

Amendment No. 35

Senate Amendment to Senate Bill No. 189	(BDR 54-69)
<b>Proposed by:</b> Senate Committee on Commerce and Labor	
<b>Amends:</b> 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 S.B. 189 (§§ 7, 8, 10, 23).
--

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

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

EWR/BJF



Date: 4/19/2025

S.B. No. 189—Provides for the licensure and regulation of genetic counselors.  
(BDR 54-69)





SENATE BILL NO. 189—SENATORS LANGE; CANNIZZARO, CRUZ-CRAWFORD, DALY, FLORES, NEAL, OHRENSCHALL, PAZINA, SCHEIBLE AND TAYLOR

FEBRUARY 6, 2025

Referred to Committee on Commerce and Labor

SUMMARY—Provides for the licensure and regulation of genetic counselors. (BDR 54-69)

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.

~

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

AN ACT relating to genetic counseling; prescribing certain duties and authority of a genetic counselor; providing for the regulation of the practice of genetic counseling by the Board of Medical Examiners; requiring the appointment of the Genetic Counseling Advisory Council; prescribing the requirements for the issuance and renewal of a license as a genetic counselor; authorizing the Board to take certain actions to investigate and impose discipline against a genetic counselor; prohibiting the unlicensed practice of genetic counseling except in certain circumstances; establishing a privilege for certain confidential communications; providing penalties; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

Existing law provides for the licensure and regulation of physicians, physician assistants, anesthesiologist assistants, perfusionists and practitioners of respiratory care by the Board of Medical Examiners. (Chapter 630 of NRS) This bill additionally provides for the licensure and regulation of genetic counselors by the Board. ~~Sections 4 and 5~~ **4-5.6** of this bill define ~~the~~ **certain** terms, ~~“genetic counseling” and “genetic counselor,” respectively,~~ and **section 14** of this bill establishes the applicability of those definitions. **Section 40** of this bill makes it a felony for a person to practice genetic counseling or hold himself or herself out as a genetic counselor without a license. **Section 7** of this bill prescribes the requirements to obtain such a license, including obtaining certain education, passing certain examinations and obtaining certification from the American Board of Genetic Counseling. **Section 8** of this bill authorizes the Board to issue a temporary license under which a person who has obtained the required education but has not yet passed the required examination or obtained the required certification may engage in the supervised practice of genetic counseling. **Section 6** of this bill requires the Board to adopt certain other regulations regarding the licensure and practice of genetic counselors. **Section 9** of this bill authorizes certain unlicensed persons to provide assistance or consulting services related to genetic counseling, and **section 16** of this bill

17 exempts a genetic counselor of the Federal Government **and permitted practitioners of**  
18 **other healing arts who are authorized to provide genetic counseling** from licensure and  
19 regulation by the Board. **Section 9** also authorizes a physician or a physician assistant to  
20 engage in genetic counseling as part of his or her practice without obtaining a license as a  
21 genetic counselor. **Section 10** of this bill prescribes the date on which a license as a genetic  
22 counselor expires and the requirements to renew such a license. **Section 23** of this bill  
23 prescribes the maximum fees that the Board may charge for the issuance or renewal of a  
24 license or a temporary license as a genetic counselor. **Section 11** of this bill prescribes the  
25 procedure for the voluntary surrender of such a license.

26 **Section 12** of this bill prescribes the grounds for disciplinary action against a genetic  
27 counselor. **Sections 24, 25 and 27** of this bill apply to genetic counselors the existing process  
28 for the filing of a complaint with the Board concerning a licensee or notifying the Board of  
29 certain actions taken against a licensee. **Sections 26, 28-33, 36 and 38** of this bill apply to  
30 genetic counselors: (1) existing procedures for the investigation of complaints and the  
31 imposition of disciplinary action against licensees; and (2) certain other existing procedures to  
32 address incompetence or misconduct by a licensee. **Section 34** of this bill applies to genetic  
33 counselors the existing procedure to remove limitations that the Board has placed on a license  
34 or to restore a revoked license. **Sections 36, 37, 39 and 40** of this bill authorize or require the  
35 Board to take certain actions against a person who is practicing genetic counseling or holding  
36 himself or herself out as a genetic counselor without a license.

37 **Sections 13, 15 and 19-21** of this bill make various conforming changes so that genetic  
38 counselors are treated similarly to other providers of health care licensed by the Board for  
39 certain purposes related to licensure and regulation. **Section 17** of this bill deems any act that  
40 constitutes the practice of genetic counseling to occur where the patient is located at the time  
41 the act is performed. ~~Section~~ **Section 5.9 of this bill requires the Board to appoint the**  
42 **Genetic Counseling Advisory Council to advise the Board concerning the regulation of**  
43 **genetic counseling until January 1, 2031. After that date, section 18** of this bill authorizes  
44 the Board to select genetic counselors to serve as advisory members of the Board. **Sections 22**  
45 **and 35** of this bill subject genetic counselors to certain provisions required by federal law for  
46 the enforcement of child support obligations. (42 U.S.C. § 666)

47 Existing law defines the term "provider of health care" to mean a person who practices  
48 any of certain professions related to the provision of health care. (NRS 629.031) Existing law  
49 imposes certain requirements upon providers of health care, including requirements for  
50 billing, standards for advertisements and criminal penalties for acquiring certain debts. (NRS  
51 629.071, 629.076, 629.078) **Section 1** of this bill includes genetic counselors in the definition  
52 of "provider of health care," thereby subjecting genetic counselors to those same  
53 requirements. **Section 42** of this bill requires a genetic counselor to report misconduct by a  
54 person licensed or certified by the State Board of Nursing to the Executive Director of that  
55 Board.

56 Existing law establishes a privilege for confidential communications between a patient  
57 and a physician, dentist or chiropractor or person participating in the diagnosis or treatment of  
58 the patient under the direction of such a provider. (NRS 49.215-49.245) **Section 48** of this bill  
59 extends that same privilege to apply to confidential communications between a patient and a  
60 genetic counselor or a person under the direction of a genetic counselor.

61 Existing law provides that: (1) assault is generally a misdemeanor, with certain  
62 exceptions; and (2) assault upon a provider of health care is a gross misdemeanor or felony,  
63 depending on the circumstances. (NRS 200.471) **Section 51** of this bill includes a genetic  
64 counselor within the definition of "provider of health care" for that purpose, thereby making  
65 assault upon a genetic counselor a gross misdemeanor or felony, depending on the  
66 circumstances. **Section 52** of this bill requires a genetic counselor to report the abuse, neglect,  
67 exploitation, isolation or abandonment of an older person or vulnerable person or the abuse or  
68 neglect of a child in the same manner as other providers of health care. A genetic counselor  
69 would also be required to report the abuse, neglect or commercial sexual exploitation of a  
70 child. (NRS 432B.220, 432C.110) **Sections 41, 43 and 44** of this bill provide that a genetic  
71 counselor acting within his or her scope of practice is not violating provisions governing  
72 certain other providers of health care. **Sections 2, 45-47, 49, 50 and 53-59** of this bill make  
73 revisions to treat genetic counselors in the same manner as other similar providers of health  
74 care in other certain respects.

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

**Section 1.** NRS 629.031 is hereby amended to read as follows:

629.031 Except as otherwise provided by a specific statute:

1. "Provider of health care" means:

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

(b) A physician assistant;

(c) An anesthesiologist assistant;

(d) *A genetic counselor;*

(e) A dentist;

~~(f)~~ (f) A dental therapist;

~~(g)~~ (g) A dental hygienist;

~~(h)~~ (h) A licensed nurse;

~~(i)~~ (i) A person who holds a license as an attendant or who is certified as an emergency medical technician, advanced emergency medical technician or paramedic pursuant to chapter 450B of NRS or authorized to practice as an emergency medical technician, advanced emergency medical technician or paramedic in this State under the Recognition of Emergency Medical Services Personnel Licensure Interstate Compact ratified by NRS 450B.145;

~~(j)~~ (j) A dispensing optician;

~~(k)~~ (k) An optometrist;

~~(l)~~ (l) A speech-language pathologist;

~~(m)~~ (m) An audiologist;

~~(n)~~ (n) A practitioner of respiratory care;

~~(o)~~ (o) A licensed physical therapist;

~~(p)~~ (p) An occupational therapist;

~~(q)~~ (q) A podiatric physician;

~~(r)~~ (r) A licensed psychologist;

~~(s)~~ (s) A licensed marriage and family therapist;

~~(t)~~ (t) A licensed clinical professional counselor;

~~(u)~~ (u) A music therapist;

~~(v)~~ (v) A chiropractic physician;

~~(w)~~ (w) An athletic trainer;

~~(x)~~ (x) A perfusionist;

~~(y)~~ (y) A doctor of Oriental medicine in any form;

~~(z)~~ (z) A medical laboratory director or technician;

~~(aa)~~ (aa) A pharmacist;

~~(bb)~~ (bb) A licensed dietitian;

~~(cc)~~ (cc) 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;

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

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

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

~~(gg)~~ (gg) A naprapath; or

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

1           2. For the purposes of NRS 629.400 to 629.490, inclusive, the term includes a  
2 person who holds a current license or certificate to practice his or her respective  
3 discipline pursuant to the applicable provisions of law of another state or territory  
4 of the United States.

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

6           629.580 1. A person who provides wellness services in accordance with this  
7 section, but who is not licensed, certified or registered in this State as a provider of  
8 health care, is not in violation of any law based on the unlicensed practice of health  
9 care services or a health care profession unless the person:

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

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

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

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

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

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

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

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

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

27           (j) Engages in the practice of medicine *or genetic counseling* in violation of  
28 chapter 630 or 633 of NRS, the practice of homeopathic medicine in violation of  
29 chapter 630A of NRS, the practice of naprapathy in violation of chapter 634B of  
30 NRS or the practice of podiatry in violation of chapter 635 of NRS, unless  
31 otherwise expressly authorized by this section;

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

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

38           (m) Engages in the practice of applied behavior analysis in violation of chapter  
39 641D of NRS.

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

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

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

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

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

50           (e) A statement in substantially the following form:

51  
52           It is recommended that before beginning any wellness plan, you notify  
53 your primary care physician or other licensed providers of health care of

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

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

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

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

20 is written.

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

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

29 6. This section does not apply to or control:

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

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

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

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

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

- 46 (a) Anthroposophy.
- 47 (b) Aromatherapy.
- 48 (c) Traditional cultural healing practices.
- 49 (d) Detoxification practices and therapies.
- 50 (e) Energetic healing.
- 51 (f) Folk practices.
- 52 (g) Gerson therapy and colostrum therapy.

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

3 (i) Herbology and herbalism.

4 (j) Reiki.

5 (k) Mind-body healing practices.

6 (l) Nondiagnostic iridology.

7 (m) Noninvasive instrumentalities.

8 (n) Holistic kinesiology.

9 **Sec. 3.** Chapter 630 of NRS is hereby amended by adding thereto the  
10 provisions set forth as sections 4 to 12, inclusive, of this act.

11 **Sec. 4. 1. "Genetic counseling" means:**

12 (a) *Obtaining and evaluating the medical histories of patients and their*  
13 *families to determine the risk of medical or genetic conditions in the patient, his*  
14 *or her children and other family members;*

15 (b) *Discussing the features, natural history and means of diagnosing medical*  
16 *or genetic conditions, genetic and environmental factors that affect such*  
17 *conditions and ways to manage the risk related to such conditions;*

18 (c) *Identifying, ordering and coordinating genetic laboratory tests as*  
19 *appropriate to assess the genetics of a patient;*

20 (d) *Integrating the results of genetic laboratory tests and other diagnostic*  
21 *studies with the medical histories of patients and their families to assess and*  
22 *communicate the existence and severity of risk factors for medical or genetic*  
23 *conditions;*

24 (e) *Explaining the clinical implications and results of a genetic laboratory*  
25 *test;*

26 (f) *Evaluating the responses of a patient or the family of a patient to learning*  
27 *of a genetic or medical condition or the risk of such a condition occurring or*  
28 *recurring and providing patient-centered counseling and anticipatory guidance;*

29 (g) *Identifying and utilizing resources in the community that provide*  
30 *medical, educational, financial and psychosocial support and advocacy for*  
31 *persons who have or are at risk of having medical or genetic conditions; and*

32 (h) *Providing written documentation of medical and genetic information,*  
33 *and counseling relating to such information, for patients, families of patients and*  
34 *providers of health care.*

35 2. *The term does not include diagnosis or treatment.*

36 **Sec. 5. "Genetic counselor" means a person who is licensed to engage in**  
37 **the practice of genetic counseling by the Board.**

38 **Sec. 5.3. "Genetic information" includes, without limitation, information**  
39 **concerning:**

40 1. A genetic test performed on a person;

41 2. A genetic test performed on the family members of a person;

42 3. A disease or condition that occurs or has occurred in the family members  
43 of a person; or

44 4. Genetic counseling or genetic education services provided to a person.

