

The meeting was called to order at 12:30 p.m. in Room 213.  
Senator Thomas R. C. Wilson was in the chair.

PRESENT: Senator Thomas R.C. Wilson, Chairman  
Senator Richard E. Blakemore, Vice Chairman  
Senator Don Ashworth  
Senator Clifford E. McCorkle  
Senator Melvin D. Close  
Senator C. Clifton Young  
Senator William H. Hernstadt

ABSENT: None

OTHERS George Whitney, Chief Investigator, Real Estate Division  
PRESENT: Rev. W. J. Wynn, Faith Deliverance Church  
Rachelle Wynn, Faith Deliverance Church  
Ruth E. Brooks, Ad Hoc Committee, SB 450  
Richard G. Pugh, Nevada State Medical Association, Reno  
Bill Cozart, Nevada Association of Realtors  
Bill Hoppi, Nevada Association of Realtors  
Jim Jones, Nevada Real Estate Division  
Jim Wadhams, Director, Department of Commerce  
George Bennett, Secretary, State Board of Pharmacy  
Russ McDonald, lobbyist-at-large  
Norma Woolverton, Assistant to the Administrator,  
Real Estate Division

SB 443 Provides for licensing of certain classes of  
real estate brokers and salesmen.

Bill Cozart, representing the Nevada Association of Realtors, explained that SB 443 is the result of efforts by the Real Estate Division and the industry; and its purpose is to "clean up" NRS 645. It makes no substantial changes.

Senator Close asked the requirements for reinstatement.

Jim Jones, representing the Division of Real Estate, answered that payment of the fees within the allotted time would be a requirement.

Mr. Cozart explained the language of lines 22 and 23 of page 1, continuing on page 2; and stated that it protects the exclusive right to sell and prevents a lot of unnecessary litigation. He explained to Chairman Wilson that the bill protects the consumer by preventing an inducing party from breaking a real estate contract.

Chairman Wilson explained "nolo contendere" and discussion followed regarding whether it should be grounds for action from the Commission. It was decided to delete "nolo contendere" and conform the bill.

(SB 443 - continued)

Senator Close stated that "negligence" is too broad to be grounds for license revocation.

Mr. Cozart explained that complaints are heard by an advisory commission of peers for the purpose of determining the extent of the negligence. He agreed that the language should be more specific.

Senator Close suggested that "repeated" replace "demonstrated" on line 15 of page 2.

Mr. Cozart explained to Senator McCorkle that Section 4, subsection 1, would prevent an agent from representing an owner without the owner's knowledge. He continued that "reasonable amount of time" is satisfactory language because it varies. He stated that on page 2, line 39, "10" should replace "3". Mr. Cozart added that subsections (a) and (b) of Section 5 are existing language.

Norma Woolverton, Assistant to the Administrator, Division of Real Estate, explained the reason for new language; "owner-developer" is to allow big developers to hire their own sales people to offer their products for sale, hence a broker would not be needed.

Mr. Cozart proposed new language in line 21, page 5, as follows: "The commission shall adopt regulations establishing standards for the operation of licensees' offices and for their business conduct". He explained that the Division does not want the responsibility for the code of ethics, which is now included in the rules and regulations. Discussion followed and it was decided to include "ethics".

There was a problem with the language on page 6, line 48, that deletes "regular employees" and inserts "resident manager". George Whitney, Chief Investigator, Division of Real Estate, explained that it is difficult to delineate between a resident manager and someone in the property management business; the latter would require a real estate license.

Senator Close stated that the language is too restrictive. Senator Young suggested that the existing language remain.

Mr. Cozart explained the new language on page 7, subsection (c) of Section 2. He stated that currently attempts are tried to circumvent the law by officers of a corporation appointing 50 other people to the board, who could market property without being licensed. He said that these people could have no real estate experience and use unethical tactics.

Ms. Woolverton explained that corporations are not licensed, only individuals acting on their behalf.

Ms. Woolverton explained that new language would provide that the Real Estate Division require that a licensee give written authorization to inspect records, which include monies on deposit in banks in the trust account.

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(SB 443 - continued)

Mr. Cozart suggested that new language in Section 19, line 17, read "the division may approve an application for examination"; line 22, the last word should be "division" rather than "board"; line 29, replace "board" with "commission".

Ms. Woolverton explained that 4 years, rather than 2 would be a more reasonable time for examination or licensure, on line 46, page 9. She explained to Senator Close that any applicant for examination must meet certain prelicensing requirements consisting of minimum hours of education; a broker applicant must show a minimum of 2 years' experience.

Discussion followed regarding character qualification language and how it can be determined.

Ms. Woolverton explained that in order to apply for the examination and to be issued a license, the applicant must be a resident. She further explained that the deletion on page 10, beginning with line 8, brings Nevada law into conformity with federal law.

Mr. Cozart suggested line 9, page 11 be amended to delete "applicant is a", and after "corporation" add "is doing business as a real estate broker". He explained to Senator Close that first, application is filed for examination; then, upon passing the examination, one files for application for license; the license is not automatically granted upon passing the examination. He explained to Senator Ashworth that a corporation cannot do business as a real estate broker, but can designate a person to do so. It was decided that the language is unclear.

