *If the Division determines it to be necessary to address shortages in the number of licensed certified professional midwives practicing in rural or underserved areas in this State or barriers for applicants from marginalized identities, the Division may, on a case-by-case basis, exempt an applicant from the requirements of paragraph (b) of subsection 2 if the applicant:*

(a) Holds a Midwifery Bridge Certificate issued by the North American Registry of Midwives, or its successor organization; and

(b) Has completed the Portfolio Evaluation Process prescribed by that organization.

4. A license as a licensed certified professional midwife may be renewed upon submission to the Division of a renewal application in the form prescribed by the Division. The renewal application must:

(a) Be accompanied by a renewal fee in the amount prescribed by regulation of the State Board of Health pursuant to NRS 439.150, which must not exceed \$1,000; and

(b) Include any information required by the regulations adopted by the Board pursuant to section 19 of this act.

~~[3.]~~ 5. To the extent that the implementation of such provisions will leave the Division with sufficient money to carry out its duties under this chapter, the State Board of Health shall establish by regulation a procedure through which:

(a) An applicant may petition the Division to reduce the fees imposed pursuant to this section. An applicant may qualify for such a reduction if the applicant demonstrates, to the satisfaction of the Division, that the fees imposed pursuant to this section are an economic hardship on the applicant.

(b) The Division allocates a portion of the fees imposed and collected pursuant to this section to programs that promote applicants from marginalized identities through increasing the numbers of such applicants and reducing barriers that such applicants face.

~~[4.]~~ 6. As used in this section, "marginalized identity" means an identity or expression that causes or has historically caused a person of such identity or expression to be disproportionately discriminated against, harassed or otherwise negatively treated or affected as a result of the identity or expression.

Sec. 104. Section 22 of this act is hereby amended to read as follows:

Sec. 22. 1. In addition to any other requirements set forth in this chapter ~~§~~:

~~—(a) An applicant for the issuance of a license as a licensed certified professional midwife in this State shall include the social security number of the applicant in the application submitted to the Division.~~

~~—(b) An~~, an applicant for the issuance of a license as a licensed certified professional midwife in this State shall submit to the Division of Public and Behavioral Health of the Department of Health and Human Services 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 of Public and Behavioral Health of the Department of Health and Human Services 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 as a licensed certified professional midwife 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. 105. ~~{Section 27 of this act is hereby amended to read as follows:~~

~~— Sec. 27. 1. Except as otherwise provided in subsections 4 and 5, a licensed certified professional midwife must recommend and, with the consent of the client, arrange for consultation or co management with or referral to a qualified provider of health care or transfer to an appropriate medical facility if the licensed certified professional midwife determines that any of the following conditions or symptoms exist:~~

- ~~— (a) Complete placenta previa;~~
- ~~— (b) Partial placenta previa after the 27th week of gestation;~~
- ~~— (c) Infection with the human immunodeficiency virus;~~
- ~~— (d) Cardiovascular disease;~~
- ~~— (e) Severe mental illness that may cause the client to cause harm to themselves or others;~~
- ~~— (f) Pre eclampsia or eclampsia;~~
- ~~— (g) Fetal growth restriction, oligohydramnios or moderate or severe polyhydramnios in the pregnancy;~~
- ~~— (h) Potentially serious anatomic fetal abnormalities;~~
- ~~— (i) Diabetes that requires insulin or other medication for management;~~
- ~~— (j) Gestational age of greater than 43 weeks; or~~
- ~~— (k) Any other condition or symptom which, in the judgment of the licensed certified professional midwife, could threaten the life of the client or the fetus or newborn infant of the client.~~

~~— 2. Except as otherwise provided in subsections 4 and 5, a licensed certified professional midwife must recommend and, with the consent of the client, arrange for consultation or co management with or referral to a qualified provider of health care if the licensed certified professional midwife determines that any of the following conditions or symptoms exist:~~

- ~~— (a) Prior cesarean section or other surgery resulting in a uterine scar;~~
- ~~— (b) Multifetal gestation; or~~
- ~~— (c) Noncephalic presentation after 36 weeks of gestation.~~

~~3. A licensed certified professional midwife who recommends to a client consultation, co-management, referral or transfer shall document in the record of the client:~~