45 **Sec. 5.6. "Genetic test" means a test, including a laboratory test that uses**  
46 **deoxyribonucleic acid extracted from the cells of a person or a diagnostic test, to**  
47 **determine the presence of abnormalities or deficiencies, including carrier status,**  
48 **that:**

49 1. Are linked to physical or mental disorders or impairments; or

50 2. Indicate a susceptibility to illness, disease, impairment or any other  
51 disorder, whether physical or mental.

52 **Sec. 5.9. 1. The Genetic Counseling Advisory Council is hereby created.**

53 **2. The Board shall appoint to the Advisory Council:**

1 (a) One physician licensed in this State who has experience in the field of  
2 genetics;

3 (b) Three members who hold a valid certification issued by the American  
4 Board of Genetic Counseling, or its successor organization, and are actively  
5 engaged in the practice of genetic counseling; and

6 (c) One member who is a representative of the public.

7 3. Each member of the Advisory Council must be a resident of this State.

8 4. After the initial terms, the members of the Advisory Council must be  
9 appointed to terms of 2 years. Members may be reappointed.

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

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

14 7. The members of the Advisory Council are not entitled to compensation.

15 8. The Advisory Council shall:

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

19 (b) Meet at least two times each year at the call of the Chair of the Advisory  
20 Council; and

21 (c) Advise the Board on the adoption of regulations concerning the practice  
22 of genetic counseling and other matters related to the practice of genetic  
23 counseling.

24 9. A majority of the members of the Advisory Council constitutes a quorum  
25 for the transaction of the business of the Advisory Council.

26 **Sec. 6. The Board shall adopt regulations regarding the licensure and**  
27 **practice of genetic counselors, including, without limitation, regulations:**

28 **1. Adopting by reference the Code of Ethics published by the National**  
29 **Society of Genetic Counselors, or its successor organization, as a code of ethics**  
30 **governing the professional conduct of genetic counselors;**

31 **2. Defining “temporary basis” for the purposes of subsection 3 of section 9**  
32 **of this act; and**

33 **3. Establishing the requirements for the renewal of a license, in addition to**  
34 **those set forth in section 10 of this act.**

35 **Sec. 7. To be eligible for licensing by the Board as a genetic counselor, an**  
36 **applicant must:**

37 **1. Be a natural person of good moral character;**

38 **2. Submit a completed application as required by the Board by the date**  
39 **established by the Board;**

40 **3. Submit the fee prescribed by the Board pursuant to NRS 630.268;**

41 **4. Have received a master’s degree or higher in genetic counseling from a**  
42 **program in genetic counseling that is:**

43 **(a) Accredited by the Accreditation Council for Genetic Counseling, or its**  
44 **successor organization; or**

45 **(b) Located in a foreign country and has educational standards that are at**  
46 **least as stringent as those established by the Accreditation Council for Genetic**  
47 **Counseling, or its successor organization, as determined by the Board;**

48 **5. Pass the examination administered by the American Board of Genetic**  
49 **Counseling, or its successor organization, or the examination in clinical genetics**  
50 **and genomics administered by the American Board of Medical Genetics and**  
51 **Genomics, or its successor organization; and**

52 **6. Hold a valid certification issued by the American Board of Genetic**  
53 **Counseling, or its successor organization.**

1       **Sec. 8. 1. The Board may issue a temporary license to practice as a**  
2 **genetic counselor to a person who:**

3       **(a) Has satisfied all requirements for licensure except the requirements of**  
4 **subsections 5 and 6 of section 7 of this act; and**

5       **(b) Submits the fee prescribed by the Board pursuant to NRS 630.268.**

6       **2. Except as otherwise provided in subsections 3 and 4, a temporary license**  
7 **to practice as a genetic counselor issued pursuant to this section expires on the**  
8 **earlier of:**

9       **(a) The issuance to the temporarily licensed genetic counselor of a license as**  
10 **a genetic counselor pursuant to section 7 of this act;**

11       **(b) If the temporarily licensed genetic counselor passes an examination**  
12 **described in subsection 5 of section 7 of this act, 30 days after the results of the**  
13 **examination are issued by the administering organization; or**

14       **(c) One year after the date on which the temporarily licensed genetic**  
15 **counselor temporary license is issued pursuant to this section.**

16       **3. The Board may renew a temporary license issued pursuant to this section**  
17 **once for good cause, as determined by the Board, if the temporarily licensed**  
18 **genetic counselor:**

19       **(a) Maintains active status as a candidate with the American Board of**  
20 **Genetic Counseling, or its successor organization; and**

21       **(b) Submits the fee prescribed by the Board pursuant to NRS 630.268.**

22       **4. If the Board renews a temporary license pursuant to subsection 3, the**  
23 **Board shall prescribe the length of time for which the temporary license remains**  
24 **valid.**

25       **5. A temporarily licensed genetic counselor may practice genetic counseling**  
26 **only under the supervision of a genetic counselor or a physician. The supervisor**  
27 **shall assess the work of the temporarily licensed genetic counselor, but is not**  
28 **required to be present while the temporarily licensed genetic counselor is**  
29 **practicing genetic counseling.**

30       **6. Before commencing a supervisory relationship pursuant to subsection 5**  
31 **and annually thereafter for the duration of the supervisory relationship, a**  
32 **supervisor and a temporarily licensed genetic counselor must enter into a**  
33 **contract that prescribes the responsibilities of the supervisor and the temporarily**  
34 **licensed genetic counselor.**

35       **7. The Board may adopt regulations establishing additional requirements**  
36 **for the supervision of a temporarily licensed genetic counselor pursuant to**  
37 **subsection 5.**

38       **Sec. 9. 1. A student who is enrolled in a program in genetic counseling**  
39 **described in subsection 4 of section 7 of this act and who does not hold a license**  
40 **to practice genetic counseling may assist a genetic counselor in the practice of**  
41 **genetic counseling if such assistance is within the scope of the education and**  
42 **training of the student.**

43       **2. Any other person who is not licensed to practice genetic counseling may**  
44 **assist a physician, osteopathic physician, physician assistant licensed pursuant to**  
45 **this chapter or chapter 633 of NRS, advanced practice registered nurse or genetic**  
46 **counselor in the practice of genetic counseling under the direct supervision of a**  
47 **physician, osteopathic physician, physician assistant, advanced practice**  
48 **registered nurse or genetic counselor who is on the same premises where the**  
49 **assistance is being provided.**

50       **3. A person who is not licensed to practice genetic counseling in this State,**  
51 **the District of Columbia or any state or territory of the United States but holds a**  
52 **valid certification issued by the American Board of Genetic Counseling, or its**  
53 **successor organization, may provide consulting services related to genetic**

1 *counseling in this State on a temporary basis if he or she receives authorization*  
2 *from the Board.*

3 *4. A physician or physician assistant who engages in genetic counseling as*  
4 *part of his or her practice of medicine or practice as a physician assistant, as*  
5 *applicable, is not required to obtain a license as a genetic counselor.*

6 **Sec. 10.** *1. Each license issued pursuant to section 7 of this act expires on*  
7 *June 30 or, if June 30 is a Saturday, Sunday or legal holiday, on the next*  
8 *business day after June 30, of every odd-numbered year and may be renewed if,*  
9 *before the license expires, the holder of the license submits to the Board:*

10 *(a) A completed application for renewal on a form prescribed by the Board;*

11 *(b) Proof that the applicant has successfully completed at least ~~30~~ 20 hours*  
12 *of continuing education approved by the National Society of Genetic Counselors,*  
13 *or its successor organization, since the license was issued or most recently*  
14 *renewed, as applicable;*

15 *(c) Proof that the applicant holds a valid certification issued by the American*  
16 *Board of Genetic Counseling, or its successor organization;*

17 *(d) Proof that the applicant has satisfied any other requirements prescribed*  
18 *by the regulations adopted by the Board pursuant to section 6 of this act; and*

19 *(e) The applicable fee for renewal of the license prescribed by the Board*  
20 *pursuant to NRS 630.268.*

21 *2. The Board shall send a notice of renewal to each licensee not later than*  
22 *60 days before his or her license expires. The notice must include the amount of*  
23 *the fee for renewal of the license.*

24 **Sec. 11.** *1. If a genetic counselor desires to surrender his or her license,*  
25 *the genetic counselor shall submit to the Board a sworn written statement of*  
26 *surrender of the license and the actual license issued to him or her. The Board*  
27 *may accept or reject the surrender of the license and may negotiate stipulations*  
28 *for accepting the surrender of the license.*

29 *2. If the Board accepts the surrender of a license pursuant to subsection 1,*  
30 *the Board may restore the license at a later date under such conditions as the*  
31 *Board deems appropriate.*

32 **Sec. 12.** *1. The following acts constitute grounds for initiating*  
33 *disciplinary action against a genetic counselor or denying licensure as a genetic*  
34 *counselor:*

35 *(a) Obtaining, maintaining or renewing or attempting to obtain, maintain or*  
36 *renew a license to practice genetic counseling by bribery, fraud or*  
37 *misrepresentation or by any false, misleading, inaccurate or incomplete*  
38 *statement.*

39 *(b) Disobeying any order of the Board or an investigative committee of the*  
40 *Board.*

41 *(c) Conviction of:*

42 *(1) A crime relating to the practice of genetic counseling;*

43 *(2) A violation of any of the provisions of NRS 616D.200, 616D.220,*  
44 *616D.240 or 616D.300 to 616D.440, inclusive; or*

45 *(3) Any offense involving moral turpitude.*

46 *(d) Being adjudicated incompetent or incapacitated.*

47 *(e) Advertising the practice of genetic counseling in a false, deceptive or*  
48 *misleading manner.*

49 *(f) Advertising, practicing or attempting to practice genetic counseling under*  
50 *a name other than one's own.*

51 *(g) Practicing or assisting in the practice of genetic counseling while under*  
52 *the influence of alcohol, any controlled substance or any other substance which*  
53 *impairs the mental capacity of the genetic counselor.*

1 (h) *Violating the Code of Ethics adopted by reference pursuant to section 6*  
 2 *of this act.*

3 (i) *Lack of ability to safely and skillfully practice genetic counseling due to a*  
 4 *lack of knowledge or training or the inability to apply professional principles and*  
 5 *skills.*

6 (j) *Violating or attempting to violate, or assisting or abetting the violation of,*  
 7 *or conspiring to violate any provision of this chapter or the regulations adopted*  
 8 *pursuant thereto.*

9 ~~(k) Encouraging a patient who is an expectant parent to obtain an abortion.~~  
 10 ~~—(l) Any disciplinary action, including, without limitation, the revocation,~~  
 11 ~~suspension, modification or limitation of a license to practice genetic counseling,~~  
 12 ~~taken by another state, the Federal Government, a foreign country or any other~~  
 13 ~~jurisdiction or the surrender of the license or discontinuing the practice of~~  
 14 ~~genetic counseling while under investigation by any licensing authority, a~~  
 15 ~~medical facility, a branch of the Armed Forces of the United States, an insurance~~  
 16 ~~company, an agency of the Federal Government or an employer.~~

17 ~~(m)~~ (l) *Failure to be found competent to practice genetic counseling as a*  
 18 *result of an examination to determine competency pursuant to NRS 630.318.*

19 ~~(n)~~ (m) *Performing or supervising the performance of a pelvic*  
 20 *examination in violation of NRS 629.085.*

21 ~~(o)~~ (n) *Operation of a medical facility at any time during which:*

22 (1) *The license of the facility is suspended or revoked; or*

23 (2) *An act or omission occurs which results in the suspension or*  
 24 *revocation of the license pursuant to NRS 449.160.*

25 *↪ This paragraph applies to an owner or other principal responsible for the*  
 26 *operation of the facility.*

27 ~~(p)~~ (o) *Any other grounds specified by regulation of the Board.*

28 2. *A genetic counselor shall notify the Board not later than 48 hours after*  
 29 *the certification of the genetic counselor by the American Board of Genetic*  
 30 *Counseling, or its successor organization, lapses or is revoked. Upon receipt of*  
 31 *such notification, the Board shall immediately revoke the license of the genetic*  
 32 *counselor.*

33 **Sec. 13.** NRS 630.003 is hereby amended to read as follows:

34 630.003 1. The Legislature finds and declares that:

35 (a) It is among the responsibilities of State Government to ensure, as far as  
 36 possible, that only competent persons practice medicine, *genetic counseling*,  
 37 perfusion and respiratory care within this State;

38 (b) For the protection and benefit of the public, the Legislature delegates to the  
 39 Board of Medical Examiners the power and duty to determine the initial and  
 40 continuing competence of physicians, *genetic counselors*, perfusionists, physician  
 41 assistants, anesthesiologist assistants and practitioners of respiratory care who are  
 42 subject to the provisions of this chapter;

43 (c) The Board must exercise its regulatory power to ensure that the interests of  
 44 the medical profession do not outweigh the interests of the public;

45 (d) The Board must ensure that unfit physicians, *genetic counselors*,  
 46 perfusionists, physician assistants, anesthesiologist assistants and practitioners of  
 47 respiratory care are removed from ~~the medical profession~~ *those professions* so  
 48 that they will not cause harm to the public; and

49 (e) The Board must encourage and allow for public input into its regulatory  
 50 activities to further improve the quality of medical practice within this State.

