

(Reprinted with amendments adopted on April 16, 2013)

FIRST REPRINT

A.B. 228

ASSEMBLY BILL NO. 228—ASSEMBLYMEN GRADY, HARDY, HAMBRICK, HICKEY, KIRNER; AIZLEY, ELLIOT ANDERSON, PAUL ANDERSON, BUSTAMANTE ADAMS, DIAZ, DUNCAN, EISEN, ELLISON, FIORE, FRIERSON, HANSEN, HEALEY, HORNE, KIRKPATRICK, LIVERMORE, OHRENSCHALL, OSCARSON, PIERCE, SPRINKLE, STEWART, WHEELER AND WOODBURY

MARCH 11, 2013

JOINT SPONSORS: SENATORS HARDY, GOICOECHEA, GUSTAVSON; DENIS, HAMMOND, PARKS AND SETTELMAYER

Referred to Committee on Commerce and Labor

SUMMARY—Authorizes certain providers of health care to provide voluntary health care service in this State in association with certain organizations. (BDR 54-245)

FISCAL NOTE: Effect on Local Government: No.  
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 health care; authorizing a provider of health care who is licensed or certified in this State or in another state or territory of the United States to provide voluntary health care service in this State in association with a sponsoring organization; establishing certain restrictions on the provision of voluntary health care service by a provider of health care; requiring a sponsoring organization to register and file certain reports with the Health Division of the Department of Health and Human Services; requiring each such provider of health care to report certain information to the Health Division and to submit a complete set of fingerprints to the Health Division under certain circumstances; requiring each such provider of health care to obtain or otherwise carry a policy of professional liability insurance which includes certain coverage relating to the provision of voluntary health care service; and providing other matters properly relating thereto.



\* A B 2 2 8 R 1 \*

**Legislative Counsel's Digest:**

1 **Section 7** of this bill authorizes a provider of health care who is licensed or  
2 certified in this State or another state or territory of the United States to provide  
3 voluntary health care service in this State without charge to the patient if the service  
4 is provided in association with a sponsoring organization that is registered with the  
5 Health Division of the Department of Health and Human Services. **Section 7**  
6 prohibits a provider of health care from providing voluntary health care service  
7 under certain circumstances and from accepting compensation for the provision of  
8 such service. **Section 8** of this bill requires a sponsoring organization to register  
9 with the Health Division and to include with the registration certain information  
10 regarding the sponsoring organization. **Section 8** also requires a sponsoring  
11 organization to file quarterly reports with the Health Division containing certain  
12 information relating to the provision of voluntary health care service by a provider  
13 of health care in association with the sponsoring organization. **Section 8** requires  
14 the sponsoring organization to maintain a record of such reports for not less than 5  
15 years and to make the reports available for inspection by the Health Division upon  
16 reasonable request. **Section 8.3** of this bill requires each provider of health care  
17 who provides voluntary health care service to obtain or otherwise carry a policy of  
18 professional liability insurance which insures the provider of health care against  
19 liability arising from such service. **Section 8.7** of this bill requires a provider of  
20 health care currently providing voluntary health care service to report certain  
21 information to the Health Division relating to disciplinary action and complaints or  
22 charges of malpractice. **Section 8.7** further requires the provider of health care to  
23 submit to the Health Division a complete set of fingerprints for the purpose of  
24 conducting a background check under certain circumstances.