Senator Ashworth suggested language that would provide that "an individual who is not licensed cannot receive a commission." He asked why a corporation could not be licensed. Mr. Cozart explained that then each officer would have to qualify for licensure.

Senator Close asked why there should be two occasions for qualification.

Mr. Cozart explained that in order to get a license, broker-salesmen must be affiliated with a broker and this affiliation often doesn't occur until after the examination has been passed and the applicant has been looking for a position.

Ms. Woolverton further clarified that the first application contains all of the qualifications of character, residence and education that would be needed for licensure; this enables the board to determine if he qualifies for licensure. She concluded that a license is not issued until the applicant is employed.

Senator McCorkle suggested that "paid" be changed to "pay" on page 14, line 31. Mr. Cozart presented additional language to follow section 33 (see Exhibit A). He suggested that line 2, page 17, should read "failure to give notice as required by this section constitutes cause for the involuntary inactivation of any outstanding license".

(SB 443 - continued)

Ms. Woolverton explained that this is a violation of existing statutes, but not sufficient for revocation of a license. Mr. Cozart stated that line 9 of Section 37 should add "the license should be placed on involuntary inactive status".

Mr. Whitney explained that the language would provide that the investigative files would be the work product of investigators which would contain information which would be confidential; there would also be the complaint file and both would be confidential.

Discussion followed regarding files of investigations, their confidentiality, and when they are no longer confidential. This bill would eliminate confidentiality when there is a public hearing. Mr. Cozart and Mr. Jones agreed to report back with clarification.

Mr. Cozart suggested that NRS 645.630 be amended to allow the commission to fine the licensee, suspend, revoke or reissue the license.

It was decided to delete "substantial" and insert "material" on page 40, line 18; it was decided to delete lines 43 through 45 of page 18; it was decided to replace "immediate" with "as soon as possible" or appropriate language on line 15 of page 20; it was decided to reduce "150 days" to "15 days" on page 22, line 40; it was decided to replace "45" with "30" on line 45, page 22; it was decided to replace "10" with "30" on page 23, line 17, and add language as follows: "days from receipt of written decision or findings of facts, whichever shall be later".

Jim Wadhams, Director, Department of Commerce, explained that there are only 5 or 7 grounds that the court can use to reverse or modify an administrative decision; a petition for review is filed with the court, then the agency has about 10 days to submit the entire record of the proceedings. He continued that the hearing in the court is de novo; in NRS 233B.130 if the court makes a finding it can make substantive changes in the decision of the agency, the review is wholly limited to the record.

Senator Ashworth read from the statute as follows: "The filing of the petition does not itself stay enforcement of the agency decision, unless expressly so provided by statute. The agency may grant, or the reviewing court may order, a stay upon appropriate terms. 2. Within 30 days after the service of the petition, or within further time allowed by the court, the agency shall transmit to the reviewing court the original or a certified copy of the entire record of the proceeding under review. By stipulation of all parties to the review proceedings, the record may be shortened. A party unreasonably refusing to stipulate to limit the record may be taxed by the court for additional costs. The court may require or permit subsequent corrections or additions to the record." He continued, "Proceedings for review shall be instituted by filing a petition in district court . . . Unless otherwise provided by specific statute, a petition shall be filed within 30 days after the service of the final decision of the agency or, if a rehearing is held, within 30 days

(SB 443 - continued)

after the decision thereon. Copies of the petition shall be served upon the agency and all other parties of record." It was decided to conform the bill with these provisions. The final change was to delete lines 17 and 18 of page 25.

SB 425 Exempts members of clergy from provisions of law regulating practice of psychology.

Ruth E. Brooks, testified in support of SB 425, and stated that she was a member of an ad hoc committee in Las Vegas, and the clergy has been omitted in many areas where they are now practicing their ministry.

Senator Ashworth questioned the language "duly ordained".

Ms. Brooks replied that there are some churches with ministers and elders who are not ordained.

Rev. W. J. Wynn, representing the Faith Deliverance Church, stated that if one is duly ordained by God, he still must have ordination papers from Man. He explained that duly ordained are those who have been assessed by a religious body.

Discussion followed regarding the definition of a church. If 15 people get together and sign a petition, gather a congregation, and ordain a minister, a church has been created.

Senator Ashworth suggested that the psychological test be deleted.

SB 145 Permits registered nurses to perform additional functions under certain schedules by PSC.

For previous testimony and discussion, see February 12 and March 28.

George Bennett, Secretary, State Board of Pharmacy, presented proposed amendments to SB 145 (see Exhibit B), and explained them. He explained that nurse practitioner and physician's assistant are synonymous.

Pat Gothberg, Executive Director, Nevada Nurses' Association, explained that rules and regulations had to be agreed upon for the nurse practitioners to function; then the pharmacy law had to be amended. She explained to Senator Young that a registered nurse differed from a practical nurse in that RNs are registered with the board, after two to four years of training; while LPN's (licensed practical nurse) are licensed after one year's training but do not qualify to be physician's assistants (PAs) or nurse practitioners (NPs). Ms. Gothberg presented further amendments (see Exhibit C). She continued that the Board of Medical Examiners can veto a particular nurse's right to dispense.