51 2. The powers conferred upon the Board by this chapter must be liberally  
 52 construed to carry out these purposes for the protection and benefit of the public.

1       **Sec. 14.** NRS 630.005 is hereby amended to read as follows:

2       630.005 As used in this chapter, unless the context otherwise requires, the  
3 words and terms defined in NRS 630.007 to 630.026, inclusive, *and sections 4*  
4 *~~and 5~~ to 5.6, inclusive, of this act* have the meanings ascribed to them in those  
5 sections.

6       **Sec. 15.** NRS 630.045 is hereby amended to read as follows:

7       630.045 1. The purpose of licensing physicians, *genetic counselors*,  
8 perfusionists, physician assistants, anesthesiologist assistants and practitioners of  
9 respiratory care is to protect the public health and safety and the general welfare of  
10 the people of this State.

11       2. Any license issued pursuant to this chapter is a revocable privilege.

12       **Sec. 16.** NRS 630.047 is hereby amended to read as follows:

13       630.047 1. This chapter does not apply to:

14       (a) A medical officer ~~for~~, *genetic counselor*, perfusionist or practitioner of  
15 respiratory care of the Armed Forces or a medical officer ~~for~~, *genetic counselor*,  
16 perfusionist or practitioner of respiratory care of any division or department of the  
17 United States in the discharge of his or her official duties, including, without  
18 limitation, providing medical care in a hospital in accordance with an agreement  
19 entered into pursuant to NRS 449.2455;

20       (b) Physicians who are called into this State, other than on a regular basis, for  
21 consultation with or assistance to a physician licensed in this State, and who are  
22 legally qualified to practice in the state where they reside;

23       (c) Physicians who are legally qualified to practice in the state where they  
24 reside and come into this State on an irregular basis to:

25           (1) Obtain medical training approved by the Board from a physician who is  
26 licensed in this State; or

27           (2) Provide medical instruction or training approved by the Board to  
28 physicians licensed in this State;

29       (d) Physicians who are temporarily exempt from licensure pursuant to NRS  
30 630.2665 and are practicing medicine within the scope of the exemption;

31       (e) Any person permitted to practice any other healing art under this title who  
32 does so within the scope of that authority, or healing by faith or Christian Science;

33       (f) The practice of respiratory care by a student as part of a program of study in  
34 respiratory care that is approved by the Board, or is recognized by a national  
35 organization which is approved by the Board to review such programs, if the  
36 student is enrolled in the program and provides respiratory care only under the  
37 supervision of a practitioner of respiratory care;

38       (g) The practice of respiratory care by a student who:

39           (1) Is enrolled in a clinical program of study in respiratory care which has  
40 been approved by the Board;

41           (2) Is employed by a medical facility, as defined in NRS 449.0151; and

42           (3) Provides respiratory care to patients who are not in a critical medical  
43 condition or, in an emergency, to patients who are in a critical medical condition  
44 and a practitioner of respiratory care is not immediately available to provide that  
45 care and the student is directed by a physician to provide respiratory care under the  
46 supervision of the physician until a practitioner of respiratory care is available;

47       (h) The practice of respiratory care by a person on himself or herself or  
48 gratuitous respiratory care provided to a friend or a member of a person's family if  
49 the provider of the care does not represent himself or herself as a practitioner of  
50 respiratory care;

51       (i) A person who is employed by a physician and provides respiratory care or  
52 services as a perfusionist under the supervision of that physician;

1 (j) The maintenance of medical equipment for perfusion or respiratory care that  
2 is not attached to a patient;

3 (k) A person who installs medical equipment for respiratory care that is used in  
4 the home and gives instructions regarding the use of that equipment if the person is  
5 trained to provide such services and is supervised by a provider of health care who  
6 is acting within the authorized scope of his or her practice;

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

11 (m) A physician assistant of any division or department of the United States in  
12 the discharge of his or her official duties unless licensure by a state is required by  
13 the division or department of the United States ~~§~~; and

14 (n) Any person permitted to practice any other healing art under this title  
15 who engages in the practice of genetic counseling within the scope of that  
16 authority, if he or she does not represent himself or herself to be licensed  
17 pursuant to this chapter.

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

20 3. This chapter does not prohibit:

21 (a) Gratuitous services outside of a medical school or medical facility by a  
22 person who is not a physician, **genetic counselor**, perfusionist, physician assistant,  
23 anesthesiologist assistant or practitioner of respiratory care in cases of emergency.

24 (b) The domestic administration of family remedies.

25 **Sec. 17.** NRS 630.049 is hereby amended to read as follows:

26 630.049 For the purposes of this chapter, any act that constitutes the practice  
27 of medicine **or genetic counseling** shall be deemed to occur at the place where the  
28 patient is located at the time the act is performed.

29 **Sec. 18.** NRS 630.075 is hereby amended to read as follows:

30 630.075 **1.** The Board may, by majority vote, select physicians ~~and~~  
31 anesthesiologist assistants, genetic counselors and members of the public, who  
32 must meet the same qualifications as required for members of the Board, to serve as  
33 advisory members of the Board.

34 ~~2. [The Board may, by majority vote, select genetic counselors and~~  
35 ~~anesthesiologist assistants, who must be licensed to practice in this State, be~~  
36 ~~actively engaged in practice in this State and have resided and practiced in this~~  
37 ~~State for at least 5 years immediately preceding the selection, to serve as advisory~~  
38 ~~members of the Board.~~

39 ~~3.]~~ One or more advisory members may be designated by the Board to assist a  
40 committee of its members in an investigation as provided in NRS 630.311 but may  
41 not vote on any matter before the committee. Advisory members may also serve as  
42 members of the panel selected to hear charges as provided in NRS 630.339 and  
43 may vote on any recommendation made by the panel to the Board.

44 **Sec. 19.** NRS 630.120 is hereby amended to read as follows:

45 630.120 1. The Board shall procure a seal.

46 2. All licenses issued to physicians, **genetic counselors**, perfusionists,  
47 physician assistants, anesthesiologist assistants and practitioners of respiratory care  
48 must bear the seal of the Board and the signatures of its President and Secretary-  
49 Treasurer.

50 **Sec. 20.** NRS 630.137 is hereby amended to read as follows:

51 630.137 1. Notwithstanding any other provision of law and except as  
52 otherwise provided in this section, the Board shall not adopt any regulations that  
53 prohibit or have the effect of prohibiting a physician, **genetic counselor**,

1 perfusionist, physician assistant, anesthesiologist assistant or practitioner of  
2 respiratory care from collaborating or consulting with another provider of health  
3 care.

4 2. The provisions of this section do not prevent the Board from adopting  
5 regulations that prohibit a physician, *genetic counselor*, perfusionist, physician  
6 assistant, anesthesiologist assistant or practitioner of respiratory care from aiding or  
7 abetting another person in the unlicensed practice of medicine or the unlicensed  
8 practice of *genetic counseling*, perfusion or respiratory care.

9 3. As used in this section, “provider of health care” has the meaning ascribed  
10 to it in NRS 629.031.

11 **Sec. 21.** NRS 630.167 is hereby amended to read as follows:

12 630.167 1. In addition to any other requirements set forth in this chapter,  
13 each applicant for a license to practice medicine, including, without limitation, an  
14 expedited license pursuant to NRS 630.1606 or 630.1607 or chapter 629A of NRS,  
15 and each applicant for a license *to practice as a genetic counselor*, to practice as a  
16 perfusionist, to practice as a physician assistant, to practice as an anesthesiologist  
17 assistant or to practice respiratory care shall submit to the Board a complete set of  
18 fingerprints and written permission authorizing the Board to forward the  
19 fingerprints to the Central Repository for Nevada Records of Criminal History for  
20 submission to the Federal Bureau of Investigation for its report. Any fees or costs  
21 charged by the Board for this service pursuant to NRS 630.268 are not refundable.

22 2. Any communication between the Board and the Interstate Medical  
23 Licensure Compact Commission created by NRS 629A.100 relating to verification  
24 of a physician’s eligibility for expedited licensure pursuant to that section must not  
25 include any information received in a report from the Federal Bureau of  
26 Investigation relating to a state and federal criminal records check performed for  
27 the purposes of an application for an expedited license issued pursuant to NRS  
28 629A.100.

29 **Sec. 22.** NRS 630.197 is hereby amended to read as follows:

30 630.197 1. In addition to any other requirements set forth in this chapter:

31 (a) An applicant for the issuance of a license to practice medicine, *to practice*  
32 *as a genetic counselor*, to practice as a perfusionist, to practice as a physician  
33 assistant, to practice as an anesthesiologist assistant or to practice as a practitioner  
34 of respiratory care shall include the social security number of the applicant in the  
35 application submitted to the Board.

36 (b) An applicant for the issuance or renewal of a license to practice medicine,  
37 *to practice as a genetic counselor*, to practice as a perfusionist, to practice as a  
38 physician assistant, to practice as an anesthesiologist assistant or to practice as a  
39 practitioner of respiratory care shall submit to the Board the statement prescribed  
40 by the Division of Welfare and Supportive Services of the Department of Health  
41 and Human Services pursuant to NRS 425.520. The statement must be completed  
42 and signed by the applicant.

43 2. The Board shall include the statement required pursuant to subsection 1 in:

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

46 (b) A separate form prescribed by the Board.

47 3. A license to practice medicine, *to practice as a genetic counselor*, to  
48 practice as a perfusionist, to practice as a physician assistant, to practice as an  
49 anesthesiologist assistant or to practice as a practitioner of respiratory care may not  
50 be issued or renewed by the Board if the applicant:

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

52 (b) Indicates on the statement submitted pursuant to subsection 1 that the  
53 applicant is subject to a court order for the support of a child and is not in

1 compliance with the order or a plan approved by the district attorney or other public  
 2 agency enforcing the order for the repayment of the amount owed pursuant to the  
 3 order.

4 4. If an applicant indicates on the statement submitted pursuant to subsection  
 5 1 that the applicant is subject to a court order for the support of a child and is not in  
 6 compliance with the order or a plan approved by the district attorney or other public  
 7 agency enforcing the order for the repayment of the amount owed pursuant to the  
 8 order, the Board shall advise the applicant to contact the district attorney or other  
 9 public agency enforcing the order to determine the actions that the applicant may  
 10 take to satisfy the arrearage.

