

REQUIRES TWO-THIRDS MAJORITY VOTE

(§§ 7, 8, 10, 23)

(Reprinted with amendments adopted on April 21, 2025)

FIRST REPRINT

S.B. 189

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.

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

AN ACT relating to 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:**

1 Existing law provides for the licensure and regulation of physicians, physician  
2 assistants, anesthesiologist assistants, perfusionists and practitioners of respiratory  
3 care by the Board of Medical Examiners. (Chapter 630 of NRS) This bill  
4 additionally provides for the licensure and regulation of genetic counselors by the  
5 Board. **Sections 4-5.6** of this bill define certain terms, and **section 14** of this bill  
6 establishes the applicability of those definitions. **Section 40** of this bill makes it a  
7 felony for a person to practice genetic counseling or hold himself or herself out as a  
8 genetic counselor without a license. **Section 7** of this bill prescribes the



\* S B 1 8 9 R 1 \*

9 requirements to obtain such a license, including obtaining certain education,  
10 passing certain examinations and obtaining certification from the American Board  
11 of Genetic Counseling. **Section 8** of this bill authorizes the Board to issue a  
12 temporary license under which a person who has obtained the required education  
13 but has not yet passed the required examination or obtained the required  
14 certification may engage in the supervised practice of genetic counseling. **Section 6**  
15 of this bill requires the Board to adopt certain other regulations regarding the  
16 licensure and practice of genetic counselors. **Section 9** of this bill authorizes certain  
17 unlicensed persons to provide assistance or consulting services related to genetic  
18 counseling, and **section 16** of this bill exempts a genetic counselor of the Federal  
19 Government and permitted practitioners of other healing arts who are authorized to  
20 provide genetic counseling from licensure and regulation by the Board. **Section 9**  
21 also authorizes a physician or a physician assistant to engage in genetic counseling  
22 as part of his or her practice without obtaining a license as a genetic counselor.  
23 **Section 10** of this bill prescribes the date on which a license as a genetic counselor  
24 expires and the requirements to renew such a license. **Section 23** of this bill  
25 prescribes the maximum fees that the Board may charge for the issuance or renewal  
26 of a license or a temporary license as a genetic counselor. **Section 11** of this bill  
27 prescribes the procedure for the voluntary surrender of such a license.

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

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

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

61 Existing law establishes a privilege for confidential communications between a  
62 patient and a physician, dentist or chiropractor or person participating in the  
63 diagnosis or treatment of the patient under the direction of such a provider.



64 (NRS 49.215-49.245) **Section 48** of this bill extends that same privilege to apply to  
65 confidential communications between a patient and a genetic counselor or a person  
66 under the direction of a genetic counselor.

67 Existing law provides that: (1) assault is generally a misdemeanor, with certain  
68 exceptions; and (2) assault upon a provider of health care is a gross misdemeanor or  
69 felony, depending on the circumstances. (NRS 200.471) **Section 51** of this bill  
70 includes a genetic counselor within the definition of "provider of health care" for  
71 that purpose, thereby making assault upon a genetic counselor a gross misdemeanor  
72 or felony, depending on the circumstances. **Section 52** of this bill requires a genetic  
73 counselor to report the abuse, neglect, exploitation, isolation or abandonment of an  
74 older person or vulnerable person or the abuse or neglect of a child in the same  
75 manner as other providers of health care. A genetic counselor would also be  
76 required to report the abuse, neglect or commercial sexual exploitation of a child.  
77 (NRS 432B.220, 432C.110) **Sections 41, 43 and 44** of this bill provide that a  
78 genetic counselor acting within his or her scope of practice is not violating  
79 provisions governing certain other providers of health care. **Sections 2, 45-47, 49,**  
80 **50 and 53-59** of this bill make revisions to treat genetic counselors in the same  
81 manner as other similar providers of health care in other certain respects.

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

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

2 629.031 Except as otherwise provided by a specific statute:

3 1. "Provider of health care" means:

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

6 (b) A physician assistant;

7 (c) An anesthesiologist assistant;

8 (d) *A genetic counselor*;

9 (e) A dentist;

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

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

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

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

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

21 ~~(j)~~ (k) An optometrist;

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

23 ~~(l)~~ (m) An audiologist;

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

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



- 1       ~~[(o)]~~ **(p)** An occupational therapist;
- 2       ~~[(p)]~~ **(q)** A podiatric physician;
- 3       ~~[(q)]~~ **(r)** A licensed psychologist;
- 4       ~~[(r)]~~ **(s)** A licensed marriage and family therapist;
- 5       ~~[(s)]~~ **(t)** A licensed clinical professional counselor;
- 6       ~~[(t)]~~ **(u)** A music therapist;
- 7       ~~[(u)]~~ **(v)** A chiropractic physician;
- 8       ~~[(v)]~~ **(w)** An athletic trainer;
- 9       ~~[(w)]~~ **(x)** A perfusionist;
- 10      ~~[(x)]~~ **(y)** A doctor of Oriental medicine in any form;
- 11      ~~[(y)]~~ **(z)** A medical laboratory director or technician;
- 12      ~~[(z)]~~ **(aa)** A pharmacist;
- 13      ~~[(aa)]~~ **(bb)** A licensed dietitian;
- 14      ~~[(bb)]~~ **(cc)** An associate in social work, a social worker, a
- 15      master social worker, an independent social worker or a clinical
- 16      social worker licensed pursuant to chapter 641B of NRS;
- 17      ~~[(ee)]~~ **(dd)** An alcohol and drug counselor or a problem
- 18      gambling counselor who is certified pursuant to chapter 641C of
- 19      NRS;
- 20      ~~[(dd)]~~ **(ee)** An alcohol and drug counselor or a clinical alcohol
- 21      and drug counselor who is licensed pursuant to chapter 641C of
- 22      NRS;
- 23      ~~[(ee)]~~ **(ff)** A behavior analyst, assistant behavior analyst or
- 24      registered behavior technician;
- 25      ~~[(ff)]~~ **(gg)** A naprapath; or
- 26      ~~[(gg)]~~ **(hh)** A medical facility as the employer of any person
- 27      specified in this subsection.
- 28      2. For the purposes of NRS 629.400 to 629.490, inclusive, the
- 29      term includes a person who holds a current license or certificate to
- 30      practice his or her respective discipline pursuant to the applicable
- 31      provisions of law of another state or territory of the United States.
- 32      **Sec. 2.** NRS 629.580 is hereby amended to read as follows:
- 33      629.580 1. A person who provides wellness services in
- 34      accordance with this section, but who is not licensed, certified or
- 35      registered in this State as a provider of health care, is not in
- 36      violation of any law based on the unlicensed practice of health care
- 37      services or a health care profession unless the person:
- 38      (a) Performs surgery or any other procedure which punctures the
- 39      skin of any person;
- 40      (b) Sets a fracture of any bone of any person;
- 41      (c) Prescribes or administers X-ray radiation to any person;
- 42      (d) Prescribes or administers a prescription drug or device or a
- 43      controlled substance to any person;



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

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

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

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

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

12 (j) Engages in the practice of medicine *or genetic counseling* in  
13 violation of chapter 630 or 633 of NRS, the practice of homeopathic  
14 medicine in violation of chapter 630A of NRS, the practice of  
15 naprapathy in violation of chapter 634B of NRS or the practice of  
16 podiatry in violation of chapter 635 of NRS, unless otherwise  
17 expressly authorized by this section;

18 (k) Performs massage therapy as that term is defined in NRS  
19 640C.060, reflexology as that term is defined in NRS 640C.080 or  
20 structural integration as that term is defined in NRS 640C.085;

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

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

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

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

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

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

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

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

40  
41 It is recommended that before beginning any wellness  
42 plan, you notify your primary care physician or other licensed  
43 providers of health care of your intention to use wellness  
44 services, the nature of the wellness services to be provided  
45 and any wellness plan that may be utilized. It is also



1 recommended that you ask your primary care physician or  
2 other licensed providers of health care about any potential  
3 drug interactions, side effects, risks or conflicts between any  
4 medications or treatments prescribed by your primary care  
5 physician or other licensed providers of health care and the  
6 wellness services you intend to receive.