Senator Ashworth observed that all actions of the PA or NP are under the direct supervision of a physician who is liable for those actions.

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(SB <sup>145</sup>~~443~~ - continued)

Mr. Bennett explained that the rules and regulations promulgated by the Board of Medical Examiners would include NPs.

Russ McDonald, representing the State Board of Pharmacy, explained that he had drafted SB 145 and had felt that the definition of NP is necessary; hence section 1 of Exhibit B.

Ms. Gothberg stated that the Nevada Nurses' Association did not feel that the area in which a NP works should be a consideration for application. She said the Association fears that these restrictions may tend to limit NPs' dispensing functions to rural areas.

Chairman Wilson clarified that these considerations (see page 2, 6. of Exhibit B) are only guide lines and not intended to limit jurisdictionally.

Senator Blakemore stated that the intent originally for NP's is to have medical aid available in rural areas, not to make physicians' jobs easier.

Chairman Wilson stated it is not within the Nevada State Board of Pharmacy jurisdiction to decide where NP's can practice. He stated that the board may decline a license, but the decision should be based on a standard of practice, rather than location.

It was agreed that dispense means 1 dose, and the PA and the physician establish a protocol with regard to meetings, which drugs are dispensed, and which functions can be performed.

Discussion followed with regard to the advisability of amending the bill to state "nurse practitioner or physician's assistant" throughout; it was decided that it is too late in the session, would take too long, so the present approach was agreed upon.

Mr. McDonald presented the rules and regulations for PAs for the record (see Exhibit D).

#### Proposed legislation - Insurance Fraud Investigation Unit

Mr. Wadhams, asked if the Committee would consider the late introduction of legislation regarding insurance fraud. Mr. Wadhams stated for the record "the existing laws governing insurance prohibit insurance fraud and agent embezzlement."

Existing law also grants the insurance commissioner exclusive jurisdiction to conduct investigations in the subjects relating to insurance. The proposed legislation (attached) would create an insurance fraud unit within the insurance division which would conduct investigations required by the existing laws. If cause exists to believe that a fraudulent claim has been submitted, or that an agent has failed to remit premium money, the commissioner would have the authority to investigate the violation and take the necessary steps to correct the violation. He would have the authority to administer oaths, take testimony, compel attendance and related authority.

(Mr. Wadhams, re insurance fraud legislation)

Companies licensed to do business, would be required to report cases of fraudulent claims. Insurers and agents would not be liable for libel, slander or other torts by virtue of filing or furnishing information or reports required by this legislation.

The cost of administration of this insurance fraud unit would be borne by the insurers licensed to do business in this state. The assessment would be divided among the companies, based upon incurred losses reported in the annual statements. The commissioner would establish a regulatory trust fund collection of assessments, which would be continuously appropriated to the insurance fraud unit.

Mr. Wadhams explained that he has also requested this legislation in the Assembly with the hope that it will at least get a hearing this session. He explained that it would have an immediate fiscal impact of about \$114,000; but this would be reimbursed by the insurers through the assessment process.

Senator Young moved for Committee introduction and re-referral to Senate Finance Committee.

Seconded by Senator Ashworth.

Motion carried.

Senator Hernstadt absent.

SB 145 Permits registered nurses to perform additional functions under certain circumstances.

Senator Young moved that SB 145 be passed out of Committee with an "Amend and Do Pass" recommendation.

Seconded by Senator Ashworth.

Motion carried.

Senator Hernstadt absent.

SB 443 Provides for licensing of certain classes of real estate brokers and salesmen.

Chairman Wilson reviewed the proposed amendments and added that on page 1, line 15, "disregarding" should be deleted; page 1, delete lines 22 and 23; page 2, delete lines 1 and 2; and conform with rest of bill; regarding failure to disclose language, ask the bill drafter for failure to disclose material information that is known or should be known by the licensee; page 2, line 15, delete "demonstrated" and insert "gross" before negligence; page 5, line 15, insert "licensees'" before "office, operation"; page 6, line 48, delete "resident manager" and insert "regular employees"; page 9, line 17, insert "examination" and delete "lisence"; page 9, delete line 22; page 9 delete line 33; page 10, line 16, insert "examination" after "application for"; page 13 line 8, delete "president"

1201

(SB 443 - amendments continued)

and insert "chairman"; page 14, line 31, delete "paid" and insert "pay"; page 15, line 48, insert Exhibit A; page 18, line 9, add "involuntary" before "active status"; page 16, line 15, delete "registered"; page 17, line 1 and 2, delete "." and insert "or involuntary inactivation in lieu of revocation"; page 18, line 9, insert "involuntary" before "inactive"; page 18 lines 30 through 32, delete brackets; page 18, lines 35 through 39, add language that would indicate that it is the jurisdiction of the commission to impose a fine; page 18, line 40, delete "substantial", insert "material"; page 18, lines 41 and 43, delete brackets; delete lines 43 through 45; page 20, line 15, delete "immediately" and insert "as soon as possible"; page 20, lines 22 through 24, apply to brokers only; page 22, line 40, delete "150" and insert "15"; page 23, line 17, delete "10" and insert "30"; page 22, line 45, delete "45" and insert "30"; page 22, line 17, delete "10" and insert "30"; page 25, delete lines 17 and 18.

