

SENATE BILL NO. 112—SENATOR BROWER

FEBRUARY 13, 2013

Referred to Committee on Health and Human Services

SUMMARY—Revises certain provisions relating to health care. (BDR 40-441)

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

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

AN ACT relating to health care; exempting certain imaging facilities from certain permitting provisions; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law requires an office of a physician or a facility that provides health care, other than a medical facility, to obtain a permit before offering services of general anesthesia, conscious sedation or deep sedation. (NRS 449.442, 630.373, 633.694) To obtain such a permit, an office of a physician or a facility that provides health care is required to submit an application, pay a fee and undergo an on-site inspection. (NRS 449.443, 449.446) To continue providing services of general anesthesia, conscious sedation or deep sedation, an office of a physician or a facility that provides health care, other than a medical facility, is required to renew its permit annually. (NRS 449.443, 449.444) This bill exempts from the requirement to obtain such a permit a diagnostic imaging center at which medication is administered solely to relieve a patient’s anxiety and to induce only a state of conscious sedation.

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

Section 1. NRS 449.441 is hereby amended to read as follows: 449.441 1. The provisions of NRS 449.435 to 449.448, inclusive, do not apply to ~~an~~: (a) An office of a physician or a facility that provides health care, other than a medical facility, if the office of a physician or the facility only administers a medication to a patient to relieve the patient’s anxiety or pain and if the medication is not given in a



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1 dosage that is sufficient to induce in a patient a controlled state of  
2 depressed consciousness or unconsciousness similar to general  
3 anesthesia, deep sedation or conscious sedation.

4 *(b) A diagnostic imaging center if:*

5 *(1) The diagnostic imaging center administers medication*  
6 *to a patient solely to relieve the patient's anxiety; and*

7 *(2) The medication that the diagnostic imaging center*  
8 *administers to the patient is administered in a dosage sufficient*  
9 *only to induce in the patient a controlled state of conscious*  
10 *sedation.*

11 *2. As used in this section, "diagnostic imaging center" means*  
12 *a stand-alone facility that produces images:*

13 *(a) On an outpatient basis;*

14 *(b) Which are used for medical diagnosis;*

15 *(c) Which are not customarily or routinely provided in the*  
16 *office of a physician; and*

17 *(d) Using one or more imaging techniques or forms of*  
18 *technology, including, without limitation:*

19 *(1) Computerized axial tomography;*

20 *(2) Fluoroscopy;*

21 *(3) Magnetic resonance imaging;*

22 *(4) Positron emission tomography;*

23 *(5) Sonography;*

24 *(6) X-ray services; or*

25 *(7) Other imaging techniques or technologies.*

26 **Sec. 2.** NRS 630.373 is hereby amended to read as follows:

27 630.373 1. ~~1A~~ *Except as otherwise provided in subsection*

28 *2, a physician shall not administer or supervise directly the*  
29 *administration of general anesthesia, conscious sedation or deep*  
30 *sedation to patients unless the general anesthesia, conscious sedation*  
31 *or deep sedation is administered:*

32 *(a) In an office of a physician or osteopathic physician which*  
33 *holds a permit pursuant to NRS 449.435 to 449.448, inclusive;*

34 *(b) In a facility which holds a permit pursuant to NRS 449.435*  
35 *to 449.448, inclusive;*

36 *(c) In a medical facility as that term is defined in*  
37 *NRS 449.0151; or*

38 *(d) Outside of this State.*

39 *2. The provisions of this section do not apply to services*  
40 *performed at a diagnostic imaging center that is exempt from the*  
41 *provisions of NRS 449.435 to 449.448, inclusive, pursuant to*  
42 *paragraph (b) of subsection 1 of NRS 449.441.*

43 *3. As used in this section:*

44 *(a) "Conscious sedation" has the meaning ascribed to it in*  
45 *NRS 449.436.*



1 (b) "Deep sedation" has the meaning ascribed to it in  
2 NRS 449.437.

3 (c) *"Diagnostic imaging center" has the meaning ascribed to it*  
4 *in NRS 449.441.*

5 (d) "General anesthesia" has the meaning ascribed to it in  
6 NRS 449.438.

7 **Sec. 3.** NRS 633.694 is hereby amended to read as follows:

8 633.694 1. ~~Am~~ *Except as otherwise provided in subsection*  
9 *2, an* osteopathic physician shall not administer or supervise directly  
10 the administration of general anesthesia, conscious sedation or deep  
11 sedation to patients unless the general anesthesia, conscious sedation  
12 or deep sedation is administered:

13 (a) In an office of a physician or osteopathic physician which  
14 holds a permit pursuant to NRS 449.435 to 449.448, inclusive;

15 (b) In a facility which holds a permit pursuant to NRS 449.435  
16 to 449.448, inclusive;

17 (c) In a medical facility as that term is defined in  
18 NRS 449.0151; or

19 (d) Outside of this State.

20 2. *The provisions of this section do not apply to services*  
21 *performed at a diagnostic imaging center that is exempt from the*  
22 *provisions of NRS 449.435 to 449.448, inclusive, pursuant to*  
23 *paragraph (b) of subsection 1 of NRS 449.441.*

24 3. As used in this section:

25 (a) "Conscious sedation" has the meaning ascribed to it in  
26 NRS 449.436.

27 (b) "Deep sedation" has the meaning ascribed to it in  
28 NRS 449.437.

29 (c) *"Diagnostic imaging center" has the meaning ascribed to it*  
30 *in NRS 449.441.*

31 (d) "General anesthesia" has the meaning ascribed to it in  
32 NRS 449.438.

33 **Sec. 4.** This act becomes effective on July 1, 2013.