11 **Sec. 23.** NRS 630.268 is hereby amended to read as follows:

12 630.268 1. The Board shall charge and collect not more than the following  
 13 fees:

14		
15	For application for and issuance of a license to practice as a	
16	physician, including a license by endorsement .....	\$600
17	For application for and issuance of a temporary, locum	
18	tenens, limited, restricted, authorized facility, special,	
19	special purpose or special event license.....	400
20	For renewal of a limited, restricted, authorized facility or	
21	special license.....	400
22	For application for and issuance of a license as a physician	
23	assistant, including a license by endorsement.....	400
24	For application for and issuance of a simultaneous license	
25	as a physician assistant .....	200
26	For biennial registration of a physician assistant .....	800
27	For biennial simultaneous registration of a physician	
28	assistant .....	400
29	For biennial registration of a physician.....	800
30	For application for and issuance of a license as a	
31	perfusionist or practitioner of respiratory care.....	400
32	For biennial renewal of a license as a perfusionist.....	600
33	For application for and issuance of a license or temporary	
34	license to practice as an anesthesiologist assistant.....	400
35	For application for and initial issuance of a simultaneous	
36	license as an anesthesiologist assistant .....	200
37	For biennial registration of an anesthesiologist assistant .....	\$800
38	For biennial simultaneous registration of an	
39	anesthesiologist assistant .....	400
40	For biennial registration of a practitioner of respiratory care.....	600
41	For biennial registration for a physician who is on inactive	
42	status .....	400
43	<i>For application for and issuance of a license or temporary</i>	
44	<i>license to practice as a genetic counselor.....</i>	<i>400</i>
45	<i>For biennial renewal of a license to practice as a genetic</i>	
46	<i>counselor or renewal of a temporary license to</i>	
47	<i>practice as a genetic counselor.....</i>	<i>600</i>
48	For written verification of licensure.....	50
49	For a duplicate identification card.....	25
50	For a duplicate license .....	50
51	For computer printouts or labels .....	500
52	For verification of a listing of physicians, per hour .....	20
53	For furnishing a list of new physicians .....	100

1           2. Except as otherwise provided in subsections 4 and 5, in addition to the fees  
2 prescribed in subsection 1, the Board shall charge and collect necessary and  
3 reasonable fees for the expedited processing of a request or for any other incidental  
4 service the Board provides.

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

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

12           (a) NRS 630.1607, and the applicant is an active member of, or the spouse of  
13 an active member of, the Armed Forces of the United States, a veteran or the  
14 surviving spouse of a veteran, the Board shall collect not more than one-half of the  
15 fee set forth in subsection 1 for the initial issuance of the license. As used in this  
16 paragraph, "veteran" has the meaning ascribed to it in NRS 417.005.

17           (b) NRS 630.2752, the Board shall collect not more than one-half of the fee set  
18 forth in subsection 1 for the initial issuance of the license.

19          5. If an applicant submits an application for a license by endorsement  
20 pursuant to NRS 630.1606 or 630.2751, as applicable, the Board shall charge and  
21 collect not more than the fee specified in subsection 1 for the application for and  
22 initial issuance of a license.

23          **Sec. 24.** NRS 630.3067 is hereby amended to read as follows:

24          630.3067 1. The insurer of a physician, physician assistant, *genetic*  
25 *counselor*, practitioner of respiratory care or perfusionist licensed under this  
26 chapter shall report to the Board:

27           (a) Any action for malpractice against the physician, physician assistant,  
28 *genetic counselor*, practitioner of respiratory care or perfusionist not later than 45  
29 days after the physician, physician assistant, *genetic counselor*, practitioner of  
30 respiratory care or perfusionist receives service of a summons and complaint for the  
31 action;

32           (b) Any claim for malpractice against the physician, physician assistant,  
33 *genetic counselor*, practitioner of respiratory care or perfusionist that is submitted  
34 to arbitration or mediation not later than 45 days after the claim is submitted to  
35 arbitration or mediation; and

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

39          2. The Board shall report any failure to comply with subsection 1 by an  
40 insurer licensed in this State to the Division of Insurance of the Department of  
41 Business and Industry. If, after a hearing, the Division of Insurance determines that  
42 any such insurer failed to comply with the requirements of subsection 1, the  
43 Division may impose an administrative fine of not more than \$10,000 against the  
44 insurer for each such failure to report. If the administrative fine is not paid when  
45 due, the fine must be recovered in a civil action brought by the Attorney General on  
46 behalf of the Division.

47          **Sec. 25.** NRS 630.3068 is hereby amended to read as follows:

48          630.3068 1. A physician, physician assistant, *genetic counselor*,  
49 practitioner of respiratory care or perfusionist shall report to the Board:

50           (a) Any action for malpractice against the physician, physician assistant,  
51 *genetic counselor*, practitioner of respiratory care or perfusionist not later than 45  
52 days after the physician, physician assistant, *genetic counselor*, practitioner of

1 respiratory care or perfusionist receives service of a summons and complaint for the  
2 action;

3 (b) Any claim for malpractice against the physician, physician assistant,  
4 *genetic counselor*, practitioner of respiratory care or perfusionist that is submitted  
5 to arbitration or mediation not later than 45 days after the claim is submitted to  
6 arbitration or mediation;

7 (c) Any settlement, award, judgment or other disposition of any action or claim  
8 described in paragraph (a) or (b) not later than 45 days after the settlement, award,  
9 judgment or other disposition, including, without limitation, any amount paid to  
10 resolve the claim; and

11 (d) Any sanctions imposed against the physician, physician assistant, *genetic*  
12 *counselor*, practitioner of respiratory care or perfusionist that are reportable to the  
13 National Practitioner Data Bank not later than 45 days after the sanctions are  
14 imposed.

15 2. If the Board finds that a physician, physician assistant, *genetic counselor*,  
16 practitioner of respiratory care or perfusionist has violated any provision of this  
17 section, the Board may impose a fine of not more than \$5,000 against the physician,  
18 physician assistant, *genetic counselor*, practitioner of respiratory care or  
19 perfusionist for each violation, in addition to any other fines or penalties permitted  
20 by law.

21 3. All reports made by a physician, physician assistant, *genetic counselor*,  
22 practitioner of respiratory care or perfusionist pursuant to this section are public  
23 records.

24 **Sec. 26.** NRS 630.3069 is hereby amended to read as follows:

25 630.3069 If the Board receives a report pursuant to the provisions of NRS  
26 630.3067, 630.3068 or 690B.250 indicating that a judgment has been rendered or  
27 an award has been made against a physician, physician assistant, *genetic counselor*,  
28 practitioner of respiratory care or perfusionist regarding an action or claim for  
29 malpractice or that such an action or claim against the physician, physician  
30 assistant, *genetic counselor*, practitioner of respiratory care or perfusionist has been  
31 resolved by settlement, the Board shall conduct an investigation to determine  
32 whether to impose disciplinary action against the physician, physician assistant,  
33 *genetic counselor*, practitioner of respiratory care or perfusionist regarding the  
34 action or claim, unless the Board has already commenced or completed such an  
35 investigation regarding the action or claim before it receives the report.

36 **Sec. 27.** NRS 630.307 is hereby amended to read as follows:

37 630.307 1. Except as otherwise provided in subsection 2, any person may  
38 file with the Board a complaint against a physician, *genetic counselor*, perfusionist,  
39 physician assistant, anesthesiologist assistant or practitioner of respiratory care on a  
40 form provided by the Board. The form may be submitted in writing or  
41 electronically. If a complaint is submitted anonymously, the Board may accept the  
42 complaint but may refuse to consider the complaint if the lack of the identity of the  
43 complainant makes processing the complaint impossible or unfair to the person  
44 who is the subject of the complaint.

45 2. Any licensee, medical school or medical facility that becomes aware that a  
46 person practicing medicine, *genetic counseling*, perfusion or respiratory care in this  
47 State has, is or is about to become engaged in conduct which constitutes grounds  
48 for initiating disciplinary action shall file a written complaint with the Board within  
49 30 days after becoming aware of the conduct.

50 3. Except as otherwise provided in subsection 4, any hospital, clinic or other  
51 medical facility licensed in this State, or medical society, shall report to the Board  
52 any change in the privileges of a physician, *genetic counselor*, perfusionist,  
53 physician assistant, anesthesiologist assistant or practitioner of respiratory care to

1 practice while the physician, *genetic counselor*, perfusionist, physician assistant,  
2 anesthesiologist assistant or practitioner of respiratory care is under investigation  
3 and the outcome of any disciplinary action taken by that facility or society against  
4 the physician, *genetic counselor*, perfusionist, physician assistant, anesthesiologist  
5 assistant or practitioner of respiratory care concerning the care of a patient or the  
6 competency of the physician, *genetic counselor*, perfusionist, physician assistant,  
7 anesthesiologist assistant or practitioner of respiratory care within 30 days after the  
8 change in privileges is made or disciplinary action is taken.

9 4. A hospital, clinic or other medical facility licensed in this State, or medical  
10 society, shall report to the Board within 5 days after a change in the privileges of a  
11 physician, *genetic counselor*, perfusionist, physician assistant, anesthesiologist  
12 assistant or practitioner of respiratory care to practice that is based on:

13 (a) An investigation of the mental, medical or psychological competency of the  
14 physician, *genetic counselor*, perfusionist, physician assistant, anesthesiologist  
15 assistant or practitioner of respiratory care; or

16 (b) Suspected or alleged substance abuse in any form by the physician, *genetic*  
17 *counselor*, perfusionist, physician assistant, anesthesiologist assistant or  
18 practitioner of respiratory care.

19 5. The Board shall report any failure to comply with subsection 3 or 4 by a  
20 hospital, clinic or other medical facility licensed in this State to the Division of  
21 Public and Behavioral Health of the Department of Health and Human Services. If,  
22 after a hearing, the Division of Public and Behavioral Health determines that any  
23 such facility or society failed to comply with the requirements of subsection 3 or 4,  
24 the Division may impose an administrative fine of not more than \$10,000 against  
25 the facility or society for each such failure to report. If the administrative fine is not  
26 paid when due, the fine must be recovered in a civil action brought by the Attorney  
27 General on behalf of the Division.

28 6. The clerk of every court shall report to the Board any finding, judgment or  
29 other determination of the court that a physician, *genetic counselor*, perfusionist,  
30 physician assistant, anesthesiologist assistant or practitioner of respiratory care:

31 (a) Is mentally ill;

32 (b) Is mentally incompetent;

33 (c) Has been convicted of a felony or any law governing controlled substances  
34 or dangerous drugs;

35 (d) Is guilty of abuse or fraud under any state or federal program providing  
36 medical assistance; or

37 (e) Is liable for damages for malpractice or negligence,

38 ↪ within 45 days after such a finding, judgment or determination is made.

39 7. The Board shall retain all complaints filed with the Board pursuant to this  
40 section for at least 10 years, including, without limitation, any complaints not acted  
41 upon.

42 **Sec. 28.** NRS 630.309 is hereby amended to read as follows:

43 630.309 To institute a disciplinary action against a *genetic counselor*,  
44 perfusionist, physician assistant, anesthesiologist assistant or practitioner of  
45 respiratory care, a written complaint, specifying the charges, must be filed with the  
46 Board by:

47 1. The Board or a committee designated by the Board to investigate a  
48 complaint;

49 2. Any member of the Board; or

50 3. Any other person who is aware of any act or circumstance constituting a  
51 ground for disciplinary action set forth in the regulations adopted by the Board.

1       **Sec. 29.** NRS 630.318 is hereby amended to read as follows:

2       630.318 1. If the Board or any investigative committee of the Board has  
3 reason to believe that the conduct of any physician, physician assistant, *genetic*  
4 *counselor*, practitioner of respiratory care or perfusionist has raised a reasonable  
5 question as to his or her competence to practice medicine, *genetic counseling*,  
6 respiratory care or perfusion or practice as a physician assistant, as applicable, with  
7 reasonable skill and safety to patients, or if the Board has received a report pursuant  
8 to the provisions of NRS 630.3067, 630.3068 or 690B.250 indicating that a  
9 judgment has been rendered or an award has been made against a physician,  
10 physician assistant, *genetic counselor*, practitioner of respiratory care or  
11 perfusionist regarding an action or claim for malpractice or that such an action or  
12 claim against the physician, physician assistant, *genetic counselor*, practitioner of  
13 respiratory care or perfusionist has been resolved by settlement, the Board or  
14 committee may order that the physician, physician assistant, *genetic counselor*,  
15 practitioner of respiratory care or perfusionist undergo a mental or physical  
16 examination, an examination testing his or her competence to practice medicine,  
17 *genetic counseling*, respiratory care or perfusion or practice as a physician  
18 assistant, as applicable, or any other examination designated by the Board to assist  
19 the Board or committee in determining the fitness of the physician, physician  
20 assistant, *genetic counselor*, practitioner of respiratory care or perfusionist to  
21 practice medicine, *genetic counseling*, respiratory care or perfusion or practice as a  
22 physician assistant, as applicable.