7  
8 ↪ A person who provides wellness services shall obtain from each  
9 client a signed copy of the statement required by this subsection,  
10 provide the client with a copy of the signed statement at the time of  
11 service and retain a copy of the signed statement for a period of not  
12 less than 5 years.

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

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

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

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

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

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

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

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

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



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

- 5 (a) Anthroposophy.
- 6 (b) Aromatherapy.
- 7 (c) Traditional cultural healing practices.
- 8 (d) Detoxification practices and therapies.
- 9 (e) Energetic healing.
- 10 (f) Folk practices.
- 11 (g) Gerson therapy and colostrum therapy.
- 12 (h) Healing practices using food, dietary supplements, nutrients  
13 and the physical forces of heat, cold, water and light.
- 14 (i) Herbology and herbalism.
- 15 (j) Reiki.
- 16 (k) Mind-body healing practices.
- 17 (l) Nondiagnostic iridology.
- 18 (m) Noninvasive instrumentalities.
- 19 (n) Holistic kinesiology.

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

23 **Sec. 4. 1. “Genetic counseling” means:**

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

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

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

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

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

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

44 *(g) Identifying and utilizing resources in the community that*  
45 *provide medical, educational, financial and psychosocial support*



1 *and advocacy for persons who have or are at risk of having*  
2 *medical or genetic conditions; and*

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

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

7 **Sec. 5.** *“Genetic counselor” means a person who is licensed*  
8 *to engage in the practice of genetic counseling by the Board.*

9 **Sec. 5.3.** *“Genetic information” includes, without limitation,*  
10 *information concerning:*

11 *1. A genetic test performed on a person;*

12 *2. A genetic test performed on the family members of a*  
13 *person;*

14 *3. A disease or condition that occurs or has occurred in the*  
15 *family members of a person; or*

16 *4. Genetic counseling or genetic education services provided*  
17 *to a person.*

18 **Sec. 5.6.** *“Genetic test” means a test, including a laboratory*  
19 *test that uses deoxyribonucleic acid extracted from the cells of a*  
20 *person or a diagnostic test, to determine the presence of*  
21 *abnormalities or deficiencies, including carrier status, that:*

22 *1. Are linked to physical or mental disorders or impairments;*  
23 *or*

24 *2. Indicate a susceptibility to illness, disease, impairment or*  
25 *any other disorder, whether physical or mental.*

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

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

29 *(a) One physician licensed in this State who has experience in*  
30 *the field of genetics;*

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

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

36 *3. Each member of the Advisory Council must be a resident*  
37 *of this State.*

38 *4. After the initial terms, the members of the Advisory*  
39 *Council must be appointed to terms of 2 years. Members may be*  
40 *reappointed.*

41 *5. A vacancy on the Advisory Council must be filled in the*  
42 *same manner as the original appointment for the remainder of the*  
43 *unexpired term.*



1       6. *The Board may remove a member of the Advisory Council*  
2 *for incompetence, neglect of duty, moral turpitude or malfeasance*  
3 *in office.*

4       7. *The members of the Advisory Council are not entitled to*  
5 *compensation.*

6       8. *The Advisory Council shall:*

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

10       (b) *Meet at least two times each year at the call of the Chair of*  
11 *the Advisory Council; and*

12       (c) *Advise the Board on the adoption of regulations*  
13 *concerning the practice of genetic counseling and other matters*  
14 *related to the practice of genetic counseling.*

15       9. *A majority of the members of the Advisory Council*  
16 *constitutes a quorum for the transaction of the business of the*  
17 *Advisory Council.*

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

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

25       2. *Defining “temporary basis” for the purposes of subsection*  
26 *3 of section 9 of this act; and*

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

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

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

32       2. *Submit a completed application as required by the Board*  
33 *by the date established by the Board;*

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

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

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

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

44       5. *Pass the examination administered by the American Board*  
45 *of Genetic Counseling, or its successor organization, or the*



1 *examination in clinical genetics and genomics administered by the*  
2 *American Board of Medical Genetics and Genomics, or its*  
3 *successor organization; and*

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

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

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

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

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

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

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

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

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

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

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

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

35 *5. A temporarily licensed genetic counselor may practice*  
36 *genetic counseling only under the supervision of a genetic*  
37 *counselor or a physician. The supervisor shall assess the work of*  
38 *the temporarily licensed genetic counselor, but is not required to*  
39 *be present while the temporarily licensed genetic counselor is*  
40 *practicing genetic counseling.*

41 *6. Before commencing a supervisory relationship pursuant to*  
42 *subsection 5 and annually thereafter for the duration of the*  
43 *supervisory relationship, a supervisor and a temporarily licensed*  
44 *genetic counselor must enter into a contract that prescribes the*



1 *responsibilities of the supervisor and the temporarily licensed*  
2 *genetic counselor.*

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

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

12 *2. Any other person who is not licensed to practice genetic*  
13 *counseling may assist a physician, osteopathic physician,*  
14 *physician assistant licensed pursuant to this chapter or chapter*  
15 *633 of NRS, advanced practice registered nurse or genetic*  
16 *counselor in the practice of genetic counseling under the direct*  
17 *supervision of a physician, osteopathic physician, physician*  
18 *assistant, advanced practice registered nurse or genetic counselor*  
19 *who is on the same premises where the assistance is being*  
20 *provided.*

21 *3. A person who is not licensed to practice genetic counseling*  
22 *in this State, the District of Columbia or any state or territory of*  
23 *the United States but holds a valid certification issued by the*  
24 *American Board of Genetic Counseling, or its successor*  
25 *organization, may provide consulting services related to genetic*  
26 *counseling in this State on a temporary basis if he or she receives*  
27 *authorization from the Board.*

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

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

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

39 *(b) Proof that the applicant has successfully completed at least*  
40 *20 hours of continuing education approved by the National*  
41 *Society of Genetic Counselors, or its successor organization, since*  
42 *the license was issued or most recently renewed, as applicable;*

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



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

4 (e) The applicable fee for renewal of the license prescribed by  
5 the Board pursuant to NRS 630.268.

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

9 **Sec. 11.** 1. If a genetic counselor desires to surrender his or  
10 her license, the genetic counselor shall submit to the Board a  
11 sworn written statement of surrender of the license and the actual  
12 license issued to him or her. The Board may accept or reject the  
13 surrender of the license and may negotiate stipulations for  
14 accepting the surrender of the license.

15 2. If the Board accepts the surrender of a license pursuant to  
16 subsection 1, the Board may restore the license at a later date  
17 under such conditions as the Board deems appropriate.

18 **Sec. 12.** 1. The following acts constitute grounds for  
19 initiating disciplinary action against a genetic counselor or  
20 denying licensure as a genetic counselor:

21 (a) Obtaining, maintaining or renewing or attempting to  
22 obtain, maintain or renew a license to practice genetic counseling  
23 by bribery, fraud or misrepresentation or by any false, misleading,  
24 inaccurate or incomplete statement.