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

- 1 **Section 1.** Chapter 629 of NRS is hereby amended by adding  
2 thereto the provisions set forth as sections 2 to 9, inclusive, of this  
3 act.
- 4 **Sec. 2.** *As used in sections 2 to 9, inclusive, of this act, unless*  
5 *the context otherwise requires, the words and terms defined in*  
6 *sections 3, 4 and 5 of this act have the meanings ascribed to them*  
7 *in those sections.*
- 8 **Sec. 3.** *“Health Division” means the Health Division of the*  
9 *Department of Health and Human Services.*
- 10 **Sec. 4.** *“Sponsoring organization” means an organization*  
11 *that:*
- 12 1. *Organizes or arranges for the provision of voluntary health*  
13 *care service in association with one or more providers of health*  
14 *care; and*
- 15 2. *Is registered with the Health Division pursuant to section 8*  
16 *of this act.*
- 17 **Sec. 5.** *“Voluntary health care service” means professional*  
18 *health care service that is provided to a patient by a provider of*  
19 *health care:*



1 *1. Without charge to the patient or to a third party on behalf*  
2 *of the patient; and*

3 *2. In association with a sponsoring organization.*

4 **Sec. 6.** *The Legislature hereby finds and declares that:*

5 *1. Access to high-quality health care service is of concern to*  
6 *all persons;*

7 *2. Access to such service is severely limited for some residents*  
8 *of this State, particularly those who reside in remote, rural areas*  
9 *or in the inner city;*

10 *3. Physicians and other providers of health care*  
11 *have traditionally worked to ensure broad access to health care*  
12 *service;*

13 *4. Many providers of health care from this State and other*  
14 *states or territories of the United States are willing to volunteer*  
15 *their services to address the health care needs of Nevadans who*  
16 *may otherwise not be able to obtain such service; and*

17 *5. It is the public policy of this State to encourage and*  
18 *facilitate the provision of voluntary health care service.*

19 **Sec. 7.** *1. Notwithstanding any provision of law to the*  
20 *contrary and except as otherwise provided in this section, a*  
21 *provider of health care may provide voluntary health care service*  
22 *in this State in association with a sponsoring organization.*

23 *2. A provider of health care shall not provide voluntary*  
24 *health care service in this State if:*

25 *(a) The professional license or certificate of the provider of*  
26 *health care is suspended or revoked, or has been suspended or*  
27 *revoked within the immediately preceding 5 years, pursuant to*  
28 *disciplinary proceedings in this State or in any other state or*  
29 *territory of the United States;*

30 *(b) The voluntary health care service provided is outside the*  
31 *scope of practice authorized by the professional license or*  
32 *certificate of the provider of health care; or*

33 *(c) The provider of health care has not actively practiced his or*  
34 *her profession continuously for the immediately preceding 3 years.*

35 *3. A provider of health care who provides voluntary health*  
36 *care service pursuant to this section shall not accept compensation*  
37 *of any type, directly or indirectly, or any other benefit or*  
38 *consideration from any person or other source for the provision of*  
39 *the service.*

40 **Sec. 8.** *1. A sponsoring organization shall, before*  
41 *organizing or arranging for the provision of voluntary health care*  
42 *service in this State, register with the Health Division by*  
43 *submitting to the Health Division a form prescribed by the Health*  
44 *Division which contains:*



1 (a) *The name, street address and telephone number of the*  
2 *sponsoring organization;*

3 (b) *The name, street address and telephone number of each*  
4 *person who is an officer, director or organizational official of the*  
5 *sponsoring organization and who is responsible for the operation*  
6 *of the sponsoring organization; and*

7 (c) *Any other information required for registration by the*  
8 *Health Division.*

9 2. *Each sponsoring organization shall:*

10 (a) *Notify the Health Division in writing of any change in the*  
11 *information required for registration pursuant to subsection 1 not*  
12 *later than 10 days after the change.*

13 (b) *File a report with the Health Division not later than 10*  
14 *days after the end of each calendar quarter identifying each*  
15 *provider of health care who provided voluntary health care service*  
16 *during the calendar quarter in association with the sponsoring*  
17 *organization. The report filed pursuant to this paragraph must*  
18 *include a copy of the current license or certificate of each provider*  
19 *of health care identified in the report and the date, location and*  
20 *type of service provided by each provider of health care. A*  
21 *sponsoring organization shall maintain a record of each report*  
22 *filed pursuant to this paragraph for a period of not less than 5*  
23 *years after the date on which the report is filed. Each report*  
24 *maintained pursuant to this paragraph, including copies thereof,*  
25 *must be made available for inspection by the Health Division upon*  
26 *reasonable request.*