Senator Close moved that SB 443 be passed out of Committee with an "Amend and Do Pass" recommendation, and re-referred to Finance.

Seconded by Senator Ashworth.

Motion carried.

Senator Hernstadt absent.

SB 312 Authorized registered nurses to perform certain obstetric acts under certain circumstances.

Discussion followed regarding the definition of a midwife.

Pat Gothberg explained that the rules and regulations have been submitted and have been approved. She agreed to take the bill and amendments to the bill to the bill drafter and arrange for amendments.

Further action on SB 312 was delayed to a later date.

BDR 28-1787  
(SB 485) An act related to the state public works board, requiring analysis of the use of renewable resources as part of the accounting system covered in the cost of state buildings.

BDR 27-1789  
(SB 486) Relates to public purchasing, requires the state and local governments to consider economy in the use of energy when purchasing property.

Senator Young moved for Committee introduction (of the above-listed BDRs).

Seconded by Senator Close.

Motion carried.

Senator Hernstadt absent.

1202

AB 470 Provides industrial insurance coverage for paid firemen injured while performing certain voluntary services off duty.

For previous testimony and discussion, see minutes of April 11, 1979.

Discussion followed regarding the language of the bill. It was decided that it is too broad. The Committee decided to amend the bill with language that would limit coverage to the jurisdiction of the fire department or a jurisdiction with which his department has a reciprocal agreement, and would delete "service involving the protection of life or property, during fire, flood, earthquake, windstorm, ambulance service or other rescue work."

Senator McCorkle moved to pass AB 470 out of Committee with an "Amend and Do Pass" recommendation.

Seconded by Senator Blakemore.

Motion carried.

Senator Hernstadt absent.

SB 425 Exempts members of clergy from provisions of law regulating practice of psychology.

For previous testimony and discussion see April 11, 1979 minutes.

Discussion followed regarding the limits the clergy should have with regard to counseling. If they are exempted, they could be practicing psychology. It was decided to amend the bill to limit the clergy to the administration of its ministry. Senator McCorkle read a proposed amendment prepared by Ms. Brooks: "Nothing in this chapter shall prevent a duly ordained bishop, priest, rabbi, or student in training from doing such duties and administrations which are traditional for his or her faith, provided that such religious ministrations, counseling or assistance shall not be represented by the terms psychological, psychologist, or psychology, and are solely the practice of such religious faith." It was decided to amend the bill by deleting all of the present language and inserting Ms. Brooks' language.

Senator McCorkle moved that SB 425 be amended and re-referred to the Committee.

Seconded by Senator Blakemore.

Motion carried.

Senator Hernstadt absent.

SB 405 Provides increases in certain industrial insurance benefits.

For previous testimony and discussion see minutes of April 11, 1979.

SB 405 - continued)

Senator Young moved to pass SB 405 out of Committee with a "Do Pass" recommendation and re-refer to Finance.

Seconded by Senator Ashworth.

Motion carried.

Senator Hernstadt absent.

SB 410 Clarifies certain provisions of Public Accountancy Law.

Chairman Wilson read the following proposed amendments: page 1, line 9, add "in the state of Nevada"; page 2 line 39, delete brackets; page 3, lines 8 to 10, change "4" to "3" and "5" to "4".

Senator Young moved to pass SB 410 out of Committee with an "Amend and Do Pass" recommendation.

Seconded by Senator Ashworth.

Motion carried.

Senator Hernstadt absent.

No further business, so meeting adjourned at 6:30 p.m.

Minutes of the Nevada State Legislature

Senate Committee on.....

Date:.....

Page:.....

RESPECTFULLY SUBMITTED

Betty L. Kalicki, Secretary

APPROVED:

Thomas R. C. Wilson, Chairman



16 SEC. 33. Chapter 645 of NRS is hereby amended by adding thereto  
 17 a new section which shall read as follows:  
 18 1. Any licensee under the provisions of this chapter whose license  
 19 has been placed on inactive status by the division for any of the following  
 20 reasons shall reinstate such license before being placed on active status:  
 21 (a) Inactivation of the license at the request of licensee.  
 22 (b) Inactivation of a broker's or a corporate officer's license for failure  
 23 to immediately notify the division in writing of any change of firm name  
 24 or business location.  
 25 (c) Inactivation of a broker-salesman's or a salesman's license for  
 26 failure to notify the division of a change of broker or owner-developer  
 27 with whom he will be associated within 30 days of termination by a  
 28 previous broker or owner-developer.  
 29 (d) Inactivation of any license for failure to apply for renewal of the  
 30 license before the date of expiration thereof.  
 31 (e) Inactivation of all broker-salesmen's or salesmen's licenses under  
 32 the supervision of a broker whose license has been placed on inactive  
 33 status for failure to renew.  
 34 (f) Inactivation of a license as a result of formal disciplinary action.  
 35 2. The licensee whose license is placed on inactive status shall not  
 36 engage in the real estate business until he has met all requirements for  
 37 reinstatement to an active status, which shall include completion of the  
 38 forms provided by the division for this purpose and payment of the  
 39 required fees.