25 (b) Disobeying any order of the Board or an investigative  
26 committee of the Board.

27 (c) Conviction of:

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

29 (2) A violation of any of the provisions of NRS 616D.200,  
30 616D.220, 616D.240 or 616D.300 to 616D.440, inclusive; or

31 (3) Any offense involving moral turpitude.

32 (d) Being adjudicated incompetent or incapacitated.

33 (e) Advertising the practice of genetic counseling in a false,  
34 deceptive or misleading manner.

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

37 (g) Practicing or assisting in the practice of genetic counseling  
38 while under the influence of alcohol, any controlled substance or  
39 any other substance which impairs the mental capacity of the  
40 genetic counselor.

41 (h) Violating the Code of Ethics adopted by reference pursuant  
42 to section 6 of this act.

43 (i) Lack of ability to safely and skillfully practice genetic  
44 counseling due to a lack of knowledge or training or the inability  
45 to apply professional principles and skills.



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

4 (k) *Any disciplinary action, including, without limitation, the*  
5 *revocation, suspension, modification or limitation of a license to*  
6 *practice genetic counseling, taken by another state, the Federal*  
7 *Government, a foreign country or any other jurisdiction or the*  
8 *surrender of the license or discontinuing the practice of genetic*  
9 *counseling while under investigation by any licensing authority, a*  
10 *medical facility, a branch of the Armed Forces of the United*  
11 *States, an insurance company, an agency of the Federal*  
12 *Government or an employer.*

13 (l) *Failure to be found competent to practice genetic*  
14 *counseling as a result of an examination to determine competency*  
15 *pursuant to NRS 630.318.*

16 (m) *Performing or supervising the performance of a pelvic*  
17 *examination in violation of NRS 629.085.*

18 (n) *Operation of a medical facility at any time during which:*

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

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

22 *↳ This paragraph applies to an owner or other principal*  
23 *responsible for the operation of the facility.*

24 (o) *Any other grounds specified by regulation of the Board.*

25 2. *A genetic counselor shall notify the Board not later than*  
26 *48 hours after the certification of the genetic counselor by the*  
27 *American Board of Genetic Counseling, or its successor*  
28 *organization, lapses or is revoked. Upon receipt of such*  
29 *notification, the Board shall immediately revoke the license of the*  
30 *genetic counselor.*

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

32 630.003 1. The Legislature finds and declares that:

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

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

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



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

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

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

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

13 630.005 As used in this chapter, unless the context otherwise  
14 requires, the words and terms defined in NRS 630.007 to 630.026,  
15 inclusive, *and sections 4 to 5.6, inclusive, of this act* have the  
16 meanings ascribed to them in those sections.

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

18 630.045 1. The purpose of licensing physicians, *genetic*  
19 *counselors*, perfusionists, physician assistants, anesthesiologist  
20 assistants and practitioners of respiratory care is to protect the public  
21 health and safety and the general welfare of the people of this State.

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

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

25 630.047 1. This chapter does not apply to:

26 (a) A medical officer ~~or~~, *genetic counselor*, perfusionist or  
27 practitioner of respiratory care of the Armed Forces or a medical  
28 officer ~~or~~, *genetic counselor*, perfusionist or practitioner of  
29 respiratory care of any division or department of the United States in  
30 the discharge of his or her official duties, including, without  
31 limitation, providing medical care in a hospital in accordance with  
32 an agreement entered into pursuant to NRS 449.2455;

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

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

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

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

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



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

4 (f) The practice of respiratory care by a student as part of a  
5 program of study in respiratory care that is approved by the Board,  
6 or is recognized by a national organization which is approved by the  
7 Board to review such programs, if the student is enrolled in the  
8 program and provides respiratory care only under the supervision of  
9 a practitioner of respiratory care;

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

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

13 (2) Is employed by a medical facility, as defined in NRS  
14 449.0151; and

15 (3) Provides respiratory care to patients who are not in a  
16 critical medical condition or, in an emergency, to patients who are in  
17 a critical medical condition and a practitioner of respiratory care is  
18 not immediately available to provide that care and the student is  
19 directed by a physician to provide respiratory care under the  
20 supervision of the physician until a practitioner of respiratory care is  
21 available;

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

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

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

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

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

41 (m) A physician assistant of any division or department of the  
42 United States in the discharge of his or her official duties unless  
43 licensure by a state is required by the division or department of the  
44 United States ~~is~~; *and*



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

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

7 3. This chapter does not prohibit:

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

12 (b) The domestic administration of family remedies.

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

14 630.049 For the purposes of this chapter, any act that  
15 constitutes the practice of medicine *or genetic counseling* shall be  
16 deemed to occur at the place where the patient is located at the time  
17 the act is performed.

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

19 630.075 1. The Board may, by majority vote, select  
20 physicians, anesthesiologist assistants, *genetic counselors* and  
21 members of the public, who must meet the same qualifications as  
22 required for members of the Board, to serve as advisory members of  
23 the Board.

24 2. One or more advisory members may be designated by the  
25 Board to assist a committee of its members in an investigation as  
26 provided in NRS 630.311 but may not vote on any matter before the  
27 committee. Advisory members may also serve as members of the  
28 panel selected to hear charges as provided in NRS 630.339 and may  
29 vote on any recommendation made by the panel to the Board.

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

31 630.120 1. The Board shall procure a seal.

32 2. All licenses issued to physicians, *genetic counselors*,  
33 perfusionists, physician assistants, anesthesiologist assistants and  
34 practitioners of respiratory care must bear the seal of the Board and  
35 the signatures of its President and Secretary-Treasurer.

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

37 630.137 1. Notwithstanding any other provision of law and  
38 except as otherwise provided in this section, the Board shall not  
39 adopt any regulations that prohibit or have the effect of prohibiting a  
40 physician, *genetic counselor*, perfusionist, physician assistant,  
41 anesthesiologist assistant or practitioner of respiratory care from  
42 collaborating or consulting with another provider of health care.

43 2. The provisions of this section do not prevent the Board from  
44 adopting regulations that prohibit a physician, *genetic counselor*,  
45 perfusionist, physician assistant, anesthesiologist assistant or



1 practitioner of respiratory care from aiding or abetting another  
2 person in the unlicensed practice of medicine or the unlicensed  
3 practice of *genetic counseling*, perfusion or respiratory care.

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

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

7 630.167 1. In addition to any other requirements set forth in  
8 this chapter, each applicant for a license to practice medicine,  
9 including, without limitation, an expedited license pursuant to NRS  
10 630.1606 or 630.1607 or chapter 629A of NRS, and each applicant  
11 for a license *to practice as a genetic counselor*, to practice as a  
12 perfusionist, to practice as a physician assistant, to practice as an  
13 anesthesiologist assistant or to practice respiratory care shall submit  
14 to the Board a complete set of fingerprints and written permission  
15 authorizing the Board to forward the fingerprints to the Central  
16 Repository for Nevada Records of Criminal History for submission  
17 to the Federal Bureau of Investigation for its report. Any fees or  
18 costs charged by the Board for this service pursuant to NRS 630.268  
19 are not refundable.

