

ASSEMBLY BILL NO. 120—ASSEMBLYMEN GERHARDT, OHRENSCHALL, KOIVISTO, ANDERSON, ATKINSON, BUCKLEY, CLABORN, CONKLIN, DENIS, GIUNCHIGLIANI, HOGAN, HORNE, KIRKPATRICK, LESLIE, MANENDO, MORTENSON, MUNFORD, OCEGUERA, PARKS, PARNELL, PERKINS, PIERCE AND SMITH

FEBRUARY 23, 2005

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JOINT SPONSORS: SENATORS CARLTON, CARE,  
COFFIN AND TITUS

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Referred to Committee on Commerce and Labor

SUMMARY—Requires physicians to report to their licensing boards certain information concerning performance of office-based surgery. (BDR 54-888)

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.

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AN ACT relating to physicians; requiring a physician licensed to practice medicine or osteopathic medicine to submit with his application for renewal of his license or registration information concerning certain office-based surgery performed by him; requiring the licensing boards of those physicians biennially to compile and report such information to the Governor and the Legislature; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

1 Existing law requires medical doctors to submit certain information to the  
2 Board of Medical Examiners when applying for biennial registration. (NRS  
3 630.267) Under existing law, osteopathic physicians must submit certain  
4 information to the State Board of Osteopathic Medicine when annually renewing  
5 their license. (NRS 633.471) Existing law requires the Board of Medical Examiners  
6 and the State Board of Osteopathic Medicine to submit biennial reports concerning  
7 the activities of licensees to the Governor and to the Legislature. (NRS 630.130,  
8 633.286)



9 This bill requires medical doctors and osteopathic physicians to include in their  
10 application for registration or license renewal information concerning office-based  
11 surgeries they performed which required sedation or general anesthesia including  
12 information concerning any unexpected occurrence involving death or injury.

13 This bill also requires the Board of Medical Examiners and the State Board of  
14 Osteopathic Medicine to include in their biennial reports to the Governor and  
15 Legislature information received from licensees regarding office-based surgeries  
16 involving sedation or general anesthesia.

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

1 **Section 1.** Chapter 630 of NRS is hereby amended by adding  
2 thereto a new section to read as follows:

3 *1. When submitting the biennial registration required by NRS*  
4 *630.267, each holder of a license to practice medicine shall submit*  
5 *to the Board, on a form provided by the Board, a report:*

6 *(a) Stating the number of surgeries requiring conscious*  
7 *sedation, deep sedation or general anesthesia performed by the*  
8 *holder of the license at his office or any other facility during the*  
9 *most recent period of licensure, excluding any surgical care*  
10 *performed at a medical facility as that term is defined in*  
11 *NRS 449.0151.*

12 *(b) Describing the surgical care performed on each patient by*  
13 *the holder of the license, including, without limitation, the type*  
14 *and dosage of anesthesia administered to each patient.*

15 *(c) Reporting the occurrence of any sentinel event arising*  
16 *from any surgery requiring conscious sedation, deep sedation or*  
17 *general anesthesia performed by the holder of the license.*

18 **2. As used in this section:**

19 *(a) "Conscious sedation" means a minimally depressed*  
20 *level of consciousness, produced by a pharmacologic or*  
21 *nonpharmacologic method, or a combination thereof, in which the*  
22 *patient retains the ability independently and continuously to*  
23 *maintain an airway and to respond appropriately to physical*  
24 *stimulation and verbal commands.*

25 *(b) "Deep sedation" means a controlled state of*  
26 *depressed consciousness, produced by a pharmacologic or*  
27 *nonpharmacologic method, or a combination thereof, and*  
28 *accompanied by a partial loss of protective reflexes and the*  
29 *inability to respond purposefully to verbal commands.*

30 *(c) "General anesthesia" means a controlled state*  
31 *of unconsciousness, produced by a pharmacologic or*  
32 *nonpharmacologic method, or a combination thereof, and*



1 *accompanied by partial or complete loss of protective reflexes and*  
2 *the inability independently to maintain an airway and respond*  
3 *purposefully to physical stimulation or verbal commands.*