20  
 INSERT  
 Sec 33  
 NRS 645.510  
 IS AMENDED  
 TO READ

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Betty's  
 SPIKE'S  
 SECRETARY  
 NEEDS !!  
 ASAP

## Amendments to SB 145

Amend the bill by striking out sections 1 to 18, inclusive, of the bill and inserting in lieu thereof the following:

"SEC<sup>TION</sup> 1 Chapter 639 of NRS is hereby amended by adding thereto a new section which shall read as follows:

1. "Nurse practitioner" as used in this section means a registered professional nurse who has specialized skill, knowledge and experience and who is authorized in special conditions as defined by regulations of the <sup>STATE</sup> board <sup>OF NURSING</sup> to perform designated acts of medical diagnosis, prescription of medical therapeutics and corrective measures in collaboration with and under the supervision of a licensed physician.

2. A nurse practitioner may, if authorized by the board, possess, administer or dispense controlled substances, poisons, dangerous drugs or devices in or out of the presence of his supervising physician only to the extent and subject to the limitations specified in the nurse practitioner's certificate as issued by the State Board of Nursing.

3. Each nurse practitioner who is authorized by his nurse practitioner's certificate issued by the state board of nursing to possess, or administer or dispense controlled substances, or poisons, or dangerous drugs or devices must apply for and obtain a registration certificate from the board and pay a fee to be set by regulations adopted by the board before he can possess, administer or dispense controlled substances, poisons, dangerous drugs or devices.

4. The board shall consider each application separately and may, even though the nurse practitioner's certificate issued by the state board of nursing authorizes the nurse practitioner to possess, administer or dispense controlled substances, poisons, dangerous drugs and devices:

(a) Refuse to issue a registration certificate;

(b) Issue a registration certificate limiting the nurse practitioner's authority to possess, administer or dispense controlled substances, poisons, dangerous drugs or devices, the area in which the nurse practitioner may possess controlled substances, poisons, dangerous drugs and devices, or the kind and amount of controlled substances, poisons, dangerous drugs and devices; or

(c) Issue a registration certificate imposing other limitations or restrictions which the board feels are necessary and required to protect the health, safety and welfare of the public.

5. If the registration of the nurse practitioner is suspended or revoked, the physician's controlled substance registration may also be suspended or revoked.

6. The board shall adopt regulations controlling the maximum amount to be administered, possessed and dispensed, and the storage, security, recordkeeping and transportation of controlled substances, poisons, dangerous drugs and devices by nurse practitioners. In the adoption of such regulations, the board shall consider, but is not limited to, the following:

- (a) The area in which the nurse practitioner is to operate;
- (b) The population of that area;
- (c) The experience and training of the nurse practitioner;
- (d) The distance to the nearest hospital and physician; and
- (e) The effect on the health, safety and welfare of the public.

SEC. 2. NRS 453.021 is hereby amended to read as follows:

453.021 "Administer" means the direct application of a controlled substance, whether by injection, inhalation, ingestion or any other means to the body of a patient or research subject by:

- 1. A practitioner or, in his presence, by his authorized agent;
- 2. A licensed nurse, at the direction of a physician;
- 3. The patient or research subject at the direction and in the presence

of the practitioner;

4. A physician's assistant, if authorized by the board [.] , or;
5. A nurse practitioner, if authorized by the board.

SEC. 3. NRS 453.056 is hereby amended to read as follows:

453.056 A controlled substance or drug is "dispensed" if it is delivered to an ultimate user or research subject by or pursuant to the lawful order of a practitioner, or is furnished to an ultimate user personally by a physician, physician's assistant if authorized by the board, nurse practitioner if authorized by the board, dentist, podiatrist or registered nurse, when the nurse is engaged in the performance of any public health program approved by the board, in any amount greater than that which is necessary for the present and immediate needs of the user. Dispensing includes the prescribing, administering, packaging, labeling or compounding necessary to prepare the substance for that delivery.

SEC. 4. NRS 454.191 is hereby amended to read as follows:

454.191 "Administer" means the furnishing:

1. By a physician, nurse practitioner if authorized by the board, physician's assistant if authorized by the board, dentist, podiatrist or veterinarian to his patient of such amount of drugs or medicines referred to in NRS 454.181 to 454.381, inclusive, as are necessary for the immediate needs of the patient; or

2. By a nurse pursuant to a chart order of individual doses of a drug or medicine:

- (a) From an original container which has been furnished as floor or ward stock by a hospital pharmacy;

- (b) From a container dispensed by a registered pharmacist pursuant to a prescription; or

- (c) Furnished by a physician, dentist, podiatrist or veterinarian.

SEC. 5. NRS 454.211 is hereby amended to read as follows:

454.211 "Dispense" means the furnishing of:

1. Drugs by a registered pharmacist upon the legal prescription from a physician, dentist, podiatrist or veterinarian; or
2. Drugs or medicines to a patient personally by a physician, physician's assistant if authorized by the board, nurse practitioner if authorized by the board, dentist, podiatrist or veterinarian in any amount greater than that which is necessary for the present and immediate needs of the patient.