23       2. For the purposes of this section:

24       (a) Every physician, physician assistant, *genetic counselor*, practitioner of  
25 respiratory care or perfusionist who applies for a license or who is licensed under  
26 this chapter shall be deemed to have given consent to submit to a mental or physical  
27 examination or an examination testing his or her competence to practice medicine,  
28 *genetic counseling*, respiratory care or perfusion or practice as a physician  
29 assistant, as applicable, when ordered to do so in writing by the Board or an  
30 investigative committee of the Board.

31       (b) The testimony or reports of a person who conducts an examination of a  
32 physician, physician assistant, *genetic counselor*, practitioner of respiratory care or  
33 perfusionist on behalf of the Board or an investigative committee of the Board  
34 pursuant to this section are not privileged communications.

35       3. Except in extraordinary circumstances, as determined by the Board, the  
36 failure of a physician, physician assistant, *genetic counselor*, practitioner of  
37 respiratory care or perfusionist licensed under this chapter to submit to an  
38 examination when directed as provided in this section constitutes an admission of  
39 the charges against the physician, physician assistant, *genetic counselor*,  
40 practitioner of respiratory care or perfusionist.

41       **Sec. 30.** NRS 630.326 is hereby amended to read as follows:

42       630.326 1. If an investigation by the Board regarding a physician, *genetic*  
43 *counselor*, perfusionist, physician assistant, anesthesiologist assistant or  
44 practitioner of respiratory care reasonably determines that the health, safety or  
45 welfare of the public or any patient served by the licensee is at risk of imminent or  
46 continued harm, the Board may summarily suspend the license of the licensee  
47 pending the conclusion of a hearing to consider a formal complaint against the  
48 licensee. The order of summary suspension may be issued only by the Board or an  
49 investigative committee of the Board.

50       2. If the Board or an investigative committee of the Board issues an order  
51 summarily suspending the license of a physician, *genetic counselor*, perfusionist,  
52 physician assistant, anesthesiologist assistant or practitioner of respiratory care  
53 pursuant to subsection 1, the Board shall hold a hearing not later than 60 days after

1 the date on which the order is issued, unless the Board and the licensee mutually  
2 agree to a longer period, to determine whether a reasonable basis exists to continue  
3 the suspension of the license pending the conclusion of a hearing to consider a  
4 formal complaint against the licensee. If no formal complaint against the licensee is  
5 pending before the Board on the date on which a hearing is held pursuant to this  
6 section, the Board shall reinstate the license of the licensee.

7 3. If the Board or an investigative committee of the Board issues an order  
8 summarily suspending the license of a licensee pursuant to subsection 1 and the  
9 Board requires the licensee to submit to a mental or physical examination or an  
10 examination testing his or her competence to practice, the examination must be  
11 conducted and the results obtained not later than 30 days after the order is issued.

12 **Sec. 31.** NRS 630.329 is hereby amended to read as follows:

13 630.329 If the Board issues an order suspending the license of a physician,  
14 *genetic counselor*, perfusionist, physician assistant, anesthesiologist assistant or  
15 practitioner of respiratory care pending proceedings for disciplinary action,  
16 including, without limitation, a summary suspension pursuant to NRS 233B.127,  
17 the court shall not stay that order.

18 **Sec. 32.** NRS 630.336 is hereby amended to read as follows:

19 630.336 1. Any deliberations conducted or vote taken by the Board or any  
20 investigative committee of the Board regarding its ordering of a physician, *genetic*  
21 *counselor*, perfusionist, physician assistant, anesthesiologist assistant or  
22 practitioner of respiratory care to undergo a physical or mental examination or any  
23 other examination designated to assist the Board or committee in determining the  
24 fitness of a physician, *genetic counselor*, perfusionist, physician assistant,  
25 anesthesiologist assistant or practitioner of respiratory care are not subject to the  
26 requirements of NRS 241.020.

27 2. Except as otherwise provided in subsection 3 or 4, all applications for a  
28 license to practice medicine, *genetic counseling*, perfusion or respiratory care, any  
29 charges filed by the Board, financial records of the Board, formal hearings on any  
30 charges heard by the Board or a panel selected by the Board, records of such  
31 hearings and any order or decision of the Board or panel must be open to the public.

32 3. Except as otherwise provided in NRS 239.0115, the following may be kept  
33 confidential:

34 (a) Any statement, evidence, credential or other proof submitted in support of  
35 or to verify the contents of an application;

36 (b) Any report concerning the fitness of any person to receive or hold a license  
37 to practice medicine, *genetic counseling*, perfusion or respiratory care; and

38 (c) Any communication between:

39 (1) The Board and any of its committees or panels; and

40 (2) The Board or its staff, investigators, experts, committees, panels,  
41 hearing officers, advisory members or consultants and counsel for the Board.

42 4. Except as otherwise provided in subsection 5 and NRS 239.0115, a  
43 complaint filed with the Board pursuant to NRS 630.307, all documents and other  
44 information filed with the complaint and all documents and other information  
45 compiled as a result of an investigation conducted to determine whether to initiate  
46 disciplinary action are confidential.

47 5. The formal complaint or other document filed by the Board to initiate  
48 disciplinary action and all documents and information considered by the Board  
49 when determining whether to impose discipline are public records.

50 6. The Board shall, to the extent feasible, communicate or cooperate with or  
51 provide any documents or other information to any other licensing board or agency  
52 or any agency which is investigating a person, including a law enforcement agency.  
53 Such cooperation may include, without limitation, providing the board or agency

1 with minutes of a closed meeting, transcripts of oral examinations and the results of  
2 oral examinations.

3 **Sec. 33.** NRS 630.346 is hereby amended to read as follows:

4 630.346 In any disciplinary hearing:

5 1. The Board, a panel of the members of the Board and a hearing officer are  
6 not bound by formal rules of evidence, except that evidence must be taken and  
7 considered in the hearing pursuant to NRS 233B.123, and a witness must not be  
8 barred from testifying solely because the witness was or is incompetent.

9 2. A finding of the Board must be supported by a preponderance of the  
10 evidence.

11 3. Proof of actual injury need not be established.

12 4. A certified copy of the record of a court or a licensing agency showing a  
13 conviction or plea of nolo contendere or the suspension, revocation, limitation,  
14 modification, denial or surrender of a license to practice medicine, *genetic*  
15 *counseling*, perfusion or respiratory care is conclusive evidence of its occurrence.

16 **Sec. 34.** NRS 630.358 is hereby amended to read as follows:

17 630.358 1. Any person:

18 (a) Whose practice of medicine, *genetic counseling*, perfusion or respiratory  
19 care has been limited; or

20 (b) Whose license to practice medicine, *genetic counseling*, perfusion or  
21 respiratory care has been:

22 (1) Suspended until further order; or

23 (2) Revoked,

24 ↪ by an order of the Board, may apply to the Board for removal of the limitation or  
25 restoration of the license.

26 2. In hearing the application, the Board:

27 (a) May require the person to submit to a mental or physical examination or an  
28 examination testing his or her competence to practice medicine, *genetic*  
29 *counseling*, perfusion or respiratory care by physicians, *genetic counselors*,  
30 perfusionists or practitioners of respiratory care, as appropriate, or other  
31 examinations it designates and submit such other evidence of changed conditions  
32 and of fitness as it deems proper;

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

35 (c) May deny the application or modify or rescind its order as it deems the  
36 evidence and the public safety warrants.

37 3. The licensee has the burden of proving by clear and convincing evidence  
38 that the requirements for restoration of the license or removal of the limitation have  
39 been met.

40 4. The Board shall not restore a license unless it is satisfied that the person  
41 has complied with all of the terms and conditions set forth in the final order of the  
42 Board and that the person is capable of practicing medicine, *genetic counseling*,  
43 perfusion or respiratory care in a safe manner.

44 5. To restore a license that has been revoked by the Board, the applicant must  
45 apply for a license and take an examination as though the applicant had never been  
46 licensed under this chapter.

47 **Sec. 35.** NRS 630.366 is hereby amended to read as follows:

48 630.366 1. If the Board receives a copy of a court order issued pursuant to  
49 NRS 425.540 that provides for the suspension of all professional, occupational and  
50 recreational licenses, certificates and permits issued to a person who is the holder of  
51 a license to practice medicine, *to practice as a genetic counselor*, to practice as a  
52 perfusionist, to practice as a physician assistant, to practice as an anesthesiologist  
53 assistant or to practice as a practitioner of respiratory care, the Board shall deem the

1 license issued to that person to be suspended at the end of the 30th day after the  
2 date on which the court order was issued unless the Board receives a letter issued to  
3 the holder of the license by the district attorney or other public agency pursuant to  
4 NRS 425.550 stating that the holder of the license has complied with the subpoena  
5 or warrant or has satisfied the arrearage pursuant to NRS 425.560.

6 2. The Board shall reinstate a license to practice medicine, *to practice as a*  
7 *genetic counselor*, to practice as a perfusionist, to practice as a physician assistant,  
8 to practice as an anesthesiologist assistant or to practice as a practitioner of  
9 respiratory care that has been suspended by a district court pursuant to NRS  
10 425.540 if the Board receives a letter issued by the district attorney or other public  
11 agency pursuant to NRS 425.550 to the person whose license was suspended stating  
12 that the person whose license was suspended has complied with the subpoena or  
13 warrant or has satisfied the arrearage pursuant to NRS 425.560.

14 **Sec. 36.** NRS 630.388 is hereby amended to read as follows:

15 630.388 1. In addition to any other remedy provided by law, the Board,  
16 through its President or Secretary-Treasurer or the Attorney General, may apply to  
17 any court of competent jurisdiction:

18 (a) To enjoin any prohibited act or other conduct of a licensee which is harmful  
19 to the public;

20 (b) To enjoin any person who is not licensed under this chapter from practicing  
21 medicine, *genetic counseling*, perfusion or respiratory care;

22 (c) To limit the practice of a physician, *genetic counselor*, perfusionist,  
23 physician assistant, anesthesiologist assistant or practitioner of respiratory care, or  
24 suspend his or her license to practice;

25 (d) To enjoin the use of the title "P.A.," "P.A.-C.," "C.A.A.," "R.C.P." or any  
26 other word, combination of letters or other designation intended to imply or  
27 designate a person as a physician assistant, anesthesiologist assistant or practitioner  
28 of respiratory care, when not licensed by the Board pursuant to this chapter, unless  
29 the use is otherwise authorized by a specific statute; ~~for~~

30 (e) To enjoin the use of the title "L.P.," "T.L.P.," "licensed perfusionist,"  
31 "temporarily licensed perfusionist" or any other word, combination of letters or  
32 other designation intended to imply or designate a person as a perfusionist, when  
33 not licensed by the Board pursuant to this chapter, unless the use is otherwise  
34 authorized by a specific statute ~~for~~; *or*

35 (f) *To enjoin the use of the title "G.A.," "G.C.," "L.G.C.," "R.G.C.,"*  
36 *"genetic associate," "genetic counselor," "licensed genetic counselor,"*  
37 *"registered genetic counselor" or any other word, combination of letters or other*  
38 *designation intended to imply or designate a person as a genetic counselor, when*  
39 *not licensed by the Board pursuant to this chapter, unless the use is otherwise*  
40 *authorized by a specific statute.*

41 2. The court in a proper case may issue a temporary restraining order or a  
42 preliminary injunction for the purposes set forth in subsection 1:

43 (a) Without proof of actual damage sustained by any person;

44 (b) Without relieving any person from criminal prosecution for engaging in the  
45 practice of medicine, *genetic counseling*, perfusion or respiratory care without a  
46 license; and

47 (c) Pending proceedings for disciplinary action by the Board.

48 **Sec. 37.** NRS 630.390 is hereby amended to read as follows:

49 630.390 In seeking injunctive relief against any person for an alleged  
50 violation of this chapter by practicing medicine, *genetic counseling*, perfusion or  
51 respiratory care without a license, it is sufficient to allege that the person did, upon  
52 a certain day, and in a certain county of this State, engage in the practice of  
53 medicine, *genetic counseling*, perfusion or respiratory care without having a

1 license to do so, without alleging any further or more particular facts concerning the  
2 same.