27 3. *Compliance with this section shall be deemed to be prima*  
28 *facie evidence that a sponsoring organization has exercised due*  
29 *care in selecting a provider of health care to associate with the*  
30 *sponsoring organization to provide voluntary health care service.*

31 4. *The Health Division may, after reasonable notice and a*  
32 *hearing, revoke the registration of any sponsoring organization*  
33 *that fails to comply with the requirements of this section.*

34 **Sec. 8.3.** *Each provider of health care who provides*  
35 *voluntary health care service pursuant to sections 2 to 9, inclusive,*  
36 *of this act shall obtain or otherwise carry, before providing such*  
37 *service, a policy of professional liability insurance which insures*  
38 *the provider of health care against any liability arising from the*  
39 *provision of voluntary health care service by the provider of health*  
40 *care pursuant to sections 2 to 9, inclusive, of this act.*

41 **Sec. 8.7.** *A provider of health care currently providing*  
42 *voluntary health care service pursuant to sections 2 to 9, inclusive,*  
43 *of this act shall:*

44 1. *Report to the Health Division:*



1       (a) *Any suspension or revocation of a license or certificate of*  
2 *the provider of health care or any other disciplinary action taken*  
3 *against the provider of health care by a regulatory body in another*  
4 *state or territory of the United States; and*

5       (b) *Any charge or complaint of malpractice made against the*  
6 *provider of health care or any final disposition of a court with*  
7 *respect to such a charge or complaint of malpractice.*

8       2. *If the state or territory of the United States in which*  
9 *the provider of health care is licensed or certified does not require,*  
10 *as a condition of licensure or certification, the submission*  
11 *of fingerprints for a background check by the Federal Bureau of*  
12 *Investigation, submit to the Health Division a complete set of*  
13 *fingerprints and written permission authorizing the Health*  
14 *Division to forward the fingerprints to the Central Repository for*  
15 *Nevada Records of Criminal History for submission to the Federal*  
16 *Bureau of Investigation for its report.*

17       **Sec. 9.** *The Health Division shall adopt regulations to carry*  
18 *out the provisions of sections 2 to 9, inclusive, of this act.*

19       **Sec. 10.** NRS 629.031 is hereby amended to read as follows:

20       629.031 Except as otherwise provided by a specific statute:

21       1. "Provider of health care" means a physician licensed  
22 pursuant to chapter 630, 630A or 633 of NRS, physician assistant,  
23 dentist, licensed nurse, dispensing optician, optometrist, practitioner  
24 of respiratory care, registered physical therapist, podiatric physician,  
25 licensed psychologist, licensed marriage and family therapist,  
26 licensed clinical professional counselor, music therapist,  
27 chiropractor, athletic trainer, perfusionist, doctor of Oriental  
28 medicine in any form, medical laboratory director or technician,  
29 pharmacist, licensed dietitian or a licensed hospital as the employer  
30 of any such person.

31       2. For the purposes of NRS 629.051, 629.061, 629.065 and  
32 629.077, the term includes a facility that maintains the health care  
33 records of patients.

34       3. *For the purposes of sections 2 to 9, inclusive, of this act,*  
35 *the term includes:*

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

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

41       **Sec. 11.** (Deleted by amendment.)

42       **Sec. 12.** (Deleted by amendment.)

43       **Sec. 13.** This act becomes effective:



- 1 1. Upon passage and approval for the purposes of adopting
- 2 regulations and performing any other preparatory administrative
- 3 tasks that are necessary to carry out the provisions of this act; and
- 4 2. On October 1, 2013, for all other purposes.

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\* A B 2 2 8 R 1 \*