SEC. 6. NRS 454.221 is hereby amended to read as follows:

454.221

1. Any person who furnishes any dangerous drugs except upon the prescription of a physician, dentist, podiatrist or veterinarian is guilty of a gross misdemeanor, unless the dangerous drug was obtained originally by a legal prescription.

2. The provisions of this section do not apply to the furnishing of any dangerous drug by:

(a) A physician, nurse practitioner if authorized by the board, physician's assistant if authorized by the board, dentist, podiatrist or veterinarian to his own patients as provided in NRS 454.301;

(b) A registered nurse while participating in a public health program approved by the board; or

(c) A manufacturer or wholesaler or pharmacy to each other or to a physician, dentist, podiatrist or veterinarian or to a laboratory under sales and purchase records that correctly give the date, the names and addresses of the supplier and the buyer, the drug and its quantity.

Amend the title of the bill by striking out the last two lines of the title and inserting in lieu thereof the following:

"drugs and devices; and providing other matters properly relating thereto."

SECTION I, Chapter 639 of NRS is hereby amended by adding thereto a new section which shall read as follows:

1. A nurse practitioner may possess, administer, or dispense controlled substances, poisons, dangerous drugs, and devices in the presence of or out of the presence of the supervising physician to the extent specified in the certificate issued by the Board.
2. Each nurse practitioner who is issued a certificate by the State Board of Nursing may apply for a registration certificate from the Board by paying a fee to be set by regulations adopted by the Board and submitting established protocols developed by the supervising physician and nurse practitioner.
3. The Board shall consider each application separately, and may:
  - a. Refuse to issue a registration certificate.
  - b. Issue a registration certificate.
4. If the license or certificate of the nurse practitioner is suspended or revoked by the Board of Nursing, the registration certificate issued by the Board shall also be revoked or suspended.
5. The Board shall adopt regulations controlling the maximum amount to be administered, possessed, and dispensed, and the storage, security, recordkeeping and transportation of controlled substances, poisons, dangerous drugs and devices by nurse practitioners.

Similar permission in Chapter 453, NRS and Chapter 454, NRS.

**639.1140 Physician's Assistants.**

The following provisions regulate the issuance of certificates to physician's assistants, control their possession, administration and dispensing of controlled substance, poisons, dangerous drugs or devices, set registration fees and establish grounds for the suspension or revocation of registration certificates of physician's assistants:

1. The fee for annual permits which covers the period from July 1 to June 30 is:

(a) Class "A" Permit;

For each physician's assistant, who is authorized by his physician's assistant certificate issued by the Board of Medical Examiners to possess or administer or dispense controlled substances, poisons, dangerous drugs or devices, employed in a satellite location other than a hospital or skilled nursing facility for the year or any fraction thereof, \$150 for each satellite location.

(b) Class "B" Permit;

For each physician's assistant, who is authorized by his physician's assistant certificate issued by the Board of Medical Examiners to possess or administer or dispense controlled substance, poisons, dangerous drugs or devices, employed in a physician's office, hospital or skilled nursing facility and whose services are performed only in a physician's office, hospital or skilled nursing facility, for the year or any fraction thereof, \$25.

2. There is a penalty for failure to reregister within the time prescribed by statute or regulation, in the amount of 50 percent of the annual registration fee for each year of delinquency or fraction thereof. The penalty is in addition to the annual registration fee for the year of delinquency or fraction thereof.

## REGULATIONS

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3. Each physician's assistant applying for a Class "A" permit and his supervising physician must personally appear before the board for determination and assignment of the specific authority to be granted to the physician's assistant. The application of the supervising physician and his assistant must be in writing and filed with the board at least 30 days before a board meeting, unless waived by the board.

4. Each physician's assistant must be registered to a specific physician.

5. The supervising physician may issue drugs to the physician's assistant, if authorized by the board, in original manufacturer's packages only, and all drugs must be in unit dose packaging if so manufactured. The record of drugs transferred from the physician to the physician's assistant must be kept on a record form to be supplied by the board and must be updated each time the drugs are transferred to the physician's assistant. An inventory of the drugs must be taken at least weekly and attested to by signature of the supervising physician and the physician's assistant. When a physician's assistant administers or dispenses drugs outside the supervising physician's office, a record of such drugs must be kept on a form to be supplied by the board. The supervising physician must submit a copy of the record of weekly inventories and drugs administered or dispensed for the previous month. The records must be received by the board no later than the 15th of each month.

6. A physician's assistant possessing a Class "A" permit may possess, administer or dispense drugs outside the office of his supervising physician only pursuant to authorization of the board. The containers dispensed must be affixed with a label which contains the following information:

- (a) The date dispensed;
- (b) The name and address of the supervising physician and the dispensing physician's assistant;
- (c) The name of the patient;
- (d) Directions for use indicating the portion of the body to which the medication is to be applied or, if it is to be taken into the body by means other than orally, the orifice or canal of the body into which the medication is to be inserted or injected;
- (e) The expiration date of the drug, if such information is on the original manufacturer's label of such drug;
- (f) The name, potency and quantity of drug dispensed.