~~— (a) The contents of the recommendation;~~

~~— (b) The condition or symptom for which the recommendation was made;~~

~~— (c) Whether the client consented to the consultation, co-management, referral or transfer; and~~

~~— (d) If the client provides consent, the name, profession and specialty of the provider of health care with whom the licensed certified professional midwife consulted or co-managed or to whom the client was referred or the medical facility to which the client was transferred.~~

~~4. A client may provide informed refusal to consent to consultation, co-management, referral or transfer in writing on a form prescribed by the Board. If a client provides informed refusal to consent to [:~~

~~— (a) Consultation, consultation, co-management, referral or transfer after the licensed certified professional midwife has determined that a condition or symptom described in subsection 1 exists, the for which consultation, co-management, referral or transfer is required by the regulations adopted pursuant to section 19 of this act;~~

~~— (a) The licensed certified professional midwife must [attempt to locate a qualified provider of health care for which the client consents to consultation, co-management or referral or an appropriate medical facility for which the client consents to transfer. If the licensed certified professional midwife is unable to locate such a provider of health care who is willing to consult, co manage or accept the referral or such a medical facility which is willing to accept the transfer, the licensed certified professional midwife is] take any action required by those regulations;~~

~~— (b) If the condition or symptom threatens the life or health of the client, the fetus or the newborn infant during labor or delivery, the licensed certified professional midwife must call 911 and provide care until relieved by a qualified provider of health care; and~~

~~— (c) If the licensed certified professional midwife complies with paragraphs (a) and (b), he or she is not liable for any damages resulting from the failure to consult, co manage, refer or transfer. [If the condition or symptom threatens the life or health of the client or the fetus or the newborn infant of the client during labor or delivery, the licensed certified professional midwife must call 911 and provide care until relieved by a qualified provider of health care.~~

~~— (b) Consultation, co-management or referral after the licensed certified professional midwife has determined that a condition or symptom described in subsection 2 exists, the licensed certified professional midwife:~~

~~— (1) May continue to serve as the primary provider of health care for the client until the client provides such consent; and~~

~~— (2) Is not liable for any damages resulting from the failure to consult, co manage or refer.]~~

~~5. If, after determining that a condition or symptom [described in:~~

~~— (a) Subsection 1] exists for which consultation, co-management, referral or transfer is required by the regulations adopted pursuant to section 19 of this act and making a reasonable effort to [arrange for consultation with, co-management of the condition or symptom with or referral of the client to a qualified provider of health care or the transfer of the client to an appropriate medical facility,] comply with those regulations, a licensed~~

~~certified professional midwife is unable to locate a qualified provider of health care who is willing to consult, co-manage or accept the referral or an appropriate medical facility willing to accept the transfer, the licensed certified professional midwife shall be deemed to be in compliance with the requirements of [this section] those regulations and is not liable for any damages resulting from the inability of the licensed certified professional midwife to consult, co-manage, refer or transfer. If the condition or symptom threatens the life or health of the client or the fetus or newborn infant of the client during labor or delivery, the licensed certified professional midwife must call 911 and provide care until relieved by a qualified provider of health care.~~

~~— [b] Subsection 2 exists and making a reasonable effort to arrange for consultation with, co-management of the condition or symptom with or referral of the client to a qualified provider of health care, a licensed certified professional midwife is unable to locate a qualified provider of health care who is willing to consult, co-manage or accept the referral, the licensed certified professional midwife shall be deemed to be in compliance with the requirements of this section and is not liable for any damages resulting from the inability of the licensed certified professional midwife to arrange for consultation, co-manage or refer.]~~

~~— 6. A provider of health care who is not a licensed certified professional midwife is not liable for any damages resulting from any act or omission of a licensed certified professional midwife and is not required to adhere to any standards of care governing the practice of certified professional midwifery. Such a provider of health care is only liable for the damages resulting from his or her own acts or omissions in accordance with the standards of care governing his or her profession.] (Deleted by amendment.)~~

Sec. 106. As soon as practicable on or after the effective date of this section, but not later than 6 months after receiving the recommendations of the Collaboration and Transfer Guidelines Workgroup created by section 107 of this act, the Board of Licensed Certified Professional Midwives created by section 17 of this act shall adopt the regulations required by ~~[paragraph (f) of]~~ subsection 1 6 of section 19 of this act. In adopting the regulations, the Board shall consider the measures necessary to minimize the likelihood of serious harm to the client and the fetus or newborn infant of the client.