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

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

29 630.197 1. In addition to any other requirements set forth in  
30 this chapter:

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

37 (b) An applicant for the issuance or renewal of a license to  
38 practice medicine, *to practice as a genetic counselor*, to practice as  
39 a perfusionist, to practice as a physician assistant, to practice as an  
40 anesthesiologist assistant or to practice as a practitioner of  
41 respiratory care shall submit to the Board the statement prescribed  
42 by the Division of Welfare and Supportive Services of the  
43 Department of Health and Human Services pursuant to NRS  
44 425.520. The statement must be completed and signed by the  
45 applicant.



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

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

(b) A separate form prescribed by the Board.

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

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

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

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

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

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

For application for and issuance of a license to practice as a physician, including a license by endorsement .....	\$600
For application for and issuance of a temporary, locum tenens, limited, restricted, authorized facility, special, special purpose or special event license .....	400
For renewal of a limited, restricted, authorized facility or special license .....	400
For application for and issuance of a license as a physician assistant, including a license by endorsement .....	400
For application for and issuance of a simultaneous license as a physician assistant.....	200
For biennial registration of a physician assistant.....	800



1	For biennial simultaneous registration of a	
2	physician assistant.....	\$400
3	For biennial registration of a physician.....	800
4	For application for and issuance of a license as a	
5	perfusionist or practitioner of respiratory care.....	400
6	For biennial renewal of a license as a	
7	perfusionist.....	600
8	For application for and issuance of a license or	
9	temporary license to practice as an	
10	anesthesiologist assistant.....	400
11	For application for and initial issuance of a	
12	simultaneous license as an anesthesiologist	
13	assistant.....	200
14	For biennial registration of an anesthesiologist	
15	assistant.....	\$800
16	For biennial simultaneous registration of an	
17	anesthesiologist assistant.....	400
18	For biennial registration of a practitioner of	
19	respiratory care.....	600
20	For biennial registration for a physician who is	
21	on inactive status.....	400
22	<i>For application for and issuance of a license or</i>	
23	<i>temporary license to practice as a genetic</i>	
24	<i>counselor.....</i>	<i>400</i>
25	<i>For biennial renewal of a license to practice as</i>	
26	<i>a genetic counselor or renewal of a</i>	
27	<i>temporary license to practice as a genetic</i>	
28	<i>counselor.....</i>	<i>600</i>
29	For written verification of licensure.....	50
30	For a duplicate identification card.....	25
31	For a duplicate license.....	50
32	For computer printouts or labels.....	500
33	For verification of a listing of physicians, per	
34	hour.....	20
35	For furnishing a list of new physicians.....	100

36  
37 2. Except as otherwise provided in subsections 4 and 5, in  
38 addition to the fees prescribed in subsection 1, the Board shall  
39 charge and collect necessary and reasonable fees for the expedited  
40 processing of a request or for any other incidental service the Board  
41 provides.

42 3. The cost of any special meeting called at the request of a  
43 licensee, an institution, an organization, a state agency or an  
44 applicant for licensure must be paid for by the person or entity  
45 requesting the special meeting. Such a special meeting must not be



1 called until the person or entity requesting it has paid a cash deposit  
2 with the Board sufficient to defray all expenses of the meeting.

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

5 (a) NRS 630.1607, and the applicant is an active member of, or  
6 the spouse of an active member of, the Armed Forces of the United  
7 States, a veteran or the surviving spouse of a veteran, the Board  
8 shall collect not more than one-half of the fee set forth in subsection  
9 1 for the initial issuance of the license. As used in this paragraph,  
10 "veteran" has the meaning ascribed to it in NRS 417.005.

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

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

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

19 630.3067 1. The insurer of a physician, physician assistant,  
20 *genetic counselor*, practitioner of respiratory care or perfusionist  
21 licensed under this chapter shall report to the Board:

22 (a) Any action for malpractice against the physician, physician  
23 assistant, *genetic counselor*, practitioner of respiratory care or  
24 perfusionist not later than 45 days after the physician, physician  
25 assistant, *genetic counselor*, practitioner of respiratory care or  
26 perfusionist receives service of a summons and complaint for the  
27 action;

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

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

36 2. The Board shall report any failure to comply with subsection  
37 1 by an insurer licensed in this State to the Division of Insurance of  
38 the Department of Business and Industry. If, after a hearing, the  
39 Division of Insurance determines that any such insurer failed to  
40 comply with the requirements of subsection 1, the Division may  
41 impose an administrative fine of not more than \$10,000 against the  
42 insurer for each such failure to report. If the administrative fine is  
43 not paid when due, the fine must be recovered in a civil action  
44 brought by the Attorney General on behalf of the Division.



1       **Sec. 25.** NRS 630.3068 is hereby amended to read as follows:  
2       630.3068 1. A physician, physician assistant, *genetic*  
3 *counselor*, practitioner of respiratory care or perfusionist shall  
4 report to the Board:

5       (a) Any action for malpractice against the physician, physician  
6 assistant, *genetic counselor*, practitioner of respiratory care or  
7 perfusionist not later than 45 days after the physician, physician  
8 assistant, *genetic counselor*, practitioner of respiratory care or  
9 perfusionist receives service of a summons and complaint for the  
10 action;

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

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

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

24       2. If the Board finds that a physician, physician assistant,  
25 *genetic counselor*, practitioner of respiratory care or perfusionist  
26 has violated any provision of this section, the Board may impose a  
27 fine of not more than \$5,000 against the physician, physician  
28 assistant, *genetic counselor*, practitioner of respiratory care or  
29 perfusionist for each violation, in addition to any other fines or  
30 penalties permitted by law.

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

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

35       630.3069 If the Board receives a report pursuant to the  
36 provisions of NRS 630.3067, 630.3068 or 690B.250 indicating that  
37 a judgment has been rendered or an award has been made against a  
38 physician, physician assistant, *genetic counselor*, practitioner of  
39 respiratory care or perfusionist regarding an action or claim for  
40 malpractice or that such an action or claim against the physician,  
41 physician assistant, *genetic counselor*, practitioner of respiratory  
42 care or perfusionist has been resolved by settlement, the Board shall  
43 conduct an investigation to determine whether to impose  
44 disciplinary action against the physician, physician assistant, *genetic*  
45 *counselor*, practitioner of respiratory care or perfusionist regarding



1 the action or claim, unless the Board has already commenced or  
2 completed such an investigation regarding the action or claim before  
3 it receives the report.

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

5 630.307 1. Except as otherwise provided in subsection 2, any  
6 person may file with the Board a complaint against a physician,  
7 *genetic counselor*, perfusionist, physician assistant, anesthesiologist  
8 assistant or practitioner of respiratory care on a form provided by  
9 the Board. The form may be submitted in writing or electronically.  
10 If a complaint is submitted anonymously, the Board may accept the  
11 complaint but may refuse to consider the complaint if the lack of the  
12 identity of the complainant makes processing the complaint  
13 impossible or unfair to the person who is the subject of the  
14 complaint.

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

21 3. Except as otherwise provided in subsection 4, any hospital,  
22 clinic or other medical facility licensed in this State, or medical  
23 society, shall report to the Board any change in the privileges of a  
24 physician, *genetic counselor*, perfusionist, physician assistant,  
25 anesthesiologist assistant or practitioner of respiratory care to  
26 practice while the physician, *genetic counselor*, perfusionist,  
27 physician assistant, anesthesiologist assistant or practitioner of  
28 respiratory care is under investigation and the outcome of any  
29 disciplinary action taken by that facility or society against the  
30 physician, *genetic counselor*, perfusionist, physician assistant,  
31 anesthesiologist assistant or practitioner of respiratory care  
32 concerning the care of a patient or the competency of the physician,  
33 *genetic counselor*, perfusionist, physician assistant, anesthesiologist  
34 assistant or practitioner of respiratory care within 30 days after the  
35 change in privileges is made or disciplinary action is taken.