3 **Sec. 38.** NRS 630.395 is hereby amended to read as follows:

4 630.395 Any member or agent of the Board may enter any premises in this  
5 State where a person who holds a license issued pursuant to the provisions of this  
6 chapter practices medicine, *genetic counseling*, perfusion or respiratory care and  
7 inspect it to determine whether a violation of any provision of this chapter has  
8 occurred, including, without limitation:

9 1. An inspection to determine whether any person at the premises is  
10 practicing medicine, *genetic counseling*, perfusion or respiratory care without the  
11 appropriate license issued pursuant to the provisions of this chapter; or

12 2. An inspection to determine whether any physician is allowing a person to  
13 perform or participate in any activity under the supervision of the physician for the  
14 purpose of receiving credit toward a degree of doctor of medicine, osteopathy or  
15 osteopathic medicine in violation of the provisions of NRS 630.3745.

16 **Sec. 39.** NRS 630.397 is hereby amended to read as follows:

17 630.397 Unless the Board determines that extenuating circumstances exist,  
18 the Board shall forward to the appropriate law enforcement agency any  
19 substantiated information submitted to the Board concerning a person who practices  
20 or offers to practice medicine, *genetic counseling*, perfusion or respiratory care  
21 without the appropriate license issued pursuant to the provisions of this chapter.

22 **Sec. 40.** NRS 630.400 is hereby amended to read as follows:

23 630.400 1. It is unlawful for any person to:

24 (a) Present to the Board as his or her own the diploma, license or credentials of  
25 another;

26 (b) Give either false or forged evidence of any kind to the Board;

27 (c) Practice medicine, *genetic counseling*, perfusion or respiratory care under a  
28 false or assumed name or falsely personate another licensee;

29 (d) Except as otherwise provided by a specific statute, practice medicine,  
30 *genetic counseling*, perfusion or respiratory care without being licensed under this  
31 chapter;

32 (e) Hold himself or herself out as a perfusionist or use any other term  
33 indicating or implying that he or she is a perfusionist without being licensed by the  
34 Board;

35 (f) Hold himself or herself out as a physician assistant or use any other term  
36 indicating or implying that he or she is a physician assistant without being licensed  
37 by the Board;

38 (g) Hold himself or herself out as an anesthesiologist assistant or use any other  
39 term indicating or implying that he or she is an anesthesiologist assistant without  
40 being licensed by the Board; ~~or~~

41 (h) Hold himself or herself out as a practitioner of respiratory care or use any  
42 other term indicating or implying that he or she is a practitioner of respiratory care  
43 without being licensed by the Board ~~or~~; *or*

44 (i) *Hold himself or herself out as a genetic counselor or use any other term*  
45 *indicating or implying that he or she is a genetic counselor without being*  
46 *licensed by the Board.*

47 2. Unless a greater penalty is provided pursuant to NRS 200.830 or 200.840, a  
48 person who violates any provision of subsection 1:

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

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

51 *and shall be punished as provided in NRS 193.130.*

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

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

5 (b) Issue a citation to the person. A citation issued pursuant to this paragraph  
6 must be in writing, describe with particularity the nature of the violation and inform  
7 the person of the provisions of this paragraph. Each activity in which the person is  
8 engaged constitutes a separate offense for which a separate citation may be issued.  
9 To appeal a citation, the person must submit a written request for a hearing to the  
10 Board not later than 30 days after the date of issuance of the citation.

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

12 (d) Impose any combination of the penalties set forth in paragraphs (a), (b) and  
13 (c).

14 **Sec. 41.** NRS 630A.090 is hereby amended to read as follows:

15 630A.090 1. This chapter does not apply to:

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

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

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

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

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

29 3. This chapter does not prohibit:

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

31 (b) The domestic administration of family remedies.

32 4. This chapter does not authorize a homeopathic physician to practice  
33 medicine, including allopathic medicine, except as otherwise provided in NRS  
34 630A.040.

35 **Sec. 42.** NRS 632.472 is hereby amended to read as follows:

36 632.472 1. The following persons shall report in writing to the Executive  
37 Director of the Board any conduct of a licensee or holder of a certificate which  
38 constitutes a violation of the provisions of this chapter:

39 (a) Any physician, dentist, dental hygienist, expanded function dental assistant,  
40 naprapath, chiropractic physician, optometrist, podiatric physician, medical  
41 examiner, resident, intern, professional or practical nurse, nursing assistant,  
42 medication aide - certified, *genetic counselor*, perfusionist, physician assistant  
43 licensed pursuant to chapter 630 or 633 of NRS, anesthesiologist assistant,  
44 psychiatrist, psychologist, marriage and family therapist, clinical professional  
45 counselor, alcohol or drug counselor, peer recovery support specialist, peer  
46 recovery support specialist supervisor, music therapist, holder of a license or  
47 limited license issued pursuant to chapter 653 of NRS, driver of an ambulance,  
48 paramedic or other person providing medical services licensed or certified to  
49 practice in this State.

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

1 (c) A coroner.

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

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

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

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

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

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

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

17 (k) Any social worker.

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

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

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

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

31 5. As used in this section:

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

34 (b) "Community health worker pool" has the meaning ascribed to it in NRS  
35 449.0028.

36 (c) "Peer recovery support specialist" has the meaning ascribed to it in NRS  
37 433.627.

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

40 **Sec. 43.** NRS 633.171 is hereby amended to read as follows:

41 633.171 1. This chapter does not apply to:

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

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

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

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

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

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

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

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

15 3. This chapter does not prohibit:

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

17 (b) The domestic administration of family remedies.

18 **Sec. 44.** NRS 640E.090 is hereby amended to read as follows:

19 640E.090 1. The provisions of this chapter do not apply to:

20 (a) Any person who is licensed or registered in this State as a physician  
21 pursuant to chapter 630, 630A or 633 of NRS, *genetic counselor*, dentist, nurse,  
22 dispensing optician, optometrist, occupational therapist, practitioner of respiratory  
23 care, physical therapist, podiatric physician, psychologist, marriage and family  
24 therapist, chiropractic physician, naprapath, athletic trainer, massage therapist,  
25 reflexologist, structural integration practitioner, perfusionist, doctor of Oriental  
26 medicine in any form, medical laboratory director or technician or pharmacist who:

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

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

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

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

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

40 (d) A person who furnishes nutrition information, provides recommendations  
41 or advice concerning nutrition, or markets food, food materials or dietary  
42 supplements and provides nutrition information, recommendations or advice related  
43 to that marketing, if the person does not represent that he or she is a licensed  
44 dietitian or registered dietitian. While performing acts described in this paragraph, a  
45 person shall be deemed not to be engaged in the practice of dietetics or the  
46 providing of nutrition services.

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

1           2. As used in this section, “nutrition information” means information relating  
2 to the principles of nutrition and the effect of nutrition on the human body,  
3 including, without limitation:

- 4           (a) Food preparation;  
5           (b) Food included in a normal daily diet;  
6           (c) Essential nutrients required by the human body and recommended amounts  
7 of essential nutrients, based on nationally established standards;  
8           (d) The effect of nutrients on the human body and the effect of deficiencies in  
9 or excess amounts of nutrients in the human body; and  
10          (e) Specific foods or supplements that are sources of essential nutrients.

11          **Sec. 45.** 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 35 percent of the amount recovered.

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

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

23          4. As used in this section:

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

30          (b) “Provider of health care” means a physician licensed under chapter 630 or  
31 633 of NRS, *genetic counselor*, dentist, registered nurse, dispensing optician,  
32 optometrist, registered physical therapist, podiatric physician, licensed  
33 psychologist, chiropractic physician, naprapath, doctor of Oriental medicine, holder  
34 of a license or a limited license issued under the provisions of chapter 653 of NRS,  
35 medical laboratory director or technician, licensed dietitian or a licensed hospital  
36 and its employees.

37          **Sec. 46.** NRS 41A.017 is hereby amended to read as follows:

38          41A.017 “Provider of health care” means a physician licensed pursuant to  
39 chapter 630 or 633 of NRS, physician assistant, *genetic counselor*, anesthesiologist  
40 assistant, dentist, licensed nurse, dispensing optician, optometrist, registered  
41 physical therapist, podiatric physician, licensed psychologist, chiropractic  
42 physician, naprapath, doctor of Oriental medicine, holder of a license or a limited  
43 license issued under the provisions of chapter 653 of NRS, medical laboratory  
44 director or technician, licensed dietitian or a licensed hospital, clinic, surgery  
45 center, physicians’ professional corporation or group practice that employs any  
46 such person and its employees.

47          **Sec. 47.** NRS 42.021 is hereby amended to read as follows:

48          42.021 1. In an action for injury or death against a provider of health care  
49 based upon professional negligence, if the defendant so elects, the defendant may  
50 introduce evidence of any amount payable as a benefit to the plaintiff as a result of  
51 the injury or death pursuant to the United States Social Security Act, any state or  
52 federal income disability or worker’s compensation act, any health, sickness or  
53 income-disability insurance, accident insurance that provides health benefits or

1 income-disability coverage, and any contract or agreement of any group,  
2 organization, partnership or corporation to provide, pay for or reimburse the cost of  
3 medical, hospital, dental or other health care services. If the defendant elects to  
4 introduce such evidence, the plaintiff may introduce evidence of any amount that  
5 the plaintiff has paid or contributed to secure the plaintiff's right to any insurance  
6 benefits concerning which the defendant has introduced evidence.

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

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

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

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

15 4. In entering a judgment ordering the payment of future damages by periodic  
16 payments pursuant to subsection 3, the court shall make a specific finding as to the  
17 dollar amount of periodic payments that will compensate the judgment creditor for  
18 such future damages. As a condition to authorizing periodic payments of future  
19 damages, the court shall require a judgment debtor who is not adequately insured to  
20 post security adequate to assure full payment of such damages awarded by the  
21 judgment. Upon termination of periodic payments of future damages, the court  
22 shall order the return of this security, or so much as remains, to the judgment  
23 debtor.

24 5. A judgment ordering the payment of future damages by periodic payments  
25 entered pursuant to subsection 3 must specify the recipient or recipients of the  
26 payments, the dollar amount of the payments, the interval between payments, and  
27 the number of payments or the period of time over which payments will be made.  
28 Such payments must only be subject to modification in the event of the death of the  
29 judgment creditor. Money damages awarded for loss of future earnings must not be  
30 reduced or payments terminated by reason of the death of the judgment creditor, but  
31 must be paid to persons to whom the judgment creditor owed a duty of support, as  
32 provided by law, immediately before the judgment creditor's death. In such cases,  
33 the court that rendered the original judgment may, upon petition of any party in  
34 interest, modify the judgment to award and apportion the unpaid future damages in  
35 accordance with this subsection.

36 6. If the court finds that the judgment debtor has exhibited a continuing  
37 pattern of failing to make the periodic payments as specified pursuant to subsection  
38 5, the court shall find the judgment debtor in contempt of court and, in addition to  
39 the required periodic payments, shall order the judgment debtor to pay the  
40 judgment creditor all damages caused by the failure to make such periodic  
41 payments, including, but not limited to, court costs and attorney's fees.

42 7. Following the occurrence or expiration of all obligations specified in the  
43 periodic payment judgment, any obligation of the judgment debtor to make further  
44 payments ceases and any security given pursuant to subsection 4 reverts to the  
45 judgment debtor.

46 8. As used in this section:

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

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

52 (c) "Professional negligence" means a negligent act or omission to act by a  
53 provider of health care in the rendering of professional services, which act or

1 omission is the proximate cause of a personal injury or wrongful death. The term  
2 does not include services that are outside the scope of services for which the  
3 provider of health care is licensed or services for which any restriction has been  
4 imposed by the applicable regulatory board or health care facility.

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

12 **Sec. 48.** NRS 49.215 is hereby amended to read as follows:

13 49.215 As used in NRS 49.215 to 49.245, inclusive:

14 1. A communication is "confidential" if it is not intended to be disclosed to  
15 third persons other than:

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

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

19 (c) Persons who are participating in the diagnosis and treatment under the  
20 direction of the doctor, including members of the patient's family.

21 2. "Doctor" means a person licensed to practice medicine, *genetic*  
22 *counseling*, dentistry or osteopathic medicine, chiropractic or naprapathy in any  
23 state or nation, or a person who is reasonably believed by the patient to be so  
24 licensed, and in addition includes a person employed by a public or private agency  
25 as a psychiatric social worker, or someone under his or her guidance, direction or  
26 control, while engaged in the examination, diagnosis or treatment of a patient for a  
27 mental condition.