4 *(d) "Sentinel event" means an unexpected occurrence*  
5 *involving death or serious physical or psychological injury or the*  
6 *risk thereof, including, without limitation, any process variation*  
7 *for which a recurrence would carry a significant chance of serious*  
8 *adverse outcome. The term includes loss of limb or function.*

9 **Sec. 2.** NRS 630.130 is hereby amended to read as follows:

10 630.130 1. In addition to the other powers and duties  
11 provided in this chapter, the Board shall, in the interest of the public,  
12 judiciously:

13 (a) Enforce the provisions of this chapter;

14 (b) Establish by regulation standards for licensure under this  
15 chapter;

16 (c) Conduct examinations for licensure and establish a system of  
17 scoring for those examinations;

18 (d) Investigate the character of each applicant for a license and  
19 issue licenses to those applicants who meet the qualifications set by  
20 this chapter and the Board; and

21 (e) Institute a proceeding in any court to enforce its orders or the  
22 provisions of this chapter.

23 2. On or before February 15 of each odd-numbered year, the  
24 Board shall submit to the Governor and to the Director of the  
25 Legislative Counsel Bureau for transmittal to the next regular  
26 session of the Legislature a written report compiling:

27 (a) Disciplinary action taken by the Board during the previous  
28 biennium against physicians for malpractice or negligence; and

29 (b) Information reported to the Board during the previous  
30 biennium pursuant to NRS 630.3067, 630.3068, *section 1 of this*  
31 *act*, subsections 2 and 3 of NRS 630.307 and NRS 690B.250 and  
32 690B.260.

33 ➤ The report must include only aggregate information for statistical  
34 purposes and exclude any identifying information related to a  
35 particular person.

36 3. The Board may adopt such regulations as are necessary or  
37 desirable to enable it to carry out the provisions of this chapter.

38 **Sec. 3.** NRS 630.267 is hereby amended to read as follows:

39 630.267 1. Each holder of a license to practice medicine  
40 must, on or before July 1 of each alternate year:

41 (a) Submit the statement required pursuant to NRS 630.197;

42 (b) Submit a list of all actions filed or claims submitted to  
43 arbitration or mediation for malpractice or negligence against him  
44 during the previous 2 years; ~~and~~



1 (c) *Submit the report required by section 1 of this act; and*

2 (d) Pay to the Secretary-Treasurer of the Board the applicable  
3 fee for biennial registration. This fee must be collected for the  
4 period for which a physician is licensed.

5 2. When a holder of a license fails to pay the fee for biennial  
6 registration and submit the statement required pursuant to NRS  
7 630.197 after they become due, his license to practice medicine in  
8 this State is automatically suspended. The holder may, within 2  
9 years after the date his license is suspended, upon payment of twice  
10 the amount of the current fee for biennial registration to the  
11 Secretary-Treasurer and submission of the statement required  
12 pursuant to NRS 630.197 and after he is found to be in good  
13 standing and qualified under the provisions of this chapter, be  
14 reinstated to practice.

15 3. The Board shall make such reasonable attempts as are  
16 practicable to notify a licensee:

17 (a) At least once that his fee for biennial registration and the  
18 statement required pursuant to NRS 630.197 are due; and

19 (b) That his license is suspended.

20 ➔ A copy of this notice must be sent to the Drug Enforcement  
21 Administration of the United States Department of Justice or its  
22 successor agency.

23 **Sec. 4.** NRS 630.267 is hereby amended to read as follows:

24 630.267 1. Each holder of a license to practice medicine  
25 must, on or before July 1 of each alternate year:

26 (a) Submit a list of all actions filed or claims submitted to  
27 arbitration or mediation for malpractice or negligence against him  
28 during the previous 2 years; ~~and~~

29 (b) *Submit the report required by section 1 of this act; and*

30 (c) Pay to the Secretary-Treasurer of the Board the applicable  
31 fee for biennial registration. This fee must be collected for the  
32 period for which a physician is licensed.