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

41 (a) An investigation of the mental, medical or psychological  
42 competency of the physician, *genetic counselor*, perfusionist,  
43 physician assistant, anesthesiologist assistant or practitioner of  
44 respiratory care; or



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

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

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

19 (a) Is mentally ill;

20 (b) Is mentally incompetent;

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

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

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

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

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

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

32 630.309 To institute a disciplinary action against a *genetic*  
33 *counselor*, perfusionist, physician assistant, anesthesiologist  
34 assistant or practitioner of respiratory care, a written complaint,  
35 specifying the charges, must be filed with the Board by:

36 1. The Board or a committee designated by the Board to  
37 investigate a complaint;

38 2. Any member of the Board; or

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

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

43 630.318 1. If the Board or any investigative committee of the  
44 Board has reason to believe that the conduct of any physician,  
45 physician assistant, *genetic counselor*, practitioner of respiratory



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

23 2. For the purposes of this section:

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

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

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



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

2       630.326 1. If an investigation by the Board regarding a  
3 physician, *genetic counselor*, perfusionist, physician assistant,  
4 anesthesiologist assistant or practitioner of respiratory care  
5 reasonably determines that the health, safety or welfare of the public  
6 or any patient served by the licensee is at risk of imminent or  
7 continued harm, the Board may summarily suspend the license of  
8 the licensee pending the conclusion of a hearing to consider a formal  
9 complaint against the licensee. The order of summary suspension  
10 may be issued only by the Board or an investigative committee of  
11 the Board.

12       2. If the Board or an investigative committee of the Board  
13 issues an order summarily suspending the license of a physician,  
14 *genetic counselor*, perfusionist, physician assistant, anesthesiologist  
15 assistant or practitioner of respiratory care pursuant to subsection 1,  
16 the Board shall hold a hearing not later than 60 days after the date  
17 on which the order is issued, unless the Board and the licensee  
18 mutually agree to a longer period, to determine whether a reasonable  
19 basis exists to continue the suspension of the license pending the  
20 conclusion of a hearing to consider a formal complaint against the  
21 licensee. If no formal complaint against the licensee is pending  
22 before the Board on the date on which a hearing is held pursuant to  
23 this section, the Board shall reinstate the license of the licensee.

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

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

32       630.329 If the Board issues an order suspending the license of  
33 a physician, *genetic counselor*, perfusionist, physician assistant,  
34 anesthesiologist assistant or practitioner of respiratory care pending  
35 proceedings for disciplinary action, including, without limitation, a  
36 summary suspension pursuant to NRS 233B.127, the court shall not  
37 stay that order.

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

39       630.336 1. Any deliberations conducted or vote taken by the  
40 Board or any investigative committee of the Board regarding its  
41 ordering of a physician, *genetic counselor*, perfusionist, physician  
42 assistant, anesthesiologist assistant or practitioner of respiratory care  
43 to undergo a physical or mental examination or any other  
44 examination designated to assist the Board or committee in  
45 determining the fitness of a physician, *genetic counselor*,



1 perfusionist, physician assistant, anesthesiologist assistant or  
2 practitioner of respiratory care are not subject to the requirements of  
3 NRS 241.020.

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

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

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

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

18 (c) Any communication between:

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

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

23 4. Except as otherwise provided in subsection 5 and NRS  
24 239.0115, a complaint filed with the Board pursuant to NRS  
25 630.307, all documents and other information filed with the  
26 complaint and all documents and other information compiled as a  
27 result of an investigation conducted to determine whether to initiate  
28 disciplinary action are confidential.

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

33 6. The Board shall, to the extent feasible, communicate or  
34 cooperate with or provide any documents or other information to  
35 any other licensing board or agency or any agency which is  
36 investigating a person, including a law enforcement agency. Such  
37 cooperation may include, without limitation, providing the board or  
38 agency with minutes of a closed meeting, transcripts of oral  
39 examinations and the results of oral examinations.

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

41 630.346 In any disciplinary hearing:

42 1. The Board, a panel of the members of the Board and a  
43 hearing officer are not bound by formal rules of evidence, except  
44 that evidence must be taken and considered in the hearing pursuant



1 to NRS 233B.123, and a witness must not be barred from testifying  
2 solely because the witness was or is incompetent.

3 2. A finding of the Board must be supported by a  
4 preponderance of the evidence.

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

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

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

12 630.358 1. Any person:

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

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

17 (1) Suspended until further order; or

18 (2) Revoked,

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

21 2. In hearing the application, the Board:

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

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

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

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

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

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



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

2       630.366 1. If the Board receives a copy of a court order  
3 issued pursuant to NRS 425.540 that provides for the suspension of  
4 all professional, occupational and recreational licenses, certificates  
5 and permits issued to a person who is the holder of a license to  
6 practice medicine, *to practice as a genetic counselor*, to practice as  
7 a perfusionist, to practice as a physician assistant, to practice as an  
8 anesthesiologist assistant or to practice as a practitioner of  
9 respiratory care, the Board shall deem the license issued to that  
10 person to be suspended at the end of the 30th day after the date on  
11 which the court order was issued unless the Board receives a letter  
12 issued to the holder of the license by the district attorney or other  
13 public agency pursuant to NRS 425.550 stating that the holder of the  
14 license has complied with the subpoena or warrant or has satisfied  
15 the arrearage pursuant to NRS 425.560.

16       2. The Board shall reinstate a license to practice medicine, *to*  
17 *practice as a genetic counselor*, to practice as a perfusionist, to  
18 practice as a physician assistant, to practice as an anesthesiologist  
19 assistant or to practice as a practitioner of respiratory care that has  
20 been suspended by a district court pursuant to NRS 425.540 if the  
21 Board receives a letter issued by the district attorney or other public  
22 agency pursuant to NRS 425.550 to the person whose license was  
23 suspended stating that the person whose license was suspended has  
24 complied with the subpoena or warrant or has satisfied the arrearage  
25 pursuant to NRS 425.560.

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

27       630.388 1. In addition to any other remedy provided by law,  
28 the Board, through its President or Secretary-Treasurer or the  
29 Attorney General, may apply to any court of competent jurisdiction:

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

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

35       (c) To limit the practice of a physician, *genetic counselor*,  
36 perfusionist, physician assistant, anesthesiologist assistant or  
37 practitioner of respiratory care, or suspend his or her license to  
38 practice;

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



1 (e) To enjoin the use of the title “L.P.,” “T.L.P.,” “licensed  
2 perfusionist,” “temporarily licensed perfusionist” or any other word,  
3 combination of letters or other designation intended to imply or  
4 designate a person as a perfusionist, when not licensed by the Board  
5 pursuant to this chapter, unless the use is otherwise authorized by a  
6 specific statute **H**; or

7 *(f) To enjoin the use of the title “G.A.,” “G.C.,” “L.G.C.,”*  
8 *“R.G.C.,” “genetic associate,” “genetic counselor,” “licensed*  
9 *genetic counselor,” “registered genetic counselor” or any other*  
10 *word, combination of letters or other designation intended to imply*  
11 *or designate a person as a genetic counselor, when not licensed by*  
12 *the Board pursuant to this chapter, unless the use is otherwise*  
13 *authorized by a specific statute.*

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

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

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

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

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

23 630.390 In seeking injunctive relief against any person for an  
24 alleged violation of this chapter by practicing medicine, *genetic*  
25 *counseling*, perfusion or respiratory care without a license, it is  
26 sufficient to allege that the person did, upon a certain day, and in a  
27 certain county of this State, engage in the practice of medicine,  
28 *genetic counseling*, perfusion or respiratory care without having a  
29 license to do so, without alleging any further or more particular facts  
30 concerning the same.