Sec. 107. 1. The Collaboration and Transfer Guidelines Workgroup is hereby created.

2. The Administrator of the Division of Public and Behavioral Health of the Department of Health and Human Services shall appoint to the Workgroup:

(a) One voting member who is a physician who practices in the area of obstetrics or a certified nurse-midwife in Northern Nevada;

(b) One voting member who is a physician who practices in the area of obstetrics or a certified nurse-midwife in Southern Nevada;

(c) One voting member who is a nurse manager of a labor and delivery ward or a registered nurse with similar duties who is responsible for coordinating transfers of pregnant women from a home or freestanding birthing center, as defined in NRS 449.0065, to a hospital and who practices in Northern Nevada;

(d) One voting member who is a nurse manager of a labor and delivery ward or a registered nurse with similar duties who is responsible for coordinating transfers of pregnant women from a home or freestanding birthing center, as defined in NRS 449.0065, to a hospital and who practices in Southern Nevada;

1 (e) One voting member who represents a provider of emergency medical
2 services in Northern Nevada;

3 (f) One voting member who represents a provider of emergency medical
4 services in Southern Nevada; and

5 (g) One nonvoting member to serve as a liaison with the State Board of Health.

6 3. The Nevada Chapter of the National Association of Certified Professional
7 Midwives, or its successor organization, in consultation with the Nevada
8 Association of Certified Professional Midwives, or its successor organization, shall
9 appoint to the Workgroup four voting members who are midwives who reside and
10 practice in Nevada. To the extent practicable, two members must reside and
11 practice in Northern Nevada and two members must practice in Southern Nevada.

12 4. The Nevada Hospital Association, or its successor organization, may
13 appoint to the Workgroup one member who is a representative of the Association,
14 or its successor organization.

15 5. A vacancy on the Workgroup must be filled in the same manner as the
16 initial appointment.

17 6. Members of the Workgroup serve without compensation and are not
18 entitled to receive the per diem allowance and travel expenses provided for state
19 officers and employees generally.

20 7. A member of the Workgroup who is an officer or employee of this State or
21 a political subdivision of this State must be relieved from his or her duties without
22 loss of regular compensation to prepare for and attend meetings of the Workgroup
23 and perform any work necessary to carry out the duties of the Workgroup in the
24 most timely manner practicable. A state agency or political subdivision of this State
25 shall not require an officer or employee who is a member of the Workgroup to:

26 (a) Make up the time he or she is absent from work to carry out his or her
27 duties as a member of the Workgroup; or

28 (b) Take annual leave or compensatory time for the absence.

29 8. The Workgroup may divide into one subcommittee of members from
30 Northern Nevada and one subcommittee of members from Southern Nevada.

31 9. A majority of the voting members of the Workgroup or a subcommittee
32 thereof constitutes a quorum for the transaction of business, and a majority of a
33 quorum present at any meeting is sufficient for any official action taken by the
34 Workgroup or a subcommittee thereof.

35 10. The Workgroup and each subcommittee thereof shall:

36 (a) At its first meeting and annually thereafter, elect a Chair from among its
37 members; and

38 (b) Meet at the call of the Chair.

39 11. Not later than July 1, 2024, the Workgroup or, if the Workgroup divides
40 into subcommittees pursuant to subsection 8, each subcommittee of the Workgroup,
41 shall make recommendations to the Board of Licensed Certified Professional
42 Midwives created by section 17 of this act concerning the regulations required by
43 ~~paragraph (f) of~~ subsection ~~44~~ 6 of section 19 of this act governing the transfer of
44 the client of a licensed certified professional midwife to a medical facility. Those
45 recommendations must, to the extent practicable, be guided upon peer-reviewed
46 scientific evidence and widely accepted best practices and include, without
47 limitation, provisions for the transmission of all information necessary for the care
48 of the client from the licensed certified professional midwife to the medical facility.
49 The Workgroup ceases to exist upon submission of those recommendations unless
50 the Board requests that the Workgroup continue to meet.