28 3. "Patient" means a person who consults or is examined or interviewed by a  
29 doctor for purposes of diagnosis or treatment.

30 **Sec. 49.** NRS 52.320 is hereby amended to read as follows:

31 52.320 As used in NRS 52.320 to 52.375, inclusive, unless the context  
32 otherwise requires:

33 1. "Custodian of medical records" means a chiropractic physician, naprapath,  
34 physician, *genetic counselor*, registered physical therapist or licensed nurse who  
35 prepares and maintains medical records, or any employee or agent of such a person  
36 or a facility for convalescent care, medical laboratory or hospital who has care,  
37 custody and control of medical records for such a person or institution.

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

40 **Sec. 50.** NRS 89.050 is hereby amended to read as follows:

41 89.050 1. Except as otherwise provided in subsection 2, a professional  
42 entity may be organized only for the purpose of rendering one specific type of  
43 professional service and may not engage in any business other than rendering the  
44 professional service for which it was organized and services reasonably related  
45 thereto, except that a professional entity may own real and personal property  
46 appropriate to its business and may invest its money in any form of real property,  
47 securities or any other type of investment.

48 2. A professional entity may be organized to render a professional service  
49 relating to:

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

52 (1) Engaged in the practice of architecture as provided in chapter 623 of  
53 NRS;

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

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

5 (4) Engaged in the practice of landscape architecture as provided in chapter  
6 623A of NRS; and

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

9 (b) Medicine, *genetic counseling*, homeopathy, osteopathy, naprapathy,  
10 chiropractic and psychology, or any combination thereof, and may be composed of  
11 persons engaged in the practice of:

12 (1) Medicine *or genetic counseling* as provided in chapter 630 of NRS;

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

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

15 (4) Chiropractic as provided in chapter 634 of NRS;

16 (5) Naprapathy as provided in chapter 634B of NRS; and

17 (6) Psychology and licensed to provide services pursuant to chapter 641 of  
18 NRS.

19 ↪ Such a professional entity may market and manage additional professional  
20 entities which are organized to render a professional service relating to medicine,  
21 *genetic counseling*, homeopathy, osteopathy, naprapathy, chiropractic and  
22 psychology.

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

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

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

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

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

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

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

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

40 **Sec. 51.** NRS 200.471 is hereby amended to read as follows:

41 200.471 1. As used in this section:

42 (a) "Assault" means:

43 (1) Unlawfully attempting to use physical force against another person; or

44 (2) Intentionally placing another person in reasonable apprehension of  
45 immediate bodily harm.

46 (b) "Fire-fighting agency" has the meaning ascribed to it in NRS 239B.020.

47 (c) "Health care facility" means a facility licensed pursuant to chapter 449 of  
48 NRS, an office of a person listed in NRS 629.031, a clinic or any other location,  
49 other than a residence, where health care is provided.

50 (d) "Officer" means:

51 (1) A person who possesses some or all of the powers of a peace officer;

52 (2) A person employed in a full-time salaried occupation of fire fighting  
53 for the benefit or safety of the public;

- 1 (3) A member of a volunteer fire department;
- 2 (4) A jailer, guard or other correctional officer of a city or county jail;
- 3 (5) A prosecuting attorney of an agency or political subdivision of the
- 4 United States or of this State;
- 5 (6) A justice of the Supreme Court, judge of the Court of Appeals, district
- 6 judge, justice of the peace, municipal judge, magistrate, court commissioner, master
- 7 or referee, including a person acting pro tempore in a capacity listed in this
- 8 subparagraph;
- 9 (7) An employee of this State or a political subdivision of this State whose
- 10 official duties require the employee to make home visits;
- 11 (8) A civilian employee or a volunteer of a law enforcement agency whose
- 12 official duties require the employee or volunteer to:
- 13 (I) Interact with the public;
- 14 (II) Perform tasks related to law enforcement; and
- 15 (III) Wear identification, clothing or a uniform that identifies the
- 16 employee or volunteer as working or volunteering for the law enforcement agency;
- 17 (9) A civilian employee or a volunteer of a fire-fighting agency whose
- 18 official duties require the employee or volunteer to:
- 19 (I) Interact with the public;
- 20 (II) Perform tasks related to fire fighting or fire prevention; and
- 21 (III) Wear identification, clothing or a uniform that identifies the
- 22 employee or volunteer as working or volunteering for the fire-fighting agency; or
- 23 (10) A civilian employee or volunteer of this State or a political
- 24 subdivision of this State whose official duties require the employee or volunteer to:
- 25 (I) Interact with the public;
- 26 (II) Perform tasks related to code enforcement; and
- 27 (III) Wear identification, clothing or a uniform that identifies the
- 28 employee or volunteer as working or volunteering for this State or a political
- 29 subdivision of this State.
- 30 (e) "Provider of health care" means:
- 31 (1) A physician, a medical student, *a genetic counselor*, a perfusionist, an
- 32 anesthesiologist assistant or a physician assistant licensed pursuant to chapter 630
- 33 of NRS, a practitioner of respiratory care, a homeopathic physician, an advanced
- 34 practitioner of homeopathy, a homeopathic assistant, an osteopathic physician, a
- 35 physician assistant or anesthesiologist assistant licensed pursuant to chapter 633 of
- 36 NRS, a podiatric physician, a podiatry hygienist, a physical therapist, a medical
- 37 laboratory technician, an optometrist, a chiropractic physician, a chiropractic
- 38 assistant, a naprapath, a doctor of Oriental medicine, a nurse, a student nurse, a
- 39 certified nursing assistant, a nursing assistant trainee, a medication aide - certified,
- 40 a person who provides health care services in the home for compensation, a dentist,
- 41 a dental student, a dental hygienist, a dental hygienist student, an expanded function
- 42 dental assistant, an expanded function dental assistant student, a pharmacist, a
- 43 pharmacy student, an intern pharmacist, an attendant on an ambulance or air
- 44 ambulance, a psychologist, a social worker, a marriage and family therapist, a
- 45 marriage and family therapist intern, a clinical professional counselor, a clinical
- 46 professional counselor intern, a behavior analyst, an assistant behavior analyst, a
- 47 registered behavior technician, a mental health technician, a licensed dietitian, the
- 48 holder of a license or a limited license issued under the provisions of chapter 653 of
- 49 NRS, a public safety officer at a health care facility, an emergency medical
- 50 technician, an advanced emergency medical technician, a paramedic or a participant
- 51 in a program of training to provide emergency medical services; or
- 52 (2) An employee of or volunteer for a health care facility who:
- 53 (I) Interacts with the public;

1 (II) Performs tasks related to providing health care; and

2 (III) Wears identification, clothing or a uniform that identifies the  
3 person as an employee or volunteer of the health care facility.

4 (f) "School employee" means a licensed or unlicensed person employed by a  
5 board of trustees of a school district pursuant to NRS 391.100 or 391.281.

6 (g) "Sporting event" has the meaning ascribed to it in NRS 41.630.

7 (h) "Sports official" has the meaning ascribed to it in NRS 41.630.

8 (i) "Taxicab" has the meaning ascribed to it in NRS 706.8816.

9 (j) "Taxicab driver" means a person who operates a taxicab.

10 (k) "Transit operator" means a person who operates a bus or other vehicle as  
11 part of a public mass transportation system.

12 (l) "Utility worker" means an employee of a public utility as defined in NRS  
13 704.020 whose official duties require the employee to:

14 (1) Interact with the public;

15 (2) Perform tasks related to the operation of the public utility; and

16 (3) Wear identification, clothing or a uniform that identifies the employee  
17 as working for the public utility.

18 2. A person convicted of an assault shall be punished:

19 (a) If paragraph (c) or (d) does not apply to the circumstances of the crime and  
20 the assault is not made with the use of a deadly weapon or the present ability to use  
21 a deadly weapon, for a misdemeanor.

22 (b) If the assault is made with the use of a deadly weapon or the present ability  
23 to use a deadly weapon, for a category B felony by imprisonment in the state prison  
24 for a minimum term of not less than 1 year and a maximum term of not more than 6  
25 years, or by a fine of not more than \$5,000, or by both fine and imprisonment.

26 (c) If paragraph (d) does not apply to the circumstances of the crime and if the  
27 assault:

28 (1) Is committed upon:

29 (I) An officer, a school employee, a taxicab driver, a transit operator or  
30 a utility worker who is performing his or her duty;

31 (II) A provider of health care while the provider of health care is  
32 performing his or her duty or is on the premises where he or she performs that duty;  
33 or

34 (III) A sports official based on the performance of his or her duties at a  
35 sporting event; and

36 (2) The person charged knew or should have known that the victim was an  
37 officer, a provider of health care, a school employee, a taxicab driver, a transit  
38 operator, a utility worker or a sports official,

39 for a gross misdemeanor, unless the assault is made with the use of a deadly  
40 weapon or the present ability to use a deadly weapon, then for a category B felony  
41 by imprisonment in the state prison for a minimum term of not less than 1 year and  
42 a maximum term of not more than 6 years, or by a fine of not more than \$5,000, or  
43 by both fine and imprisonment.

44 (d) If the assault:

45 (1) Is committed by a probationer, a prisoner who is in lawful custody or  
46 confinement or a parolee upon:

47 (I) An officer, a school employee, a taxicab driver, a transit operator or  
48 a utility worker who is performing his or her duty;

49 (II) A provider of health care while the provider of health care is  
50 performing his or her duty or is on the premises where he or she performs that duty;  
51 or

52 (III) A sports official based on the performance of his or her duties at a  
53 sporting event; and

1 (2) The probationer, prisoner or parolee charged knew or should have  
2 known that the victim was an officer, a provider of health care, a school employee,  
3 a taxicab driver, a transit operator, a utility worker or a sports official,  
4 ➤ for a category D felony as provided in NRS 193.130, unless the assault is made  
5 with the use of a deadly weapon or the present ability to use a deadly weapon, then  
6 for a category B felony by imprisonment in the state prison for a minimum term of  
7 not less than 1 year and a maximum term of not more than 6 years, or by a fine of  
8 not more than \$5,000, or by both fine and imprisonment.

9 **Sec. 52.** NRS 200.5093 is hereby amended to read as follows:

10 200.5093 1. Any person who is described in subsection 4 and who, in a  
11 professional or occupational capacity, knows or has reasonable cause to believe that  
12 an older person or vulnerable person has been abused, neglected, exploited, isolated  
13 or abandoned shall:

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

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

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

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

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

25 2. If a person who is required to make a report pursuant to subsection 1 knows  
26 or has reasonable cause to believe that the abuse, neglect, exploitation, isolation or  
27 abandonment of the older person or vulnerable person involves an act or omission  
28 of the Aging and Disability Services Division, another division of the Department  
29 of Health and Human Services or a law enforcement agency, the person shall make  
30 the report to an agency other than the one alleged to have committed the act or  
31 omission.

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

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

36 (a) Every physician, dentist, dental hygienist, expanded function dental  
37 assistant, chiropractic physician, naprapath, optometrist, podiatric physician,  
38 medical examiner, resident, intern, professional or practical nurse, physician  
39 assistant licensed pursuant to chapter 630 or 633 of NRS, **genetic counselor**,  
40 anesthesiologist assistant, perfusionist, psychiatrist, psychologist, marriage and  
41 family therapist, clinical professional counselor, clinical alcohol and drug  
42 counselor, alcohol and drug counselor, music therapist, athletic trainer, driver of an  
43 ambulance, paramedic, licensed dietitian, holder of a license or a limited license  
44 issued under the provisions of chapter 653 of NRS, behavior analyst, assistant  
45 behavior analyst, registered behavior technician, peer recovery support specialist, as  
46 defined in NRS 433.627, peer recovery support specialist supervisor, as defined in  
47 NRS 433.629, or other person providing medical services licensed or certified to  
48 practice in this State, who examines, attends or treats an older person or vulnerable  
49 person who appears to have been abused, neglected, exploited, isolated or  
50 abandoned.

51 (b) Any personnel of a hospital or similar institution engaged in the admission,  
52 examination, care or treatment of persons or an administrator, manager or other  
53 person in charge of a hospital or similar institution upon notification of the

1 suspected abuse, neglect, exploitation, isolation or abandonment of an older person  
2 or vulnerable person by a member of the staff of the hospital.

3 (c) A coroner.