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

32 630.395 Any member or agent of the Board may enter any  
33 premises in this State where a person who holds a license issued  
34 pursuant to the provisions of this chapter practices medicine, *genetic*  
35 *counseling*, perfusion or respiratory care and inspect it to determine  
36 whether a violation of any provision of this chapter has occurred,  
37 including, without limitation:

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

42 2. An inspection to determine whether any physician is  
43 allowing a person to perform or participate in any activity under the  
44 supervision of the physician for the purpose of receiving credit



1 toward a degree of doctor of medicine, osteopathy or osteopathic  
2 medicine in violation of the provisions of NRS 630.3745.

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

4 630.397 Unless the Board determines that extenuating  
5 circumstances exist, the Board shall forward to the appropriate law  
6 enforcement agency any substantiated information submitted to the  
7 Board concerning a person who practices or offers to practice  
8 medicine, *genetic counseling*, perfusion or respiratory care without  
9 the appropriate license issued pursuant to the provisions of this  
10 chapter.

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

12 630.400 1. It is unlawful for any person to:

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

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

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

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

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

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

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

32 (h) Hold himself or herself out as a practitioner of respiratory  
33 care or use any other term indicating or implying that he or she is a  
34 practitioner of respiratory care without being licensed by the Board  
35 ~~(i)~~; or

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

39 2. Unless a greater penalty is provided pursuant to NRS  
40 200.830 or 200.840, a person who violates any provision of  
41 subsection 1:

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



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

3 and shall be punished as provided in NRS 193.130.

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

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

12 (b) Issue a citation to the person. A citation issued pursuant to  
13 this paragraph must be in writing, describe with particularity the  
14 nature of the violation and inform the person of the provisions of  
15 this paragraph. Each activity in which the person is engaged  
16 constitutes a separate offense for which a separate citation may be  
17 issued. To appeal a citation, the person must submit a written  
18 request for a hearing to the Board not later than 30 days after the  
19 date of issuance of the citation.

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

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

24 **Sec. 41.** NRS 630A.090 is hereby amended to read as follows:  
25 630A.090 1. This chapter does not apply to:

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

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

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

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

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

43 3. This chapter does not prohibit:

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

45 (b) The domestic administration of family remedies.



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

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

5 632.472 1. The following persons shall report in writing to  
6 the Executive Director of the Board any conduct of a licensee or  
7 holder of a certificate which constitutes a violation of the provisions  
8 of this chapter:

9 (a) Any physician, dentist, dental hygienist, expanded function  
10 dental assistant, naprapath, chiropractic physician, optometrist,  
11 podiatric physician, medical examiner, resident, intern, professional  
12 or practical nurse, nursing assistant, medication aide - certified,  
13 *genetic counselor*, perfusionist, physician assistant licensed  
14 pursuant to chapter 630 or 633 of NRS, anesthesiologist assistant,  
15 psychiatrist, psychologist, marriage and family therapist, clinical  
16 professional counselor, alcohol or drug counselor, peer recovery  
17 support specialist, peer recovery support specialist supervisor, music  
18 therapist, holder of a license or limited license issued pursuant to  
19 chapter 653 of NRS, driver of an ambulance, paramedic or other  
20 person providing medical services licensed or certified to practice in  
21 this State.

22 (b) Any personnel of a medical facility or facility for the  
23 dependent engaged in the admission, examination, care or treatment  
24 of persons or an administrator, manager or other person in charge of  
25 a medical facility or facility for the dependent upon notification by a  
26 member of the staff of the facility.

27 (c) A coroner.

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

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

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

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

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

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

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



1 (k) Any social worker.

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

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

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

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

19 5. As used in this section:

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

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

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

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

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

29 633.171 1. This chapter does not apply to:

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

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

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

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



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

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

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

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

14 3. This chapter does not prohibit:

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

16 (b) The domestic administration of family remedies.

17 **Sec. 44.** NRS 640E.090 is hereby amended to read as follows:  
18 640E.090 1. The provisions of this chapter do not apply to:

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

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

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

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

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

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

43 (d) A person who furnishes nutrition information, provides  
44 recommendations or advice concerning nutrition, or markets food,  
45 food materials or dietary supplements and provides nutrition



1 information, recommendations or advice related to that marketing, if  
2 the person does not represent that he or she is a licensed dietitian or  
3 registered dietitian. While performing acts described in this  
4 paragraph, a person shall be deemed not to be engaged in the  
5 practice of dietetics or the providing of nutrition services.

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

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

16 (a) Food preparation;

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

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

21 (d) The effect of nutrients on the human body and the effect of  
22 deficiencies in or excess amounts of nutrients in the human body;  
23 and

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

26 **Sec. 45.** NRS 7.095 is hereby amended to read as follows:

27 7.095 1. An attorney shall not contract for or collect a fee  
28 contingent on the amount of recovery for representing a person  
29 seeking damages in connection with an action for injury or death  
30 against a provider of health care based upon professional negligence  
31 in excess of 35 percent of the amount recovered.

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

35 3. For the purposes of this section, "recovered" means the net  
36 sum recovered by the plaintiff after deducting any disbursements or  
37 costs incurred in connection with the prosecution or settlement of  
38 the claim. Costs of medical care incurred by the plaintiff and general  
39 and administrative expenses incurred by the office of the attorney  
40 are not deductible disbursements or costs.

41 4. As used in this section:

42 (a) "Professional negligence" means a negligent act or omission  
43 to act by a provider of health care in the rendering of professional  
44 services, which act or omission is the proximate cause of a personal  
45 injury or wrongful death. The term does not include services that are



1 outside the scope of services for which the provider of health care is  
2 licensed or services for which any restriction has been imposed by  
3 the applicable regulatory board or health care facility.

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

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

13 41A.017 "Provider of health care" means a physician licensed  
14 pursuant to chapter 630 or 633 of NRS, physician assistant, *genetic*  
15 *counselor*, anesthesiologist assistant, dentist, licensed nurse,  
16 dispensing optician, optometrist, registered physical therapist,  
17 podiatric physician, licensed psychologist, chiropractic physician,  
18 naprapath, doctor of Oriental medicine, holder of a license or a  
19 limited license issued under the provisions of chapter 653 of NRS,  
20 medical laboratory director or technician, licensed dietitian or a  
21 licensed hospital, clinic, surgery center, physicians' professional  
22 corporation or group practice that employs any such person and its  
23 employees.

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

25 42.021 1. In an action for injury or death against a provider  
26 of health care based upon professional negligence, if the defendant  
27 so elects, the defendant may introduce evidence of any amount  
28 payable as a benefit to the plaintiff as a result of the injury or death  
29 pursuant to the United States Social Security Act, any state or  
30 federal income disability or worker's compensation act, any health,  
31 sickness or income-disability insurance, accident insurance that  
32 provides health benefits or income-disability coverage, and any  
33 contract or agreement of any group, organization, partnership or  
34 corporation to provide, pay for or reimburse the cost of medical,  
35 hospital, dental or other health care services. If the defendant elects  
36 to introduce such evidence, the plaintiff may introduce evidence of  
37 any amount that the plaintiff has paid or contributed to secure the  
38 plaintiff's right to any insurance benefits concerning which the  
39 defendant has introduced evidence.