51 12. As used in this section:

1 (a) "Certified nurse-midwife" means an advanced practice registered nurse
2 who is certified as a nurse-midwife by the American Midwifery Certification
3 Board, or its successor organization.

4 (b) "Licensed certified professional midwife" means a person who is certified
5 as a certified professional midwife by the North American Registry of Midwives.

6 (c) "Medical facility" has the meaning ascribed to it in NRS 449.0151.

7 (d) "Northern Nevada" means Carson City and the counties of Churchill,
8 Douglas, Elko, Eureka, Humboldt, Lander, Lyon, Pershing, Storey, Washoe and
9 White Pine.

10 (e) "Southern Nevada" means the counties of Clark, Esmeralda, Lincoln,
11 Mineral and Nye.

12 **Sec. 108.** Notwithstanding the provisions of section 17 of this act, on or
13 before July 1, 2024, the Administrator of the Division of Public and Behavioral
14 Health of the Department of Health and Human Services may appoint to the Board
15 of Licensed Certified Professional Midwives created by that section:

16 1. Four members pursuant to paragraph (a) of subsection 2 of that section who
17 are not licensed pursuant to section 20 of this act and are certified as midwives by
18 the North American Registry of Midwives, or its successor organization. If such a
19 member is not licensed as a licensed certified professional midwife pursuant to
20 section 20 of this act on July 1, 2024:

21 (a) His or her term ends on that date; and

22 (b) The Administrator shall appoint a person who is so licensed to fill the
23 vacancy.

24 2. One member pursuant to paragraph (d) of subsection 2 of section 17 of this
25 act who has not received care from a licensed certified professional midwife
26 licensed pursuant to section 20 of this act but who has received care from a midwife
27 certified by the North American Registry of Midwives, or its successor
28 organization. That member may serve until the expiration of the term prescribed
29 pursuant to subsection 5 of section 17 of this act.

30 **Sec. 109.** NRS 440.035 is hereby repealed.

31 **Sec. 110.** 1. This section and sections 106 and 107 of this act become
32 effective upon passage and approval.

33 2. Sections 1 to 102, inclusive, 108 and 109 of this act become effective:

34 (a) Upon passage and approval for the purpose of appointing the members of
35 the Board of Licensed Certified Professional Midwives created by section 17 of this
36 act, adopting any regulations and performing any other preparatory administrative
37 tasks that are necessary to carry out the provisions of this act; and

38 (b) On January 1, 2024, for all other purposes.

39 3. Section 103 of this act becomes effective on January 1, 2026.

40 4. Section 104 of this act becomes effective on the date on which the
41 provisions of 42 U.S.C. § 666 requiring each state to establish procedures under
42 which the state has authority to withhold or suspend, or to restrict the use of
43 professional, occupational and recreational licenses of persons who:

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

47 (b) Are in arrears in the payment for the support of one or more children,
48 are repealed by the Congress of the United States.

49 5. Section 105 of this act becomes effective on the date on which the
50 regulations described in section 106 of this act become effective.

51 6. Section 33 of this act expires by limitation on the date on which the
52 provisions of 42 U.S.C. § 666 requiring each state to establish procedures under

1 which the state has authority to withhold or suspend, or to restrict the use of
2 professional, occupational and recreational licenses of persons who:

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

6 (b) Are in arrears in the payment for the support of one or more children,
7 ➤ are repealed by the Congress of the United States.

8 7. Sections 22, 29 and 104 of this act expire by limitation on the date 2 years
9 after the date on which the provisions of 42 U.S.C. § 666 requiring each state to
10 establish procedures under which the state has authority to withhold or suspend, or
11 to restrict the use of professional, occupational and recreational licenses of persons
12 who:

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

16 (b) Are in arrears in the payment for the support of one or more children,
17 ➤ are repealed by the Congress of the United States.

TEXT OF REPEALED SECTION

440.035 “Midwife” defined. As used in this chapter, “midwife” means:

1. A person certified as:

(a) A Certified Professional Midwife by the North American Registry of
Midwives, or its successor organization; or

(b) A Certified Nurse-Midwife by the American Midwifery Certification
Board, or its successor organization; or

2. Any other type of midwife.