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

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

8 (f) Every person who operates, who is employed by or who contracts to  
9 provide services for an intermediary service organization as defined in NRS  
10 449.4304.

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

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

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

19 (j) Any person who maintains, is employed by or serves as a volunteer for an  
20 agency or service which advises persons regarding the abuse, neglect, exploitation,  
21 isolation or abandonment of an older person or vulnerable person and refers them to  
22 persons and agencies where their requests and needs can be met.

23 (k) Every social worker.

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

25 (m) Every person who operates or is employed by a community health worker  
26 pool, as defined in NRS 449.0028, or with whom a community health worker pool  
27 contracts to provide the services of a community health worker, as defined in NRS  
28 449.0027.

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

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

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

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

50 (a) Aging and Disability Services Division;

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

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

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

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

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

13       **Sec. 53.** NRS 202.2491 is hereby amended to read as follows:

14       202.2491 1. Except as otherwise provided in subsections 5 and 6 and NRS  
15 202.24915, the smoking of tobacco in any form is prohibited if done in any:

16       (a) Public elevator.

17       (b) Public building.

18       (c) Public waiting room, lobby or hallway of any:

19       (1) Medical facility or facility for the dependent as defined in chapter 449  
20 of NRS; or

21       (2) Office of any chiropractic physician, naprapath, dentist, physical  
22 therapist, physician, *genetic counselor*, podiatric physician, psychologist, optician,  
23 optometrist or doctor of Oriental medicine.

24       (d) Hotel or motel when so designated by the operator thereof.

25       (e) Public area of a store principally devoted to the sale of food for human  
26 consumption off the premises.

27       (f) Child care facility.

28       (g) Bus used by the general public, other than a chartered bus, or in any  
29 maintenance facility or office associated with a bus system operated by any  
30 regional transportation commission.

31       (h) School bus.

32       (i) Video arcade.

33       2. The person in control of an area listed in paragraph (c), (d), (e) or (g) of  
34 subsection 1:

35       (a) Shall post in the area signs prohibiting smoking in any place not designated  
36 for that purpose as provided in paragraph (b).

37       (b) May designate separate rooms or portions of the area which may be used  
38 for smoking, except for a room or portion of the area of a store described in  
39 paragraph (e) of subsection 1 if the room or portion of the area:

40       (1) Is leased to or operated by a person licensed pursuant to NRS 463.160;  
41 and

42       (2) Does not otherwise qualify for an exemption set forth in NRS  
43 202.24915.

44       3. The person in control of a public building:

45       (a) Shall post in the area signs prohibiting smoking in any place not designated  
46 for that purpose as provided in paragraph (b).

47       (b) Shall, except as otherwise provided in this subsection, designate a separate  
48 area which may be used for smoking.

49       ➤ A school district which prohibits the use of tobacco by pupils need not designate  
50 an area which may be used by the pupils to smoke.

51       4. The operator of a restaurant with a seating capacity of 50 or more shall  
52 maintain a flexible nonsmoking area within the restaurant and offer each patron the  
53 opportunity to be seated in a smoking or nonsmoking area.

1           5. A business which derives more than 50 percent of its gross receipts from  
2 the sale of alcoholic beverages or 50 percent of its gross receipts from gaming  
3 operations may be designated as a smoking area in its entirety by the operator of the  
4 business.

5           6. The smoking of tobacco is not prohibited in:

6           (a) Any room or area designated for smoking pursuant to paragraph (b) of  
7 subsection 2 or paragraph (b) of subsection 3.

8           (b) A licensed gaming establishment. A licensed gaming establishment may  
9 designate separate rooms or areas within the establishment which may or may not  
10 be used for smoking.

11          7. As used in this section:

12          (a) "Child care facility" means an establishment operated and maintained to  
13 furnish care on a temporary or permanent basis, during the day or overnight, to five  
14 or more children under 18 years of age, if compensation is received for the care of  
15 any of those children. The term does not include the home of a natural person who  
16 provides child care.

17          (b) "Licensed gaming establishment" has the meaning ascribed to it in NRS  
18 463.0169.

19          (c) "Public building" means any building or office space owned or occupied  
20 by:

21           (1) Any component of the Nevada System of Higher Education and used  
22 for any purpose related to the System.

23           (2) The State of Nevada and used for any public purpose, other than that  
24 used by the Department of Corrections to house or provide other services to  
25 offenders.

26           (3) Any county, city, school district or other political subdivision of the  
27 State and used for any public purpose.

28          ➤ If only part of a building is owned or occupied by an entity described in this  
29 paragraph, the term means only that portion of the building which is so owned or  
30 occupied.

31          (d) "School bus" has the meaning ascribed to it in NRS 483.160.

32          (e) "Video arcade" means a facility legally accessible to persons under 18  
33 years of age which is intended primarily for the use of pinball and video machines  
34 for amusement and which contains a minimum of 10 such machines.

35          **Sec. 54.** NRS 226.454 is hereby amended to read as follows:

36          226.454 "Provider of health care" means:

37           1. A physician;

38           2. A physician assistant licensed pursuant to chapter 630 or 633 of NRS;

39           3. A dentist;

40           4. A licensed nurse;

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

44           6. An optometrist;

45           7. An audiologist;

46           8. A practitioner of respiratory care;

47           9. A podiatric physician;

48           10. A psychologist;

49           11. A clinical professional counselor;

50           12. *A genetic counselor;*

51           13. A perfusionist;

52           ~~13.~~ 14. A pharmacist or pharmacy technician;

1 ~~14.4~~ 15. An associate in social work, a social worker, a master social worker,  
2 an independent social worker or a clinical social worker licensed pursuant to  
3 chapter 641B of NRS;

4 ~~14.5~~ 16. A midwife; or

5 ~~14.6~~ 17. A provider of doula services who is enrolled with the Division of  
6 Health Care Financing and Policy of the Department of Health and Human Services  
7 to receive reimbursement through Medicaid pursuant to NRS 422.27177.

8 **Sec. 55.** NRS 288.140 is hereby amended to read as follows:

9 288.140 1. It is the right of every local government employee, subject to the  
10 limitations provided in subsections 3, 4 and 5, to join any employee organization of  
11 the employee's choice or to refrain from joining any employee organization. A  
12 local government employer shall not discriminate in any way among its employees  
13 on account of membership or nonmembership in an employee organization.

14 2. The recognition of an employee organization for negotiation, pursuant to  
15 this chapter, does not preclude any local government employee who is not a  
16 member of that employee organization from acting for himself or herself with  
17 respect to any condition of his or her employment, but any action taken on a request  
18 or in adjustment of a grievance shall be consistent with the terms of an applicable  
19 negotiated agreement, if any.

20 3. A police officer, sheriff, deputy sheriff or other law enforcement officer  
21 may be a member of an employee organization only if such employee organization  
22 is composed exclusively of law enforcement officers.

23 4. A civilian employee of a metropolitan police department which is  
24 organized pursuant to chapter 280 of NRS may be a member of an employee  
25 organization only if such employee organization is composed exclusively of  
26 civilian employees of a metropolitan police department which is organized pursuant  
27 to chapter 280 of NRS.

28 5. The following persons may not be a member of an employee organization:

29 (a) A supervisory employee described in paragraph (b) of subsection 1 of NRS  
30 288.138, including but not limited to appointed officials and department heads who  
31 are primarily responsible for formulating and administering management, policy  
32 and programs.

33 (b) A doctor or physician who is employed by a local government employer.

34 (c) Except as otherwise provided in this paragraph, an attorney who is  
35 employed by a local government employer and who is assigned to a civil law  
36 division, department or agency. The provisions of this paragraph do not apply with  
37 respect to an attorney for the duration of a collective bargaining agreement to which  
38 the attorney is a party as of July 1, 2011.

39 6. As used in this section, "doctor or physician" means a doctor, physician,  
40 *genetic counselor*, homeopathic physician, osteopathic physician, naprapath,  
41 chiropractic physician, practitioner of Oriental medicine, podiatric physician or  
42 practitioner of optometry, as those terms are defined or used, respectively, in NRS  
43 630.014, 630A.050, 633.091, chapter 634 of NRS, chapter 634A of NRS, NRS  
44 634B.050, chapter 635 of NRS or chapter 636 of NRS.

45 **Sec. 56.** NRS 439A.0195 is hereby amended to read as follows:

46 439A.0195 "Practitioner" means a physician licensed under chapter 630,  
47 630A or 633 of NRS, *genetic counselor*, dentist, licensed nurse, dispensing  
48 optician, optometrist, registered physical therapist, podiatric physician, licensed  
49 psychologist, chiropractic physician, naprapath, doctor of Oriental medicine in any  
50 form, medical laboratory director or technician, pharmacist or other person whose  
51 principal occupation is the provision of services for health.

1       **Sec. 57.** NRS 598A.360 is hereby amended to read as follows:

2       598A.360 “Practitioner” means a physician licensed pursuant to chapter 630  
3 or 633 of NRS, physician assistant, **genetic counselor**, licensed nurse, dispensing  
4 optician, optometrist, practitioner of respiratory care, registered physical therapist,  
5 occupational therapist, licensed psychologist or perfusionist.

6       **Sec. 58.** NRS 685B.120 is hereby amended to read as follows:

7       685B.120 1. Any person who provides coverage in this State for the cost of:

- 8       (a) Medical care;  
9       (b) Surgery;  
10       (c) Chiropractic;  
11       (d) Physical therapy;  
12       (e) Speech-language pathology;  
13       (f) Audiology;  
14       (g) Professional care of mental health;  
15       (h) Dental care;  
16       (i) Hospital care;  
17       (j) Ophthalmic care;  
18       (k) Naprapathy;

19       **(l) Genetic counseling;** or

20       ~~(m)~~ **(m) Ambulance services,**

21       ↳ whether the coverage provides for direct payment, reimbursement or any other  
22 method of payment, is subject to regulation by the Division and to the provisions of  
23 this Code unless the person shows that while providing such coverage the person is  
24 subject to regulation by the Federal Government.

25       2. A nonprofit corporation that provides prepaid ambulance services is not  
26 subject to regulation by the Division or to the provisions of this Code if the  
27 corporation presents evidence satisfactory to the Commissioner that the corporation  
28 is subject to regulation by a political subdivision of this State pursuant to an  
29 exclusive franchise which limits the number of times any such prepaid services may  
30 be used to a defined number that are medically necessary.

31       **Sec. 59.** NRS 686A.2825 is hereby amended to read as follows:

32       686A.2825 “Practitioner” means:

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

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

42       **Sec. 60.** 1. Notwithstanding the amendatory provisions of this act, any  
43 person who is engaged in the practice of genetic counseling on or before January 1,  
44 2026, may continue to engage in the practice of genetic counseling without  
45 obtaining a license pursuant to section 7 of this act until July 1, 2026.

46       2. As used in this section, “genetic counseling” has the meaning ascribed to it  
47 in section 4 of this act.

48       **Sec. 60.5. As soon as practicable after the effective date of this section,**  
49 **the Board of Medical Examiners shall appoint to the Genetic Counseling**  
50 **Advisory Council created by section 5.9 of this act;**

51       **1. The member described in paragraph (a) of subsection 2 of section 5.9**  
52 **of this act and one member described in paragraph (b) of that subsection to**  
53 **initial terms that expire on January 1, 2027; and**

1 2. Two members described in paragraph (b) of subsection 2 of section 5.9  
2 of this act and the member described in paragraph (c) of that subsection to  
3 initial terms that expire on January 1, 2028.

4 **Sec. 61.** The provisions of subsection 1 of NRS 218D.380 do not apply to  
5 any provision of this act which adds or revises a requirement to submit a report to  
6 the Legislature.

7 **Sec. 62. 1. This section and sections 5.9 and 60.5 of this act become**  
8 **effective upon passage and approval.**

9 2. Sections 1 to 5.6, inclusive, 6 to 17, inclusive, 19 to 60, inclusive, and 61  
10 of this act ~~becomes~~ become effective:

11 ~~¶¶~~ (a) Upon passage and approval for the purpose of adopting any  
12 regulations and performing any other preparatory administrative tasks that are  
13 necessary to carry out the provisions of this act; and

14 ~~¶¶~~ (b) On January 1, 2026, for all other purposes.

15 3. Section 18 of this act becomes effective on January 1, 2031.

16 4. Section 5.9 of this act expires by limitation on January 1, 2031.