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

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

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



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

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

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

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

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

45 8. As used in this section:



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

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

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

14 (d) "Provider of health care" means a physician licensed under  
15 chapter 630 or 633 of NRS, *genetic counselor*, dentist, licensed  
16 nurse, dispensing optician, optometrist, registered physical therapist,  
17 podiatric physician, naprapath, licensed psychologist, chiropractic  
18 physician, doctor of Oriental medicine, holder of a license or a  
19 limited license issued under the provisions of chapter 653 of NRS,  
20 medical laboratory director or technician, licensed dietitian or a  
21 licensed hospital and its employees.

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

23 49.215 As used in NRS 49.215 to 49.245, inclusive:

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

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

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

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

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

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

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

44 52.320 As used in NRS 52.320 to 52.375, inclusive, unless the  
45 context otherwise requires:



1 1. "Custodian of medical records" means a chiropractic  
2 physician, naprapath, physician, *genetic counselor*, registered  
3 physical therapist or licensed nurse who prepares and maintains  
4 medical records, or any employee or agent of such a person or a  
5 facility for convalescent care, medical laboratory or hospital who  
6 has care, custody and control of medical records for such a person or  
7 institution.

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

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

12 89.050 1. Except as otherwise provided in subsection 2, a  
13 professional entity may be organized only for the purpose of  
14 rendering one specific type of professional service and may not  
15 engage in any business other than rendering the professional service  
16 for which it was organized and services reasonably related thereto,  
17 except that a professional entity may own real and personal property  
18 appropriate to its business and may invest its money in any form of  
19 real property, securities or any other type of investment.

20 2. A professional entity may be organized to render a  
21 professional service relating to:

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

25 (1) Engaged in the practice of architecture as provided in  
26 chapter 623 of NRS;

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

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

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

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

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

38 (1) Medicine *or genetic counseling* as provided in chapter  
39 630 of NRS;

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

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

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

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



1 (6) Psychology and licensed to provide services pursuant to  
2 chapter 641 of NRS.

3 ↪ Such a professional entity may market and manage additional  
4 professional entities which are organized to render a professional  
5 service relating to medicine, *genetic counseling*, homeopathy,  
6 osteopathy, naprapathy, chiropractic and psychology.

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

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

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

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

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

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

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

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

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

26 200.471 1. As used in this section:

27 (a) "Assault" means:

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

30 (2) Intentionally placing another person in reasonable  
31 apprehension of immediate bodily harm.

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

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

38 (d) "Officer" means:

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

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

43 (3) A member of a volunteer fire department;

44 (4) A jailer, guard or other correctional officer of a city or  
45 county jail;



1 (5) A prosecuting attorney of an agency or political  
2 subdivision of the United States or of this State;

3 (6) A justice of the Supreme Court, judge of the Court of  
4 Appeals, district judge, justice of the peace, municipal judge,  
5 magistrate, court commissioner, master or referee, including a  
6 person acting pro tempore in a capacity listed in this subparagraph;

7 (7) An employee of this State or a political subdivision of  
8 this State whose official duties require the employee to make home  
9 visits;

10 (8) A civilian employee or a volunteer of a law enforcement  
11 agency whose official duties require the employee or volunteer to:

12 (I) Interact with the public;

13 (II) Perform tasks related to law enforcement; and

14 (III) Wear identification, clothing or a uniform that  
15 identifies the employee or volunteer as working or volunteering for  
16 the law enforcement agency;

17 (9) A civilian employee or a volunteer of a fire-fighting  
18 agency whose official duties require the employee or volunteer to:

19 (I) Interact with the public;

20 (II) Perform tasks related to fire fighting or fire  
21 prevention; and

22 (III) Wear identification, clothing or a uniform that  
23 identifies the employee or volunteer as working or volunteering for  
24 the fire-fighting agency; or

25 (10) A civilian employee or volunteer of this State or a  
26 political subdivision of this State whose official duties require the  
27 employee or volunteer to:

28 (I) Interact with the public;

29 (II) Perform tasks related to code enforcement; and

30 (III) Wear identification, clothing or a uniform that  
31 identifies the employee or volunteer as working or volunteering for  
32 this State or a political subdivision of this State.

33 (e) "Provider of health care" means:

34 (1) A physician, a medical student, *a genetic counselor*, a  
35 perfusionist, an anesthesiologist assistant or a physician assistant  
36 licensed pursuant to chapter 630 of NRS, a practitioner of  
37 respiratory care, a homeopathic physician, an advanced practitioner  
38 of homeopathy, a homeopathic assistant, an osteopathic physician, a  
39 physician assistant or anesthesiologist assistant licensed pursuant to  
40 chapter 633 of NRS, a podiatric physician, a podiatry hygienist, a  
41 physical therapist, a medical laboratory technician, an optometrist, a  
42 chiropractic physician, a chiropractic assistant, a naprapath, a doctor  
43 of Oriental medicine, a nurse, a student nurse, a certified nursing  
44 assistant, a nursing assistant trainee, a medication aide - certified, a  
45 person who provides health care services in the home for



1 compensation, a dentist, a dental student, a dental hygienist, a dental  
2 hygienist student, an expanded function dental assistant, an  
3 expanded function dental assistant student, a pharmacist, a  
4 pharmacy student, an intern pharmacist, an attendant on an  
5 ambulance or air ambulance, a psychologist, a social worker, a  
6 marriage and family therapist, a marriage and family therapist  
7 intern, a clinical professional counselor, a clinical professional  
8 counselor intern, a behavior analyst, an assistant behavior analyst, a  
9 registered behavior technician, a mental health technician, a licensed  
10 dietitian, the holder of a license or a limited license issued under the  
11 provisions of chapter 653 of NRS, a public safety officer at a health  
12 care facility, an emergency medical technician, an advanced  
13 emergency medical technician, a paramedic or a participant in a  
14 program of training to provide emergency medical services; or

15 (2) An employee of or volunteer for a health care facility  
16 who:

17 (I) Interacts with the public;

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

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

22 (f) "School employee" means a licensed or unlicensed person  
23 employed by a board of trustees of a school district pursuant to NRS  
24 391.100 or 391.281.

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

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

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

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

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

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

36 (1) Interact with the public;

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

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

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

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



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

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

8 (1) Is committed upon:

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

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

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

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

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

27 (d) If the assault:

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

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

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

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

38 (2) The probationer, prisoner or parolee charged knew or  
39 should have known that the victim was an officer, a provider of  
40 health care, a school employee, a taxicab driver, a transit operator, a  
41 utility worker or a sports official,

42 ↪ for a category D felony as provided in NRS 193.130, unless the  
43 assault is made with the use of a deadly weapon or the present  
44 ability to use a deadly weapon, then for a category B felony by  
45 imprisonment in the state prison for a minimum term of not less



1 than 1 year and a maximum term of not more than 6 years, or by a  
2 fine of not more than \$5,000, or by both fine and imprisonment.