7. Except as provided in section 8, the maximum amount of a specific controlled substance and maximum amount of categories of dangerous drugs which a physician's assistant may dispense will be determined by the board on an individual basis for each physician's assistant in the manner provided by law.

8. The maximum amount of any drug which may be dispensed is a 10-day supply. The same drug may not be dispensed to the same person on consecutive weeks, except a second 10-day supply may be dispensed upon the prior written approval of the physician. Schedule II controlled substances may only be administered or dispensed after the physician's assistant has obtained approval by telephone or radio from his supervising physician, except in emergency situations where the supervising physician cannot be contacted.

9. The registration certificate of a physician's assistant must state the specific authority granted by the board. The certificate may be modified by

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the board upon reasonable notice by the board.

10. A physician's assistant may possess, administer and dispense controlled substances without obtaining an annual controlled substances registration from the board if the board waives the registration as provided by law.

11. The following requirements for the security and storage of controlled substances, poisons, dangerous drugs and devices assigned to the physician's assistant govern the possession, administration and dispensing of these drugs:

(a) Suitable locked storage is required at all times except when the physician's assistant is in the process of administering or dispensing them. The board will determine the type of locked storage to be required on an individual basis, taking into consideration the amount and type of drugs, their location and other factors relating to insuring adequate security;

(b) Physician's assistants working intermittently at satellite locations, such as clinics, must transport the drugs on each trip to and from these locations unless authorized by the board to store them in a secure location;

(c) Biologicals and other drugs must be refrigerated if the requirement is stated on the manufacturer's label.

12. Physician's assistants possessing a Class "B" permit, shall not possess, administer or dispense legend drugs. Physician's assistants possessing a Class "A" permit shall not possess or dispense legend drugs in a physician's office, hospital or skilled nursing facility.

13. The board may deny the application of any physician's assistant or suspend or revoke his registration if he:

(a) Is not of good moral character;

(b) Is guilty of habitual intemperance;

(c) Becomes or is intoxicated or under the influence of liquor, any depressant drug or a controlled substance, as defined in chapter 453 of NRS, while on duty, unless the alcohol, drug or substance has been taken pursuant to a physician's prescription;

(d) Is guilty of unprofessional conduct contrary to the public interest;

(e) Is addicted to the use of any controlled substance as defined in chapter 453 of NRS;

(f) Has been convicted of a violation of any law relating to controlled substances, as defined in chapter 453 of NRS, of the federal government or of any other state;

(g) Has been convicted of a felony or other crime involving moral turpitude, dishonesty or corruption;

(h) Has willfully made to the board or its authorized representative any false written statement which is material to the administration or enforcement of any provision of chapters 453, 454 or 639 of NRS;

(i) Has obtained registration by filing any application, record or affidavit, or any information in support thereof, which is false or fraudulent;

(j) Has violated any provision of the Federal Food, Drug and Cosmetic Act or any other state or federal law or regulation relating to prescription drugs;

(k) Has violated, attempted to violate, assisted or abetted in the violation of, or conspired to violate any law or regulation relating to the practice of pharmacy;

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- (l) Has failed to renew his registration by failing to pay the renewal fee;
- (m) Has dispensed drugs in the physician's office, hospital or skilled nursing facility;
- (n) Has failed to maintain the security of his drug supply as required by section 11 of this regulation;
- (o) Has violated, attempted to violate, assisted or abetted in the violation of, or conspired to violate any provision of subsection 1 to 13, inclusive of this regulation;
- (p) Has supplied patients with prescriptions that are presigned in blank by the physician; or
- (q) Has violated any provision of chapters 453, 454, 639 or 585 of NRS.

**639.1140 Physician's Assistants.**

The following provisions regulate the issuance of certificates to physician's assistants, control their possession, administration and dispensing of controlled substance, poisons, dangerous drugs or devices, set registration fees and establish grounds for the suspension or revocation of registration certificates of physician's assistants:

1. The fee for annual permits which covers the period from July 1 to June 30 is:

(a) Class "A" Permit;

For each physician's assistant, who is authorized by his physician's assistant certificate issued by the Board of Medical Examiners to possess or administer or dispense controlled substances, poisons, dangerous drugs or devices, employed in a satellite location other than a hospital or skilled nursing facility for the year or any fraction thereof, \$150 for each satellite location.

(b) Class "B" Permit;

For each physician's assistant, who is authorized by his physician's assistant certificate issued by the Board of Medical Examiners to possess or administer or dispense controlled substance, poisons, dangerous drugs or devices, employed in a physician's office, hospital or skilled nursing facility and whose services are performed only in a physician's office, hospital or skilled nursing facility, for the year or any fraction thereof, \$25.

2. There is a penalty for failure to reregister within the time prescribed by statute or regulation, in the amount of 50 percent of the annual registration fee for each year of delinquency or fraction thereof. The penalty is in addition to the annual registration fee for the year of delinquency or fraction thereof.

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3. Each physician's assistant applying for a Class "A" permit and his supervising physician must personally appear before the board for determination and assignment of the specific authority to be granted to the physician's assistant. The application of the supervising physician and his assistant must be in writing and filed with the board at least 30 days before a board meeting, unless waived by the board.