33 2. When a holder of a license fails to pay the fee for biennial  
34 registration after it becomes due, his license to practice medicine in  
35 this State is automatically suspended. The holder may, within 2  
36 years after the date his license is suspended, upon payment of twice  
37 the amount of the current fee for biennial registration to the  
38 Secretary-Treasurer, and after he is found to be in good standing and  
39 qualified under the provisions of this chapter, be reinstated to  
40 practice.

41 3. The Board shall make such reasonable attempts as are  
42 practicable to notify a licensee:

43 (a) At least once that his fee for biennial registration is due; and

44 (b) That his license is suspended for nonpayment of the fee.



1 ↪ A copy of this notice must be sent to the Drug Enforcement  
2 Administration of the United States Department of Justice or its  
3 successor agency.

4 **Sec. 5.** Chapter 633 of NRS is hereby amended by adding  
5 thereto a new section to read as follows:

6 **1. *When submitting an application for renewal of a license***  
7 ***required by NRS 633.471, every holder of a license issued under***  
8 ***this chapter shall submit to the Board, on a form provided by the***  
9 ***Board, a report:***

10 (a) *Stating the number of surgeries requiring conscious*  
11 *sedation, deep sedation or general anesthesia performed by the*  
12 *holder of the license at his office or any other facility during the*  
13 *most recent period of licensure, excluding any surgical care*  
14 *performed at a medical facility as that term is defined in*  
15 *NRS 449.0151.*

16 (b) *Describing the surgical care performed on each patient by*  
17 *the holder of the license, including, without limitation, the type*  
18 *and dosage of anesthesia administered to each patient.*

19 (c) *Reporting the occurrence of any sentinel event arising*  
20 *from any surgery requiring conscious sedation, deep sedation or*  
21 *general anesthesia performed by the holder of the license.*

22 **2. As used in this section:**

23 (a) *“Conscious sedation” means a minimally depressed*  
24 *level of consciousness, produced by a pharmacologic or*  
25 *nonpharmacologic method, or a combination thereof, in which the*  
26 *patient retains the ability independently and continuously to*  
27 *maintain an airway and to respond appropriately to physical*  
28 *stimulation and verbal commands.*

29 (b) *“Deep sedation” means a controlled state of*  
30 *depressed consciousness, produced by a pharmacologic or*  
31 *nonpharmacologic method, or a combination thereof, and*  
32 *accompanied by a partial loss of protective reflexes and the*  
33 *inability to respond purposefully to verbal commands.*

34 (c) *“General anesthesia” means a controlled state*  
35 *of unconsciousness, produced by a pharmacologic or*  
36 *nonpharmacologic method, or a combination thereof, and*  
37 *accompanied by partial or complete loss of protective reflexes and*  
38 *the inability independently to maintain an airway and respond*  
39 *purposefully to physical stimulation or verbal commands.*

40 (d) *“Sentinel event” means an unexpected occurrence*  
41 *involving death or serious physical or psychological injury or the*  
42 *risk thereof, including, without limitation, any process variation*  
43 *for which a recurrence would carry a significant chance of serious*  
44 *adverse outcome. The term includes loss of limb or function.*



1     **Sec. 6.** NRS 633.286 is hereby amended to read as follows:

2     633.286 1. On or before February 15 of each odd-numbered  
3 year, the Board shall submit to the Governor and to the Director of  
4 the Legislative Counsel Bureau for transmittal to the next regular  
5 session of the Legislature a written report compiling:

6     (a) Disciplinary action taken by the Board during the previous  
7 biennium against osteopathic physicians for malpractice or  
8 negligence; and

9     (b) Information reported to the Board during the previous  
10 biennium pursuant to NRS 633.526, 633.527, *and section 5 of this*  
11 *act*, subsections 2 and 3 of NRS 633.533 and NRS 690B.250 and  
12 690B.260.

13     2. The report must include only aggregate information for  
14 statistical purposes and exclude any identifying information related  
15 to a particular person.

