

SENATE BILL NO. 336—SENATOR OHRENSCHALL

MARCH 20, 2023

Referred to Committee on Commerce and Labor

SUMMARY—Revises provisions relating to the regulation of certain healing arts. (BDR 54-886)

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

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

AN ACT relating to health care; exempting certain conduct of certain practitioners of healing arts practicing within their authorized scope of authority from provisions governing certain practitioners of other healing arts; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes a physician, physician assistant, dentist, advanced practice registered nurse, podiatric physician or optometrist to prescribe and dispense controlled substances and dangerous drugs under certain circumstances. (NRS 453.226, 454.215, 639.235) Existing law provides that provisions of existing law governing the practice of physicians, physician assistants, perfusionists and practitioners of respiratory care do not apply to any person permitted to practice any other healing art under title 54 of NRS who does so within the scope of that authority. (NRS 630.047) **Sections 1-5** of this bill provide similar exemptions from provisions governing dentists, nurses, osteopathic physicians and physician assistants, podiatrists and optometrists for practitioners of healing arts who are acting within the scope of their authority. **Section 6** of this bill provides that the provisions of **sections 1-5** apply to any conduct by a practitioner of a healing art before, on or after the effective date of this bill which has not been the subject of a final order from the Board of Dental Examiners of Nevada, the State Board of Nursing, the State Board of Osteopathic Medicine, the State Board of Podiatry or the Nevada State Board of Optometry. **Section 6** also requires those boards to terminate any investigation or disciplinary proceedings for conduct that is outside the scope of those boards.



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

1 **Section 1.** NRS 631.115 is hereby amended to read as follows:
2 631.115 **1.** Except as otherwise provided in subsection 2 of
3 NRS 631.317, this chapter does not apply to:

4 ~~[1-]~~ **(a)** A legally qualified physician or surgeon unless he or
5 she practices dentistry as a specialty.

6 ~~[2-]~~ **(b)** A dentist, dental hygienist or dental therapist of the
7 United States Army, Navy, Air Force, Public Health Service, Coast
8 Guard or Department of Veterans Affairs in the discharge of his or
9 her official duties, including, without limitation, providing medical
10 care in a hospital in accordance with an agreement entered into
11 pursuant to NRS 449.2455.

12 **(c)** *Any person permitted to practice any other healing art
13 under this title who does so within the scope of that authority.*

14 **2.** *As used in this section, "healing art" has the meaning
15 ascribed to it in NRS 630.0122.*

16 **Sec. 2.** Chapter 632 of NRS is hereby amended by adding
17 thereto a new section to read as follows:

18 **1.** *Except as otherwise provided in NRS 632.472, this chapter
19 does not apply to any person permitted to practice any other
20 healing art under this title who does so within the scope of that
21 authority.*

22 **2.** *As used in this section, "healing art" has the meaning
23 ascribed to it in NRS 630.0122.*

24 **Sec. 3.** NRS 633.171 is hereby amended to read as follows:
25 633.171 **1.** This chapter does not apply to:

26 (a) The practice of medicine or perfusion pursuant to chapter
27 630 of NRS, dentistry, chiropractic, podiatry, optometry, respiratory
28 care, faith or Christian Science healing, nursing, veterinary medicine
29 or fitting hearing aids.

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

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

39 (d) Osteopathic physicians who are temporarily exempt from
40 licensure pursuant to NRS 633.420 and are practicing osteopathic
41 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.

(g) Any person permitted to practice any other healing art under this title who does so within the scope of that authority.

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. 4. NRS 635.015 is hereby amended to read as follows:

635.015 1. This chapter does not apply:

(a) To commissioned surgeons of the United States Army, Navy or Marine Hospital Service in the actual performance of their official duties, including, without limitation, providing medical care in a hospital in accordance with an agreement entered into pursuant to NRS 449.2455.

(b) To physicians licensed in the State of Nevada.

(c) To any person permitted to practice any other healing art under this title who does so within the scope of that authority.

2. This chapter does not prohibit the manufacture, recommendation, advertisement, demonstration or sale of arch-support shoes, foot appliances or remedies by retail dealers.

3. As used in this section, "healing art" has the meaning ascribed to it in NRS 630.0122.

Sec. 5. NRS 636.027 is hereby amended to read as follows:

636.027 This chapter:

1. Applies to any person who is licensed to practice optometry pursuant to this chapter and any other person engaged in the practice of optometry in this State.

2. Must not be construed to apply to ~~physicians~~:

(a) Physicians and surgeons duly licensed to practice in this State.

(b) Any person permitted to practice any other healing art under this title who does so within the scope of that authority.

3. As used in this section, "healing art" has the meaning ascribed to it in NRS 630.0122.



Sec. 6. 1. The provisions of NRS 631.115, 633.171, 635.015 and 636.027, as amended by sections 1, 3, 4 and 5 of this act, respectively, and section 2 of this act apply to any conduct that:

(a) Occurred before, on or after the effective date of this act; and
(b) Has not been the subject of a final order of a regulatory body.

2. A regulatory body shall terminate any investigation or disciplinary proceedings:

(a) Against a person permitted to practice any healing art under title 54 of NRS for conduct outside the scope of the regulatory body; or

(b) Which are otherwise inconsistent with the amendatory provisions of this act.

3. As used in this section:

(a) “Healing art” has the meaning ascribed to it in NRS 630.0122.

(b) “Regulatory body” means the Board of Dental Examiners of Nevada, the State Board of Nursing, the State Board of Osteopathic Medicine, the State Board of Podiatry and the Nevada State Board of Optometry.

Sec. 7. This act becomes effective upon passage and approval.