4. Each physician's assistant must be registered to a specific physician.

5. The supervising physician may issue drugs to the physician's assistant, if authorized by the board, in original manufacturer's packages only, and all drugs must be in unit dose packaging if so manufactured. The record of drugs transferred from the physician to the physician's assistant must be kept on a record form to be supplied by the board and must be updated each time the drugs are transferred to the physician's assistant. An inventory of the drugs must be taken at least weekly and attested to by signature of the supervising physician and the physician's assistant. When a physician's assistant administers or dispenses drugs outside the supervising physician's office, a record of such drugs must be kept on a form to be supplied by the board. The supervising physician must submit a copy of the record of weekly inventories and drugs administered or dispensed for the previous month. The records must be received by the board no later than the 15th of each month.

6. A physician's assistant possessing a Class "A" permit may possess, administer or dispense drugs outside the office of his supervising physician only pursuant to authorization of the board. The containers dispensed must be affixed with a label which contains the following information:

- (a) The date dispensed;
- (b) The name and address of the supervising physician and the dispensing physician's assistant;
- (c) The name of the patient;
- (d) Directions for use indicating the portion of the body to which the medication is to be applied or, if it is to be taken into the body by means other than orally, the orifice or canal of the body into which the medication is to be inserted or injected;
- (e) The expiration date of the drug, if such information is on the original manufacturer's label of such drug;
- (f) The name, potency and quantity of drug dispensed.

7. Except as provided in section 8, the maximum amount of a specific controlled substance and maximum amount of categories of dangerous drugs which a physician's assistant may dispense will be determined by the board on an individual basis for each physician's assistant in the manner provided by law.

8. The maximum amount of any drug which may be dispensed is a 10-day supply. The same drug may not be dispensed to the same person on consecutive weeks, except a second 10-day supply may be dispensed upon the prior written approval of the physician. Schedule II controlled substances may only be administered or dispensed after the physician's assistant has obtained approval by telephone or radio from his supervising physician, except in emergency situations where the supervising physician cannot be contacted.

9. The registration certificate of a physician's assistant must state the specific authority granted by the board. The certificate may be modified by

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the board upon reasonable notice by the board.

10. A physician's assistant may possess, administer and dispense controlled substances without obtaining an annual controlled substances registration from the board if the board waives the registration as provided by law.

11. The following requirements for the security and storage of controlled substances, poisons, dangerous drugs and devices assigned to the physician's assistant govern the possession, administration and dispensing of these drugs:

(a) Suitable locked storage is required at all times except when the physician's assistant is in the process of administering or dispensing them. The board will determine the type of locked storage to be required on an individual basis, taking into consideration the amount and type of drugs, their location and other factors relating to insuring adequate security;

(b) Physician's assistants working intermittently at satellite locations, such as clinics, must transport the drugs on each trip to and from these locations unless authorized by the board to store them in a secure location;

(c) Biologicals and other drugs must be refrigerated if the requirement is stated on the manufacturer's label.

12. Physician's assistants possessing a Class "B" permit, shall not possess, administer or dispense legend drugs. Physician's assistants possessing a Class "A" permit shall not possess or dispense legend drugs in a physician's office, hospital or skilled nursing facility.

13. The board may deny the application of any physician's assistant or suspend or revoke his registration if he:

(a) Is not of good moral character;

(b) Is guilty of habitual intemperance;

(c) Becomes or is intoxicated or under the influence of liquor, any depressant drug or a controlled substance, as defined in chapter 453 of NRS, while on duty, unless the alcohol, drug or substance has been taken pursuant to a physician's prescription;

(d) Is guilty of unprofessional conduct contrary to the public interest;

(e) Is addicted to the use of any controlled substance as defined in chapter 453 of NRS;

(f) Has been convicted of a violation of any law relating to controlled substances, as defined in chapter 453 of NRS, of the federal government or of any other state;

(g) Has been convicted of a felony or other crime involving moral turpitude, dishonesty or corruption;

(h) Has willfully made to the board or its authorized representative any false written statement which is material to the administration or enforcement of any provision of chapters 453, 454 or 639 of NRS;

(i) Has obtained registration by filing any application, record or affidavit, or any information in support thereof, which is false or fraudulent;

(j) Has violated any provision of the Federal Food, Drug and Cosmetic Act or any other state or federal law or regulation relating to prescription drugs;

(k) Has violated, attempted to violate, assisted or abetted in the violation of, or conspired to violate any law or regulation relating to the practice of pharmacy;

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- (l) Has failed to renew his registration by failing to pay the renewal fee;
- (m) Has dispensed drugs in the physician's office, hospital or skilled nursing facility;
- (n) Has failed to maintain the security of his drug supply as required by section 11 of this regulation;
- (o) Has violated, attempted to violate, assisted or abetted in the violation of, or conspired to violate any provision of subsection 1 to 13, inclusive of this regulation;
- (p) Has supplied patients with prescriptions that are presigned in blank by the physician; or
- (q) Has violated any provision of chapters 453, 454, 639 or 585 of NRS.