16     **Sec. 7.** NRS 633.471 is hereby amended to read as follows:

17     633.471 1. Except as otherwise provided in subsection 3 and  
18 in NRS 633.491, every holder of a license issued under this chapter,  
19 except a temporary or a special license, may renew his license on or  
20 before January 1 of each calendar year after its issuance by:

21     (a) Applying for renewal on forms provided by the Board;

22     (b) Submitting the statement required pursuant to NRS 633.326;

23     (c) Paying the annual license renewal fee specified in this  
24 chapter;

25     (d) Submitting a list of all actions filed or claims submitted to  
26 arbitration or mediation for malpractice or negligence against him  
27 during the previous year; ~~and~~

28     (e) Submitting verified evidence satisfactory to the Board that in  
29 the year preceding the application for renewal he has attended  
30 courses or programs of continuing education approved by the Board  
31 totaling a number of hours established by the Board which must not  
32 be less than 35 hours nor more than that set in the requirements for  
33 continuing medical education of the American Osteopathic  
34 Association ~~}; and~~

35     (f) *Submitting the report required by section 5 of this act.*

36     2. The Secretary of the Board shall notify each licensee of the  
37 requirements for renewal not less than 30 days before the date of  
38 renewal.

39     3. Members of the Armed Forces of the United States and the  
40 United States Public Health Service are exempt from payment of the  
41 annual license renewal fee during their active duty status.

42     **Sec. 8.** NRS 633.471 is hereby amended to read as follows:

43     633.471 1. Except as *otherwise* provided in subsection 3 and  
44 in NRS 633.491, every holder of a license issued under this chapter,



1 except a temporary or a special license, may renew his license on or  
2 before January 1 of each calendar year after its issuance by:

3 (a) Applying for renewal on forms provided by the Board;

4 (b) Paying the annual license renewal fee specified in this  
5 chapter;

6 (c) Submitting a list of all actions filed or claims submitted to  
7 arbitration or mediation for malpractice or negligence against him  
8 during the previous year; ~~and~~

9 (d) Submitting verified evidence satisfactory to the Board that in  
10 the year preceding the application for renewal he has attended  
11 courses or programs of continuing education approved by the Board  
12 totaling a number of hours established by the Board which must not  
13 be less than 35 hours nor more than that set in the requirements for  
14 continuing medical education of the American Osteopathic  
15 Association ~~and~~; and

16 (e) *Submitting the report required by section 5 of this act.*

17 2. The Secretary of the Board shall notify each licensee of the  
18 requirements for renewal not less than 30 days before the date of  
19 renewal.

20 3. Members of the Armed Forces of the United States and the  
21 United States Public Health Service are exempt from payment of the  
22 annual license renewal fee during their active duty status.

23 **Sec. 9.** 1. This section and sections 1, 2, 3, 5, 6 and 7 of this  
24 act become effective on October 1, 2005.

25 2. Sections 3 and 7 of this act expire by limitation on the date  
26 on which the provisions of 42 U.S.C. § 666 requiring each state to  
27 establish procedures under which the state has authority to withhold  
28 or suspend, or to restrict the use of professional, occupational or  
29 recreational licenses of persons who:

30 (a) Have failed to comply with a subpoena or warrant relating to  
31 a procedure to determine the paternity of a child or to establish or  
32 enforce an obligation for the support of a child; or

33 (b) Are in arrears in the payment for the support of one or more  
34 children,

35 ➤ are repealed by the Congress of the United States.

36 3. Sections 4 and 8 of this act become effective on the date on  
37 which the provisions of 42 U.S.C. § 666 requiring each state to  
38 establish procedures under which the state has authority to withhold  
39 or suspend, or to restrict the use of professional, occupational or  
40 recreational licenses of persons who:

41 (a) Have failed to comply with a subpoena or warrant relating to  
42 a procedure to determine the paternity of a child or to establish or  
43 enforce an obligation for the support of a child; or



- 1 (b) Are in arrears in the payment for the support of one or more
- 2 children,
- 3 → are repealed by the Congress of the United States.

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