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

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

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

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

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

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

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

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

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

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

36 (a) Every physician, dentist, dental hygienist, expanded function  
37 dental assistant, chiropractic physician, naprapath, optometrist,  
38 podiatric physician, medical examiner, resident, intern, professional  
39 or practical nurse, physician assistant licensed pursuant to chapter  
40 630 or 633 of NRS, *genetic counselor*, anesthesiologist assistant,  
41 perfusionist, psychiatrist, psychologist, marriage and family  
42 therapist, clinical professional counselor, clinical alcohol and drug  
43 counselor, alcohol and drug counselor, music therapist, athletic  
44 trainer, driver of an ambulance, paramedic, licensed dietitian, holder  
45 of a license or a limited license issued under the provisions of



1 chapter 653 of NRS, behavior analyst, assistant behavior analyst,  
2 registered behavior technician, peer recovery support specialist, as  
3 defined in NRS 433.627, peer recovery support specialist  
4 supervisor, as defined in NRS 433.629, or other person providing  
5 medical services licensed or certified to practice in this State, who  
6 examines, attends or treats an older person or vulnerable person who  
7 appears to have been abused, neglected, exploited, isolated or  
8 abandoned.

9 (b) Any personnel of a hospital or similar institution engaged in  
10 the admission, examination, care or treatment of persons or an  
11 administrator, manager or other person in charge of a hospital or  
12 similar institution upon notification of the suspected abuse, neglect,  
13 exploitation, isolation or abandonment of an older person or  
14 vulnerable person by a member of the staff of the hospital.

15 (c) A coroner.

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

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

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

23 (g) Any employee of the Department of Health and Human  
24 Services, except the State Long-Term Care Ombudsman appointed  
25 pursuant to NRS 427A.125 and any of his or her advocates or  
26 volunteers where prohibited from making such a report pursuant to  
27 45 C.F.R. § 1321.11.

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

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

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

39 (k) Every social worker.

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

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



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

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

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

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

26 (a) Aging and Disability Services Division;

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

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

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

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

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



1       **Sec. 53.** NRS 202.2491 is hereby amended to read as follows:  
2       202.2491 1. Except as otherwise provided in subsections 5  
3 and 6 and NRS 202.24915, the smoking of tobacco in any form is  
4 prohibited if done in any:

5       (a) Public elevator.

6       (b) Public building.

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

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

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

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

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

16       (f) Child care facility.

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

20       (h) School bus.

21       (i) Video arcade.

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

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

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

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

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

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

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

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

39       ↪ A school district which prohibits the use of tobacco by pupils  
40 need not designate an area which may be used by the pupils to  
41 smoke.

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



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

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

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

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

11 7. As used in this section:

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

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

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

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

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

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

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

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

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

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

38 226.454 "Provider of health care" means:

39 1. A physician;

40 2. A physician assistant licensed pursuant to chapter 630 or  
41 633 of NRS;

42 3. A dentist;

43 4. A licensed nurse;



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

4 6. An optometrist;

5 7. An audiologist;

6 8. A practitioner of respiratory care;

7 9. A podiatric physician;

8 10. A psychologist;

9 11. A clinical professional counselor;

10 12. *A genetic counselor;*

11 *13.* A perfusionist;

12 ~~13.~~ *14.* A pharmacist or pharmacy technician;

13 ~~14.~~ *15.* An associate in social work, a social worker, a master  
14 social worker, an independent social worker or a clinical social  
15 worker licensed pursuant to chapter 641B of NRS;

16 ~~15.~~ *16.* A midwife; or

17 ~~16.~~ *17.* A provider of doula services who is enrolled with the  
18 Division of Health Care Financing and Policy of the Department of  
19 Health and Human Services to receive reimbursement through  
20 Medicaid pursuant to NRS 422.27177.

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

22 288.140 1. It is the right of every local government  
23 employee, subject to the limitations provided in subsections 3, 4 and  
24 5, to join any employee organization of the employee's choice or to  
25 refrain from joining any employee organization. A local government  
26 employer shall not discriminate in any way among its employees on  
27 account of membership or nonmembership in an employee  
28 organization.

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

36 3. A police officer, sheriff, deputy sheriff or other law  
37 enforcement officer may be a member of an employee organization  
38 only if such employee organization is composed exclusively of law  
39 enforcement officers.

40 4. A civilian employee of a metropolitan police department  
41 which is organized pursuant to chapter 280 of NRS may be a  
42 member of an employee organization only if such employee  
43 organization is composed exclusively of civilian employees of a  
44 metropolitan police department which is organized pursuant to  
45 chapter 280 of NRS.



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

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

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

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

15 6. As used in this section, "doctor or physician" means a  
16 doctor, physician, *genetic counselor*, homeopathic physician,  
17 osteopathic physician, naprapath, chiropractic physician,  
18 practitioner of Oriental medicine, podiatric physician or practitioner  
19 of optometry, as those terms are defined or used, respectively, in  
20 NRS 630.014, 630A.050, 633.091, chapter 634 of NRS, chapter  
21 634A of NRS, NRS 634B.050, chapter 635 of NRS or chapter 636  
22 of NRS.

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

25 439A.0195 "Practitioner" means a physician licensed under  
26 chapter 630, 630A or 633 of NRS, *genetic counselor*, dentist,  
27 licensed nurse, dispensing optician, optometrist, registered physical  
28 therapist, podiatric physician, licensed psychologist, chiropractic  
29 physician, naprapath, doctor of Oriental medicine in any form,  
30 medical laboratory director or technician, pharmacist or other person  
31 whose principal occupation is the provision of services for health.

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

33 598A.360 "Practitioner" means a physician licensed pursuant  
34 to chapter 630 or 633 of NRS, physician assistant, *genetic*  
35 *counselor*, licensed nurse, dispensing optician, optometrist,  
36 practitioner of respiratory care, registered physical therapist,  
37 occupational therapist, licensed psychologist or perfusionist.

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

39 685B.120 1. Any person who provides coverage in this State  
40 for the cost of:

- 41 (a) Medical care;
- 42 (b) Surgery;
- 43 (c) Chiropractic;
- 44 (d) Physical therapy;
- 45 (e) Speech-language pathology;



- 1 (f) Audiology;
- 2 (g) Professional care of mental health;
- 3 (h) Dental care;
- 4 (i) Hospital care;
- 5 (j) Ophthalmic care;
- 6 (k) Naprapathy;

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

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

9 ➔ whether the coverage provides for direct payment, reimbursement  
10 or any other method of payment, is subject to regulation by the  
11 Division and to the provisions of this Code unless the person shows  
12 that while providing such coverage the person is subject to  
13 regulation by the Federal Government.

14 2. A nonprofit corporation that provides prepaid ambulance  
15 services is not subject to regulation by the Division or to the  
16 provisions of this Code if the corporation presents evidence  
17 satisfactory to the Commissioner that the corporation is subject to  
18 regulation by a political subdivision of this State pursuant to an  
19 exclusive franchise which limits the number of times any such  
20 prepaid services may be used to a defined number that are medically  
21 necessary.

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

24 686A.2825 “Practitioner” means:

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

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

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

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

43 **Sec. 60.5.** As soon as practicable after the effective date of this  
44 section, the Board of Medical Examiners shall appoint to the



1 Genetic Counseling Advisory Council created by section 5.9 of this  
2 act:

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

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

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

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

14 2. Sections 1 to 5.6, inclusive, 6 to 17, inclusive, 19 to 60,  
15 inclusive, and 61 of this act become effective:

16 (a) Upon passage and approval for the purpose of adopting any  
17 regulations and performing any other preparatory administrative  
18 tasks that are necessary to carry out the provisions of this act; and

19 (b) On January 1, 2026, for all other purposes.

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

21 4. Section 5.9 of this act expires by limitation on January 1,  
22 2031.

